

August 2018

**Libertarian Nomination of a
Candidate for the Office of
Secretary of State
Recount Guidelines**

North Dakota

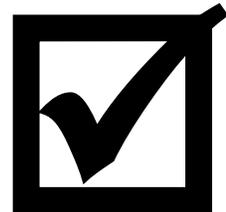


**✓ votes
2018**



SECRETARY OF STATE

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North Dakota Secretary of State Recount Guidelines

These Recount Guidelines, specific to the 2018 statewide recount of the Libertarian nomination of a candidate for the office of Secretary of State, are offered to election officials of this state to assist in conducting a uniform recount. The Guidelines have not been officially promulgated as rules in the North Dakota Administrative Code; however, NDCC § 16.1-16-01 requires that recounts of elections “must be conducted according to guidelines established by the secretary of state.” The Guidelines are based on the understanding of the law pertaining to recounts and other provisions of election law, as well as established election practices in this state by the Secretary of State Elections Unit. In the event of a conflict between any of these Guidelines and the express provisions of any statute, state law would govern.

Who Takes Part in the Recount

All 53 counties will be participating in the recount, regardless of the number of votes cast for the Libertarian nomination of a candidate for the office of Secretary of State. Within each county, the participants are:

- Recount Employees
 - County Auditor.
 - Up to four qualified electors of the county.
 - The expense of paying for the four qualified electors (who are paid the same as trained election workers, including mileage) is to be billed to the Secretary of State.
- Recount Board
 - Chairman of the Board of County Commissioners.
 - State's Attorney.
 - County Recorder.
- Recount Participants
 - Mr. Riemers, or;
 - A representative of Mr. Riemers.
- The Public
 - Recounts are an open process which the public may observe.
 - The public viewing may be limited to a designated area where the process may be observed without interfering with the work of the recount employees or participants.

Conduct of the Recount

Please note that while these guidelines have been created to provide direction specific to the 2018 statewide recount of the Libertarian nomination of a candidate for the office of Secretary of State, they are not to be used at the exclusion of the *2017-2019 North Dakota Secretary of State Recount Guidelines*, which also contains further details that will be useful during the conduct of this recount.

Meeting of the Recount Employees

- The recount shall take place in a room that can be secured for either breaks or if the recount takes more than one day to complete.
- County Recorder delivers ballots to county auditor and recount staff.
 - Verify that all packets of ballots are present.
 - County Recorder may leave until the meeting of the Recount Board.
- **The county auditor, recount staff, and recount participants may not be in possession of a pen while handling ballots.**
- County auditor and recount staff begin sorting ballots in a manner than can be observed by the recount participant (Mr. Riemers or his representative).
 - Ballots on which only candidates of the Republican Party were voted for are set aside and not considered.
 - Ballots on which only candidates of the Democratic-NPL Party were voted for are set aside with those of the Republican Party and not considered.
 - Ballots on which candidates from more than one party are set aside in a separate pile. These ballots will not be considered per [NDCC § 16.1-15-01\(2\)](#), however the number of cross party ballots is to be documented.
 - Ballots on which only candidates for the Libertarian Party are voted and the voter properly filled in the oval for either Mr. Riemers or the write-in spot are set aside in a pile for further consideration.

- Ballots on which only candidates for the Libertarian Party are voted, however the voter did so without properly filling in the oval either Mr. Riemers or the write-in spot (e.g., circled Mr. Riemers' name), are set aside in a pile for further consideration.
- Ballots on which voters only voted for Libertarian candidates but did not vote at all for the party's nomination for a candidate for the office of Secretary of State (undervote) are added to the same pile as those ballots with votes for either the Republican or Democratic-NPL Party nomination of a candidate for the office of Secretary of State.
- Mr. Riemers or his representative may challenge any ballot not set aside for further consideration. In doing so, they must provide the legal basis by which they believe the ballot should be included in the recount. Challenged ballots are to be forwarded to the recount board along with notation of the reason for the challenge.
- County auditor and recount staff wrap and seal ballots that were not set aside for further consideration.
- Once all ballots have been sorted and those not set aside for further consideration are sealed, the County Auditor and recount staff begin their review of ballots set aside for further consideration.
 - For all of the ballots that include legitimate votes for the Libertarian nomination of a candidate for the office of Secretary of State, ensure that an election judge initialed the ballot. If not, the ballot is not official and must be removed from consideration. The number of ballots removed from consideration for this reason must be documented.
 - For initialed ballots:
 - If the oval opposite Mr. Riemers is filled in, set the ballot in a pile for tabulation.
 - If the oval opposite the write-in space is filled in, set the ballot in a separate pile for tabulation.
 - Ballots on which the voter made their selection without properly filling in the oval for either Mr. Riemers or the write-in spot are forwarded to the recount board for final determination. Document the reason why the ballot is being forwarded (e.g., circled Mr. Riemers' name or wrote in a name without filling in the oval).
 - Reminder: Mr. Reimers, or his representative, may challenge ballots where the voter's intent cannot be determined by giving a legal basis for which to do so. Challenged ballots are to be forwarded to the recount board along with documentation of the reason for the challenge.
- Sorting of the piles of ballots to be tabulated:
 - Sort the pile with votes for Mr. Riemers into separate, precinct specific piles.
 - Sort the pile with votes for a write-in candidate in to separate, precinct specific piles.
 - **Note:** To maintain order and further increase accuracy, the sorting of ballots into precinct specific piles should not take place until this step in the process.
- Tabulation:
 - Due to the low number of ballots involved, these precinct specific piles will be counted by hand.
 - To ensure accuracy, two different recount employees are to count each precinct specific pile. And compare their results.
 - If the results match, document the total number of votes for the precinct.
 - If the results do not match, the pile is recounted.
 - Upon completion of the tabulation of ballots, and any other administrative functions, the county auditor may dismiss some, or all, of the recount employees.

Meeting of the Recount Board

- County Auditor provides the recount board with the unofficial results of the recount to that point.
- County Auditor presents challenged ballots to the recount board, along with the reason for the challenge.
 - While handling ballots no member of the recount board, or those assisting the board, may possess a pen.
 - Recount board reviews challenged ballots and, on majority vote, determines if and how each ballot is to be counted.
 - Recount board determines the total votes for Mr. Riemers and the write-in field following the same procedures the recount staff used for the uncontested ballots. The board then adds the results of challenged ballots that were accepted to the unofficial results.
 - County auditor documents the reason for all challenged ballots that were counted, including a scan of the ballots.
 - County auditor documents the reason for all challenged ballots that were excluded from tabulation, including a scan of the ballots.
- Recount board certifies the recounted results for the Libertarian Party's nomination of a candidate for Secretary of State.

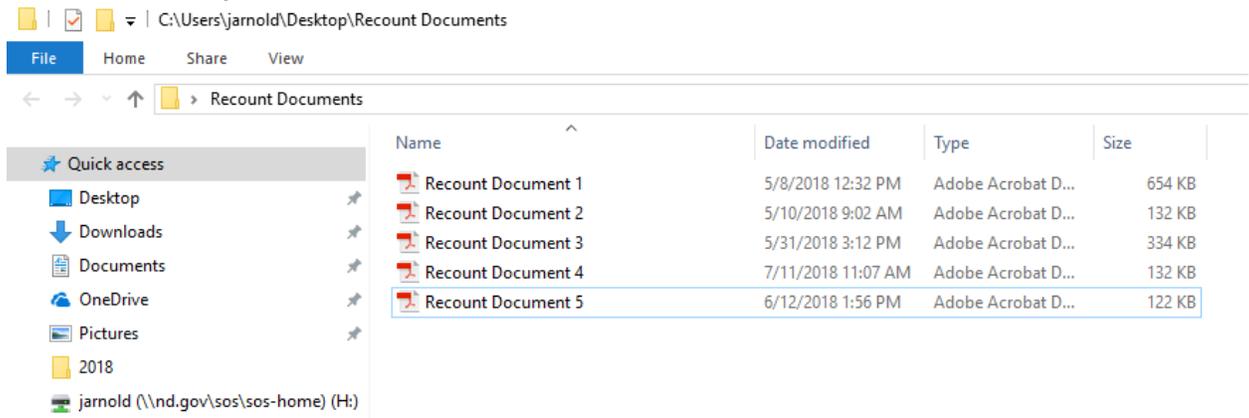
Post Recount

- Enter the recounted results for the Libertarian nomination of a candidate for the office of Secretary of State into ND VOICES. For instructions, see checklist in ND VOICES.
- Scan, compress, and upload all documentation of the recount to the State's secure file transfer site. An invitation will be sent to each county. Instructions on how to compress files is found in the appendix of this document.
- Create an invoice for all legitimate costs of the recount and send to the Secretary of State's Election Unit.

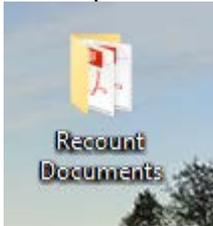
Appendix

Compressing Files

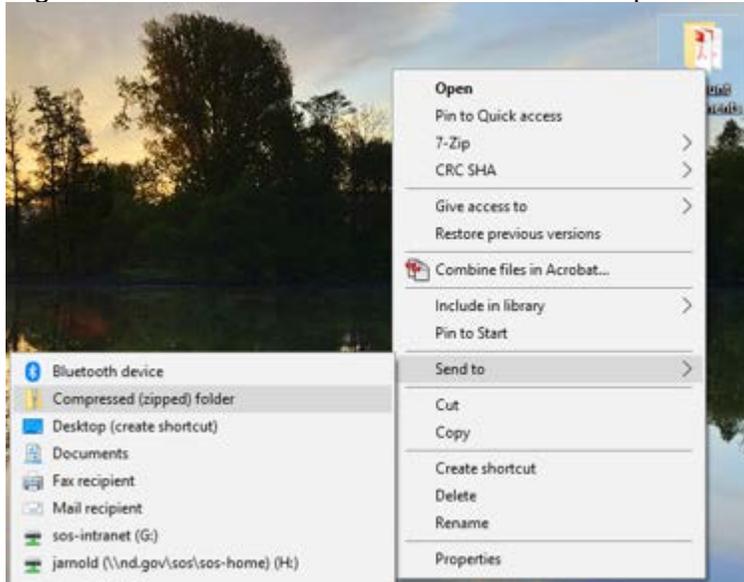
- Save all files to a single folder. The folder may be located on your desktop or some other location of your choice.



- After you have added all files to the folder, view the folder on your desktop or within a File Explorer window.



- Right click on the folder and select send to>Compressed (zipped) folder.



- This will create a new icon that has the same name but looks like a file folder with a zipper through it. This is the file that you will upload using the file transfer site.



- Please note that the compressed file may not automatically appear next to the original folder as seen in the screen shot.