



OFFICE OF THE SECRETARY OF STATE

ELECTIONS DIVISION

Directive of the Secretary of State	Subject:	Directive Issued at the Request of:	Date:	Number:
	2024 Primary Election Hand Count of Ballots	Secretary of State	June 12, 2024	2024-02

The Secretary of State in carrying out the duties of the office shall issue detailed directives necessary to maintain uniformity in the application, operation, and interpretation of Oregon election laws (ORS 246.110 and ORS 246.120). The information provided here is an official directive of the Secretary of State.

ORS 254.529 requires County Elections Officials, after each primary, general and special election, to determine whether to hand count a percentage of ballots and compare the hand counted tally of votes to the tally produced by the vote tally system for the same ballots or conduct a risk-limiting audit in the manner described in ORS 254.532 and OAR 165-007-0450.

This directive provides instruction on how to conduct the hand count of ballots cast at the May 21, 2024, Primary Election.

Information or instruction is provided regarding:

- Hand Count Checklist
- Instructions for Completing Hand Count
- Randomly Selected Contests, Measures and Precincts or Ballot Count Batches

LaVonne Griffin-Valade

Secretary of State

By:

Molly Woon

Director

Hand Count Checklist

- _____ **1 Observation** – make provision to allow for attendance by observers during all hand count processes.
- _____ **2 Appointment of Counting Boards** – appoint necessary personnel to conduct the hand count.
- _____ **3 Notice of Breaking Seals** – Provide notification to the Elections Division of when and where seals are to be broken, including any preliminary preparation that requires breaking seals.
- _____ **4 Tally of Ballots** – Every cast ballot counted by the tally system in the precincts or batches randomly selected must be hand counted and the voter’s intent determined.
- _____ **5 Completion of *Form SEL 798 Hand Count Tally and Explanation*** – an explanation of any difference between the original count and the hand count must be provided.
- _____ **6 Returned Results** – A second hand count may be necessary if the results are returned as *Not Acceptable*.
- _____ **7 Hand Count Certification** – Upon completion of hand count process, repackage ballots in container and re-seal, or re-secure in their secured location.

Instructions for Completing Hand Count

Observation

The hand count will be conducted as openly and expeditiously as possible. Affected parties and members of the public may be present to observe the preliminary preparation as well as during the hand count. The County Elections Official determines the number of observers based on space, security, and staff availability. The County Elections Official shall permit only so many observers as will not interfere with an orderly hand count.

Observers:

- must follow any *Observer Rules* provided or posted by the County Elections Official
- shall not interfere with the preliminary preparation or hand tally process
- do not have any other role and do not have the right to address a counting board concerning the board's handling of individual ballots
- may keep written notes of comments on the handling of individual ballots
- must direct comments, questions or any observed procedural irregularity or perceived error with the proceedings in progress to elections supervisory personnel, not to counting boards



If at any time an observer creates a distraction or otherwise impedes the progress of the preliminary preparation or the count, the proceedings may be stopped, and corrective action may be taken by the Elections Official.

Appointment of Counting Boards

The County Elections Official shall appoint a bipartisan board to count ballots and determine the voter's intent in a uniform manner in accordance with ORS 254.529, OAR 165-007-0290, and this directive.



The County Elections Official shall appoint as many counting boards as is necessary to ensure the orderly and timely completion of the hand count.

The members of a counting board:

- shall not all be affiliated with the same political party
- shall not have been a candidate for any office voted upon at the election
- shall be compensated at least the minimum wage required by state or federal law, whichever is higher

Notices and Breaking of Seals or Opening Secured Location

The County Elections Official shall determine the date, time and place of the hand count and must provide notification to the Elections Division at least **one business day prior** to beginning the hand count.

The hand count:

- may not begin until the election results for the county have been certified to the Secretary of State
- must be started no later than June 17, 2024
- must be completed no later than June 27, 2024

Instructions for Completing Hand Count (cont.)

- ① The hand count is considered to have begun upon the breaking of the first seal, or opening the secured location, for any precinct or batch selected to be hand counted. Seals may be broken, or the secured location opened, by the County Elections Official, a designated staff member or by a member of the Counting Board.

If preliminary preparation of the ballots is deemed necessary by the County Elections Official and it requires seals to be broken, or the secured location opened, the Elections Division must be notified at least **one business day prior** to breaking any seals or opening of the secured location.

- ① The notice shall include the date, time, and place at which such preparation will occur.

When **breaking seals** the following process shall be followed:

- prior to breaking seals, the County Elections Official shall assemble all ballot containers holding ballots to be hand counted and any related material
- each seal shall be examined to ensure they have not been broken or tampered with and
- be broken in the presence of members of the counting boards and any observers present
- all ballots must be resealed in ballot containers or locked in a secure location at the close of business each day
- upon completion of any preparatory procedures or the hand count all materials must be resealed in ballot containers
- resealing may be done by individual precincts or batch, in groups of precincts or batches contained in one sealable container, or as a county as a whole

When **opening a secured location** the following process shall be followed:

- the location shall be opened in the presence of members of the counting boards and any observers present
- all ballots must be locked in a secured location at the close of business each day
- upon completion of any preparatory procedures or the hand count all materials must be returned to the secured location
- returning the ballots to the secured location may be done by individual precincts or batch, in groups of precincts or batches contained in one container, or as a county as a whole


Tally of Ballots


After breaking seals, ballots cast in precincts or batches not selected for hand counting shall be separated from those that were randomly selected and shall be returned to the ballot containers. Every cast ballot in the precincts or batches randomly selected must be hand counted. The ballots to be hand counted shall be separated into the following stacks.

Instructions for Completing Hand Count (cont.)

For candidate contests, stacks will include:

- a separate stack for each candidate listed on the ballot in the contest
- write-in votes
- overvotes
- undervotes
- potential exception

 An exception is defined as any ballot that is marked by the voter in a way that the vote tally system may not have appropriately tallied the vote.

 Examples of potential ballot exceptions are described under the Ballot Inspection Process and Write-in Processing sections of the [Vote by Mail Procedures Manual](#), revised 03/2024.

After the ballots have been separated into the appropriate stacks and inspected:

- 1 counting boards divide into teams and count one precinct or batch at a time
 - Each overvote and undervote ballot must be examined to confirm the voter's intent. An overvote occurs when an elector marks more than the allowable choices for a particular office or measure. An undervote occurs when the elector does not mark any choice for a candidate or a measure.
 - If the counting board determines that a ballot initially determined to be an undervote or an overvote is, instead a vote for a candidate or a measure, the ballot shall be set aside to be accounted for as an *Exception*.
 - The counting board may also find write-in votes for candidates on the ballot that may not have been properly assigned to the candidate by the vote tally system, or which may have been counted as undervotes or overvotes. These should also be set aside and accounted for as an *Exception*.
- 2 each team shall count each stack of ballots and compare counts
 - if the counts agree, the number shall be reported on the return sheet provided.
 - if the counts do not agree, each stack must be counted again until agreement is reached and the number reported on the return sheet provided.
- 3 the County Elections Official will compare the vote count reported by the counting board with the original vote tally system count
 - Any difference in the vote count prepared by the counting board and the original vote tally system count must be reviewed by the County Elections Official before the count of a precinct or batch is considered complete.
 - If the hand count results differ from the vote tally system results, the counting board will analyze the ballots to determine if the reason for the difference can be identified.
 - If any candidate or measure gained votes the stack of votes for that particular response position needs to be reviewed to determine if such a ballot can be identified. If the ballot is identified, it should be set aside and accounted for as an *Exception*.
- 4 The results of the hand count shall be entered into the form SEL 798 worksheet for the contest.
 - Any difference in the hand count and the vote tally system count must be explained by the Elections Official.


Instructions for Completing Hand Count (cont.)


Completion of Form SEL 798 Hand Count Tally and Explanation

Form SEL 798 is available as an excel spreadsheet that has been programmed to perform calculations to determine if a second hand count must be completed. A separate SEL 798 must be completed for each precinct or batch hand counted. The following fields must be entered and the SEL 798 saved for the calculation command to execute:

- Original Results – the certified results for each candidate in the contest or each measure response, for the individual precinct or batch being reported
- Hand Count Results – the results as determined by the counting board and county elections official review, for the individual precinct or batch being reported
- Difference – the total difference between the certified results and the hand count results, includes any identified exception
- Exceptions – the difference between the certified results and the hand count results that the counting board identified
- Notes and Remarks – explanation of any *Exception*


The indicator of *Acceptable* or *Not Acceptable* will appear after the command is executed to compare the difference between the certified results and the hand count results less any exceptions, to ½ of 1% of the total votes cast for the contest or measure.

 A separate SEL 798 must be completed and submitted for each contest and measure hand counted.

 Only one Certification is required to be signed and returned with results.

Returned Results – Acceptable

A separate SEL 798 must be filed with the Elections Division for each contest and measure hand counted.

 No later than 5:00 pm on June 20, 2024, for measure contests and June 27, 2024, for candidate contests.

Submit all copies of form SEL 798 to:

Elections Division
255 Capitol St NE Suite 126
Salem OR 97310

✉ elections.sos@sos.oregon.gov

Returned Results – Not Acceptable

If the formula indicates *Not Acceptable* that means that the difference between the certified results and the hand count results less any exceptions exceeds ½ of 1% of the total votes cast for the contest or measure, and that the same ballots must be hand counted a second time.

Instructions for Completing Hand Count (cont.)

If after the second hand count the returned results remain *Not Acceptable*, ORS 254.529 requires a countywide hand count of all ballots for all contests tallied by the vote tally system.



Contact the Elections Division prior to proceeding with a complete hand count.

Hand Count Certification

The hand count determinations are not considered final until they have been certified to the Secretary of State by the County Elections Official on the SEL 798.

Once all counties have completed the hand count and filed form SEL 798, the Elections Division will compile the results and make them available at www.oregonvotes.gov.

Randomly Selected Contests and Precincts

County	Top Two Contest	Statewide Contest	Percentage of Precincts	Precincts/Batches Randomly Selected
Baker	County Commissioner, Position 1	Attorney General - Democrat	3%	Unity 26 Baker 1
Gilliam	County Judge	Secretary of State - Republican	3%	PRECINCT 7
Grant	County Judge	President - Democrat	3%	South Fork, North Fork
Jefferson	County Commissioner, Position 3	Attorney General - Republican	5%	WEST MADRAS (19)
Lake	Commissioner, Position 1	Attorney General - Democrat	3%	Precinct 6, 1, 20
Lincoln	Lincoln County Commissioner, Position 2	President - Democrat	3%	27 FRUITVALE
Malheur	Malheur County Justice of the Peace	President - Democrat	3%	22, 21, 20
Marion	Marion County Clerk	State Treasurer - Democrat	3%	Precinct 583, 679, 925, 697
Morrow	Morrow County Commissioner, Position 1	President - Democrat	10%	02 IRRIGON
Sherman	State Senator, 29th District - Republican	Attorney General - Democrat	3%	Grass Valley, Kent, Rufus
Tillamook	Tillamook County Commissioner, Position 1	Attorney General - Republican	3%	BAY
Union	Commissioner, Pos #3	Secretary of State - Democrat	3%	17-Ant/BC, 01 LG City
Wallowa	County Commissioner #1	Attorney General - Democrat	3%	WALLOWA #7
Wheeler	County Commissioner, Position #2	Secretary of State - Democrat	3%	MIT, FOS

Randomly Selected Contests and Batches

County	Top Two Contest	Statewide Contest	Percentage of Batches	Precincts/ Batches Randomly Selected
Benton	President – Democrat	President - Democrat	3%	A0143, A0057, A0182, A0019, A0046, A0080
Clackamas	County Commissioner, Position 1	Attorney General - Republican	3%	Listed Separately
Clatsop	US Representative, 1 st District - Democrat	President - Democrat	3%	A0089, A0098, A0068
Columbia	County Commissioner, Position 1	President - Democrat	3%	A0024, A0008
Coos	County Commissioner, Position 1	Secretary of State - Democrat	3%	VBM-0030, VBM-0012
Crook	County Commissioner, Position 3	President - Democrat	3%	3, 13, 7
Curry	County Sheriff	Attorney General - Democrat	3%	VBM-0039, VBM-0041
Deschutes	County Commissioner, Position 2	Secretary of State - Democrat	3%	AB-040, AB-121, AB-113, AB-128, AB-047
Douglas	County Sheriff	Secretary of State - Democrat	3%	VBM-00011, VBM-00050, VBM-00060, VBM-00072, VBM-00124
Harney	County Commissioner, Position 1	Secretary of State - Democrat	3%	AB-044, AB-006
Hood River	President - Democrat	Attorney General - Republican	3%	VBM-0029, VBM-0028
Jackson	District Attorney	Attorney General - Republican	3%	ED-144, ED-356, ED-005, ED-216, ED-275, ED-294, ED-070, ED-387, ED-379, ED-039, ED-365, ED-024, ED-292, ED-052, ED-334
Josephine	County Commissioner, Position 2	Secretary of State - Democrat	3%	EV-036, EV-037, EV-075
Klamath	Sheriff	Attorney General - Republican	3%	ED-006, ED-043, ED-089, ED-029

Directive 2024-02 Statutory Hand Count of Ballots

Lane	District Attorney, Lane County	Secretary of State - Republican	3%	Listed Separately
Linn	Secretary of State - Republican	President - Democrat	3%	19, 175, 67, 36, 179, 182, 21
Multnomah	District Attorney, Multnomah County	Attorney General - Republican	3%	Listed Separately
Polk	Polk County Commissioner, Position 1	Secretary of State - Republican	3%	A0016, A0017, A0018, A0019, A0020
Umatilla	Judge of the Circuit Court, 6th District, Position 1	Secretary of State - Democrat	3%	Z0044, Z0031
Wasco	Commissioner, Position 2	Secretary of State - Republican	3%	AB-057, AB-023, AB-047
Washington	Judge of the Circuit Court, 20th District, Position 6	Secretary of State - Democrat	3%	AB-024, AB-157, AB-118, AB- 171, AB-105, AB-104, AB-016, AB-167, AB-240
Yamhill	Yamhill County Commissioner, Position 2	State Treasurer - Democrat	3%	138, 31, 39, 13, 75, 128, 237, 212

Separately Listed Batches

Clackamas	Lane	Multnomah
D-20555	ED-405	AB-0269
F-20734	ED-392	AB-0118
C-20404	ED-618	AB-0258
C-20171	ED-116	AB-0181
E-20266	ED-052	AB-0075
D-20440	ED-516	AB-0428
E-20452	ED-268	AB-0455
C-20063	ED-060	AB-0306
E-20737	ED-552	AB-0082
B-20344	ED-114	AB-0080
C-20773	ED-442	AB-0134
D-20353	ED-251	AB-0527
D-20532	ED-088	AB-0117
A-20090	ED-121	AB-0327
C-20598	ED-335	AB-0454
F-20766	ED-147	AB-0320
A-20692	ED-609	AB-0434
E-20003	ED-396	
C-20176	ED-436	
E-20213		
F-20225		
C-30032		
D-20608		
E-20526		
C-20727		
F-20424		