



# OFFICE OF THE SECRETARY OF STATE

## ELECTIONS DIVISION

Directive of the Secretary of State	Subject:	Directive Issued at the Request of:	Date:	Number:
	2024 General Election Hand Count of Ballots	Secretary of State	November 27, 2024	2024-06

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 November 5, 2024, General 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 December 2, 2024
- must be completed no later than December 5, 2024 (for measures) & December 10, 2024 (for candidate contests)

## 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 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 contest and measure to be 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. (For batches and precincts with no exceptions, multiple batches and precincts may be on one form)
-  A separate SEL 798 must be completed and submitted for each precinct or batch hand counted where exceptions or differences between the original result and the hand count result were identified.
-  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 December 5, 2024, for measure contests and December 10, 2024, for candidate contests.

Submit all copies of form SEL 798 to:

✉ [county.support@sos.oregon.gov](mailto:county.support@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](http://www.oregonvotes.gov) .

**Randomly Selected Contests and Batches**

<b>County</b>	<b>Top Two Contests</b>	<b>Statewide Contest</b>	<b>Statewide Measure</b>	<b>Percentage of Batches</b>	<b>Batches Randomly Selected</b>
Baker	President	State Treasurer	117	3%	Irondyke 20, Baker 4
Benton	President	Judge of the Supreme Court, Position 1	119	3%	A0180, A0431, A0032, A0223, A0187, A0137, A0105, A0269, A0134, A0278, A0305, A0030, A0104, A0055
Clackamas	President	Judge of the Supreme Court, Position 1	116	3%	Listed Separately
Clatsop	President	Secretary of State	116	3%	A0191, A0152, A0089, A0007, A0159, A0050, A0008, A0117
Columbia	President	Secretary of State	118	3%	A0065, A0021, A0038
Coos	President	Judge of the Supreme Court, Position 1	116	3%	VBM-0038, VBM-0023, VBM-0004
Crook	President	Judge of the Supreme Court, Position 7	119	3%	VBM-0081, VBM-0004, VBM-0142, VBM-0025, VBM-0123, VBM-0159
Curry	President	Judge of the Supreme Court, Position 1	115	3%	VBM-0038, VBM-0049, VBM-0075
Deschutes	President	State Treasurer	118	3%	AB-094, AB-256, AB-148, AB-074, AB-131, AB-007, AB-142, AB-062, AB-120
Douglas	President	Secretary of State	117	3%	VBM-0114, VBM-0216, VBM-0108, VBM-0067, VBM-0303, VBM-0103, VBM-0023, VBM-0116, VBM-0301, VBM-0253, VBM-0061
Gilliam	President	Judge of the Supreme Court, Position 1	117	3%	PRECINCT 6
Grant	President	State Treasurer	118	3%	Long Creek Valley
Harney	President	Secretary of State	119	3%	AB-064, AB-011, AB-086
Hood River	President	Judge of the Supreme Court, Position 7	118	3%	VBM-0007, VBM-0002, VBM-0016
Jackson	President	State Treasurer	115	3%	ED-730, ED-446, ED-060, ED-287, ED-019, ED-053, ED-339, ED-706, ED-516, ED-627, ED-471, ED-214, ED-107, ED-746, ED-822, ED-228, ED-231, ED-320, ED-392, ED-382, ED-698, ED-711, ED-179, ED-090, ED-704
Jefferson	President	Attorney General	116	3%	CIRCLE M (20), CROOKED RIVER RANCH (02)
Josephine	President	Judge of the Supreme Court, Position 7	117	3%	EV-022, EV-083, EV-133, EV-151, EV-002, EV-060



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Klamath	President	Secretary of State	115	3%	ED-094, ED-044, ED-026, ED-092
Lake	President	State Treasurer	119	3%	PRECINCT 4
Lane	President	State Treasurer	118	3%	Listed Separately
Lincoln	President	Judge of the Supreme Court, Position 1	118	3%	09 NYE CREEK, 20 DELAKE
Linn	President	Judge of the Supreme Court, Position 1	115	3%	ED-162, ED-091, ED-180, ED-239, ED-088, ED-128, ED-269, ED-312, ED-117, ED-290, ED-107, ED-417, ED-208
Malheur	President	Attorney General	117	3%	21, 1
Marion	President	Judge of the Supreme Court, Position 1	116	3%	697, 691
Morrow	President	Secretary of State	115	3%	03 LEXINGTON
Multnomah	President	State Treasurer	116	3%	Listed Separately
Polk	President	Judge of the Supreme Court, Position 7	117	3%	A1036, A0043, A0178, A0220, A0174, A0235, A0046, A0272, A0145, A0144, A0146
Sherman	President	Judge of the Supreme Court, Position 1	117	3%	Moro
Tillamook	President	Attorney General	119	5%	CLOVERDALE, BEAVER
Umatilla	President	Judge of the Supreme Court, Position 1	115	3%	Z-0049, Z-0019, Z-0079
Union	President	Judge of the Supreme Court, Position 1	117	3%	17-Ant/BC, 04-LG Rural
Wallowa	President	State Treasurer	119	3%	ENTERPRISE #3
Wasco	President	Judge of the Supreme Court, Position 7	119	3%	AB-059, AB-066, AB-092, AB-126, AB-054
Washington	President	Attorney General	116	3%	Listed Separately
Wheeler	President	Attorney General	119	3%	FOS
Yamhill	President	Judge of the Supreme Court, Position 1	115	3%	110, 203, 291, 263, 316, 221, 502, 503, 438, 11, 206, 446, 81, 295, 459, 258, 412

**Batches Listed Separately**

**Clackamas**

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Scan 2 - Batch 653	Scan 5 - Batch 145	Scan 5 - Batch 735
Scan 3 - Batch 292	Scan 4 - Batch 545	Scan 1 - Batch 198
Scan 5 - Batch 382	Scan 3 - Batch 277	Scan 5 - Batch 165
Scan 5 - Batch 400	Scan 4 - Batch 370	Scan 1 - Batch 24
Scan 4 - Batch 46	Scan 4 - Batch 305	Scan 2 - Batch 511
Scan 2 - Batch 3	Scan 4 - Batch 300	Scan 1 - Batch 220
Scan 2 - Batch 622	Scan 5 - Batch 122	Scan 2 - Batch 52
Scan 4 - Batch 92	Scan 5 - Batch 751	Scan 4 - Batch 407
Scan 6 - Batch 282	Scan 4 - Batch 559	Scan 5 - Batch 581
Scan 4 - Batch 220	Scan 5 - Batch 549	Scan 1 - Batch 59
Scan 4 - Batch 665	Scan 2 - Batch 460	Scan 4 - Batch 259
Scan 5 - Batch 395	Scan 2 - Batch 345	Scan 4 - Batch 599
Scan 6 - Batch 48	Scan 5 - Batch 752	Scan 4 - Batch 76
Scan 2 - Batch 179	Scan 6 - Batch 16	Scan 5 - Batch 651
Scan 4 - Batch 69	Scan 5 - Batch 460	Scan 4 - Batch 240
Scan 2 - Batch 186	Scan 2 - Batch 512	Scan 2 - Batch 451
Scan 6 - Batch 277	Scan 5 - Batch 526	Scan 6 - Batch 287
Scan 4 - Batch 649	Scan 5 - Batch 228	Scan 3 - Batch 314
Scan 4 - Batch 202	Scan 5 - Batch 317	Scan 6 - Batch 81
Scan 1 - Batch 143	Scan 5 - Batch 144	Scan 4 - Batch 414
Scan 1 - Batch 262	Scan 5 - Batch 42	Scan 5 - Batch 686
Scan 5 - Batch 281	Scan 5 - Batch 285	Scan 2 - Batch 237
Scan 2 - Batch 625	Scan 1 - Batch 233	Scan 4 - Batch 549
Scan 4 - Batch 34	Scan 6 - Batch 45	Scan 4 - Batch 329
Scan 4 - Batch 130	Scan 1 - Batch 161	Scan 2 - Batch 446
Scan 1 - Batch 47	Scan 2 - Batch 426	Scan 2 - Batch 201
Scan 3 - Batch 61	Scan 4 - Batch 79	
Scan 4 - Batch 27	Scan 4 - Batch 242	
Scan 2 - Batch 495	Scan 5 - Batch 564	
Scan 3 - Batch 8	Scan 5 - Batch 446	
Scan 5 - Batch 570	Scan 3 - Batch 72	
Scan 2 - Batch 16	Scan 4 - Batch 523	
Scan 3 - Batch 243	Scan 5 - Batch 288	
Scan 2 - Batch 400	Scan 1 - Batch 241	
Scan 5 - Batch 444	Scan 4 - Batch 133	
Scan 2 - Batch 503	Scan 3 - Batch 48	
Scan 5 - Batch 334	Scan 4 - Batch 246	
Scan 3 - Batch 209	Scan 5 - Batch 623	
Scan 5 - Batch 576	Scan 2 - Batch 35	
Scan 5 - Batch 433	Scan 5 - Batch 750	
Scan 2 - Batch 471	Scan 4 - Batch 29	

**Batches Listed Separately**

<u>Lane</u>	<u>Multnomah</u>	<u>Washington</u>
ED-1094	AB-0573	AB-040
ED-107	AB-0473	AB-682
ED-094	AB-1156	AB-485
ED-530	AB-0752	AB-346
ED-416	AB-0151	AB-237
ED-862	AB-0680	AB-447
ED-1033	AB-0416	AB-333
ED-223	AB-0665	AB-279
ED-071	AB-0014	AB-791
ED-936	AB-1003	AB-378
ED-312	AB-1053	AB-033
ED-1081	AB-0510	AB-483
ED-042	AB-0968	AB-413
ED-423	AB-1038	AB-283
ED-844	AB-0360	AB-667
ED-372	AB-0549	AB-355
ED-070	AB-0245	AB-595
ED-930	AB-0113	AB-277
ED-725	AB-1103	AB-288
ED-466	AB-0316	AB-650
ED-452	AB-0030	AB-478
ED-556	AB-0630	AB-242
ED-358	AB-1164	
ED-1030	AB-0108	
ED-357	AB-0675	
ED-1183	AB-0010	
ED-1165	AB-0993	
ED-061	AB-0262	
ED-688	AB-0219	
ED-009	AB-0879	
ED-293	AB-0132	
ED-168	AB-1039	
ED-809	AB-0914	
ED-064	AB-0487	
ED-971	AB-0885	
ED-882	AB-0265	
ED-938	AB-0690	
ED-970	AB-0790	
	AB-0280	