OFFICIAL GUIDANCE

Ranked Choice Voting (RCV) Ballot Transcription Overview & Process Guide

EXECUTIVE SUMMARY:

Unlike in a single selection contest, where ballots are unreadable by a voting machine are typically hand counted and the results are added to vote totals, the results of a Ranked Choice Voting (RCV) contest must undergo a mathematical calculation to determine the winner. In order to tabulate the results of a RCV contest, a cast vote record (CVR) created by the voting system and inclusive of every ballot is necessary for tabulation. Ballots that cannot be run through the voting system must be transcribed for a CVR to exist for every voted ballot in a RCV contest.

The Virginia Department of Elections (ELECT) has determined that a locality is allowed to transcribe ballots that cannot be read by optical scanner machines but ***only*** during a Ranked Choice Voting contest.[1] In developing this guidance, ELECT assessed the Virginia Code, which does not prohibit ballot transcription, and reviewed other states' approaches to this process.

What is ballot transcription?

According to the U.S. Election Assistance Commission (EAC), ballot transcription is the process of replacing a ballot that cannot be read by the ballot scanner machine with a new ballot that preserves the voter's intent.[2] This process creates a ballot that can be scanned and processed by the voting machine. The original ballot is still retained for records purposes.

When should a ballot be transcribed?

Various situations may arise that could render a ballot unreadable for a voting machine. For instance, a returned military-overseas absentee ballot may not be on paper that can be read and tabulated by a voting machine. A mailed ballot could also be damaged in transit, rendering it unreadable by a voting machine.

If the ballot can be read by a voting machine, the ballot may not be transcribed.

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[1] Virginia Administrative Code, 1VAC20-100-60.
[2] U.S. Election Assistance Commission, *Inbound Ballot* Process,
https://www.eac.gov/sites/default/files/electionofficials/vbm/Inbound_Ballot_Process.pdf.

1100 Bank Street
Washington Building – First Floor
Richmond, VA 23219-3947
elections.virginia.gov

Toll Free: (800) 552-9745
TDD: (800) 260-3466
info@elections.virginia.gov

What is the process for ballot transcription?

Any locality conducting a Ranked Choice Voting contest may choose to conduct the ballot transcription process. Ballot transcription is neither explicitly authorized by, nor prohibited by, the Virginia Code. If a locality chooses to conduct ballot transcription, ELECT recommends that this process be completed during pre-processing sessions, at the Central Absentee Precinct (CAP) on Election Day, and/or in post-election processing. A locality may choose to conduct as many, or as few, ballot transcription sessions as needed to process absentee ballots that are not able to be read by a voting machine.

Ballot transcription requirements:

Any ballot transcription process that is conducted should occur by the following guidelines:

- Notice is given to the local political party chairs of the time and places for ballot transcription in sufficient time to allow for the authorized party representatives to be present.

- Notice must be given to ELECT no-later than the Wednesday before the start of early voting using the *Formsite* link found in the Ranked Choice Voting tab of *Forms warehouse*.

- The general registrar shall designate one individual to physically transcribe the new ballot. This individual may be: (1) *general registrar's staff,* (2) *an Electoral Board member,* or (3) *an Officer of Election.*

- At least two Officers of Election, one representing each political party (as defined by Va. Code § 24.2-101*),* shall be present during all hours ballot transcription is occurring. No person present, while ballot transcription is occurring, shall disclose any information concerning the ballots.

- Use guidance provided in ***Virginia's Guide to Hand Counting Ballots*** for determining voter intent.

- Voter intent for each ballot must be agreed to by the Officers of Election present representing the two political parties. If the Officers of Election cannot agree on voter intent, the ballot cannot be counted and must be determined invalid.

- During the ballot transcription process, the original voter-marked ballot must be provided a unique identifier that corresponds with the transcribed ballot.

- A grand master sheet must be created for every Ranked Choice Voting contest: one copy must go to the Clerk of Courts, one copy must go to ELECT, and one copy must be retained by the general registrar.

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What is a unique identifier?

- Each unreadable ballot and its transcribed counterpart must be assigned a unique identifier. Unique identifiers are used for ballot retrieval during recounts or contests.

- Localities can create their own unique identifiers, but the following information should be considered when creating unique identifiers:

  - The precinct the ballot was voted in.

  - The date the ballot was reviewed and transcribed.

  - The team that processed the ballot transcription.

  - The ballot's order number (out of how many were processed by that team that day).

  Examples:
  - 215-110321-A-017

    - Precinct 215

    - Processed on 11/03/21

    - Team A (Jane P and Bill F)

    - 17th ballot Team A transcribed that day

  - F-110521-7-003

    - Precinct F

    - Processed on 11/05/21

    - Team 7 (Carla F and Jack R)

    - 3rd ballot Team 7 transcribed that day

  - P215-007

    - Precinct 215

    - 7th ballot transcribed for that precinct

    - Date of transcription and individuals who performed the transcription would be captured on the master Transcription Log

- Tracking logs/sheets should be kept to log all pertinent information. Each team should have a tracking log to complete while transcribing. The information must be

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consolidated into a master tracking sheet for each precinct and a grand master tracking sheet for the entire locality.

- ○ Example of a team log (new log each day):

Precinct:	12	
Team:	A: Jackson F and Felicia S	
Process Date:	11/03/21	
Ballot Unique Identifiers		
12-110321-A-001		12-110321-A-004
12-110321-A-002		
12-110321-A-003		
Total Ballots Processed		4
Team Member 1 Signature:		Jackson Forest
Team Member 2 Signature:		Felicia Sampson

- ○ Example of a precinct sheet:

Precinct	12			
Process Date	Team Name	Team Member 1	Team Member 2	# of Ballots Transcribed
11/03/21	1	Susan G	Sammy B	6
11/03/21	2	Andi K	Lisa B	13

- ○ Example of a locality wide sheet:

Process Date	Precinct	# of Ballots Transcribed
11/03/21	304	38
11/03/21	307	27

What occurs in the instance of a recount?

If a recount were to occur in your locality:

Any absentee ballot "sought to be cast but ruled invalid and not cast in the election" shall not be taken into account for the recount (Va. Code § 24.2-802.2).

In this instance, if an absentee ballot received and marked by the voter could not be transcribed or hand-counted due to the Officers of Election's inability to determine voter intent and the vote is not counted in the election, the ballot cannot be counted in the recount.

If transcribed ballots were counted in the election, transcribed ballots should be counted in the recount. The determination of voter intent, i.e. hand-counting ballots, used in recounts is only applicable as prescribed by Va. Code § 24.2-802.2.

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