

## **Amendment to Rules Committee Report**

On April 23, 2021, the RPV 2021 Statewide Convention Rules Committee unanimously passed a motion offered by Mr. William Pace of the 5th District and seconded by at-large member Mr. Jeff Ryer. This motion was to replace the “Burkhardt Method” as the recommended method of tabulating Convention election results with an “Australian” type method of manual sorting and counting for all units at a single central, secure, statewide location. The Chairman of RPV will assume responsibility for administering tabulation at the central location, which will be undertaken by a trusted independent organization or professional elections consultant, and/or other personnel hired by RPV. The RPV Chairman shall appoint a Tabulation Team and a Head Teller to be in charge of securing and tabulating all ballots and operating the central tabulation facility.

The details of the Rules Committee’s recommendation are as follows:

1. Upon closing of the polling locations, each unit shall complete ballot reconciliation as per usual procedures. When reconciliation has been completed to the Head Teller’s satisfaction, each unit’s ballots and reconciliation summary shall be separately placed into containers that are then sealed on all sides by tape. Each seal shall contain the signature of the Head Teller and two other tellers, and should be placed on the containers in the view of witnesses (including campaign observers), who shall be encouraged to video record the sealing. RPV shall provide suitable containers and seal tape.
  
2. Once sealed, each ballot container shall remain in the custody of the Head Teller and at least two other tellers until retrieved by RPV’s Designated Couriers assigned to that polling location. The RPV Chairman shall appoint two Designated Couriers per polling location prior to the Convention, and shall make the list of Designated Couriers available to all unit chairmen, District Committee Chairmen, and statewide candidates. The RPV Chairman may appoint trustworthy RPV staff, volunteers, local tellers, official committee chairs, or third-party contractors to serve as Designated Couriers, but in no event can he appoint a representative of a candidate to serve as a Designated Courier. Each Designated Courier shall present the Head Teller a chain of custody log (which will be provided by RPV) to be signed indicating the time and place that custody of the ballot container is passed to the Designated Courier. Thereafter, at no time shall ballot containers in transit be accompanied by fewer than two individuals. If practical, observers from at least two opposing candidates shall be allowed to accompany Designated Couriers in transit from the voting location to RPV’s central tabulation location. In no event shall a campaign observer traveling with the Designated Couriers be allowed to handle or be left alone with a ballot container. Designated Couriers shall notify RPV of the time they depart their respective polling locations and deliver ballot containers directly from voting locations to the RPV’s central tabulation location as soon promptly as practical following closing of the respective polling locations, with no stoppage other than for gasoline or restrooms. In no case shall a ballot container in

transit be left unattended.

3. RPV's central tabulation location shall be a secured location operated under the direction of the Tabulation Team. The Tabulation Team will verify an unbroken chain of custody before taking custody of any ballot delivery from the Designated Couriers. Upon acceptance of custody, the Tabulation Team shall make a record of receipt of each ballot container, noting the time of receipt, include a copy of Designated Courier's custody log, and organize all unopened containers with clear markings of the localities and voting locations from which each container originated. When all ballot containers are received, all ballot containers statewide shall be placed under lock and shall be guarded by commercial security personnel. Such security will run 24 hours per day until the results of the election are fully certified to the RPV Chairman.
4. The central tabulation location will be a large facility, such as a hotel ballroom or convention center exhibition hall, that has food service capabilities (thus allowing in excess of 50 persons within the building).
5. Campaigns and the general public shall be advised that tabulation and final certification of the results may take up to one week and that RPV plans to certify winners no later than May 15, 2021.
6. The Tabulation Team shall meet on Sunday, May 9, at the central tabulation facility to account for all ballot containers, still sealed, and canvass the records of receipt. Once the Tabulation Team is satisfied all ballot containers are accounted for, the Tabulation Team shall begin unsealing ballot containers, one at a time, in an organized manner, to determine if the contents (ballots and reconciliation summaries) are in order. If ballots are missing or contents appear to be improper, no counting may ensue until the matter is resolved in consultation with the RPV Chair. Once all contents are determined to be in order, the Tabulation Team shall then commence tabulation of ballots.
7. Ballots will be counted individually by unit, first for Governor, then Lieutenant Governor, and then for Attorney General. The counting process will proceed as follows:
  - Round 1: First choice ballots will be segregated into separate piles for each candidate. Each pile will then be counted twice, or until counts agree. These raw vote totals for each unit will be entered into the tabulation spreadsheet. The Head Teller and RPV staff will endeavor to devise a method for publicly posting results in real time/near real time. The tabulation spreadsheet will calculate weighted vote totals for each unit, and upon entry of the last unit's Round 1 results, statewide totals will be calculated and posted. If any candidate has one vote more than 50% of the total weighted vote, that candidate shall be the winner and no further vote counting shall take place.
  - Round 2: Ballots in the first choice pile of the candidate receiving the fewest weighted votes in Round 1 will be redistributed to the candidates who are the second choice of the first losing candidate. The incremental raw votes for each remaining candidate will

be counted and added to the Round 1 total for those candidates, and posted to the tabulation spreadsheet. Upon entry of the last unit's Round 2 results, statewide totals will be calculated and posted. If any candidate has at least one vote in excess of 50% of the total weighted vote, that candidate shall be the winner and no further vote counting shall take place.

- Subsequent Rounds: Ballots in the pile of the lowest vote getter from the previous round shall be redistributed according to the next highest preference for any remaining candidates. Upon counting and reporting of the incremental gain to the total votes for any remaining candidates, by unit, statewide totals will be calculated and posted. This process will continue until one candidate has at least one vote in excess of 50% of the total weighted vote, at which point that candidate shall be the winner and no further vote counting for that contest shall take place.

8. Oversight, Security, and Transparency:

- Observers: At least one observer representing each candidate on the ballot shall be allowed at the central tabulation facility when tabulation activities are taking place. The Head Teller may permit more than one representative per candidate if practical and not inconsistent with venue limitations. No candidate observer or representative shall be admitted unless such person is authorized in writing by the campaign to RPV Staff, and RPV Staff relates that authorization to the Head Teller. Members of the Tabulation Team, RPV Staff, members of the Rules Committee, and members of the RPV Executive Committee shall be permitted to observe the counting, subject to practical and prudential limitations determined at the discretion of the Head Teller. Any candidate shall be permitted to observe the counting. Observers shall be subject to the same restrictions placed on polling location observers under the Convention Rules. If an observer has any concerns or complaints, such concerns or complaints must be submitted in writing to the Head Teller.
- Video Stream: Multiple video cameras shall be placed at the central tabulation facility to display all activities in the room in which ballot counting takes place. Live streams from these cameras will be made available online 24 hours per day.
- Ballot Custody: Ballot counting shall continue each day for at least 10 hours, subject to reasonable breaks for counting personnel, plus any additional time needed to fully complete a round of voting for a particular unit that may be under way at the 10-hour mark. At the end of a counting day, all ballots shall be placed back into designated containers and stored under lock and key. Ballots shall at all times remain segregated by unit. Commercial security personnel shall guard the stored ballots until counting resumes the next day. Once majority winners have been determined for all three races, the ballots will be sealed under the signature of the Head Teller and two members of the Tabulation Team or RPV staff, and remanded to the custody of the RPV Chairman to preserve in the event a recount is necessary.

9. The Tabulation Team shall be appointed by the RPV Chairman. The Tabulation Team may

be a team from an independent third-party organization or consultant hired by RPV to administer the counting process. If such an independent organization is not practically available, the Tabulation Team shall consist of paid temporary RPV staff under the supervision of a professional elections consultant or other professional hired by the RPV Chairman, or representatives from the Republican National Committee. To the extent possible, RPV shall defer to independent outsiders (including RNC) in the selection of any such temporary employees. The RPV Chairman shall designate a Head Teller to lead the Tabulation Team. The Tabulation Team shall also include three representatives from the Rules Committee, who shall provide procedural guidance to the Head Teller as needed.