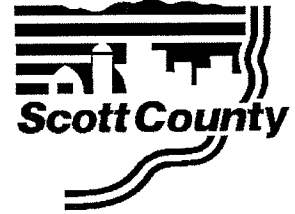


ROXANNA MORITZ
AUDITOR & COMMISSIONER OF ELECTIONS
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To: Scott County Board of Canvassers

From: Roxana Moritz, Scott County Auditor and Clerk to the Board of Supervisors

Date: November 30, 2020

Re: Report of the Recount Board for the U.S. Representative 2nd District Election

The Recount Board referenced above recounted the votes in each precinct in Scott County, including the absentee precinct. The method used by the Board was a combination of hand counting the ballots and machine counting the ballots. Because the Board used this method it provided my office with a report which did not include a summary report distributing the votes from the absentee ballots back to the home precinct of the voter. The Board did include a summary report for each precinct individually canvassed. The report of the Board is attached.

The Abstract of Votes reflects the total votes the Recount Board counted for each candidate. The Election Canvass Summary does not reflect that total due to the inability to distribute the absentee precinct votes back to the home precincts.

Auditor and Staff Restrictions

Auditor and Staff Restrictions

The auditor and auditor's staff should not count votes unless they are designated as a member of the recount board. Do not instruct members of the recount board to count or not count a particular vote. Recount board members are the only individuals authorized to decide whether or not to count a vote. If the auditor or auditor's designee is asked a question related to whether or not a vote should be counted, that individual should instruct the recount board to review the Counting Votes Guide and IAC 721—26. If legal advice is needed, the recount board should consult with the county attorney.

The auditor or auditor's designee is responsible for the security of the ballots and must supervise their handling. If the recount board requests the use of the optical scan voting machine, the auditor or auditor's designee must operate the tabulation machine.

[IAC 721—26.105]



Report for Recount of Votes
 Cast for Office Scott County
 Nov. 3, 2020 General Election
 US Rep. 2nd District

Board Members: Ian Russell

John Nahra

Michael Boussetot

	Hart	Miller-Meeks	Write-in	Overvoted	Spoiled	Blank/Undervoted	Disputed	Total Ballots Examined
Total Votes	47562	42046	168	23	2	3384	0	93185
	Hart	Miller-Meeks	Write-in	Overvoted	Spoiled	Blank/Undervoted	Disputed	Total Election Day Ballots Examined
Total Election Day Votes	10229	17559	79	7	0	1128	0	29002
	Hart	Miller-Meeks	Write-in	Overvoted	Spoiled	Blank/Undervoted	Disputed	Total Absentee Ballots Examined
Absentee Total	37333	24487	89	16	2	2256	0	64183
Election Day Votes per Precinct	Hart	Miller-Meeks	Write-in	Overvoted	Spoiled	Blank/Undervoted	Disputed	Total Ballots Examined
LC1	212	415	2	0	0	31	0	660
LC2	166	454	2	0	0	22	0	644
LCT	93	306	1	0	0	9	0	409
LG	75	143	0	0	0	5	0	223
MC	74	195	0	0	0	13	0	282
PKV	207	473	4	0	0	18	0	702
PR	173	350	1	0	0	17	0	541
PV	76	248	0	0	0	13	0	337
WC	189	445	2	0	0	31	0	667
D43	169	232	5	0	0	17	0	423
D52	219	236	1	0	0	18	0	474
D53	184	197	0	0	0	11	0	392
D62	112	322	0	0	0	19	0	453
D63	244	281	2	0	0	6	0	533
D64	235	358	0	0	0	19	0	612
D71	180	267	1	1	0	22	0	471
D72	239	299	2	0	0	20	0	560
D73	248	280	3	1	0	22	0	554
D81	197	269	1	0	0	25	0	492
D83	228	332	3	0	0	16	0	579
EL1	156	366	2	0	0	26	0	550
EL2	149	435	0	0	0	23	0	607
LB	99	188	2	0	0	7	0	296
B41	109	351	1	0	0	8	0	469
B42	175	358	1	0	0	24	0	558
B51	215	414	1	0	0	21	0	651
B52	166	582	2	0	0	22	0	772
Buff City	111	307	0	0	0	17	0	435
Buff Twnp	207	621	0	0	0	28	0	856
D13	231	365	1	0	0	21	0	618
D14	191	250	2	0	0	22	0	465
D21	220	334	2	0	0	22	0	578
D22	195	194	0	0	0	21	0	410
D31	235	239	2	0	0	24	0	500
D32	144	110	2	0	0	8	0	264
D34	188	129	1	0	0	22	0	340
D42	219	267	1	0	0	20	0	507
Allens Grove	51	147	0	0	0	3	0	201
B11	146	260	0	0	0	36	0	442
B12	180	368	1	0	0	27	0	576
B21	148	187	0	0	0	25	0	360
B22	181	399	2	0	0	17	0	599
B23	40	70	0	0	0	2	0	112
B31	131	311	1	0	0	27	0	470
B32	133	252	0	0	0	13	0	398
BG	188	531	2	0	0	28	0	749
D11	106	178	3	0	0	14	0	301
D12	198	254	3	1	0	18	0	474
D23	160	274	0	0	0	18	0	452
D24	180	220	1	1	0	23	0	425
D33	150	96	0	0	0	17	0	263
D41	254	369	6	1	0	26	0	656
D44	198	157	1	0	0	20	0	376
D51	228	268	1	1	0	28	0	526
D54	224	124	2	1	0	16	0	367
D61	155	286	0	0	0	11	0	452
D74	119	119	3	0	0	10	0	251
D82	221	340	1	0	0	14	0	576
D84	97	221	1	0	0	17	0	336
D4	37	77	0	0	0	3	0	117
HG	55	159	1	0	0	10	0	225
RV	54	103	0	0	0	3	0	160
WF	65	177	0	0	0	12	0	254
Absentee Total	37333	24487	89	16	2	2256	0	64183

2021 NOV 25 PM 3:55

State of Iowa
Abstract of Votes

Scott County, Iowa

We, the undersigned members of the County Board of Canvassers, hereby certify the following to be a true and correct abstract of the votes cast in this county, at the General Election - 2020 held on Tuesday, November 03, 2020, as shown by the tally lists returned from the several election precincts.

United States Representative District 2

Rita R. Hart, DEM	Received Forty-Seven Thousand Five Hundred and Sixty-Two (47,562) votes
Mariannette Miller-Meeks, REP	Received Forty-Two Thousand and Forty-Six (42,046) votes
Scattering	Received One Hundred and Sixty-Eight (168) votes
Total	Eighty-Nine Thousand Seven Hundred and Seventy-Six (89,776) votes

IN TESTIMONY WHEREOF, we have hereunto set our hands and caused to be affixed the seal of this county by the Clerk of the Board of Supervisors at Davenport, the county seat of Scott County, this Tuesday, November 10, 2020.

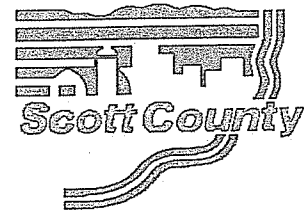
Chairperson

Members of
the Board
of
Supervisors
and ex-
officio
County
Board of
Canvassers

Attest: _____
County Auditor and Clerk of the Board of Supervisors



MICHAEL J. WALTON
COUNTY ATTORNEY
Scott County Courthouse
416 West Fourth Street
Davenport, Iowa 52801-1104
Telephone: (563) 326-8600
Facsimile Transmission (563) 326-8763
robert.cusack@scottcountyiowa.com
WEB SITE - www.scottcountyiowa.com



Robert L. Cusack, Assistant County Attorney (563) 326-8231

November 18, 2020

Memo re: election recount procedure and authority of the recount board

The questions presented are what procedures are to be used by recount judges and what authority do recount judges have when they have determined what the intent of the voter was on ballots that were not machine counted.

These questions arise in the tabulation of absentee ballots. A special precinct is formed by statute and is comprised of all absentee and provisional ballots within the boundaries of a county. See Iowa Code Section 53.20.

A recount of the votes for the election of the representative for Iowa's Second Congressional District was duly ordered pursuant to Iowa Code Section 50.48. Three members were named to the recount board. *Id.* The recount board "shall undertake and complete the required recount as expeditiously as reasonably possible." Iowa Code Section 50.48. The responsibility of a recount board is to tabulate all votes for the office in question on ballots that were counted by the precinct election officials at the election. IAC 721-26.104(50). All ballots that were accepted for counting shall be recounted. IAC 721-26.104(1). A voter's definite choices shall be counted even if the recount board determines that the voter's choices differ from the votes as counted by the tabulating device. IAC 721-26.104(3). The recount board shall follow the standards for counting votes as prescribed by Iowa Code sections 49.92 to 49.99 and this chapter. IAC 721-26.104(3).

Neither the Iowa Code nor the Iowa Administrative Code sets forth the requirements or procedures for the recount board to "tabulate all votes". The Code does require that the recount board "complete the required recount as expeditiously as reasonably possible." From information received from Scott County Auditor, approximately 60,000 absentee ballots were received in Scott County. According to the recount board a manual recount of 60,000 votes within the timeframe required by Iowa Code Section 50.48(4) is an impossibility. It certainly would not be "as expeditiously as reasonably possible." The recount board is currently recounting the ballots by machine and is then manually recounting the votes that the machine has trouble reading. This method is also time consuming, but it is the opinion of this office that it complies with the requirements of both the Iowa Code and the Iowa Administrative Code. The recount board, and from all accounts all other authorities with knowledge about Iowa's election procedures and infrastructure, indicates high confidence in the results of machine vote counting. Using the machine counting, in addition to hand counting the ballots cast that the machine cannot read, is consistent with the requirement to "tabulate all votes". A manual recount of all 60,000 absentee ballots is not required.

Paul D. Pate
Secretary of State



State Capitol
Des Moines, Iowa 50319

OFFICE OF THE IOWA SECRETARY OF STATE

November 19, 2020

Shayla McCormally
McCormally & Cosgrove, PLLC
4508 Fleur Drive
Des Moines, IA 50321

Dear Ms. McCormally:

As you know, Secretary Pate is committed to a transparent process to review and count every vote so that Iowans can be confident that the General Election was conducted in a secure and fair manner. The unofficial result in US Congressional District 2 is unprecedented. The twenty-four County Auditors in the district and Secretary Pate are working to ensure that the recount boards in those counties have the tools and guidance they need to conduct a smooth recount in each county.

To that end, this office has made available the Recount Guide, Recount Board Guide, and Counting Votes Guide that have been resources for county auditors for many years. In addition, this office has responded to specific questions from county auditors, some of whom have not been through a recount before, let alone a recount of every precinct in their counties. In an effort to promote transparency and uniformity, we have shared those responses with all county auditors and their staffs in the event they have similar questions.

You have raised a question regarding guidance from our office that "after the machine count for a precinct, the Recount Board may conduct a hand recount in that precinct if it reported either undervotes or overvotes on Election Day and after the machine recount." It appears that by quoting a partial sentence, you may not understand the context in which the response was given.

Our office was asked whether a recount board may count only the undervotes and overvotes in a given precinct. The answer to this, of course, is no. The recount board is required to count all of the votes for the office in question that were tabulated on election day. See Iowa Admin. Code 721—