

November 28, 2012

Dear Ms. Parker and Members of the Board of Elections:

I ask that you conduct today's recount keeping firmly in mind the principle in **G.S. § 163-182.1. (a) (5)** which states, "If an official ballot is rejected by a scanner or other counting machine, but human counters can clearly determine the voter's choice, the official ballot shall be counted by hand and eye." This statute applies to the counting of official ballots, whether the initial count or any recount.

Further, chapter 9 of the rules for the conduct of vote recounts by a county board of election **08 NCAC 09 .0107**, states in part, "All ballots that were rejected for tabulation purposes by the machines - commonly called "outstacked" or center bin ballots - are to be recounted by hand and eye using the team of four guidelines outlined in 08 NCAC 09 .0106."

In order for this recount to include the vote of every valid voter and comply with **G.S. § 163-182.1. (a) (5)**, you must conduct a hand-to-eye count of all of the following "ballots that were rejected for tabulation purposes by the machines":

- 1) All ballots where the machine registered zero votes for this race,
- 2) All ballots where the machine registered one vote for this race,

AND

- 3) All ballots where the machine registered more than two votes.

With a race this tight and a date of December 3rd when commissioners are supposed to take office, this method will insure the citizens of this county that EVERY vote was counted properly. This method is far superior to later doing sample hand-to-eye recounts after this full recount is completed, where a very small sample size could depend more on which precinct is selected rather than how many uncounted votes as those described above are in the entire universe of ballots.

Sincerely,