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REGISTRAR OF VOTERS COMPLETES RECOUNT FOR CONGRESSIONAL DISTRICT 16 RACE

SANTA CLARA COUNTY, CALIF – Today, the County of Santa Clara Registrar of Voters (ROV) completed its recount of the Congressional District 16 race. The final recount results for Santa Clara County show Evan Low gaining eleven votes and Joe Simitian gaining seven votes compared to the original tallied results.

The recount results are published online at: https://vote.santaclaracounty.gov/elections/current-recount-status.

"Our elections staff has been working diligently for the past two weeks to conduct this unprecedented recount and ensure that the final results are complete and accurate," said Assistant Registrar of Voters Matt Moreles. "This is the largest and most complex recount we have conducted, as well as our first machine recount on our new voting system."

Congressional District 16 spans both Santa Clara and San Mateo counties. If the combined results of the recount in both counties result in a change in the outcome, the recount results will become the official certified results for the contest in this election.

The initial certified results for this contest had Evan Low and Joe Simitian tied in second place. Under California law, both candidates would have appeared on the November general election ballot alongside first-place candidate Sam Liccardo. If the recount results break the tie, only the first- and second-place candidates will advance to the general election.

In Santa Clara County, Evan Low gained eleven additional votes in the recount for a total of 25,093, while Joe Simitian gained seven votes for a total of 23,775. These results will be added to the recount results in San Mateo County to determine the final results for the contest.

California law allows any voter to request a recount. This recount was requested by a registered voter in Santa Clara County to be conducted in both counties as a machine recount, in which the ballots are recounted using the same voting system equipment and procedures used in the official canvass.

"It is not unusual for a recount to change the vote totals, especially in such a large jurisdiction," said Moreles. "Because this contest was so close with two candidates precisely tied for second place, even tiny changes can make a difference in the outcome."

The recount was fully open for public observation, and members of the public were permitted to ask questions and raise challenges. Some challenges involved the interpretation of voter intent when a ballot was marked in an unusual way. While observers may challenge how voter intent is interpreted, the Registrar of Voters, serving as the County's election official, makes the final determination regarding voter intent. As expected in a recount, some questions of voter intent may be decided differently than in the original canvass. Such differences account for certain changes in vote totals between the recount and the original election results.

Additionally, the recount requestor asked to review previously uncounted vote-by-mail, provisional, and conditional voter registration ballots. During the original canvass, these ballots were deemed ineligible and not counted. Overall, observers challenged 45 uncounted ballots. Of these ballots, ROV ultimately determined that seven previously uncounted ballots were valid and should be included in the recount results. One was accepted because, upon further review, the signature on the envelope was deemed a sufficient match to the voter registration record. The remaining six were conditional voter registration ballots that included an unmarked box affirming citizenship status. During the recount review, Registrar of Voters staff identified a previously (or simultaneously) filed separate, valid voter registration affidavit that included the required citizenship attestation. Therefore, these voters' registrations were validated, and the ballots included in the recount.

The remaining challenged ballots could not be accepted. These included ballots where signatures did not match voter registration records, ballots that were received too late, or conditional voter registration ballots that lacked both citizenship attestations and did not have a separate valid registration affidavit. There have been media reports suggesting that a ballot was not included in the original canvass because the address on the ballot envelope is the location of a "homeless encampment" and was, for that reason, deemed invalid. That is inaccurate. That ballot was not counted in the original canvass because the address could not be found in the Registrar's system at the time of the original canvass. The address—a housing development—was later identified in the Registrar's database. Nevertheless, the ballot envelope has other deficiencies that prevent that ballot from being included in the recount.

ROV also identified nineteen ballots from six precincts that will be included in the recount results but were not included in the initial canvass results. The nineteen additional ballots were validated during the initial canvass but were not tallied due to human errors by the tabulation machine operators. Additionally, the ROV identified three ballots from two precincts that were erroneously counted twice in the original canvass, and those precincts' results have been corrected in the recount to subtract those ballots.

Both of these ballot categories (added and subtracted) were identified during the "reconciliation procedure," which compares the number of ballots from each precinct in the original results and the recount results to ensure that all ballots have been accounted for in the recount. The nineteen ballots that will be included in the recount fall into two categories. First, twelve ballots are a batch from one precinct that was fully scanned during the original canvass but not added to the original tallied results because an operator mistakenly failed to press a button to accept the batch and instead erroneously pressed a button to cancel the batch. The cancellation option is designed to be used only if the operator believes there is an issue with the batch requiring it to be rescanned before being added to

the results. In this case, there was no such issue, and the batch should have been included in the original tally. Second and separately, seven ballots from five precincts were not included in the original tallied results due to errors that occurred when the tabulation machine jammed or misfed, causing some ballots to need to be re-scanned. The operators mistakenly did not rescan some ballots. The three ballots that were mistakenly counted twice during the original canvass and that will be subtracted from the recount results were the result of a similar error in addressing a jam or misfeed, but in these cases the operators mistakenly re-scanned too many ballots.

"This recount has been a learning experience, and we will use these lessons learned to improve our processes and strengthen our quality control safeguards. The Registrar of Voters is committed to continuous improvement to deliver the most effective and accurate elections possible for our voters," said Moreles.

The ROV has quality control procedures in place to minimize these issues during the canvass, but it is still possible for human errors to occur. In most contests, if such errors happen, they generally affect a tiny percentage of ballots and do not impact the outcome. In the Congressional District 16 race, more than 182,000 ballots were cast across both counties. However, the unprecedented nature of the Congressional District 16 results, which are extremely close, is a rare instance where even a tiny percentage of votes (less than 0.01% of the total) may have an impact on the outcome. As occurred here, California's recount laws and processes provide an opportunity for election officials to scrutinize all ballots more closely in a specific race, ensuring the most accurate results possible.

For more information, contact the Registrar of Voters' Office at (408) 299-VOTE (8683) or toll-free at (866) 430-VOTE (8683), or visit www.sccvote.org.

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