

REQUESTING A RECOUNT

Prepared by the Santa Cruz County Elections Department
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Introduction

A recount is conducted by the elections official for the purpose of verifying the number of votes counted for any office or measure in an election. California Elections Code Chapter 12, Sections 15620 through 15634 govern voter requested recounts.

Who can request

Any voter of the state may file a request. (E.C. 15620)

Timing of Request

The request must be filed within five (5) calendar days after the completion of the official canvass. The canvass is complete when the elections official signs the Certification of the Election Results. (E.C. 15620)

Exceptions: *For statewide contests, the request must be filed within five (5) calendar days beginning on the 29th day after the election.*

Format of request

- ?? The request must be in writing. (E.C. 15620)
- ?? Must specify the contest to be recounted. (E.C. 15620)
- ?? Must state on behalf of which candidate, slate of electors, or position on a measure (affirmative or negative) it is filed. (E.C. 15620)
- ?? May specify the order in which precincts shall be counted. (E.C. 15622)
- ?? May specify the method of counting to be used (computer, manual or both). (E.C. 15627)
- ?? May specify any other relevant material to be examined. (E.C. 15630)
- ?? For statewide contests, may specify in which county or counties the recount is sought. (E.C. 15621)

Place of filing

- ?? With the county elections official responsible for conducting the election, if the contest is not voted upon statewide. (E.C. 15620)
- ?? If election is conducted in more than one county, the request may be filed with the county elections official of, and the recount conducted within, any or all of the affected counties. (E.C. 15620)
- ?? With the Secretary of State if the contest is voted upon statewide. (E.C. 15621)
- ?? With the City Clerk if it is a city election (or if the city has not consolidated with the county). (E.C. 15620)

Notice of recount

A notice stating the date and place of the recount will be posted by the elections official at least one day prior to the recount and the following persons will be notified in person or by telegram: (E.C. 15628)

- ?? All candidates for the office being recounted.
- ?? Authorized representatives for presidential candidates, if the race for presidential delegates is to be recounted.
- ?? Proponents of any initiative or referendum or persons filing ballot arguments for or against any initiative, referendum or measure to be recounted.
- ?? Secretary of State if the recount is for candidates for any state or federal office, delegates to a national convention, or any state measure.

Process of recount

- ?? The recount is open to the public. (E.C. 15629)
- ?? Recount must start no later than seven calendar days following the receipt of the request and shall be continued daily, Saturdays, Sundays, and holidays excepted, for not less than six hours each day until completed. (E.C. 15626)
- ?? A manual recount must be conducted under the supervision of the elections official by recount boards, consisting of four voters of the county, appointed by the elections official. (E.C. 15625)

Result of Recount

The results of a recount are declared null and void unless every vote in which the contest appeared is recounted. (E.C. 15632)

Upon completion of a recount, if a different candidate, slate of electors, or position on a measure receives a plurality of votes, the results of the official canvass will be changed and the election results re-certified. (E.C. 15632)

A copy of the results of any recount conducted shall be posted conspicuously in the office of the elections official. (E.C. 15633)

Cost and payment

The elections official shall determine the amount of deposit necessary to cover costs of the recount for each day. (E.C. 15624)

The voter filing the request for recount must deposit, before the recount commences and at the beginning of each day following, such sums as required by the election official to cover the cost of the recount for that day.
(E.C. 15624)

If upon completion of the recount the results are reversed, the deposit shall be returned.
(E.C. 15624)

COST BREAKDOWN FOR MANUAL TALLY	
No. of Boards	Cost per Day
1	625
2	1250
3	1875

COMPUTER RECOUNT COST IS \$200 PER HOUR.

Automatic Manual Recount

By law, a random sample of ballots from every election must be recounted manually to verify the computer count. A minimum of all votes cast in one percent (1%) of the precincts is included in this process. This manual recount must be completed before the election is certified. The Automatic Manual Recount is open to the public (E.C. 15360)

MANUAL RECOUNT BOARD PROCEDURES FOR SANTA CRUZ COUNTY ELECTIONS

Recount Board

Each four-member counting board will receive:

- a. A container of voted ballots and/or a VVPAT tape for a precinct
- b. Any duplicated ballots or other voted ballots for that precinct that were not originally sealed in the voted ballot container
- c. Any rejected ballots for the precinct
- d. Provisional ballot envelopes for counted provisional ballots only
- e. Two tally sheets with the contest on them for each tally method (i.e. VVPAT, paper ballots from the polls, absentee/mail ballots, provisional ballots)

Procedures

1. Enter the precinct number on the two tally sheets to be used for the precinct being recounted
2. Open the container of voted ballots.
 - a. Count the number of ballots.
 - b. Enter the number of ballots to be tallied in the space provided on the "Tally Sheet."
3. Enter the number of ballots, separate and set aside all duplicated ballots. **Tallying will be done from the original ballots ONLY.**
 - a. From envelopes containing the machine unreadable ballots ("Originals"), find those containing the contest to be recounted and confirm that the number equals those that were duplicated.
 - b. If a duplicate ballot exists, both the original ballot and the duplicate ballot will have corresponding serial numbers, for matching purposes.
 - c. Enter the number of "Duplicated" ballots in the space provided on the "Tally Sheet."
4. The Recount Board is to review the rejected ballots, if any, and determine whether the reason for rejection by the Canvassing Board is valid.
 - a. The only reasons to reject a ballot card would be a name or signature relating the ballot card to a specific voter and thus identify who voted the ballot or any other mark that is present other than those which are to assist in determining voter intent. NOTE: Any name written in a write-in space is not cause for rejection.
 - b. Overvotes on a ballot are not cause for rejecting a ballot.
5. If the ballot card was validly rejected by the Canvassing Board, it will remain rejected.
6. If it was not validly rejected, and it has been confirmed by the supervisor, the rejected ballot will be counted along with the other voted ballots.

- a. Enter on the line provided on the "Tally Sheet" the quantity of any previously rejected ballots that the Recount Board will count, and enter on the appropriate line the remaining rejected ballots that will not be counted.
7. Determine the total number of ballots to be tallied. This total shall include:
 - a. The total number of ballots from the voted ballot container.
 - b. The total number of duplicated ballots.
 - c. The total number of ballots erroneously rejected by the Canvassing Board.
8. Tally the contest in the following manner:
 - a. One board member will call the votes from each ballot, one board member will watch the caller, and the remaining two board members will tally independently on separate tally sheets.
 - b. Tally sheets have already been prepared with the contest information, as well as a space to record "Overvotes," "Undervotes," and "Write-Ins."
 - c. If the contest is a "Vote for no more than 3" and the contest is blank, record it as 3 "Undervotes." If two candidates are selected, then it is recorded as one vote for each candidate and one "Undervote."
 - d. If the contest is a "Vote for no more than 3" and more than 3 voting spaces are marked, it is recorded as one "Overvote."
9. In tallying a machine unreadable ballot or damaged ballot for which a duplicate copy has been made, the Recount Board will tally the vote from the original ballot ONLY.
10. At the completion of the recount of a precinct or tally type for a precinct (i.e. polling place paper ballots, absentee ballots, early vote ballots, etc), the two sets of tally sheets must agree. If the tally sheets do not agree, the board shall recount the precinct. If the tally sheets do agree, the Recount Board will have completed their recount tally of that precinct. The Recount Board members shall sign the tally sheet to certify the count.

Challenge Procedures (Elections Code §15631)

During the recount, ballots may be challenged for incompleteness, ambiguity, or other defects, in accordance with the following procedure:

- a. The person challenging the ballot shall state the reason for the challenge.
- b. The official counting the ballot shall count it as he or she believes proper and then set it aside with a notation as to how it was counted. In the case of VVPAT ballot challenges, a post-it note will be placed on the VVPAT ballot with a designating number that shall be matched to the challenge form.
- c. The elections official shall, before the recount is completed, determine whether the challenge is to be allowed. The decision of the elections official is final.

Challenges – Election Official’s Duties

Challenge Form: When a ballot is challenged, the Recount Board shall complete a “Challenge Form” recording the precinct number, the challenger’s name and group representing, the reason for the challenge, and the determination made by the Recount Board.

The challenged ballot and form shall be placed in an envelope for review by the elections official at the end of each day.

Remaining Ballots: The remainder of the recounted ballots shall be placed in the voted ballot container.

All machine unreadable ballots shall be kept with the voted ballot container.

Tally: If the elections official agrees with the Recount Board’s determination, the count will stand. If the election official disagrees with the Recount Board’s determination, an Addendum to the Tally Sheet for the precinct will be completed and attached to the Recount Board’s Tally.

Final numbers will be recorded on the Master Tally Sheet. The Master Tally Sheet will not be released until all precincts have been recounted and final totals are available.



GROUND RULES FOR VOTER REQUESTED MANUAL RECOUNTS

Prepared by

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Purpose

The purpose of the manual recount is to verify the machine count by viewing each ballot, determining how it was voted, and manually tallying those votes.

ADMINISTRATION OF MANUAL RECOUNTS

Appoint Spokesperson

Observers/Representatives for each party of interest shall appoint a spokesperson for their group. This person can be in addition to the observers and will have access to all parts of the recount area when escorted by election office personnel. A different person may be appointed periodically upon notification to the election official. Such persons shall be authorized by the parties of interest to make final decisions in their behalf.

Counting Boards

Each counting board shall consist of four clerks. A supervisor will supervise a maximum of two boards.

Additional Costs

If additional research is requested prior to completion of the recount of ballots, the estimated cost of that research shall be deposited with the election official before such research will commence and before the ballot counting is complete.

Order of precincts

The initial request for a recount may specify the order of precincts to be counted. In absence of such request, the election official shall determine the order of the count. Any change to the order must be requested in writing and approved by the election official.

Relevant material

Any research/review/handling of relevant election material shall be done solely at the discretion of the election official. One representative of each party of interest may be present. Requests to research/review relevant material must be received before the recounting of the ballots is completed. The requestor shall pay all additional costs to complete the research/review.

Schedule

- Prior to the commencement of the recount, the election official shall determine the number of boards necessary to complete the recount in a timely manner.
- **The recount shall proceed according to the schedule set by the election official. The recount must continue daily, except Saturdays, Sundays, and holidays for a minimum of six hours per day until completed or discontinued at the request of the initial recount requestor.**
- The exact hours of operation, break and lunch times shall be determined by the election official.

Security

The election official shall determine the security of the ballots. Any additional security measures must be approved in advance by the election official and paid for by the requestor. (No additional security measures will be taken unless necessary)

Results

- Election officials shall establish policy related to the release of running tallies during the recount process. (To be released at conclusion of the recount.)
- All precincts in the jurisdiction must be recounted and the outcome must change in order for the official results of the election to be recertified.

OBSERVERS

Number of observers

There should be no more than one observer per interested party on each side of the recount table (positioned behind members of the recount board).

Badges

Observers and spokespersons will be required to log in and receive a badge before entering the recount area. Badges must be worn during the recount and returned to the election official at the end of the day.

Rules

- Observers must follow all rules established by the election official or they may be refused entry to the recount area.

- Observers may not sit at a recount table and may not touch any ballots, tally sheets or other material of the recount board. Observers may not place any material on the recount table. Except to challenge a ballot, talking is discouraged in the recount area.

Questions

Questions concerning the specifics of the recount, other than challenges, are to be routed through the spokesperson who will then direct the question to the designated election office personnel. Observers and spokespersons are not to direct questions to the members of the recount boards. Resolution of questions shall include representatives of all parties of interest.

CHALLENGES

How to challenge

Ballots may be challenged for incompleteness, ambiguity or other defects.

To challenge a ballot the following procedure shall be used:

- The person challenging shall state the reason for the challenge.
- The recount board shall determine how to count the ballot. If the challenger disagrees with the board's decision, the challenged ballot shall then be set aside with a notation containing the precinct number, the unique identifier number, how the ballot was counted, why it was challenged and by whom.

Resolutions

Challenges shall be resolved at the end of each day, or more often if necessary, at the challenge resolution table. The challenge resolution table may consist of the election official and/or designee, county counsel, and no more than two representatives from each party of interest. The determination of the election official at the challenge resolution table shall be final.

HOUSEKEEPING

- Radios, cameras and tape recorders are not allowed. Pagers and cellular phones must be set to vibrate or off mode while observing the recount. You may use one of the telephones in the front office should you need to make a call.
- Restrooms are located on either side of the elevators.
- No smoking is allowed in the Elections Department.
- No eating/drinking is allowed in the recount area.

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