

# RECOUNT PROCEDURES

(Elections Code §§15600 et. seq. and  
Chapter 8.1 of Division 7 of Title 2 of the California Code of Regulations)



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# ***REGISTRAR OF VOTERS RECOUNT PROCEDURES***

## **REPRESENTATIVES AND OBSERVERS**

- Each candidate will be allowed no more than two (2) official representatives (at a time) in addition to the candidate, except if more than two recount boards are necessary, each candidate may designate one (1) additional representative for every additional recount board appointed, solely for the purpose of viewing and challenging ballots. All others will be spectators and have no voice in the counting procedures.
- Each candidate shall appoint one of his/her representatives to serve as a spokesperson authorized to make decisions with respect to the recount on behalf of the candidate or the candidate may serve as his/her own spokesperson.
- Two representatives of any bona fide association of citizens or a media organization may observe the recount but have no voice in the counting procedures.
- No papers or other materials are to be placed on the recount table by anyone other than the Elections Official.
- During the tally, ballots may be challenged by the candidate or his/her official representatives. If there is a challenge, the person making the challenge shall state the reason for it in brief language. The Elections Official in charge shall rule on all challenged ballot cards, and his/her decision shall be final. (E.C. §15631)
- The Registrar of Voters and associated personnel retains the right to exercise control, as necessary. All observers will remain quiet, in order not to distract the counting process. Cell phones and pagers shall be turned to vibrate or off while observing in the recount area. Conversations by anyone other than the candidate or his/her official representatives must be conducted outside the counting area.
- Videotaping and photography of the process will be permitted in a manner that will not interfere with the recount, compromise the anonymity of any ballot or record the signature of any voter. Interviews are not permitted in the recount location while the recount is being conducted.
- There will be no disruption of the counting process. Anyone who endeavors to do so will be escorted from the room.

## **Cost of Recount (E.C. §15624)**

The voter filing a request shall, before the recount is commenced and, at the beginning of each day following, deposit with the Elections Official a sum, in the form of cash or check required by the election official to cover the cost of the recount for that day.

Note: The money deposited shall be returned to the depositor if, upon completion of the recount, the candidate requesting a recount or the position of the measure is found to have received the plurality of the votes cast which differs from the certified election results.

All actual costs of the recount that would not have been incurred but for the requestor's particular recount request shall be directly recoverable from the requestor and may include, but are not limited to, additional supervision hours, security guard hours, the elections official's staff hours, space rental, transportation of ballots and materials and administrative costs. (CCR § 20815)

## **Voter Requested Recount (E.C. §§15620, 15621, 15623)**

**WHO?** Any person registered to vote in the State of California

**WHAT?** File a written request:

- The request shall specify on behalf of which candidate or position on a measure (affirmative or negative) it is filed.
- The request may specify the order in which the precincts shall be recounted (E.C. §15622).
- Voter may select whether the recount shall be conducted manually or by means of the voting system used, or both (E.C. §15627).

**WHEN?** The request must be submitted, in writing, to the Elections Official no later than five (5) calendar days following certification of the election.

**WHERE?** The County Registrar of Voters' Office in the county where the recount is sought.

(If the election is conducted in more than one county, the request may be filed with the Elections Official of, and the recount conducted within, any or all of the affected counties).

**HOW?** **Appointment of the Recount Board(s): (E.C. §15625):**

- The elections official shall determine the number of special recount boards necessary to complete the recount in a timely manner and shall

appoint four (4) registered voters within the county to each recount board.

- There shall be one supervisor for every four (4) recount boards.

**Time for Recount to Begin:**

A recount shall commence not more than seven (7) calendar days following the Election Official's receipt of the request and continue daily (except for Saturdays, Sundays and holidays), for not less than six (6) hours each day until completed or discontinued by the person requesting the recount.

Note: The recount shall not commence until the first day following notification of the individuals specified in E.C. §15628.

**Notice of Recount: (E.C. §15628)**

Not less than one (1) day prior to commencement of the recount, the Elections Official shall post a notice as to the date and place of the recount.

The Elections Official shall notify the following persons:

- All candidates for any office which is requested to be recounted.
- Proponents of any initiative or referendum or persons filing ballot arguments for or against any initiative, referendum, or measure placed on the ballot by the Governing Body which is to be recounted.

**Public Recount (E.C. §15629)**

The recount shall be conducted publicly.

**Examination of Ballots and Other Materials (E.C. §15630)**

No examination of any ballot shall include touching or handling the ballot without the express consent of the Election Official supervising the special recount board and only in the presence of the Elections Official.

Persons authorized to handle ballots (except as provided above or by court order).

- Election Official(s):
- Person(s) acting at the direction of the Elections Official;
- A member of the special recount board.

## **Procedure for Challenge (E.C. §15631)**

Procedure:

- Person challenging a ballot(s) shall state the reason.
- The supervisor of the recount shall complete the Challenged Ballot Form and attach it to the challenged ballot and set it aside.
- The Election Official shall resolve challenges in public daily or sooner, if appropriate.
- **THE DECISION OF THE ELECTIONS OFFICIAL IS FINAL**

## **Daily Results of Recount (CCR §20818)**

At the end of each day, the elections official or her designee shall post and announce publicly:

- (1) the results of the recount tally of each precinct recounted that day;
- (2) the certified election results tally for each precinct recounted that day;
- (3) A running tally of the total recount results for all precincts recounted to date; and
- (4) A running tall of the total certified election results for all precincts recounted to date.

## **Results of the Recount (E.C §15632)**

If a different result than that of the official canvass occurs after each and every vote cast in the precincts in the jurisdiction in which votes were cast for the contest being recounted, there shall be entered the result of the recount in each precinct affected, whose results shall be for all purposes thereafter, the official returns of those precincts for the office or measure involved in the recount.

## **Results of Recount to be Posted: (E.C. §15633)**

A copy of the results of any recount shall be posted conspicuously in the office of the Elections Official.

## **PAPER BALLOTS**

### **Manual Recount Procedures**

In tallying, the following procedure will be observed by each Recount Board:

**Vote by mail ballots cast from a precinct subject to recount shall be tabulated separately from ballots cast in a polling place on Election Day (CCR §20831(c))**

- Voted ballots will be retrieved by an Election Official with the seal intact.
  - The seal is broken, and all cards bearing the affected contest for recount are removed. The precinct number will be recorded on the tally sheet.
  - The duplicated ballots are compared to the original ballots for accuracy and voter intent. The original ballots are set aside and the duplicated ballots will be used for recount purposes.
  - Ballots are distributed among all four Recount Board Members. Each Recount Board Member shall remove from his/her all ballots where no selection was made in the subject contest and all ballots that were over-voted for the subject contest. . Recount Board members shall trade their ballot stacks with another recount board member to double-check that all over-voted and under-voted ballots have been removed.
  - Ballots are re-distributed to Recount Board Members to remove from his/her ballots, those which indicate a vote for the first candidate or selection listed in the subject contest. Recount Board members shall trade their ballot stack with another recount board member to double-check that all ballots with a vote for the first candidate or selection have been removed. The ballots with votes for the first candidate or selection are then given to the first member to count. The remaining ballot cards are put aside temporarily.
- 1) The first Recount Board Member counts each ballot aloud, and announces in increments of 10. The second Board Member observes the count.
  - 2) The third and fourth Recount Board Members independently tally the count, confirming each ten-card increment. The two sets of tally sheets must agree upon completion of the count for the candidate. If not, the ballots must be recounted.
  - 3) After the first candidate's or selection's votes have been tallied, challenged ballots, if any, are presented to the Elections Official to determine if the challenge is to be allowed. The tally is completed with the Elections Official's determination on the challenges and the results recorded.
  - 4) All ballots for the subject contest are again distributed among all Recount Board Members.
    - i. Ballots that indicate a vote for the second candidate or selection listed in the subject contest are segregated, and Steps 1), 2) and 3) are repeated.

- ii. This process is followed until all votes cast for each candidate or selection in the subject contest have been tallied and recorded. The Recount Board Members shall sign each tally sheet upon completion.
- 5) An official tally form is completed and signed by all Recount Board Members. All tally documents are stapled together and provided to the Election Official for reporting and posting.
- 6) All ballots are placed back into the voted ballot container and sealed. Once ballots have been sealed, the seal may not be broken except by order of the court.
- 7) The sealed container is removed from the table before the next precinct container is retrieved.

### Tallying Rules:

The Uniform Vote Counting Standards (Version II Effective: May 18, 2006) will be used to determine valid votes.

#### Generally:

- A mark is considered **valid** when it is obviously the intent of the voter and is the technique consistently used by the voter to indicate his/her selections.
- If, for any reason the choice of the voter is impossible to determine, the vote **shall not be counted**. (E.C. §15154)
- Paper ballots marked with pen or pencil **will be counted**.
- An over-voted office (marks in more than the specified number of voting boxes) **will not be counted** for any candidate or measure, with the following exception. A voter marks the voting target position for a valid candidate and also enters the listed candidate's name the designated candidate write-in space. In such cases, the vote shall be counted as a single vote for the listed candidate.
- Extraneous marks on the ballot will render the ballot invalid if the markings clearly make the ballot identifiable as to a particular voter, or appear to be an intentional effort to sabotage the vote counting mechanics.
- In tallying a machine unread ballot or a damaged ballot for which a true duplicate copy has been made, the Recount Board is to tally from the duplicate ballot card that was previously determined to be a true and accurate duplication of the voter's intent. If the duplicate ballot exists, both the original ballot and the matching duplicate will have corresponding identification numbers for matching purposes.
- At the completion of the recount of a precinct, the two sets of tally sheets must agree. The Recount Board Members shall sign each tally sheet upon completion.

### **WRITE-IN CANDIDATES**

- If there are no qualified write-in candidates, any vote for a write-in candidate shall not be tallied. (E.C. §15342)
  - i. However, if a qualified candidate's name is printed on the ballot and there is no mark in the voting position, but the voter has written the name of the qualified

candidate in the write-in space and filled in the voting position, it shall be counted. If the voting position is not filled in, it will not be counted. (E.C. §15342(a))

- If there are qualified write-in candidate(s) and the name of the qualified write-in candidate (or reasonable facsimile of the spelling of a name) is written in the spaces appearing directly below the list of candidates for that office and the voting space next to the write in space is marked, the vote **shall be counted**.
  - i. Neither a vote cast for a candidate whose name appears on the ballot nor a vote cast for a write-in candidate shall be counted if the voter has indicated, by a combination of writing and marking, a choice of more names than there are candidates to be nominated or elected to the office. (E.C. §15342(e))

### **DRE TOUCH-SCREEN VOTING SYSTEM Manual Recount Procedures**

In accordance with the selection(s) made by the person(s) requesting the recount, the Election Official shall proceed according with the associated procedures.

#### **VOTER VERIFIED PAPER AUDIT TRAIL (VVPAT)**

- In accordance with the precinct sequence identified by the person(s) requesting the recount, if any, the Election Official will retrieve the sealed boxes containing the VVPATs for each DRE voting unit used in the precinct(s).
- The designated Recount Board Member will break the seal on the box and remove the VVPATs. The precinct number and associated DRE voting unit numbers will be announced and recorded on the tally sheet.
- The count shall begin at the start of the roll.

#### **Readers**

1. Beginning with the first audit record on the VVPAT roll, one Recount Board Member will announce the voter's selection for the contest and the other will verify what is read.
2. **Voided ballot records are not to be counted.**

#### **Recorders:**

3. Using a red pencil, mark the first number next to the candidate's name and continue the process until all voter selections are read and recorded.
4. At the completion of the recount of a precinct, the two sets of tally sheets must agree. The Recount Board Members shall sign each tally sheet upon completion.
5. Tally all audit records on VVPAT rolls using procedures above until all VVPAT rolls for selected precinct(s) have been recounted.
6. Compare the tally results in Step 6 above to the 100% manual tally results completed during the canvass of the election. Any discrepancies are noted and the VVPATs recounted one-time, as necessary. The Recount Board Members shall sign each tally sheet upon completion

7. An official tally form is completed and signed by all Recount Board Members. All tally documents are stapled together and provided to the Election Official for reporting and posting.
8. Repeat steps 4 thru 8 for the remaining precincts.

### **ELECTION RECOUNT OBSERVER RULES**

- Each candidate, in addition to his/her two representatives are the only individuals with voices in the recount process.
- Each candidate or his/her appointed spokesperson are the only persons authorized to make decisions with respect to the recount and interact directly with the elections official and the recount supervisor(s).
- All cell phones, pagers and other communication devices will be turned to vibrate or off while in the recount room.
- Videotaping and photography of the process will be permitted in a manner that will not interfere with the recount, compromise the anonymity of any ballot or record the signature of any voter. Interviews are not permitted in the recount location while the recount is being conducted.
- Conversations among those observing the process shall not be heard by members of the Recount Board. If extended conversation is required, it shall be conducted outside the recount room.
- There will be no disruption of the counting process. Anyone who endeavors to do so will be escorted from the room.
- There will be no food or beverages consumed inside the counting room.
- Professional and civil decorum is expected of all those observing the process.