



RECOUNT PROCEDURE

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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.

Who can request a Recount

Any voter may request a recount. Upon receipt of a request for a recount, the Elections Official shall verify that the person requesting the recount is registered to vote in the state of California. Any time during the conduct of a recount and for 24 hours thereafter, any voter other than the original requestor, may request the recount of any precincts not recounted as a result of the original recount request. (California Elections Code (E.C.) §15620, 15621, 15623)

Timing of Request

The request must be filed with the Elections Official responsible for conducting an election in the county wherein the recount is being sought within five (5) days of the completion of the canvass, and no later than 5 p.m. on the fifth day. (E.C. §15620(a))

If an election is conducted in more than one county, beginning on the 31st day after the election, any voter can request a recount within five (5) days but not later than 5 p.m. on the fifth day from the Elections Official of any or all the affected counties. (E.C. §15620(b))

Format of Request

The request for a recount must be in the following format:

- 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 or manual). Only one method of recount may be used. (E.C. §15627)
- May specify any other relevant material to be examined. (E.C. §15630)
- For statewide contests which are filed with the Secretary of State, the request shall specify in which county or counties the recount is sought. (E.C. §15621)

Notice of Recount

A notice stating the start date and location of the recount shall 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 any federally regulated overnight mail service: (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 shall be open to the public. (E.C. §15629)

The recount must start no later than seven (7) calendar days following the receipts of the request and shall be continued daily, Saturdays, Sundays, and holidays excluded, for not less than six (6) hours each day until completion or request of termination by the requestor. (E.C. §15626)

Cost of Recount

The Elections Official shall provide the requestor a daily estimated cost of the recount no later than one day prior to the start of the recount. The requestor is required to pay a daily deposit to the Elections Official to cover the cost of that day's recount. If the advanced deposit is not paid in a timely manner, the Elections Official shall terminate all recount activities immediately. (California Code of Regulation 20815)

The cost of the recount will differ depending on the method of recount chosen. An estimated daily recount cost worksheet will be provided to the campaign prior to the start of the recount. During the recount, a daily recount cost worksheet will be provided to the campaign that reflects total funds paid and funds allocated towards the cost of the recount for each day.

The Elections Department will refund all remaining monies to the requestor if the recount concludes earlier than estimated.

Spokespersons and Observers

Any person may observe the recount subject to California Code of Regulation § 20820. Each interested party shall appoint one representative to serve as a spokesperson to speak on their behalf. All questions shall be routed through the spokesperson.

All observers, representatives and spokespersons shall check in, review the Observer Guidelines, and receive an identification badge before entering the recount location. Badges are to be worn at all times and returned at breaks, lunches and at the end of the day.

Requestors, representatives, and observers shall not interfere in any way with the conduct of the recount. They may not touch any voting system components, tally sheets, ballots, or other canvass board member materials. They may not sit or place any material on the worktables, assist in recount procedures, or speak to members of the canvass boards.

The Elections Official may deny entry to the recount location to any person who fails to comply.

Computer Tally

The Recount process of a computer tally shall be completed in the following order:

- Resolve challenges of any Provisional, Conditional, No Signature (No Sig), Signature Miscompare (Mis Sig), and any other challenged VBM ballots.
- Review of Relevant Materials requested.
- Sorting of ballots (if requested).
- Computer Logic and Accuracy Testing, before tallying any vote.
- Computer Tally of the ballots.
- Computer Logic and Accuracy testing, after tallying votes.
- Release, Post and Report recount results.
- Resolve challenges of any Provisional, Conditional, No Sig, Mis Sig, and any other challenged Vote-by-Mail ballots.
 - One representative for each candidate shall review the challenged ballots along with the Elections Official and County Counsel. Under no circumstances shall the ballots or envelopes be handled by the representatives without consent from the Elections Official. The representative shall have the opportunity to argue the challenge to the Elections Official in a professional manner. Once arguments have been heard from both representatives, the Elections Official will issue a ruling on the challenged ballot. All decisions made by the Elections Official are final and binding.
- Review of Relevant Material requested.
 - The requestor shall provide the Elections Official a list of all requested relevant materials for review prior to the start of the recount process.
 - The Elections Official will establish reasonable guidelines for the review of requested materials.

- The Elections Official shall communicate any request to all interested parties or representatives. Interested parties and/or representatives can be present at the review of relevant materials.
- Sorting of the Ballots (if requested).
 - In the case of a multi-card ballot, the ballot cards shall be separated by ballot card type (example: Card A separated from Card B). Ballot cards containing the contest specified by the recount requestor shall be further sorted. Cards not necessary shall be returned to the “Batch Box” from which they were pulled.
 - Ballots shall be stored in mail trays specified by precinct number.
 - Once a tray is full, ballots shall be transferred to a box with the precinct number identified.
 - The process shall continue until all ballots have been sorted into their respective precincts.
- Computer Logic and Accuracy Testing, before tallying any vote.
 - Prior to conducting the recount of ballots using the type of vote tabulating devices used in the election, a logic and accuracy test limited to the contest subject to recount shall be conducted on each of the vote tabulating devices to be used in the recount, using a test deck created for the contest to be recounted. The test shall be conducted publicly, subject to limits made necessary by space limitations on the number of additional public observers beyond those that must be accommodated under California Code of Regulations § 20816. The results of the Pre-Lat test, and test deck used, shall be made available for inspection by any requestor, spokesperson, member of the media or observer present at the recount location between the time the test is completed and the posted time for recounting of ballots to begin.
- Computer Tally of the Ballots.
 - A recount using the type of vote tabulating devices used in the election shall, to the maximum extent possible, be conducted using the same methods used to tabulate the ballots originally, and shall include the following:
 - On equipment capable of producing a paper tape or print-out, a zero-results tape or report shall be printed from each vote tabulating device, if feasible without new election coding and if supported by the device the configuration of the tabulators used in the election shall be used in the recount. Logic and Accuracy testing shall be performed on each device prior to any processing of ballots with that device.
 - If necessary to preserve the original vote count record, a backup of the election results shall be made and the same type of memory media that was used in the election shall be prepared to capture the recount vote results.
 - Each voted ballot shall be processed with the same type of vote tabulating devices used in the election.
 - Ballots that cannot be read by the vote tabulating devices shall be corrected or duplicated in accordance with California Elections Code sections 15208, 15210 and 15211.

- The tally of the precincts' ballots shall be done in the order of the requestor if provided until all ballots have been tallied. If no order has been specified, or if the number of precincts in the order is less than all precincts included in that contest, the Elections Official shall determine the order of the remaining tally.
- Adjudication shall be conducted after all precincts have been tabulated.
 - If a candidate representative wishes to issue a challenge to the ballot, they must do so before the next ballot is viewed. Once a challenge has been requested, the review shall halt, and a challenge card will be completed. The entire challenge card must be complete, or the challenge will be considered null and void.
 - The challenged ballot will be tallied as the Election Official or designee deems correct. If the designee is unsure, the Registrar of Voters (ROV) or the supervisor will make the decision.
 - The challenged ballot will then be located and placed into an envelope along with the challenge card and be moved to the challenged table for review by the ROV. Any results of the challenge shall be adjusted at the end of the recount.
 - Only candidate representatives may initiate the challenge.
 - A ballot may only be challenged on the grounds of a disqualifying or distinguishing mark(s) or some other grounds visible on the face of the ballot, and only concerning the contest being recounted.
- The process shall continue until all votes in the affected precinct have been tallied.
- Computer Logic and Accuracy Testing, after tallying votes.
 - At the conclusion of the tabulation of all precincts impacted by the recount, a second logic and accuracy test limited to the contest subject to recount shall be conducted on each tabulating device used, using the same test deck created prior to the start of the recount. The test shall be conducted publicly, subject to any limit made necessary by space limitations on the number of additional public observers beyond those that must be accommodated under California Code of Regulation § 20816. The Elections Official shall make the results of the second logic and accuracy test, as well as the test deck used for the test, available for inspection by the requestor, spokespersons, members of the media and observers at the recount location before the conclusion of the recount.

Manual Tally

- The Elections Official shall make the determination as to the number of necessary Canvass Boards required to ensure the recount is conducted in a timely manner. (California Code of Regulation § 20818)
 - Each Canvass Board shall consist of one vote caller, one vote caller verifier, and two tally markers for a total of 4 members on each canvass board.
 - Elections Staff shall be appointed as Canvass Board Supervisors. The role of the Supervisor is to ensure all instructions are followed, necessary supplies are on

hand, and transport all ballots and tally sheets to the designated locations. Supervisors **shall not** resolve challenges.

- The recount process shall be completed in the following order:
 - Resolve challenges of any Provisional, Conditional, No Signature (No Sig), Signature Miscompare (Mis Sig), and any other challenged Vote-by-Mail Ballots.
 - Review of Relevant Materials requested.
 - Sorting of ballots into precincts.
 - Converting the space from ballot sorting room to Manual Tally room.
 - Manual tally of all necessary ballots.
 - Resolve any challenges that arise during the manual tally of the ballots.
 - Release, Post and Report recount results.
- Resolve challenges of any Provisional, Conditional, No Sig, Mis Sig, and any other challenged Vote-by-Mail ballots.
 - One representative for each candidate shall review the challenged ballots along with the Elections Official and County Counsel. Under no circumstances shall the ballots or envelopes be handled by the representatives without consent from the Elections Official. The representative shall have the opportunity to argue the challenge to the Elections Official in a professional manner. Once arguments have been heard from both representatives, the Elections Official will issue a ruling on the challenged ballot. All decisions made by the Elections Official are final and binding.
- Review of Relevant Materials requested.
 - The requestor shall provide the Elections Official a list of all requested relevant materials for review prior to the start of recount process.
 - The Elections Official will establish reasonable guidelines for the review of requested materials.
 - The Elections Official shall communicate any request to all interested parties or representatives. Interested parties and/or representatives can be present at the review of relevant materials.
- Sorting of the Ballots.
 - In the case of a multi-card ballot, the ballot cards shall be separated by ballot card type (example Card A separated from Card B). Ballot cards containing the contest specified by the recount requestor shall be further sorted. Cards not necessary shall be returned to the “Batch Box” from which they were pulled.
 - Ballots shall be stored in mail trays specified by precinct number.
 - Once a tray is full, ballots shall be transferred to a box with the precinct number identified on it.
 - The process shall continue until all ballots have been sorted, into their respective precincts.
- Converting the space from ballot sorting room to the Manual Tally room.

- Manual Tally of the Ballots.
 - The tally of the ballots shall be done in the order of the requestor if provided until all ballots have been tallied. If no order has been specified, or if the number of precincts in the order is less than all precincts included in that contest, the Elections Official shall determine the order of the remaining tally.
 - Tallies shall be conducted by Canvass Boards convened by the Elections Official and shall consist of the following members with the following responsibilities:
 - Vote Caller: The vote caller shall read the mark for the candidate on the ballot in question.
 - Verifier: The verifier shall verify that the correct candidate was called on the ballot in question.
 - 2 tally markers: Each tally marker shall record the mark for the candidate called in the appropriate section of the tally sheet. After the mark is made, the markers shall state the number of tallies made for the candidate that was called.
 - If a contest is over-voted or under-voted, the Caller shall call out “Over-vote” or “Under-Vote” and a tally mark shall be made in the appropriate section of the tally sheet. The ballot shall be placed into a separate pile for further review.
 - After the tally markers state the number of tallies, the ballot shall be placed at the end of the table to allow observers to view. Under no circumstances can an observer touch the ballot without consent from the Elections Official or their designee.
 - If a candidate representative wishes to issue a challenge to the ballot, they must do so before the next ballot is read aloud. Once a challenge has been requested, the count shall halt, and a challenge card will be completed. The entire challenge card must be complete, or the challenge will be considered null and void.
 - The challenged ballot will be tallied as the caller deems correct. If the caller is unsure, the Supervisor will make the decision.
 - The challenged ballot will then be placed into an envelope along with the challenge card and be moved to the challenged table for review by the Elections Official. Any results of the challenge shall be adjusted at the end of the recount.
 - Only candidate representatives may initiate the challenge.
 - A ballot may only be challenged on the grounds of a disqualifying or distinguishing mark(s) or some other grounds visible on the face of the ballot, and only concerning the contest being recounted.
 - After ten (10) ballots have been read aloud, the tally markers shall compare the number of tallies for each candidate, over-vote, and under-vote. If the numbers match, they continue to the next ballot. If they do not match, a supervisor must be notified, and the previous ten (10) ballots must be verified.
 - The process shall continue until all votes in the affected precinct have been tallied.
 - After all voted ballots have been tallied, the tally markers of the Canvass Board will individually calculate the total votes for each candidate on their tally sheets. When both have completed totaling, they shall each announce their totals one candidate at a time.

- If both announce the identical vote total for each candidate in the recount process, the recount of that precinct shall be deemed complete, and the results reported to the Elections Official.
- If the Canvass Board members announce different vote totals, the recount tallies will be examined by a supervisor and the Elections Official.
 - If the difference can be explained by the Canvass Board, Supervisor, or Elections Official, it shall be corrected on the tally sheet. A written report shall be made as an attachment to the tally sheet.
- In the event of an unexplained discrepancy, the results for that precinct shall be discarded and the recount of that precinct shall start over.

After the Recount

- Release, Post and Report recount results.
 - At the end of each day, the Elections Official or their designee shall post and announce publicly the following:
 - The results of the recount tally of each precinct recounted that day.
 - The certified election results tally for each precinct recounted for that day.
 - A running tally of the total recount results for all precincts recounted to date.
 - A running tally of the total certified election results for all precincts recounted to date.
 - Upon completion of the recount, the Elections Official shall post the results of the recount in a highly visible public location in the Elections Official's office, report to the requestor, the public, the Election Department website, and the Secretary of State.
 - If the outcome of an election has changed as a result of a recount, the Elections Official shall:
 - Recertify the official returns for the election with the new official count for each precinct involved in the recount and send a copy of the recertification to the public official or governing body that declares the results of the election subject to the recount, in order that they may adopt the recertification and redeclare the results of the election.
 - Refund all monies deposited for the recount by any requestor if the recount changed the outcome of the election. No refund shall be made if the recount did not change the overall outcome of the election.
 - Refund all monies deposited for the recount by any requestor if said funds were not used.