



## **GUIDE TO REQUESTING A RECOUNT**

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This guide is intended to provide general information about the subject matter covered and does not have the force and effect of law, regulation or rule. It is distributed with the understanding that the County Clerk Recorder/Registrar of Voters is not rendering legal advice and is for general guidance only. In case of conflict, the law, regulation or rule will apply.

### **INTRODUCTION**

A recount is conducted by the Election Official for the purpose of verifying the number of votes counted for any office or measure in an election. California Election Code 15620 through 15634 governs voter requested recounts.

## **WHO CAN REQUEST**

Any registered voter of the State of California may file a request. The person does not need to be a resident of the district in which the recount is requested California Election Code 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 “Certificate of the Election Results” California Election Code 15620. If the deadline falls on a weekend or holiday, the deadline is moved to the next business day.

**Exceptions:** For statewide contests, the request must be filed within five (5) calendar days beginning on the 29<sup>th</sup> day after the election. (EC 15621)

## **FORMAT OF REQUEST**

- ❖ The request must be in writing. (EC 15620)
- ❖ Must specify the contest to be recounted. (EC15620)
- ❖ Must state on behalf of which candidate, slate of electors, or position on a measure (affirmation or negative) it is filed. (EC 15620)
- ❖ May specify the order in which precincts shall be counted. (EC 15622)
- ❖ May specify the method of counting to be used (computer, manual or both. (EC15627)
- ❖ May specify any other relevant material to be examined. (EC 15630)
- ❖ For statewide contests, may specify in which county or counties the recount is sought. (EC 15621)

## **PLACE OF FILING**

- With the county elections official responsible for conducting the election, if the contest is not voted upon statewide. (EC 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. (EC 15620)
- With the Secretary of State, if the contest is voted upon statewide. (EC 15621)
- With the City Clerk, if it is a city election (or if the city has not consolidated with the county). (EC 15620)

## **NOTICE OF RECOUNT**

A notice stating the date and place of the recount will be posted by the elections official at least one (1) day prior to the recount and the following persons will be notified in person or by federally requested overnight mail service: (EC 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. (EC 15629)

- Recount must start no later than seven (7) calendar days following the receipt of the request and shall be continued daily, Saturdays, Sundays, and holidays excepted, for not less than six (6) hours each day until completed. (EC15626)
- No results or running tallies will be released to observers or the media during the recount. Observers may keep their own notes if they wish; however, any numbers they release are not official if they have not been confirmed by the elections official.

### **APPOINTMENT OF RECOUNT BOARD; COMPENSATION**

A manual recount must be conducted under the supervision of the elections official by recount boards, consisting of four (4) voters of the county, appointed by the elections official. Recount board members are paid the same as precinct board clerks (not inspectors). (EC 15625)

All actual costs of the recount are directly recoverable from the party requesting the recount and may include, but are not limited to: supervision, security guards, personnel used to review relevant material, computer personnel and administrative costs).

### **RESULTS OF RECOUNT**

- The results of a recount are declared null and void unless every vote in which the contest appeared is recounted. (EC 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. (EC 15632)
- A copy of the results of any recount conducted shall be posted conspicuously in the office of the elections official. (EC 15633)

## **COST AND PAYMENT**

### **Manual Tally Recount Fees**

<b>Number of Boards</b>	<b>Fee Per Day</b>
1	\$2,184.00
2	\$3,338.00
3	\$4,491.00

### **400-C Ballot Counter Fees**

<b>Number of Boards</b>	<b>Fee Per Day</b>
1	\$4,191.00
2	\$5,345.00
3	\$6,498.00

### **Other Costs**

<b>Item</b>	<b>Fee</b>
Legal Notices	Actual Cost
Security	Actual Cost
Computer Support	\$106.00/hr
Materials	Actual Cost
Copy Charges	Per Code/Resolution
Postage	Actual Cost
County Counsel	\$112.00/hr
Accounting	\$56.57/hr