

Procedural Guidelines for Voter Requested Recounts

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Introduction

Inyo County conducts every election as if it will be recounted. A recount is conducted by the elections official for the purpose of verifying the number of votes for any office or measure in an election. The purpose of a manual recount is to verify the machine count by viewing each ballot, determining how it was voted and manually tallying those votes.

Who can Request a Recount?

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. (E.C. §15620)

Timing of the 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 Election Results. (E.C. §15620) If the deadline falls on the weekend or holiday, the deadline is extended to the next business day. (E.C. §15)

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

Format of the 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 the 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 the election is conducted in more than one county, the request may be filed with the county elections official, 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 (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 overnight mail: (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 of persons filing ballot arguments for or against any initiative, referendum or measure to be counted.
- 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)
- The 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)
- 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.

Personnel Requirements

- 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. Recount board members are paid the same as precinct board clerks. (E.C. §15625)

Observers

- Observers must follow all rules established by the elections official or they may be refused entry to the recount area.
- Observers may not sit at the recount table and may not touch any ballots, tally sheets or other material of the recount board. Observers may not place any materials on the recount table.

Challenges

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

To challenge a ballot, the following procedure shall be used:

- The person challenging the ballot 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 Registrar of Voters shall be notified.
- The determination of the recount board after consultation with the elections official shall be final.

Schedule

- Prior to the commencement of the recount, the elections 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 elections 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 requestor.
- The exact hours of operations, break and lunch times shall be determined by the elections official.

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 the cost 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 elections 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		
Number of Boards	Board Cost	Cost per Day
1	\$320*	\$320*
2	\$320*	\$640*
3	\$320*	\$960*

*plus mileage if applicable

Questions

Questions concerning the specifics of the recount are to be directed to the Registrar of Voters only. Observers or interested parties are not to direct questions to the members of the recount boards.