

**SHASTA COUNTY CLERK / REGISTRAR OF VOTERS
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RECOUNT GUIDE FOR LOCAL ELECTIONS

2013



Shasta County Election Department

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The purpose of this guide is to provide you with general information. The Shasta County Registrar of Voters is not giving you legal advice. This guide does not have the force and effect of law and is not to be a substitute for legal counsel.

It is your responsibility to obtain the most current information available about your topic. We encourage you to talk to us as soon as possible so that you have a clear understanding of the process.

All references contained in this guide are to the [California Elections Code](#) unless otherwise stated.

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OVERVIEW OF A RECOUNT

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A recount is the actual retabulation of voted ballots to confirm the certified election results. The elections official conducts a recount to verify the number of votes counted for any office or measure in an election. The Shasta County Registrar of Voters (ROV) recounts voted ballots manually or by machine.

You can find laws about voter requested recounts in the [California Elections Code \(EC\)](#), starting with section 15620.

<p>START HERE</p> <p>WHO CAN REQUEST A RECOUNT?</p> <p>§15620</p>	<p>You can request a recount if you are a California registered voter.</p>
<p>WHEN CAN I REQUEST A RECOUNT?</p> <p>§§15, 15620</p>	<p>You must file a request for a recount within five (5) calendar days after the completion of the official canvass.</p> <p>The official canvass is complete when the ROV certifies the election results.</p> <p>If the deadline falls on a weekend or holiday, the deadline is the next business day.</p> <p>Exception: For statewide contests, file the request within five (5) calendar days beginning on the 29th day after the election.</p>
<p>WHAT FORMAT CAN I USE TO REQUEST A RECOUNT?</p> <p>§§15620-15622, 15627, 15630</p>	<p>We do not have an official recount request form.</p> <p>Your request for a recount must:</p> <ul style="list-style-type: none"> • be in writing; • tell us which contest you want recounted; and • tell us which candidate, slate of electors, or measure position (affirmative or negative) your request is about. <p>You can also provide the below information, but it is not required:</p> <ul style="list-style-type: none"> • the order you want the precincts counted; • the method you want to use to count (computer, manual, or both); • any other related material you want examined; or • the county where you want the recount done if a statewide contest.

<p>WHERE DO I FILE A REQUEST FOR A RECOUNT?</p> <p>§§15620, 15621</p>	<p>File your request with the following office if the contest is a:</p> <ul style="list-style-type: none"> • County Only Issue: The ROV responsible for conducting the election; • Multiple Counties: The ROV of any of the affected counties; • City Only Elections: With the City Clerk; or • Statewide: Secretary of State (SOS).
<p>NOTICE OF RECOUNT</p> <p>§15628</p>	<p>The ROV posts the date and place of the recount at least one day prior to the recount.</p> <p>The ROV notifies the following persons by overnight mail:</p> <ul style="list-style-type: none"> • Candidates for the recounted office; • Proponents of initiatives or referendums; • Persons filing arguments for measures; and • SOS if the candidate is for state or federal office, delegates, or state measure.
<p>WHEN DOES THE RECOUNT START?</p> <p>§15626</p>	<p>The ROV starts the recount no later than seven (7) calendar days following the receipt of the request.</p> <p>The recount continues every day (except on Saturdays, Sundays, and holidays) for at least six hours a day until completed.</p>
<p>PERSONNEL REQUIREMENTS</p> <p>§15625</p> <p>COSTS</p>	<p>The ROV supervises and appoints the four-person recount board and one board supervisor (“Supervisor”).</p> <p>The party requesting the recount pays the actual costs. These costs may include supervision, security guards, personnel, and administrative costs.</p>
<p>RECOUNT RESULTS</p> <p>§§15632, 15633</p>	<p>The ROV counts every vote or the results are invalid.</p> <p>The results of the official canvass will change if the issue up for recount receives a plurality of votes. If this happens, the ROV re-certifies and posts the election results.</p> <p>The ROV will not release results or running tallies during the recount.</p> <p>Observers may keep their own notes; however, that information is not official.</p>

<p>COSTS AND PAYMENT</p> <p>§15624</p>	<p>When you submit your request for a recount, we determine the amount of deposit necessary to cover costs of the recount for each day.</p> <p>The first day is usually the most expensive day because of the preparation and planning. At the end of each day, we present the next day's cost estimate to you. You must put this amount on deposit with our office before the next day's work can begin.</p> <p>The ROV accepts cash, check, and money orders.</p> <p>Credit cards are <u>not</u> accepted.</p>
<p>EXAMPLES OF COSTS</p>	<p><u>Labor and Preparation Costs</u></p> <p>Election Official and Election Staff</p> <ul style="list-style-type: none"> • Organizing, planning, meetings • Preparing notifications; publications • Meeting with interested parties • Setting policy for media; examining materials; discussions • Seeking, investigating, and evaluating legal issues and advice • Identifying, gathering, reviewing, preparing materials • Conducting review, research of relevant materials with observers • Setting up facility and tearing down after completion of recount • Recruiting and training recount boards • Preparing information for interested parties • Supervising recount boards during recount • Overall recount management and crowd management • Resolving challenges • Documentation and correspondence • Accounting and calculating cost of recount • Securing election materials • Machine recount costs including conducting logic and accuracy tests, securing computer and card reader operators, and overall computer system management <hr/> <p>County Counsel for challenges and advice</p> <hr/> <p>County overhead and recount board salaries</p> <hr/> <p>Security personnel other than county staff</p> <hr/> <p>Facilities rental, if ROV cannot accommodate the activity</p> <hr/> <p>Materials purchased and consumed</p> <hr/> <p>Office Services Provided</p> <ul style="list-style-type: none"> • Computer time • Telegram, fax charges, telephone, publication • Copy charges, postage <hr/> <p><u>Example</u> of a Cost Breakdown for Labor Costs Only for Manual Tally</p> <ul style="list-style-type: none"> • 1 Board \$400 + Supervisor Pay \$470 = Cost per day \$870 • 2 Boards \$800 + Supervisor Pay \$470 = Cost per day \$1270 • 3 Boards \$1200 + Supervisor Pay \$940 = Cost per day \$2140

<p>COUNTING</p>	<p>Counting continues until:</p> <ul style="list-style-type: none"> • there are no more votes left to count; • the requester calls a halt to the recount; or • the requester fails to deposit the required amount. <p>We return the deposit if the results of the recount are reversed.</p>
<p>AUTOMATIC MANUAL TALLY</p> <p>§15360</p>	<p>We count a random sample of ballots from every election to verify the voting system used by the department.</p> <p>We include a minimum of votes cast in one percent (1%) of the precincts.</p> <p>We complete this manual tally before the election is certified. It is open to the public.</p>

RECOUNT PROCEDURES

§§15626, 15629

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The recount is open to the public. A recount could be a slightly adversarial event with observers and media present. The process requires guidelines and decorum, which, if not followed, results in the ROV excusing offenders from the process.

California Code of Regulations (CCR) §20817 requires California counties to submit to the SOS written security measures for recounts to ensure the integrity of the recount proceedings. Shasta County developed and submitted this document to the SOS's office detailing the security measures that we use if a recount occurs. We use these security measures in accordance with CCR Chapter 8.1, and with our recount procedures.

Observers and Parties to the Recount

Observers and parties to the recount means anyone involved with the recount, public observers, recount board members, members of the media, candidates, and candidate representatives (“Parties”). Observers are present to observe the process and to challenge the board’s interpretation of voter intent.

Reporters must not question or interview recount board members while counting or at other times without that member’s permission. Media may interview candidates or observers in an area away from the recount board or outside of the ROV office. Parties must also:

- Sign in on the daily log;
- Wear the office-issued ID badge at all times during the recount;
- Surrender the ID badge at the end of the day;
- Provide, if desired, a list of observers who can raise questions on behalf of the candidate; and
- **Not** use a camera, recording device, or cell phone in the area where the recount occurs.

Observers are required to:

- Stay within the area where the recount occurs;
- Not talk to the recount board unless to challenge a ballot; and
- Not wander around, conduct phone calls, or question staff outside of prescribed limits.

The ROV will immediately excuse a party if that party:

- Touches ballots or recount supplies without the ROV’s permission; or
- Does not comply with the observer requirements.

Recount Board Members are required to:

- Direct questions to the Supervisor, who escalates it to the ROV, if appropriate;
- Place drinks only, not food, on the floor at the recount stations;
- Break in the morning, at lunch, and in the afternoon at logical stopping points; and
- Not stop for an observer leaving the recount.

RECOUNT BOARDS

Each board has four members. Once we seat a recount board, the Supervisor retrieves and checks out ballots from the secure room using the Recount Ballot Control Log (“Log”) form located in the secured room. Two board members call the vote and two members tally the vote. Observers may be close enough to see the vote called and tallied, but not so close that their presence disrupts the process. Media also has access, but not as close as observers do. The Supervisor oversees the process.

Voted Ballots – Chain of Custody and Tally

- All voted ballots are stored in a secured room.
 - Voted ballots are stored in the original election containers secured by security tape.
 - Only the Supervisor or ROV approved person can retrieve ballots for counting.
 - We check each original ballot container for ballots from precincts included in the recount.
 - We refer to those ballots as required ballots.
 - Once we remove the required ballots from the original container, we reseal the container.
 - The Supervisor will document that we removed the required ballots from the container.
- We check off on the Log the ballot class and run type (see next page for descriptions) for each corresponding precinct and initial it.
 - Using letter sized, colored cardstock, staff writes the precinct number, ballot class and run type on the cardstock, and places it on top of the ballots and rubber bands them together.
 - Run types for each precinct are stacked together.
 - The Supervisor places the required ballots on a table in precinct order.
- The Supervisor checks out the ballots from secured room.
 - On the Log, the Supervisor confirms the ballot class and run type for the entire precinct.
 - The Supervisor initials the Log and then places the precinct on a cart in the tabulation room.
 - The board retains custody of the remaining ballots until the board finishes counting them.
- We store processed ballots on the bottom shelf of the cart and unprocessed ballots on the top of the cart.
 - The Supervisor safeguards the cart and the processed and unprocessed ballots at all times when the cart is not in the secure room.
 - In the event of a break in processing, the Supervisor places all ballots on the cart and takes the cart to the secured room.
- We divide each stack of ballots into groups of 25.
 - One board member calls out the vote from each ballot card, and another watches the caller.
 - The remaining two members independently tally the votes on separate tally sheets.
 - The Supervisor oversees this process.
- Tally takers must compare totals after each group of 25 ballots.
 - If they agree, the callers proceed to the next 25 ballots.
 - If the tally takers have different totals, the callers will recall the 25 ballots in question until both tally takers agree on the same total.
 - The recount board members and Supervisor must sign each tally sheet.
- Upon completion of the recount for those ballots, the Supervisor places the ballots in a container.
 - The Supervisor writes the precinct number, ballot class and run type on the label at the vertical end of the container.
 - The Supervisor returns the ballots and initials the Log in the return column.

BALLOT CLASS	
Vote By Mail (VBM)	VBM ballots are those ballots that the voter has elected to cast in lieu of going to their polling site.
All Mail Precinct (AM)	AM precinct ballots are those ballots that we mail to voter who do not have a polling site in their precinct.
Precinct (PCT)	Precinct ballots are those that voters cast at the polling site.
Provisional (PROV)	Provisional ballots are those that voters cast at the polling site and in our office. We check these ballots for validity prior to counting.
VVPAT Votes	VVPAT votes are those votes cast using the county's electronic voting system recorded on a voter verified paper audit trail.
RUN TYPES	
First Run	Consists of VBM and AM ballots counted prior to the election and also the PCT ballots and VVPAT on election night.
Second Run	Consists of the VBM and AM ballots that we receive <i>after</i> the first run is completed, including those turned into polling sites on election day.
Write In	We count write-in ballots in all runs, but we separate them so we can inspect them by hand for valid write-in votes.
Clean Up	Consists of all duplicated ballots and provisional ballots.

VVPAT (Voter Verified Paper Audit Trail)

In addition to paper ballots, voters may vote electronically using a touch screen voting machine, one of which is present at each polling site. Each machine has a VVPAT printer attached, which prints out a verification copy of each vote cast on the machine.

After we verify the votes, we place the VVPATs for each precinct with the ballots for that precinct and then seal the box. The Edge memory cartridges are stored in a secured room until the next election.

We follow the same procedure as voted ballots when we remove the VVPATs from the precinct container.

Spoiled and Unused Ballots

We store spoiled and unused ballots in a secured room. We follow the same procedure as voted ballots when we remove spoiled or unused ballots for inspection.

Relevant Material

Relevant material includes, but is not limited to, unvoted ballots, vote-by-mail and provisional ballot envelopes. See California Administrative Code section 20811(f) for the complete list. We secure relevant material in rooms secured by locks in which only ROV or ROV designees have keys. We follow the same procedure as voted ballots when we remove relevant material.

CHALLENGING A BALLOT

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Observers may challenge a ballot for incompleteness, ambiguity, or other defects. Observers should be familiar with the SOS's [Definition of a Vote](#) before the recount begins. This document provides pertinent definitions and descriptions of voter intent and identifying marks.

Frivolous or mass challenges are disruptive and unnecessarily prolong the recount. If this occurs, the ROV will advise the observer of the challenge requirements stated below and will excuse the observer if the frivolous or mass challenges continue. Observers must use and note the following challenge requirements:

- Briefly state the reason for the challenge.
 - Make the challenge before the board reads the next card.
 - Make the challenge audible.
- The board member counts the ballot as the board believes proper then enters the following information on the Challenged Ballot Record form:
 - Ballot ID (Precinct number followed by a sequential number of ballots challenged for that precinct; for example, 17105:1, 17105:2, etc.).
 - Reason for challenge and person initiating the challenge.
 - Recount board decision (circle the appropriate candidate or over/under vote).
 - The vote on the tally sheet.
- The board documents a challenged ballot by writing the word “challenge” on the ballot in an easily read manner, followed by the Ballot ID number, in an area not touching a marking position.
 - The number on the ballot must correspond with the challenge number on the challenge form.
 - The board places challenged ballots for any one precinct in an envelope along with the challenge form.
 - The board marks the precinct number and the number of challenges on the outside of the envelope
 - The board sets aside the envelope for later resolution of the challenges.
 - The recount requester may request to examine duplicated ballots.
 - The Supervisor places the recounted ballots in a voted ballot container and re-seals with the security tape.
- We use the following procedure to resolve challenged ballots at the end of each day of the recount:
 - The ROV inspects the challenged ballot and determines if the challenge is proper.
 - Candidates or their representatives have an opportunity to present arguments concerning how the ROV should count the challenged vote.
 - ROV either approves or denies the board's determination.
 - If approved, the board does not change the recount tally.
 - If denied, the board changes the tally accordingly.
 - The ROV's decision is final per §15631(c).
 - At the challenge resolution table, the ROV authorizes certain persons to assist in resolving challenged ballots.
 - Each candidate may authorize one person to represent and make decisions on behalf of the candidate. The Supervisor seats this person at the table along with other ROV designated persons.
 - Observers should not waive their right to challenge ballots because of procedures or the ROV's prior decisions in ruling on challenged ballots.