

GUIDE TO REQUESTING A RECOUNT

Alameda County Registrar of Voters

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This guide was developed in an effort to provide answers to questions frequently asked to the Alameda County Registrar of Voters office on how to request for a recount. It is for general information only and does not have the force and effect of law, regulation or rule. In case of conflict, the law, regulation or rule will apply. Persons using this guide must bear full responsibility to make their own determinations as to all legal standards and duties.



Purpose

The purpose of the 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

Any voter may file a written request for a manual recount. (E.C. § 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 Registrar signs the Certification of the Election results. (E.C. § 15620)

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

Party of Interest

- > A “Party of Interest” is either a “candidate appearing on the ballot” or a “certified write-in candidate”.
- > If the contest being recounted is a measure, a “Party of Interest” is a proponent or an opponent of the measure.

Please be advised that the ROV requests that all “Parties of Interest” attend a meeting to discuss proper stipulations of costs and protocols that are mandatory during the recount. This meeting will be held at the time of the Advance Deposit; at 9:00 a.m. on the last business day before the start of the recount.

Guidelines discussed will be effective throughout the recount.

Uncooperative persons are subject to removal during all processes of recount.

Format of 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 precincts shall be counted. (E.C. §15622)
- > May specify the method of counting to be used (manually, or by means of the voting system used originally or both). (E.C. §15627)
- > May specify any other relevant material to be examined. (E.C. §15630)
- > For statewide recount contest, may specify in which county or counties the recount is sought. (E.C. §15621)

Place of Filing

- > With the ROV if responsible for conducting the election, if the contest is not voted on statewide. (E.C. §15620)
- > If the 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. (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 (or if the city has not consolidated with the county or requested County to canvass the votes). (E.C. §15620)

Notice of Recount

A notice stating the date and place if the recount will be posted by the ROV 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. (E.C. §15621)
- > Authorized representative for presidential candidates, if the race for presidential delegates it to be recounted.
- > Proponents of any initiative or referendum or persons filling ballot arguments for or against and initiative, referendum or measure to be recounted.
- > Secretary of State of the recount is for candidates for any state or federal office, delegates to a national convention, or any state measure.

Spokesperson Appointed

- > Observer/Representatives for each party of interest shall appoint a spokesperson for their group.
- > This person can be in addition to the observers and will have access to all parts of the recount area when escorted by ROV personnel. (A different person may be appointed periodically upon notification to the ROV.)
- > Such persons shall be authorized by the parties of interest to make final decisions on their behalf.

Cost and Payment

- > The ROV shall determine the amount of the deposit necessary to cover costs of the recount for each day. (E.C. §15624)
- > The voter filing the request for recount must deposit, before the recount commences on the beginning of each day following, such sums as required by the ROV to cover 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)

Advance Deposit

- > On the last business day before the start of the recount, the requestor shall pay the ROV a sum sufficient for the first day's recount as determined by the ROV no later than 9:00 a.m.
- > On the day before each day's recount, the requestor of the recount shall pay the ROV a sum sufficient for the next day's recount as determined by the ROV no later than 9:00 am.
- > If the advance deposits are not paid, the ROV will terminate the recount.

COST BREAKDOWN FOR MANUAL RECOUNT* SET-UP AND DAY ONE COST WITH ONE RECOUNT BOARD - \$5,000.00

Number of Recount Boards	Cost Per Day
1	\$1,541.00
2	\$2,249.00
3	\$2,957.00
4	\$3,930.00
5	\$4,638.00
6	\$5,346.00

*Cost includes labor, equipment, material and personnel. Amounts do not include security and legal counsel costs. Voting System Recount Cost is \$200.00 per hour.

Order of Precincts

- > The initial requests for a recount may specify the order of the precincts to be counted.
- > In absence of such a request, the ROV shall determine the order of the count if the initial request does not specify the order of precincts to be counted.
- > Any change to the order must be requested in writing and approved by the ROV.

Relevant Material

- > Any research/review of relevant election material shall be done solely at the discretion of the ROV official. Observers/Representatives shall not touch the materials.
- > One representative of each party of interest may be presenting during the review of material.
- > Written requests to review relevant material must be received before the recounting of the ballots is completed.
- > The requestor shall pay all additional costs to complete this review.

Process of Recount

- > The recount is open to the public. (E.C. §15629)
- > Recount must start no later than seven (7) 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. (E.C. §15626)
- > A manual recount must be conducted under the supervision of the ROV by recount boards consisting of three (3) voters of the county, appointed by the ROV. (E.C. §15625)

Counting Boards

Each counting board will consist of three (3) persons. One supervisor will supervise a maximum of 3 boards.

Number of Observers

There should be no more than one observer per “Party of Interest” on each side of the recount table (positioned behind members of the recount board).

Observer Badges

- > Observers and spokespersons are required to sign in and wear an identification badge provided by the ROV at all times while in the office.
- > When leaving for the day observers must sign out and return the badge that was issued.

Observer Rules

- > Observers must follow all rules established by the ROV or they may be refused entry to the recount area.
- > Observers may not sit at the recount table.
- > No eating or drinking is allowed in the work areas.
- > Radios, cameras and recording devices are not allowed.
- > Cell phones cannot be used in the recount area.
- > The individual’s function is to observe that procedures are followed. Observers cannot assist in operations, touch or handle any ballots or other election-related materials, relevant materials or challenge any actions by staff.
- > Observers shall not carry on discussions and conversations with one another in the recount area.
- > Observers shall not talk to or question members of the recount board, except to lodge a challenge as provided in the **Challenge Section**. Only observers for “Parties of Interest” may lodge challenges.
- > Questions concerning specifics of the recount, other than challenges, are to be routed through the spokesperson that will direct the question to the designated ROV supervisor present.
- > Resolution of questions shall include representatives of all parties of interest.
- > Failure to follow instruction should be reported to the Registrar of Voters’ manager in charge. Violation of security by an observer may cause expulsion from the building or relocation by a Sherriff Deputy or building security.

Schedule

- > Prior to the commencement of the recount, the election shall determine the number of boards necessary to complete the recount in a timely manner.
- > The recount shall be conducted between the hours of 9:00 a.m. and 4:00 p.m. Monday through Friday until completed or discounted by the requestor.
- > The exact hours of operation, break and lunch times shall be determined by the ROV.
- > Operations will continue whether or not an observer is present.

Security

The ROV shall determine the security of the ballots. Any additional security measures must be approved in advance by the ROV and paid for by the requestor.

How to Challenge

Ballot may be challenged by the spokesperson for incompleteness, ambiguity or other defects. To challenge a ballot the following procedure shall be used:

- > The person challenging shall state the word “challenge”.
- > The person challenging shall state the reason for the challenge.
- > The recount board shall note on a log: a unique identifier number, which includes the precinct number, the reason for the challenge, and the name of the person challenging.
- > The recount board shall write a unique identifier number on the face of the ballot.
- > The recount board shall count the ballot as he/she believes proper.
- > The ballot shall then be set aside.
- > When the precinct is complete, all challenged ballots, tally sheets and the log sheet for that precinct shall be placed in an envelope, which will be deposited in a tray for the challenge resolution board.

Resolution of Challenges

- > Challenges shall be resolved at the challenge resolution table, at the end of each day.
- > The challenge resolution table may consist of the Registrar and/or designee, county counsel, and a representative from each party of interest.
- > The ROV shall, before the recount is completed, determine whether the challenge is to be allowed.
- > The decision of the Registrar is final.

AUTOMATIC MANUAL RECOUNT

By law the random sample of ballots from every election must be recounted manually to verify the computer count. A minimum of all votes cast in one percent (1%) of the precincts included in this process. The Auto Manual Recount is open to the public. (E.C. § 15360)

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 ROV. (E.C. §15633)
- > Results of the recount will be released when the recount is completed.
- > All ballots in the jurisdiction must be recounted and the outcome must change in order for the official results of the election to be re-certified.