



REQUESTING A RECOUNT

TULARE COUNTY REGISTRAR OF VOTERS

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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 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 Elections Official for the purpose of verifying the number of votes counted for any office or measure in an election. California Elections Code, Sections 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.

Timing of Request

The request must be filed within five (5) calendar days after the completion of the official canvass and again following completion of any post-canvass risk-limiting audit conducted pursuant to Section 15560. The canvass is complete when the Elections Official signs the Certification of the Election Results.

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

Format of Request

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

Place of Filing

- With the County Elections Official responsible for conducting the election, if the contest is not voted upon statewide.
- If an 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.
- With the Secretary of State if the contest is voted upon statewide.
- With the City Clerk if it is a city election (or if the city has not consolidated with the county).

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 shall be notified in person or by telegram.

- All candidates for the office being recounted.
- Authorized representatives of 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

- A recount is open to the public.
- Recount must start no later than seven (7) days following the receipt of the request and shall be continued daily, except Saturdays, Sundays and Holidays, for no less than six hours each day until completed.
- 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.
- 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.

Observers Appoint a Spokesperson

Observers/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 election office personnel. A different person may be appointed periodically upon notification to the election official. Such persons shall be authorized by the parties of interest to make final decisions in their behalf.

Observers

- There should be no more than one observer per interested party on each side of the recount table (positioned behind members of the recount board).
- Observers and spokespersons will be required to log in and receive a badge before entering the recount area. Badges must be worn during the recount and returned to the elections official at the end of the day.
- 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 a recount table and may not touch any ballots, tally sheets or other material of the recount board. Observers may not place any material on the recount table. Except to challenge a ballot, talking is discouraged in the recount area.

Questions

Questions concerning the specifics of the recount, other than challenges, are to be routed through the spokesperson who will then direct the question to the designated election office personnel. Observers and spokespersons are not to direct questions to the members of the recount boards. Resolution of questions shall include representatives of all parties of interest.

Challenges

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

- The person challenging shall state the reason for the challenge.
- The recount board shall determine how to count the ballot. If the challenger disagrees with the boards decision, the challenged ballot shall then be set aside with a notation containing the precinct number, the unique identifier number, how the ballot was counted, why it was challenged and by whom.

Resolutions of Challenges

Challenges shall be resolved at the end of each day, or more often if necessary, at the challenge resolution table. The challenge resolution table may consist of the elections official and/or designee, county counsel, and no more than two representatives from each party of interest. The determination of the elections official at the challenge resolution table 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 recount requestor.

- The exact hours of operation, break and lunch times shall be determined by the Elections Official.

Cost and Payment

The Elections Official shall determine the amount of deposit necessary to cover costs of the recount for each day.

The voter filing the request for the 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.

The cost includes labor, equipment, material and personnel. Amounts do not include security and legal counsel costs.

If upon completion of the recount the results are reversed, all of the deposit shall be returned.

Automatic Manual Recount

By law, a 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 is included in this process. This manual recount must be completed before the election is certified, no later than 28 days after Election Day. The **Automatic Manual Recount** is open to the public.

Security

Tulare County follows post-canvass ballot and voting machine security requirements that include two-person rule for all ballots and voting equipment, chain-of-custody documentation, security seals and air gapping of all vote recording devices for the scanners and touchscreens, and ballot box sealing and recording device storage provisions. The chain of custody documentation and tamper-evident seals apply to all voted ballots, unvoted ballots, voter verified paper audit trails, spoiled ballots, vote-by-mail ballots, provisional ballots, voting equipment, and rosters. These logs are audited during the canvass to document security of election materials and are available for review during any recount.

- All recount procedures are open to observers;
- All precincts must be counted to conclusion in full view of observers;
- A record of each precinct will be kept as it is recounted;
- Tally results and ballots will be secured from day to day by securing each in a sealed container, initialed by two elections officials, at the end of the day;

- Ballots will be stored in a locked restricted area accessible by persons wearing an Election Department badge only.
- Each morning two elections officials will confirm that the tally sheets and ballot security seals are still in tact from the day before on the record of each precinct;
- Any relevant material that is requested for review shall be provided under the two person chain of custody rule and all security of such measures will be logged and documented;
- Provide security for off-site counting;
- Use full security measures before and during the recount; and
- Any additional security measures must be approved in advance by the elections official and paid for by the requestor.

Security Measures for Voted Ballots:

Voted ballots are sealed at the polls and signed by the poll workers. The white & red tamper-evident seal is checked upon arrival at the Return Center. The sealed voted ballot boxes are then stored in the County Elections Office and secured in a locked room. When boxes are pulled for the 1% manual tally, two people confirm the seal is intact, the seal is broken and the ballots are removed for the recount. Once the 1% manual tally board is done, the ballots are returned to the voted ballot container, sealed and signed by two witnesses and returned to the secured ballot storage room.

Security Measures for Unvoted and Spoiled Ballots:

Unvoted ballots are sealed at the polls and signed by the poll workers. The white tamper-evident seal is checked and logged in upon arrival at the Return Center Election Night. The sealed unvoted ballot boxes are then locked and stored at the County Elections Office. The boards doing the precinct audit need to open the boxes and confirm the ballot counts. Two people confirm the seal is intact, the seal is broken and the ballots are removed for the audit. The boxes are then resealed and signed by two elections officials. Boxes are kept in the locked office until the audit is complete. Upon completion of the audit, the boxes are kept at the Elections Warehouse for secure storage for the retention period.

The spoiled ballots are returned from the polls in a sealed and signed White Envelope.

The sealed envelopes are then locked and stored at the County Elections Office. The boards doing the precinct audit need to open the envelopes and confirm the contents. The envelopes are then resealed and signed by two elections officials. Upon completion of the audit, the envelopes are kept at the Elections Warehouse for secure storage for the retention period.

Security Measures for the Voter-Verified Paper Audit Trail Printers:

The VeriVote printers are sealed before delivery to the Polling Place Chief, and both the Chief and Touchscreen poll workers confirm the seal is intact upon arrival election morning. At the end of the night, the Chief and Touchscreen poll workers will again confirm the seal is intact and place the printer in the case for transport to the Return Center Election Night.

Two clerks will log in receipt of the VeriVote printers and confirm the seal is intact.

Printers are stored in a locked facility at the Elections Department. Each vote on the VeriVote printers must be recounted by a 4-person recount board. The 4-person board will record which printer they are taking to do the recount, and confirm the seal is intact before recounting the votes. The voter-verified paper audit trail will be removed from the printer to complete the recount. Upon completion, the voter-verified paper audit trail is stored in a double locked room. Upon completion of the recount, the paper audit trails are kept in the Elections Warehouse for secure storage.

Security Measures for Relevant Materials:

All relevant materials: vote-by-mail ballots, provisional ballots, alpha indexes of voters, rosters of voters, are logged in Election Night. Materials are stored in a double locked room at the Elections Department during the canvass. Vote-by-mail ballots and provisional ballots are sorted by precinct and keyed in to the election information management system and the ballots are extracted for the vote count update. Ballots are counted and then sealed and stored in a double locked room. The rosters and logs are kept in the locked office until the canvass is complete. Upon completion of the canvass, all relevant materials are logged and kept in the Elections Warehouse for secure storage for the retention period.

Results of Recount

- The results of a recount are declared null and void unless every vote in which the contest appeared is recounted.
- 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.
- A copy of the results of any recount conducted shall be posted conspicuously in the office of the Elections Official.