

## Recounts - Frequently Asked Questions

### Can voters request a recount? And for what offices or measures?

Yes. Any registered California voter may request a recount of votes. (California Elections Code §§ 359, 15620, 15621, 15623.)

Recounts can be requested for votes cast for candidates for any office, for slates of presidential electors, or for or against any measure. (Elec. Code, §§ 15620, 15621; California Code of Regulations, title 2, § 20812(a).)

### Are there “automatic” recounts?

No. There is no provision in California law to require an “automatic” recount in any election contest.

### Office of Member of the State Assembly, State Senate, House of Representatives of the United States, or Senate of the United States

### What steps must a voter take to request a recount for the office of Member of the State Assembly, State Senate, House of Representatives of the United States, or Senate of the United States?

Following completion of the official canvass, any voter may, within five days thereafter but not later than 5 p.m. on the fifth day, file with the elections official responsible for conducting an election in the county wherein the recount is sought a signed, written request for a recount of the votes cast for a specified candidate. The request must specify on behalf of which candidate the request is being filed. “Completion of the official canvass” is when the elections official signs the certified statement of the results of the election. (Elec. Code, § 15620(a), (c).)

If an election is conducted in more than one county, the request for the recount may be filed by any voter within five days but not later than 5 p.m. on the fifth day, beginning on the 31st day after the election, with the elections official of, and the recount may be conducted within, any or all of the affected counties. (Elec. Code, § 15620(b).)

The recount request may specify the precinct order in which votes shall be recounted. If no precinct order is specified, the county elections official will determine the order. The requestor may submit a written request to change the precinct order, but the change cannot be made absent the approval of the county elections official. (Elec. Code, § 15622; Cal. Code of Regs., tit. 2, § 20814.)

## Statewide Office or Statewide Measure

### What steps must a voter take to request a recount for a statewide office or statewide measure?

For a statewide office or any measure voted on statewide, a voter must file a signed, written request with the California Secretary of State for a recount. The request must specify in which county or counties the recount is sought and on behalf of which candidate, slate of electors, or position on a measure (for or against) the request is being filed. (Elec. Code, § 15621.)

The recount request may specify the precinct order in which votes shall be recounted. If no precinct order is specified, the county elections official will determine the order. The requestor may submit a written request to change the precinct order, but the change cannot be made absent the approval of the county elections official. (Elec. Code, § 15622; Cal. Code of Regs., tit. 2, § 20814.)

### When must a recount request be made?

A voter may file a recount request within five days beginning on the 31<sup>st</sup> day after a statewide election. (Elec. Code, § 15621(a).)

### What does the Secretary of State do after receiving a recount request?

The Secretary of State must forward a copy of the request to the elections official in each county where a recount is sought. (Elec. Code, § 15621(b).)

## In General

### What does a county elections official do after receiving a recount request?

After receiving the recount request, the county elections official must first verify the person requesting the recount is registered to vote in California. (Cal. Code of Regs., tit. 2, § 20812(b).)

The recount must begin not more than seven days after the county elections official receives the recount request, but it cannot begin until the day after the county elections official notifies in person or by any federally regulated overnight mail service:

- All candidates for any office the votes for which are to be recounted.
- Authorized representatives of presidential candidates to whom electors are pledged if the votes to be recounted were cast for presidential electors.
- Proponents of any initiative or referendum or persons filing ballot arguments for or against any initiative, referendum, or measure placed on the ballot by the governing body the votes for which are to be recounted.
- The Secretary of State in the case of a recount of the votes cast for candidates for any state office, presidential electors, the House of Representatives of the United States, the Senate of the United States, or delegates to a national convention or on any state measure.

At least one day before the recount begins, the county elections official must post a notice detailing when and where the recount will be conducted, as well as the daily schedule. The recount must be conducted daily (not including weekends and holidays) for a minimum of six hours each day until completed. (Elec. Code, §§ 15626, 15628; Cal. Code of Regs., tit. 2, § 20819.)

The county elections official also must resubmit the security measures for recounts to the Secretary of State. (Cal. Code of Regs., tit. 2, § 20817.)

## Can there be more than one recount in the same contest?

Yes. Any time during a recount and for 24 hours after it concludes, any other voter can request a recount in any county, as long as it does not include any precincts that were recounted as part of a prior request. A new 24-hour window to request a recount in another area opens each time a recount is concluded. The 24-hour timeframe amounts to one business day. (Elec. Code, § 15623; Cal. Code of Regs., tit. 2, § 20812(c).)

In the event more than one voter requests a recount of the same office or measure, and at least one request is for a manual recount, the elections official of a county subject to multiple requests shall conduct only one manual recount of those ballots, the result of which shall be controlling. (Elec. Code, § 15621.5.)

## Where is a recount conducted?

A recount must be conducted publicly in a location large enough to accommodate observers and media. (Elec. Code, § 15629; Cal. Code of Regs., tit. 2, §§ 20816, 20820.)

## How much does a recount cost?

Recount costs vary by county. Before the recount can begin, the voter or campaign committee represented by the voter requesting the recount must provide the money requested by the county elections official to pay for the cost of the first day's recount work. This procedure is repeated for each day the recount continues. (Elec. Code, § 15624; Cal. Code of Regs., tit. 2, § 20815.)

## Does a recount preclude the Secretary of State from certifying election results?

No. The law requires the Secretary of State to certify statewide election results no later than 38 days after the election. (Elec. Code, § 15501(b).) The law does not permit the Secretary of State to withhold certification of the election for any reason. If a recount results in a different outcome, the affected county elections officials must recertify their results to the Secretary of State. (Cal. Code of Regs., tit. 2, § 20822.)

## Must all of the ballots cast in the entire jurisdiction be recounted in order to change the result in a contest?

Yes.

If the office, slates of presidential electors, or measure are not voted on statewide, the results of any recount which is not completed by counting the votes in each and every precinct in the jurisdiction within which votes were cast on the candidates for the office, on the slates of electors, or on the measure in question shall be declared null and void. (Elec. Code, § 15632; Cal. Code of Regs., tit. 2, § 20822.)

If the office, slates of presidential electors, or measure are voted on statewide, the results of any recount will be declared null and void where there is not recounted each vote cast statewide for the office, slates, or measure. (Elec. Code, § 15632; Cal. Code of Regs., tit. 2, § 20822.)