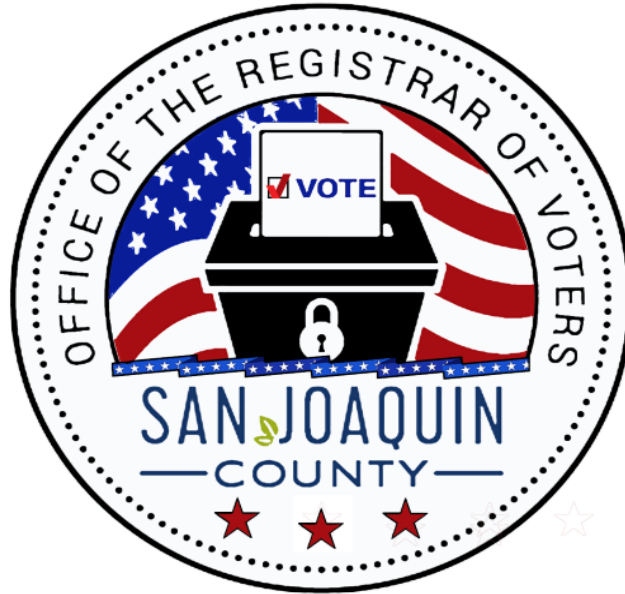


# County of San Joaquin

## Registrar of Voters

### Recount Guide

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This reference guide has been prepared in an effort to answer frequently asked questions and is intended to provide general information only. The San Joaquin County Registrar of Voters is not rendering legal advice. This guide does not have the force and effect of law and is not a substitute for legal counsel. In the unlikely event that there is a conflict between this guide and the law, the law shall take precedence. Before initiating any efforts related to a particular topic within this guide, please note that, it is the public's responsibility to obtain the most current and accurate information that may be available on a topic.

*(Revised 7/13/2023)*

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## REQUESTING A RECOUNT

### INTRODUCTION

A recount is conducted by the County Elections Official for the purpose of verifying the number of votes counted for any office or measure in an election. This guide addresses voter requested recounts as governed by California Elections Code §§ 15620 - 15634.

- Court-ordered recounts are addressed in EC §§ 15640 - 15642
- State-ordered recounts are addressed in EC §§ 15645 – 15649

### WHO CAN REQUEST A RECOUNT?

Any voter may file a request.

(EC § 15620)

### TIMING OF RECOUNT REQUEST

**LOCAL OFFICES/MEASURES:** The request must be filed within five days after the completion of the official canvass. The canvass is complete when the County Elections Official signs the *Statement of Election Results* or the *Certificate of Election*.

(EC § 15620)

**STATEWIDE OFFICE:** Following completion of the official canvass, any voter may, within five days beginning on the 31<sup>st</sup> day after a statewide election, file with the Secretary of State a written request for a recount of the votes cast for a candidate for any statewide office or for or against any measure voted on statewide. The request shall specify in which county or counties the recount is sought and shall specify on behalf of which candidate, slate of electors, or position on a measure (affirmative or negative) it is filed.

(EC § 15621)

### FORMAT OF RECOUNT REQUEST

- The request must be in writing.  
(EC § 15620)
- The request must specify the contest to be recounted.  
(EC § 15620)
- The request must state on behalf of which candidate, slate of electors, or position on a measure (affirmative or negative) it is filed.  
(EC § 15620)
- The request may specify order in which precincts shall be recounted.  
(EC § 15622)
- The request may specify the method of counting to be used (machine count, manual count or both).  
(EC § 15627)
- The request may specify any other relevant material to be examined.  
(EC § 15630)

## PLACE OF FILING

- The request for a recount must be filed with the County Elections Official responsible for conducting the election, if the contest is not voted upon statewide. (EC § 15620)
- 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 and all of the affected counties. (EC § 15620)
- If the election is conducted in more than one county (a shared jurisdiction or district), the recount request must be made directly to the County Elections Official of that county. A separate request must be filed with each county.
- If the contest is voted upon statewide, the request for a recount must be filed with the Secretary of State. (EC § 15621)

## NOTICE OF RECOUNT

A notice stating the date and place of the recount will be posted by the County Elections Official at least one day prior to the recount and the following persons will be notified in person or by federally regulated overnight mail service:

- All candidates for the office being recounted.
- Authorized representatives of presidential candidates, to whom electors are pledged, if the race for presidential electors 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.
- The Secretary of State if the recount is for candidates of any state or federal office, presidential electors, delegates to a national convention, or any state measure. (EC § 15628)

Once the recount board schedule is set and posted in the Registrar of Voters office, the recount shall commence daily in accordance with the schedule, regardless of the presence of the candidates or representatives.

## PROCESS OF RECOUNT

- The recount is open to the public. (EC § 15629)
- Recount shall start no later than seven days following the receipt of the request and shall be continued daily for not less than six hours each day until completed. Saturdays, Sundays, and holidays are not included. (EC § 15626)
- A recount must be conducted under the supervision of the County Elections Official by recount boards, consisting of four voters of the county, appointed by the County Elections Official. (EC § 15625)
- Each candidate and representative will sign in on the recount visitor log and wear an Elections

Division name tag and the represented candidate or measure position supported.

- Candidates and representatives may only view the recount process through the designated area. Access is not permitted for persons other than authorized Registrar of Voters staff per the Secretary of State.
- In the case of a public health emergency, the County may require observers to follow procedures related to hygiene and distancing.
- Candidates and representatives may not enter the recount board security area with briefcases, purses, photography/filming/recording/computer equipment, backpacks, cell phones, or beverages. Filming or photography of the recount may be taken from outside the security area.

Each candidate in the contest being recounted or one proponent for and one against a measure, may designate up to two representative observers for each of the adjudication workstations operated by the adjudication staff. One representative per candidate/proponent per board may challenge the adjudication decision on a specific ballot interpretation consistent with the Secretary of State procedures as to what constitutes a vote.

**During a manual recount**, ballots are counted by hand. In the event of a vote challenge, the recount board will note the decision of the board by attaching a separate sticky note on the ballot. No marking or adjustment of the ballot is allowed. Ballot challenges will be resolved in public by the Registrar of Voters each afternoon during the recount at 4:00 p.m., in the Registrar of Voters office.

**During a machine recount**, ballots will be scanned and adjudicated on Verity Central workstations using a Verity Data certified copy of the election database. Ballots will be tabulated and reported on Verity Count workstations.

In the event of a vote challenge, the recount board will note the decision of the board by flagging and locking the ballot under review using the Verity Central interface. Ballot challenges will be resolved in public by the Registrar of Voters each afternoon during the recount beginning at 4:00 p.m. at the adjudication workstation.

## RESULTS OF RECOUNT

Upon completion of a recount (every precinct in the jurisdiction has been counted), if the results of the recount differ from the canvass then the returns become the official results. If the election outcome does not change (winner/loser) then the results of the official canvass remain in effect. (EC § 15632)

The results of a recount are declared null and void unless every vote in every precinct in which the contest appeared is recounted. (EC § 15632)

A copy of the results of any recount conducted shall be posted conspicuously in the office of the County Elections Official. (EC § 15633)

**COST AND PAYMENT**

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

(EC § 15624)

The voter filing the request for recount is responsible for the entire recount cost. A deposit must be made before the recount commences and at the beginning of each following day to cover the cost of the recount that day.

(EC § 15624)

VOTE RECOUNT	
Legal Notices	Actual Cost
Recount Board (manual or electronic tally)	Actual Cost
Security	Actual Cost
Staff Time and Supervision	Actual Cost

Money deposited shall be returned upon completion of the recount only if the outcome results in the candidate for whom the recount was requested is declared either the winner or qualified to appear on the ballot in a subsequent runoff election or general election or the position of the measure (affirmative or negative) is found to have received the plurality of votes which had not been received according to the official canvass.

(EC § 15624)

**CONTESTS RELATED TO RECOUNTS**

**CONTESTS INVOLVING RECOUNTS**

Contests made on the ground that due to mistake, error, or misconduct the votes in any precinct were so incorrectly counted as to change the result may involve a recount.

(EC § 16460)

**PROCESS TO CONTEST AN ELECTION INVOLVING A RECOUNT**

The affidavit shall be filed in the office of the clerk of the superior court within five days after the completion of the official canvass. Upon the filing of the affidavit the county elections official shall forthwith post, in a conspicuous place in his or her office, a copy of the affidavit. Upon the filing of the affidavit and its posting, the superior court of the county shall have jurisdiction of the subject matter and of the parties to the contest. The contestant on the date of filing the affidavit shall send by registered mail a copy thereof to the defendant in a sealed envelope, with postage prepaid, addressed to the defendant at the place of residence named in the affidavit of registration of the defendant, and shall make and file an affidavit of mailing with the county elections official, which shall become a part of the records of the contest.

(EC § 16462)