



Shasta County Recount Procedures

NOTE: The California Elections Code §§15620 through 15634 cover voter requested recounts. While these procedures closely follow state law when written, readers are advised that these procedures do not have the force of law and in the event there is a conflict between these procedures and state law, the state law governs. All references to state law (e.g., §15620) refer to the Elections Code unless otherwise specified.

Requesting a Recount

Following completion of the official canvass, any voter may, within five days thereafter, file with the elections official responsible for conducting an election in the county wherein the recount is sought a written request for a recount of the votes cast for candidates for any office, for slates of presidential electors, or for or against any measure, provided the office, slate, or measure is not voted on statewide. The request shall specify on behalf of which candidate, slate of electors, or position on a measure (affirmative or negative) it is filed. §15620

Shasta County does not have a formal recount request form. Besides the required format and content above, the request may optionally specify the order in which precincts are counted; whether the recount will be conducted manually, by machine, or both; the number of precincts to be simultaneously manually counted; and may specify other relevant material to be examined. §§15622, 15627, 15630

The written request must be filed with the county elections official conducting the election. If the contest involves more than one county, the recount may involve one county or the requester may seek a recount in all or some of the counties involved. Recount requests for statewide offices are filed with the Secretary of State. Recounts in city races are filed with the city. §§15620, 15621

We encourage voters contemplating a recount to talk with us so that there is a clear understanding of requirements, options, and consequences from the beginning of the process.

Response to a Recount Request

Based on the recount request, the elections official will prepare a cost estimate for the first day of counting. Generally, the first day is the most expensive day because of the preparation and planning required. The voter filing the request must deposit the sum required before counting commences. At the end of each day, the elections official will present the next day's cost estimate to the requester. Counting will continue until it is completed, until the requester calls a halt to the recount, or until the requester fails to deposit the required amount. If the results change so that the winning candidate is determined to not be the winning candidate, the recount deposit is refunded to the requester. §15624

Costs are determined largely based on how the recount is conducted; virtually all requests are for a manual recount. A manual count requires five voters: two to count and verify, two to tally and a supervisor. They are paid the same as precinct board clerks (\$125 each as of November 2010) §15625. Other costs include, but are not limited to, supervision, security guards, personnel costs for planning and staging the recount, computer staff, and administrative costs.

Recounts are open to the public. The recount must start no later than seven calendar days following receipt of the recount request. It shall continue daily, Saturday, Sunday, and holidays excepted, for at least six hours a day until completed, called to a halt by the requester, or the requester fails to submit the required deposit. §§15624, 15627, 15629

The ROV office is constrained for space; having more than three manual count boards running at the same time is chaotic. Recounts are something of an adversary event with observers and media present. Limited space requires guidelines and decorum which, if not followed, will result in offenders being excused from the process.

The ROV will post a notice at least one day prior to the recount stating the time and place of the recount. Additionally, the ROV will provide written or telegraphic notice to all of the candidates for the office being recounted, or to the proponents of any initiative or referendum or persons filing ballot arguments for or against an initiative, referendum, or measure placed on the ballot by the governing body for which are to be counted. §15628

Commencing the Recount

General Requirements#

Everyone – recount board members, observers, media – must sign in on the daily log and be issued a badge (log attached). The badge shall be surrendered when you leave for the day. Recount boards must sign a County claim form at the end of the count to be paid. Signing the daily log establishes your presence for the day.

Parties to the recount – representatives of the candidates or measure committees – shall provide the ROV with a list of observers authorized to raise questions, challenge ballots, or otherwise represent the candidate or measure proponents/opponents.

Observers are restricted to the area where counting is being conducted. Observers found wandering around and/or questioning staff outside of prescribed limits will be excused. Cameras, recording devices, and cell phones shall not be used in the ROV office. Making or receiving a call in the presence of the recount board will result in the observer being excused.

Observers shall not touch ballots or recount supplies without the express permission of the County Supervisor or Registrar. Failure to follow this requirement will result in immediate removal.

Observers shall not talk to recount boards except to challenge a ballot. Questions shall be made to the County Supervisor. If the County Supervisor cannot answer the question, s/he will escalate it to the Assistant Registrar of Voters or whoever is most likely to be able to respond to the question in the least amount of time.

Recount boards and observers may have drinks at the recount stations. Food is prohibited. The recount boards will break in the morning, at lunch, and in the afternoon at logical stopping points. The recount will not stop for an observer leaving the count at other times.

Recount Boards

Once a recount board is seated, the County Supervisor or other designated ROV staff will retrieve ballots from the secure room. The ballots will include precinct, vote-by-mail, and write-in ballots. This will be logged on the Recount Ballot Control Log (attached).

Two board members will call/verify the vote, two will tally the vote. Observers need to be close enough to see the vote being called and tallied but not so close that their presence disrupts the process. Media will have access but not as close as the observers.

Observers are present to observe the process and to challenge the board's interpretation of voter intent. Observers are not here to chat with recount board members or each other. Reporters shall not question or interview recount board members while counting or at other times without the board member's permission. Media interviews with candidates or observers may be conducted in an area away from the Recount Board or outside the ROV office.

Counting Procedures for Recount Boards

- I. Each four-member recount board will receive sealed containers of voted ballots for a precinct along with two tally sheets. Each tally sheet will be pre-printed with the candidates' names.
- II. Enter the precinct number on the tally sheets to be used for the precinct being recounted.
- III. Open the sealed container(s) of voted ballot cards. Divide ballots into a stack for each candidate or measure. Divide each stack of ballots into groups of 25.
- IV. Tally the candidate or measure being counted. One board member will call the votes from each ballot card; one board member will watch the caller and the remaining two board members will tally independently on separate tally sheets.

After each group of 25 ballots and at the end of a candidate's or measure's stack, the tally takers will compare totals. If they agree, the callers will proceed to the next 25 ballots or the next candidate's stack. 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.

At the completion the recount board members and supervisor shall sign each tally sheet upon completion.

The Count Supervisor or designated ROV staff will seal the counted ballots and return them to secure storage, signing and dating the Ballot Control Log.

Challenging a Ballot

Ballots may be challenged for incompleteness, ambiguity, or other defects. § 15631

Observers should be familiar with the Secretary of State's [Uniform Vote Counting Standards](#) 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 ROV determines that an observer or observers are making numerous or mass challenges, the observer will be advised statutory challenge requirement. If the frivolous or mass challenges continue, the observer will be excused.

1. When there is a challenge, the following procedure shall be used.
 - A. The person challenging the ballots shall briefly state the reason for the challenge. § 15631
 1. Challenge must be made before the next card is read.
 2. Challenge must be made audibly.
 - B. The board member calling the ballot shall count it as s/he believes proper, after consulting with the other members of the recount board, then complete the information on the Challenged Ballot Record.
 1. Ballot ID (Precinct number followed by a sequential number of ballots challenged for that precinct; for example, 17105:1, 17105:2, etc.)
 2. Reason for challenge and person initiating the challenge.
 3. Recount board decision (circle the appropriate candidate or over/under vote).
 4. The recount board will record the vote on the tally sheets.
 - C. The recount board shall number each challenged ballot within a precinct by writing the word "challenge" followed by the Ballot ID on the ballot in such a way that it is easily read but does not touch a marking position. The number on the ballot must correspond with the challenge number on the challenge form. All challenged ballots for any one precinct shall be placed in an envelope along with the challenge form, with the precinct number plainly marked on the outside of the envelope. Note on the envelope the

number of challenges placed in the envelope. The envelope shall be set aside for later resolution of the challenges.

- D. Duplicated ballots shall be retrieved by the Count Supervisor or ROV designated staff. Duplicated ballots will be displayed to the recount board and observers side-by-side to affirm correct duplication.
 - E. Recounted ballots, including duplicated originals, shall be placed in a voted ballot container. Re-seal the ballot container with the supplied seal and initial.
- VI. The normal procedure for resolution of challenges will be to resolve the challenged ballots at the end of each day of the recount, although this procedure can be modified if required by circumstances. The challenged ballots will be inspected, and the Registrar of Voters or his or her designee will determine whether the challenge of each challenged ballot is to be allowed. If the determination of the recount board is sustained by the Registrar, the recount tally for the precinct will not be changed for the ballot being considered; if the decision of the recount board is not sustained, the tally will be changed accordingly. Prior to the determination by the Registrar of Voters, candidates and/or their representatives will be given the opportunity to present any arguments concerning how the vote shall be counted on a particular ballot. The decision of the Registrar of Voters is final, per EC §15631.

At the challenge resolution table, the Registrar of Voters will have certain persons assisting in the resolution of challenged ballots. Other persons permitted to be seated at the table will be limited to one per candidate; this designee must expressly be permitted by the candidate to represent and make decisions on behalf of the candidate. Observers should not waive their right to challenge ballots merely because of procedures followed by the recount board in tallying ballots or because of prior decisions by the Registrar of Voters in ruling on challenged ballots.

Recount Results

There will not be a daily tally of results for the recounted precincts. Observers may keep their own tally. The results of a recount are null and void unless every vote in the contest is recounted. On completion of a recount, if a different candidate, slate of electors, or position on a measure changes, the results of the official canvass will be changed and the election recertified. §15633

A copy of the results of a completed recount shall be posted conspicuously in the office of the elections official. §15633



Shasta County Recount Security Measures

California Code of Regulations §20817 requires California counties to submit to the Secretary of State written security measures for recounts to ensure the integrity of the recount proceedings. Shasta County developed and submitted this document to the Secretary of State's office detailing the security measures that will be used in the event of an election recount. These security measures will be used in accordance with California Code of Regulations Chapter 8.1 titled Recounts and with county recount procedures.

Security Measures for Voted Ballots

All voted ballots will be stored in a room secured by keycard or keypad locks. Voted ballots will be stored in containers secured by security tape. Only the Count Supervisor or other person designated by the Registrar of Voters may remove ballots for counting. The designated person will indicate the precinct involved, the date and time, and sign the Recount Control Log. The ballots will be delivered to Recount Boards in the sealed container. The designated person will unseal the container and remove the pertinent ballots for recount. The container will be resealed at that time if there are ballots from other precincts in the box and remain in the custody of the Recount Board. The ballots to be counted will remain in the custody of the Recount Board until fully counted. Upon completion of the recount for those ballots, the designated person will unseal the container, place the ballots into the container, reseat it, return the container to the secure area, indicate the time and sign the Recount Control Log. All Recount staff will follow the attached Recount Procedures.

Security Measures for Spoiled and Unused Ballots

All spoiled and unused ballots will be stored in a room secured by keycard or keypad locks. The spoiled and unused ballots will be stored in sealed containers. Removal of spoiled or unused ballots for inspection will follow the same procedures as voted ballots and noted on the Recount Control Log.

Security Measures for VVPAT

All VVPAT audit tapes and Edge memory cartridges will be stored in a room secured by keycard or keypad locks. Removal of this material will follow the procedures as voted ballots.

Security Measures for "relevant material" as described in § 20811

(f).

"Relevant material" includes, but is not limited to, unvoted ballots, vote-by-mail and provisional ballot envelopes, voting system redundant vote

data, ballot definition files, language translation files and the central database or other electronic repository of results for the election in which the contest subject to recount occurred, election data media devices, audit logs, system logs, pre- and post-election logic and accuracy testing plans and results, polling place event logs, precinct tally results, central count tally results and consolidated results in a structured, non-proprietary format, surveillance video recordings and chain of custody logs, including logs of security seals and access to election-related storage areas.

All relevant material will be secured at a minimum in rooms secured by locks in which only Election Management has keys. Removal of any relevant material will follow the same procedures as voted ballots.

See attached recount procedures.