

Board Referral No. 2022.17: Election Recounts

Presented by

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The referral seeks to have the Elections Department make recommendations that would enhance transparency and facilitate the processes to request a recount.

Specifically, the referral seeks recommendations to possibly include a fee schedule or guidelines for candidates to request and plan for recounts when needed.

An Overview to Recounts

Pre-recount activities

- County prepares systems, produces reports, organizes ballots by precinct, publishes legal notices, certified mail notifications to candidates
- Obtains supplies needed to secure ballots and tally material
- Depending upon request may prepare envelopes and ballot material
- May require procurement of additional location, security, etc.

Recount

- Recounting Ballots
 - System recount
 - Manual Tally

Review

- Reviewing Envelopes

Challenges

- In some cases, requesters exercise their right to challenge votes for opponents
- These challenges will be brought to the designated election personnel member for consideration and determination

Code

- California Regulations provide that “all actual costs of the recount that would not have been incurred but for the requestor’s particular recount request (which) shall be directly recoverable from the requestor and may include, but are not limited to, additional supervision hours, security guard hours, the elections official’s staff hours, space rental, transportation of ballots and materials and administrative costs.” (CCR Title 2, Div.7, Chpt. 8, Art 1, 20815).

MCE: Current practices

Manual Tally

- Add batches to the 1% manual tally for close contests
- Invite campaigns to observe

Communication

- Work with requester or designated appointee to determine what specifically the requester wants included as part of the recount to determine potential costs
- Emails include options based on code and regulations

Request

- The requester must submit a request in writing for official response and estimates

Recounts across the State

- Some counties have recount guidelines and provide an example of a cost breakdown for one to 5 tally boards and other ancillary costs
- Some guidelines currently available online are based on an obsolete voting system (2013) and tabulation procedures that are no longer in place in the State of California.
- We are not aware of any comprehensive county fee schedule that would include “all actual costs of the recount...” (CCR Title 2, Div.7, Chpt. 8, Art 1, 20815).
- All counties require a request to be submitted in writing prior to providing the actual cost for the recount including costs associated with preparation for the recount (systems, organization of ballots by precinct/contest, organization of ballot material and envelopes, legal publications, mailing of notices, etc.)
- When the state receives a request for a statewide recount, the request is required to be submitted in writing identifying which counties will commence the recount and what specific activities will be included as part of the recount. The individual counties then work with the requester to generate actual costs.

Challenges

Guidelines

- Minimal costs
- Provides the baseline costs associated with aspects of the recount and other costs the requester might incur

Fee Schedule

- Costs associated with additional staff time and analysis
- Anticipating all possible details of recount request will require flexibility in the fee schedule.

MCE Recommendations

Recount guidelines – October 18, 2022. Comprehensive approach for candidates to request and plan for a recount when needed. Include examples of cost breakdowns, similar to the counties referenced, will also include other potential costs that a requester would incur in preparing for the recount.

Guidelines will provide methodology to request a recount and expectations of communication and documentation of said communication.

Fee schedule – February 2023. Allows for additional review and analysis to prepare a schedule that is comprehensive and accurate of the work conducted in the recount.

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