

# Recount Process 2021



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This reference guide has been prepared in an effort to answer frequently asked questions. It is for general information only and does not have the force and effect of law, regulation, or rule. In case of conflict, the law, regulation, or rule will apply. Refer to the code sections cited for more information.

This guide is distributed with the understanding that the Ventura County Elections Division is not rendering legal advice and that this guide is, therefore, not to be a substitute for private legal counsel.

## Introduction

This guide provides a brief overview of the process for voter-requested recounts of election results.

A recount is conducted by the Elections Division 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 govern voter-requested recounts. Recount procedures are outlined in Sections 20810 through 20842 of the California Code of Regulations.

## How to Request a Recount

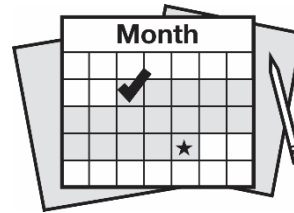
Below is a brief timeline of the steps required to initiate a recount:



### Who can request a recount?

Any voter may file a request.<sup>1</sup>

### When can a recount be requested?



The request must be filed within five calendar days after the completion of the official canvass (when the County Clerk certifies the election results).<sup>2</sup>

*Exception:* If the recount request is for a contest voted on in more than one county, the request must be filed within five days beginning on the 31<sup>st</sup> day after the election.<sup>3</sup>

If the deadline falls on a weekend or holiday, the deadline is moved to the next business day.<sup>4</sup>

### Where is the request filed?

The request must be filed with the County elections official responsible for conducting the election.<sup>5</sup>

<sup>1</sup> E.C. §15620(a)

<sup>2</sup> E.C. §15620(a)

<sup>3</sup> E.C. §§15620(b)

& 15621(a)

<sup>4</sup> E.C. §15

<sup>5</sup> E.C. §15620(a)

If the election is conducted in more than one county, a request may be filed in any or all of the affected counties. A separate request must be filed for each county in which a recount will be conducted.<sup>1</sup>

*Exception:* For statewide contests, the request must be filed with the Secretary of State.<sup>2</sup>

### **What should the request include?**

The request must be in writing<sup>3</sup> and must include the following information:



1. The contest to be recounted<sup>4</sup>
2. On behalf of which candidate or position on a measure (for or against) it is being filed<sup>5</sup>
3. The method of counting to be used (computer or manual)<sup>6</sup>
4. For statewide contests only, the county or counties in which the recount is sought<sup>7</sup>

The request may also specify the order in which precincts will be counted as well as any other relevant material to be examined.<sup>8</sup>

### **Cost and Payment**



Before the recount begins, and at the beginning of each day following, the voter who filed the request must pay a deposit to cover the cost of the recount for that day. The amount of the deposit will be determined by the elections official.<sup>9</sup>

If the recount results in a different outcome (different winning candidate(s) or different result on a measure passing or failing) in the contest being recounted, then all of the money deposited will be returned.<sup>10</sup>

### **Recount Procedures**

At least one day prior to the start of the recount, the Elections Division will post a notice stating the date and place of the recount. Notification will also be sent to candidates for the contest being recounted or, in the case of a measure, to the proponents and filers of arguments for or against the measure.<sup>11</sup>

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<sup>1</sup> E.C. §15620(b)  
<sup>2</sup> E.C. §15621(a)  
<sup>3</sup> E.C. §§15620(a)  
& 15621(a)

<sup>4</sup> E.C. §§15620(a)  
& 15621(a)  
<sup>5</sup> E.C. §§15620(a)  
& 15621(a)

<sup>6</sup> E.C. §15627(a)  
<sup>7</sup> E.C. §15621(a)  
<sup>8</sup> E.C. §§15622 &  
15630

<sup>9</sup> E.C. §15624  
<sup>10</sup> E.C. §15624  
<sup>11</sup> E.C. §15628

The recount will begin no later than seven days following the receipt of the request and will continue daily (excluding weekends and holidays) for at least six hours per day until completed or cancelled by the initial requestor.<sup>1</sup>

Manual recounts are conducted by recount boards consisting of four people per board. Computer recounts are conducted on Elections Division 400C ballot counting machines using a certified copy of the election database.

### ***Is the Recount Open to Observers?***

The recount is open to the public.<sup>2</sup> Each party of interest (for example, a campaign or political party) shall designate a spokesperson for their group who will be responsible for addressing questions to the appropriate Elections Division staff.

During a manual recount, each party of interest may designate up to two observers per recount board. During a computer recount, observers may watch the recount process through the viewing windows of the computer room. Access to the computer room is restricted to authorized County Clerk Recorder/Elections Division Staff.

The following rules apply to observers:

- All observers are required to sign in and wear a name tag indicating the candidate or measure position they are supporting.
- Questions or challenges must be routed through the spokesperson to the designated Elections Division employee. Observers may not direct questions to the members of the recount boards.
- Observers may not sit or place any items on a recount board table.
- Observers may not touch ballots, tally sheets, or any other recount board materials.

The following are prohibited within the recount area:

- Conversation
- Cell phones
- Food and beverages
- Photography or video recording

### ***Can a Vote be Challenged During the Recount?***

Observers may challenge a recount board's call on a particular ballot. The board will attach a note to the ballot containing how the vote was counted and why it was challenged. No marking or alteration of the ballot is allowed. Challenges will be resolved in public by the Assistant Registrar of Voters each afternoon at 4:00 p.m.

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<sup>1</sup> E.C. §15626

<sup>2</sup> E.C. §15629

## Results

The results of a recount are only valid if every ballot cast in every precinct in which the contest is voted on is recounted. If the recount results in a different outcome (different winning candidate(s) or different result on a measure passing or failing) then the official election results will be changed to reflect the results of the recount.<sup>1</sup>

If the recount does not result in a different outcome, the official election results will remain unchanged.

The results of the recount will be posted in the Elections Division.<sup>2</sup>

## 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 of the precincts is included in this process. The Automatic Manual Recount is part of the official canvass and is open to the public.<sup>3</sup>

## Contact Information



### **Ventura County Elections Division**

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<sup>1</sup> E.C. §15632

<sup>2</sup> E.C. §15633

<sup>3</sup> E.C. §15360