

Recount Board Guide

This guide contains information about conducting recounts. Please read the instructions carefully and consult with the county auditor for any questions.



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Overview

Board's Responsibilities

1. Conduct the recount "as expeditiously as possible" as stated in the *Iowa Code*.
2. Only tabulate the votes on the ballots that were voted and counted for the particular office or public measure named in the recount request or petition or ballots returned in disputed ballot envelopes from the named precincts. It is the responsibility of the board to recount (i.e. to count again) the votes that were counted in the election. Boards have no legal authority to review ballots or information about ballots that were not counted.
3. Adhere to 721—26 of the *Iowa Administrative Code* if counting votes by hand.
4. Open only what is necessary. The board shall open only the sealed ballot containers from the precincts specified in the recount request.
5. Report results. The report of the recount board shall be filed with the county auditor no later than 18 days after the board of supervisors' canvass of the votes for the election in question (or 11 days after city primary elections or the regular city election in cities with runoffs). The report must be signed by at least two members of the recount board and have tally sheets used in the recount process attached to it.

[IAC 721—26.104(2)]

Auditor's Assistance

The auditor or auditor's designee can only help operate equipment and help the board be organized. The auditor or auditor's designee cannot help count votes. Please do not ask the auditor or the auditor's staff questions about whether or not particular votes can be counted.

The auditor or auditor's designee is responsible for the security of the ballots and must supervise their handling. Please cooperate with the auditor to ensure the ballots and voting machine documents are protected from alteration, damage or loss.

Restrictions on the Decision-Making Authority of the Recount Board

Recount boards do not resolve procedural or legal questions about the conduct of the election or the qualifications of voters. The board does not decide if ballots were correctly accepted or rejected. The board merely counts ballots which were already counted.

Tools for Recount Boards

The Secretary of State's Office has produced several tools for use by recount boards. If not provided, please ask the auditor's office for the following materials prior to starting the recount:

1. The Recount Board Guide (which you are now reading)
2. The Counting Votes Guide
3. The manual recount tally sheet and the report for recount of votes for office (or public measure)

Best Practices for Getting Started

- All three members of the board should be present when the ballot packages are opened. When opening ballots, the board should only work with one precinct at a time.
- Keep all ballots in view of all recount board members and any observers. Keep the ballots guarded to protect them from theft or loss. The auditor (or the auditor's designee) is responsible for the security of the ballots (or voting equipment documents) and shall supervise their handling.
- If one board member leaves the room, halt the process until that person returns.

Recounts are Public

Recounts, like all canvasses of votes, are open to the public. Observers may watch and listen; they may not participate in, or interfere with, the recount.

The room where the recount is conducted should be arranged to enable observers to see and hear the process. However, the observers are not permitted to touch ballots.

[IAC 721—26.106(50)]

Handling Ballots

Handle the ballots carefully. The recount in which you are engaged may not be the only recount of the ballots for the election in question. It is possible that recounts will be requested for other offices or questions appearing on these ballots. There may also be an election contest or further legal action that may include an examination of the documents. The ballots must not be altered or damaged in any way.

Ballots Delivered to the Board

Verify the number of ballots received from the auditor matches what is recorded on the recount ballot tracking chart. Once you have verified the numbers match, sign the recount ballot tracking chart.

Only ballots that were accepted for counting for the office or question in the precinct(s) named in the request shall be recounted. This includes disputed ballots from the precinct returned separately from the counted ballots.

Recount boards do not consider:

- Rejected absentee or provisional ballots
- Spoiled ballots
- Defective ballots

[IAC 721—26.14 & 26.104(1), §39A.4 (1), 49.92, 49.100, 50.3, 50.5]

Open Ballots Only as Necessary

Open only the sealed ballot containers from the precincts specified in the recount request or from the precincts added by the recount board. Keep ballots from precincts that are not included in the recount sealed or kept separate.

[IAC 721—26.104(2)]

Extending the Recount

Recount boards may extend the recount to other precincts in the same county where the office or question appeared on the ballot when at least one member of the board deems it necessary to do so. The recount cannot be expanded to include other offices or questions.

[§50.48(4)]

Performing the Recount

By Hand or by Machine

If automatic tabulating equipment was used to count the ballots at the precinct, the recount board may request the auditor to retabulate the ballots using the equipment or may count the ballots by hand, or do both. The recount board makes this decision based on a majority vote.

The auditor or auditor's designee must operate the voting equipment. The same tabulation program used on election day will be used unless the program is known or believed to be flawed.

If voting equipment was not used, the recount board must count the ballots by hand.

[§50.48(4), IAC 721—26.105]

Counting Votes by Optical Scanners

If the board votes to tabulate the votes using voting equipment, the following rules apply:

Counting Standards

The ballots must be run through the optical scanner. Any ballots rejected by the scanner should be counted accordingly to the provisions of IAC 721—26.

Ballots identified by the optical scanner as containing a write-in vote must be separated and the write-in votes must be tallied. If the voting target next to the write-in line is not marked, the write-in vote will not be read by the optical scanner and the write-in vote cannot be counted.

[IAC 721—26.104(3)]

Disputed Ballots

If there is an envelope labeled “Disputed Ballots” from any precinct, open the envelope and sort the ballots into two categories: “Objected to” or “Defective.” Each ballot in the envelope should be labeled as either of the following:

- “Objected to” Ballots

These ballots were accepted for counting and are included in the vote totals. Examine these ballots and decide how to count them. The precinct election officials who did the initial count are required to include a signed statement as to how the ballot was counted on election night.

[§50.4, 50.5, IAC 721—26.104(1)]

- “Defective” Ballots

These ballots were not accepted for counting at the precinct and cannot be added to the vote totals. Put them back in the envelope without examination and do not count them.

[§39A.4(1), 49.92, 50.3, 50.5, IAC 721—26.14]

Duplicate Ballots

You may receive ballots marked as duplicates. Precinct election officials or the absentee and special voters precinct board marked a duplicate ballot because the voter’s original ballot was damaged and could not be read by the optical scan machine.

The precinct election officials or the board marked the duplicate ballot in the exact manner as the voter marked it. Both the original ballot and duplicate ballot should be marked with the same serial number.

You may examine the duplicated ballots to compare the marks on the original ballot with the duplicate. If you find discrepancies between the original ballot and duplicated ballot, correct the duplicate ballot.

[§52.37]

Counting Votes by Hand

Counting Standards

The recount board must follow the standard for counting votes prescribed by Iowa law and administrative rules. See the “Counting Votes Guide.”

[IAC 721—26.104(3)]

Keeping Track

Use the manual recount tally sheet provided by the auditor. One tally sheet should be used for each candidate or “yes” or “no” vote for a public measure in each precinct. Count one precinct at a time.

Counting Write-Ins

When hand-counting ballots, write-in votes must be counted even if the voter did not mark the voting target next to the write-in line.

[§49.99]

See the Counting Votes Guide for additional rules about counting write-in votes.

Vote for No More Than One

When voters could vote only for one person for the office being recounted, the board should sort the ballots into piles.

Make a separate pile for ballots cast for each candidate. The board must count votes for *all* candidates, including write-in votes, and not just those candidates who are represented by members of the recount board.

Vote for No More Than...

When voters could vote for two or more candidates in the office being recounted, be sure to account for all votes on the tally sheet for each candidate.

Straight Party

For the general election only, be sure to examine the straight party votes as well as the marks for the candidates listed on the ballot. See the Counting Votes Guide for details about counting straight party votes.

Duplicate Ballots

You may receive ballots marked as duplicates if voting equipment was used on election day. Precinct election officials or the absentee and special voters precinct board may have marked a duplicate ballot because the voter's original ballot was damaged and could not be read by the optical scan machine.

The precinct election officials or the board marked the duplicate ballot in the exact manner as the voter marked it. Both the original ballot and duplicate ballot should be marked with the same serial number.

You may examine the duplicated ballots to compare the marks on the original ballot with the duplicate. If you find discrepancies between the original ballot and duplicated ballot, correct the duplicate ballot.

[§52.37]

Completing the Recount

Verify Total Ballot Count

Verify the number of ballots you recounted matches the number of ballots delivered to you by the auditor. Complete and sign the recount ballot tracking chart.

Reseal Ballots

The recount board must reseal the ballots after they have been retabulated and return them to the auditor.

The envelope or container containing the ballots must have a seal across its opening that is signed by all members of the recount board. The seal must be applied so the ballot package cannot be opened without breaking the seal.

IAC 721—26.104(4)]

Return Ballots

Return the sealed ballots to the auditor.

Report Results

The report of the recount board must be filed with the county auditor no later than 18 days after the board of supervisors' canvass of the votes for the election in question.

Exception: Recounts for city primary elections or regular city election in cities with runoff election provisions must be completed no later than the 11th day following the board of supervisors' canvass.

[\$50.48(4)(c)]

A sample worksheet for the report may be provided by the auditor. Attach all tally sheets used in the recount to the report. At least two members of the recount board must sign the final report.

[IAC 721—26. 104(2)]