

Recount Board Guide

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

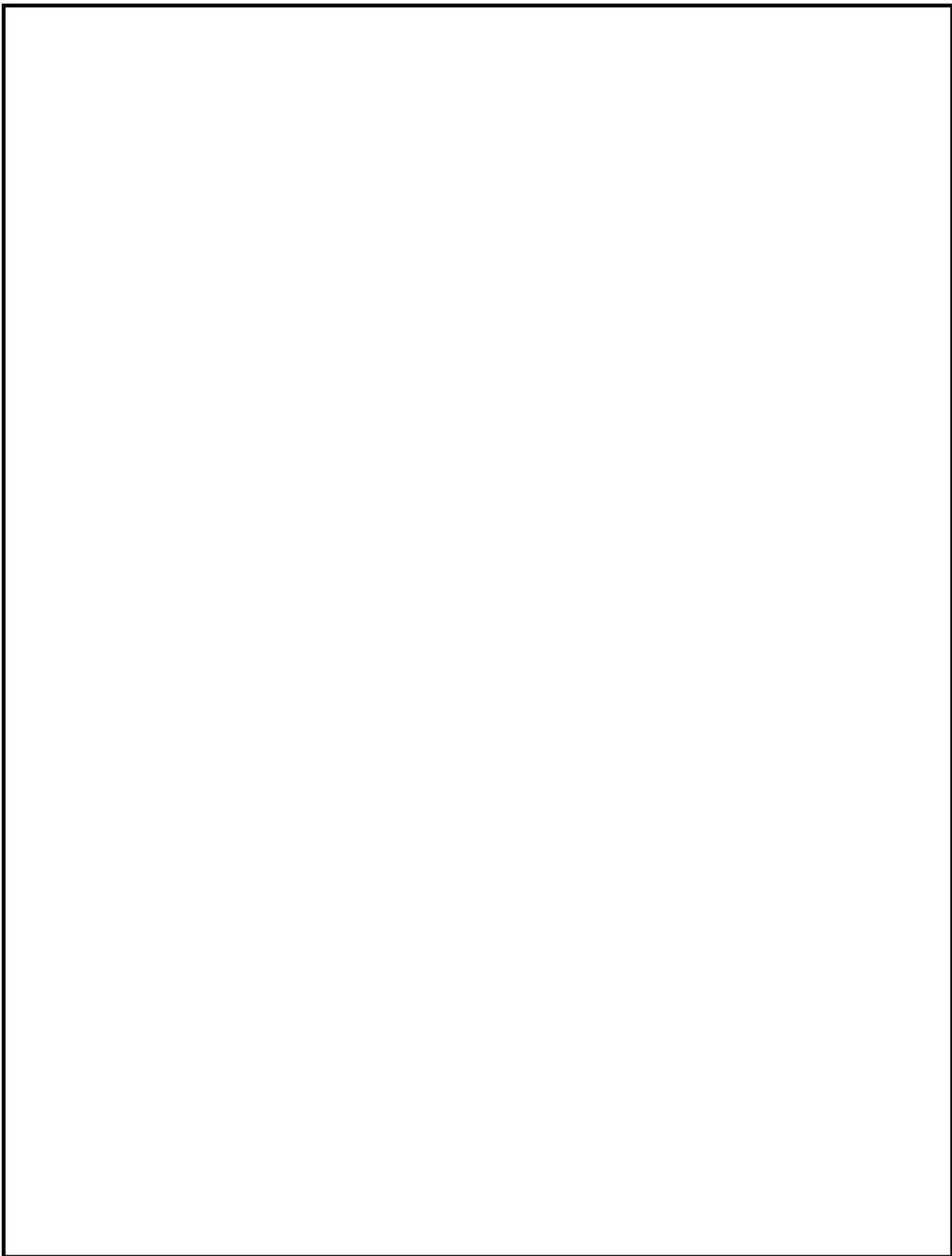


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Overview

What is a Recount?

A recount is a formal process for re-examining and recounting the ballots which were voted and counted for an office or public measure. This includes any disputed ballots returned under §50.5 that were “objected to” but counted.

Recount boards do not resolve procedural or legal questions about the conduct of the election or the qualifications of voters. No additional evidence, beyond the ballots that were counted, is reviewed during a recount. The board does not decide if ballots were correctly accepted or rejected. The board merely counts ballots which were already counted.

[§50.48, IAC 721—26.104(1)]

Board’s Responsibilities

Conduct the recount “as expeditiously as possible” as stated in the *Iowa Code*. Follow the counting standards prescribed by Iowa law.

[§49.92, 49.99, IAC 721—26]

When the recount is completed, file a written report of the board’s finding with the auditor. The report must be filed no later than the 18th day following the county’s canvass. The 18th day falls on a Saturday so the deadline moves to Monday.

[§50.48(7), 50.49(5), IAC 721—26.107]

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. The 11th day falls on a Saturday so the deadline moves to Monday.

[§47.4, 50.48(7), IAC 721—26.107]

Auditor and Auditor’s Staff Assistance

The auditor or auditor’s designee is responsible for the security of the ballots and must supervise their handling. If voting equipment is used for the recount, the auditor or auditor’s designee must operate the tabulation machine.

[IAC 721—26.105]

The auditor or auditor’s designee can help the board be organized. The auditor or auditor’s designee cannot help count votes. Recount board members are the only one authorized to decide whether or not to count a vote. If the board has a question related to whether or not a vote should be counted, review the Counting Votes Guide and IAC 721—26.

Tools for Recount Boards

Please ask the auditor's office for the following materials prior to starting the recount if they have not already been provided:

1. Recount Board Guide
2. Counting Votes Guide

Provides information on the Iowa laws governing how votes must be counted.

3. Manual Recount Tally Sheet

Used to tally votes by hand.

4. Report for Recount of Votes for Office/Public Measure

Used to report the recount board's results after recounting.

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 cannot touch ballots.

[IAC 721—26.106]

Handling Ballots

Overview

All three members of the board should be present when the ballot packages are opened. If one board member leaves the room, halt the process until that person returns.

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 and voting equipment documents and must supervise their handling.

Handle the ballots carefully. The recount in which you are conducting 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.

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 are 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, and
- Defective ballots.

[§50.48(4)(a), 50.49(5), IAC 721—26.104(1)]

Adding Additional Precincts to 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)(b), 50.49(5), IAC 721—26.104(2)]

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)]

Performing the Recount

By Hand or by Machine

If the ballots were hand-counted on election day, the recount board must count the ballots by hand using the standards in IAC 721—26. Provide the “Counting Votes” guide to the recount board.

If voting equipment was used on election day, the board:

- May request that the ballots be recounted by voting equipment

OR

- May count the ballots by hand

OR

- May conduct both types of counts

If using voting equipment to conduct the recount, the auditor or auditor’s designee must operate the voting equipment and use the same program used on election day unless the program is known or believed to be flawed.

[50.48(4), 50.49(5), IAC 721—26.105(2)]

In the event a hand recount differs from a recount using voting equipment, the recount board must determine which results to give to the auditor in its report issued under §50.48(4)(c).

Counting Votes by Optical Scanners

If the board decides 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.

Write-In Votes

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.

[§49.99(1), 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. On election night, the precinct election officials were required to include a signed statement as to how the ballot was counted.

[§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.

[§50.3, 50.5, IAC 721—26.14]

Duplicate Ballots if Optical Scan Used on Election Day

The auditor may deliver 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 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.

The recount board may examine the duplicated ballots to compare the marks on the original ballot with the duplicate. If there are 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.”

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.

[§49.92, 49.99, 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

Write-in votes must be counted using the same standards used for counting on election day. If voting equipment was used on election day, the voting target must be marked in order for the write-in vote to be counted, even if the recount board is counting ballots by hand and the voter’s intent can be clearly ascertained.

[§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 of ballots cast for each candidate.

Vote for No More Than...

When voters could vote for two or more candidates in the office being recounted, use one tally sheet for each candidate. Be sure to account for all votes cast by voters.

Straight Party for General Election Only

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.

Sorting Ballots

Best Practice: Separate the ballots into piles based on the candidate(s) selected on the ballot. Count the votes cast for each candidate individually. When counting the votes for each candidate, sort the ballots into piles of 10.

Duplicate Ballots if Optical Scan Used on Election Day

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The precinct election officials 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.

The recount board may examine the duplicated ballots to compare the marks on the original ballot with the duplicate. If there are 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 recounted matches the number of ballots delivered 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.

[§50.48(4)(c), 50.49(5), IAC 721—26.104(4)]

Return Ballots

Return the sealed ballots to the auditor.

Report Results

If the recount board recounted by hand and by using voting equipment, the recount board must determine which results to give to the auditor in its report in the event the hand recount differs from the recount using voting equipment.

The recount board must file a written report of its findings with the county auditor. The report must be filed no later than the 18th day following the county's canvass. The 18th day falls on a Saturday so the deadline moves to Monday.

[§47.4, 50.48(4)(c), 50.49(5), IAC 721—26.107]

The report must be signed by at least two members of the recount board. The tally sheets and any voting equipment results tapes produced in the recount process must be attached to it.

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. The 11th day falls on a Saturday so the deadline moves to Monday.

[§47.4, 50.48(7), IAC 721—26.107].