

OUTLINE OF OHIO RECOUNT PROCEDURES
(R.C. 3515)

A. ELIGIBILITY

1. Automatic Recount

- a) In a statewide election, a recount is required if the margin of votes is one-fourth of one percent or less.

2. Requested Recount

- a) Any candidate who was not declared elected may request, in writing, a recount of the votes cast in any precinct for all candidates for the particular office.

B. APPLICATION

1. Written Application for a Requested Recount

- a) A written application for a requested statewide recount must be filed within 5 days after the certification of the official count with the secretary of state.

2. Deposit

- a) The applicant must file a deposit equal to ten dollars (\$10) for each precinct to be recounted.

C. BEFORE THE RECOUNT

1. Establish Time of the Recount

- a) No recount may be held prior to the official canvass and certification. The board of elections must fix the time, method and place of the recount. A recount must be held within 10 days after the declaration of official results or 10 days after an application is filed.

2. Notice To Candidates

- a) Boards of elections must notify all candidates in the race of the time and place by certified mail not later than five days before an automatic or requested recount is held.

3. Witnesses

- a) Each candidate in the race is entitled to one witness for each counting team or tabulating unit.
- b) A witness may observe, but not interfere with the recount nor touch the ballots.
- c) Appointments of witnesses must be in writing, signed by the candidate.

D. STOPPING A RECOUNT

1. At any time after a recount is ordered, but before the recount is held, the declared losing candidate or issue chairperson may file a written request to stop the recount. If more than one losing candidate is entitled to the recount, each of the candidates must file such written request. The board must grant the request.
2. At any time during a recount, the declared losing candidate or candidates or issue chairperson may file a written request to stop the recount. If the board finds that results of the recount at that point will not change the official results, the recount is stopped. If the board finds otherwise, the request to stop recounting must be denied and the recount continued until all ballots from the precincts involved have been counted.

E. RECOUNT PROCEDURES

1. All Voting Systems

- a) The recount must be conducted by teams having equal numbers of Democrats and Republicans.
- b) Total votes cast must be compared to the number of voters listed in the pollbook, poll list, or signature pollbook records. In the presence of at least two election officials of different political parties, the records must be available for visual inspection by witnesses. The witnesses shall not be permitted to handle the records.
- c) Absentee ballot envelopes returned after the polls closed may be viewed by the witnesses. The observer may *not* see the actual ballots, only the ballot envelopes, which must still be sealed.
- d) Disputed ballots may be settled as they arise by the board or by a majority of the employees designated as teams, if so delegated by the board.
- e) Ballots must be handled only by members of the board, director, deputy director or other designated employees of the board.
- f) Votes cast for write-in candidates must be checked to determine if the candidate is a qualified write-in candidate and for an overvoted ballot.
- g) Witnesses may observe the inspection of the ballots.

2. Punch Cards

Test the Program

- a) Prepare a new test deck of ballot cards that are punched and then manually count them. This deck must not be the same test deck used for the official count.
- b) Process the test deck through the computer to verify that the computer count matches the hand count.
- c) If the hand count and the computer count do *not* match, but the hand count is accurate, all ballots must be manually counted.

The Recount

- a) Ballot cards must be inspected for hanging chad attached by one or two corners, mutilations, and other invalidities. If a chad is attached by three or four corners, a vote shall not be counted for that particular candidate, question or issue.
- b) Over-votes and blank ballots may be separated from the stack at this time and placed at the top of the stack after the header cards.
- c) Ballot page assemblies and rotation header cards must be checked for each precinct for candidate positions to verify that each candidate, question, or issue has been properly identified.
- d) The board must randomly select whole precincts whose total equals at least 3% of the total vote. These precincts' ballots must be manually counted.
- e) Run the manually counted precincts through the computer.
- f) If the computer count does not match the hand count, and after rechecking the manual count, the results are still not equal, all ballots must be hand counted. If the results of the computer count and the hand-counted ballots are equal, the remainder of the ballots may be processed through the computer and results tabulated electronically.
- g) At the conclusion of the recount, the program must be retested using the pre-audited test deck.

3. Optical Scan

Test the Program

- a) Prepare a test stack of ballots that are pre-marked and then manually count them.
- b) Process the test stack through the tabulator to verify that the tabulator total matches the hand count.

The Recount

- a) If the hand count and the computer count do not match, but the hand count is accurate, all the ballots must be manually counted.
- b) Ballots must be inspected for mutilations and other invalidities.

- c) Ballots must be checked for proper candidate position and to verify each candidate, question, or issue has been properly identified.
- d) The board must randomly select whole precincts whose total equals at least 3% of the total vote and must manually count those precincts' ballots.
- e) Run the manually counted precincts through the tabulator.
- f) If the tabulator count does not match the hand count, and after rechecking the manual count, the results are still *not* equal, *all ballots must be hand counted*. If the results of the tabulator count and the hand-counted ballots are equal, the remainder of the ballots may be processed through the tabulator.
- g) At the conclusion of the recount, the program must be retested using the pre-audited test stack of ballots.

6. Direct Record Electronics (DRE)

Test the Program

- a) Prepare a test cartridge.
- b) Process the cartridge through the computer.
- c) Verify that the cartridge results match the pre-determined votes cast for candidates, issues and questions.
- d) If the totals do not match, check programming and rerun the test program until the totals match.

The Recount

- a) Check the public counters and protective counters to verify that the numbers on those counters correspond to verify that the numbers on those counters correspond with the pollbook, poll list, or signature pollbook records.
- b) Check the rotation on those machines to verify that they match the proper candidates, questions, or issues.
- c) Process cartridges through the tabulator. If the totals are different than the totals of the official count, compare cartridge totals against paper audit trail report.
- d) At the conclusion of the recount, the program must be retested using the pre-audited cartridge.

The procedures described in this outline are the basic requirements for conducting a recount. If the board of elections feels the results warrant further investigation at any period during the conduct of the recount, it may institute more rigorous recounting procedures, such as hand counting a larger percentage of precincts, using programming options that total over-votes and/or under-votes, hand counting all precincts, etc.

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