

Instructions for

RECOUNTS

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1996 Edition (Please discard earlier versions.)

Elections Division
Office of the Iowa Secretary of State

Instructions for RECOUNTS

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For additional information:

Please refer to *Iowa Code* sections 43.56, 50.48 and 50.49.

Prepared in the Elections Division, Iowa Secretary of State's Office

Recount Forms & Instructions for Auditors

A. Bond Requirements

Office or Question	File Bond With:	Amount
All offices and public measures voted upon statewide	Secretary of State	\$ 1,000.00
United States Representative	Secretary of State	\$ 500.00
State Senator	Secretary of State	\$ 300.00
State Representative	Secretary of State	\$ 150.00
Any office voted upon county wide by the voters of a county with more than 50,000 population	County Auditor	\$ 200.00
All other elective offices	County Auditor	\$ 100.00
All other public measures	County Auditor	\$ 100.00

A bond must be filed for any recount unless the election was very close. No bond is required if the difference between the number of votes received by the apparent winner and the person requesting the recount is the larger of--

less than 50 votes. If 5,000 or fewer votes were cast and the difference is less than 50 votes, **no bond is required; OR**

1% of the total votes cast for the office. To figure:

- | | | |
|--|---------|---|
| ① Number of votes received by the apparent winner:
(Subtract) | _____ | ① |
| ② <u>Number of votes received by the requestor:</u> | - _____ | ② |
| ③ Difference= | _____ | ③ |
| ④ Total number of votes cast for the office
Multiply by .01 | _____ | ④ |
| | x .01 | |
| ⑤ This is 1% of the number of votes cast. | _____ | ⑤ |

If line ③ is less than line ⑤, no bond is needed.

Recount Forms & Instructions for Auditors

B. Request For Recount of Election for an Office

I request a recount of the votes cast in the following election. I may request this recount because (check one):

- My name appeared on the ballot as a candidate for this office in the precinct(s) where the recount is requested, **OR**
- I received write-in votes for this office in the precinct(s) where the recount is requested and I am legally qualified to seek and hold this office.

Election Name: _____ Date: ___/___/___

Recount for the office of: _____

Precincts to be recounted: All Selected: _____

Note: If you choose to limit the recount to selected precincts, the recount board may decide during the recount to examine any or all of the other precincts.

Designee of Requestor

I choose the following person to serve on the Recount Board:

Name: _____ Telephone: _____
Address: _____

Bond

I enclose the necessary bond in the amount of \$_____. I understand that this will be returned to me only if the results of the recount change the winner. **[NOTE: See Iowa Code §50.48(2) for amount of bond and filing location. No bond is necessary if the difference between the number of votes received by the person requesting the recount is 1% (or less) of the total number of votes cast for the office, or 50 votes, whichever is more.]**

Recount requested by:

Name: _____ Telephone: _____
Address: _____

Signed: **X** _____ Date: ___/___/___

This request must be filed with the auditor who conducted the election no later than 5 p.m. on the third day after the county canvass of votes. For city primary elections and the regular city election in cities with runoffs, the request must be filed by the day after the county canvass.

C. Petition for Recount of Public Measure



State of Iowa
Recount Petition

We, the undersigned eligible electors of _____,

(Name of City, County, School District, etc.)

hereby request a recount of the votes cast in the election held on ___/___/___
on the following question:

Three horizontal lines for writing the question.

Precincts to be recounted: [] All [] Selected: _____

Note: If you choose to limit the recount to selected precincts, the recount board may decide during
the recount to examine any or all of the other precincts.

We choose the following person to serve on the Recount Board:

Name: _____

Telephone: _____

Address: _____



[The signature grid for the petition appears on the next page. These two
sections may be taped together and copied onto 8 1/2" x 14" paper.]



Number of Signatures Needed:

Not less than 10, or one percent of the number of votes cast on the question, whichever
number is greater. Each signer must be a person who could have voted on the question if
the person was registered to vote. Signers are not required to have voted in the election.

Number of YES votes _____
Number of NO votes + _____
Total _____ x .01 = _____

Bond Requirement

A \$100 bond must be filed with this petition unless the difference between the yes and no
votes was less than fifty votes or 1% of the number of votes cast, whichever is more. (The
bond is \$1,000 if the question was voted upon statewide.)



Petition & bond shall be filed with the auditor by 3 days after the county canvass.

This page is intentionally left blank.

Recount Forms & Instructions for Auditors

[Petition form continued from previous page.]

Name	Residence Street and number, if any	City	Date of Signing
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			
23.			
24.			
25.			

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Recount Forms & Instructions for Auditors

D. Recount Worksheet for Auditors

Date of Election: ___/___/___ Recount requested: ___/___/___ Precinct(s): _____

Recount for office or public measure: _____

Recount requested by: _____

Name of apparent winner: _____

Public Measure*

YES NO

*Notify the governing body which submitted the question.

1. Bond Determination

Use the worksheet on page 1 to determine the amount of the bond, if any.

Bond required? yes no Amount of bond: \$_____ Bond received: ___/___/___

Sent to Sec. of State Deposited in election fund or returned: ___/___/___

2. Contact Apparent Winner Immediately by telephone and by certified mail. [50.48(1)"b"]

Telephone number: _____ Contact made: ___/___/___ :__ :__ am/pm

Copy of recount request sent by certified mail to: _____

Attach copies of certified mail documents.

If the apparent winner cannot be reached within four days, the chairperson of the candidate's political party, if any, must be contacted to designate a person to serve on the recount board.

[50.48(1) last ¶]

Party chairperson contacted: ___/___/___ :__ :__ am/pm

NOTE: Also contact the Elections Division of the Secretary of State's office, if the recount is for a state or federal office. Date notified: ___/___/___

(Continued on reverse.)

Recount Forms & Instructions for Auditors

3. Designation of Recount Board

For candidate elections, see Iowa Code § 50.48(3); for primary elections, §43.56; for public measures, §50.49.

Designee of requestor(s), named in the request or petition for recount:

PLEASE NOTE: If more than one person requests a recount for the same office, or if more than one person can be considered the apparent winner, each affected candidate may designate a person to serve on the recount board.

Name: _____

Telephone: _____

Address: _____

Designee of the apparent winner (or auditor for a public measure) to be named before the board convenes:

Name: _____

Telephone: _____

Address: _____

4. Board of Supervisors must order the recount.

5. Convene the designees and supervise handling of ballots.

No later than 9 a.m. on the 7th day after the canvass, the auditor convenes the recount board. [For some city elections, must convene by 6th day after the election.]

Convened: ___/___/___:___:___ am/pm

The auditor is responsible for supervising the handling of all ballots. Please review the forms on the following pages and *Forms & Instructions for Recount Boards*.

6. Third member chosen.

Selected by other designees, or, if necessary, by the chief judge of the judicial district:

Name: _____

Telephone: _____

Address: _____

Designation made by: _____ ___/___/___:___:___ am/pm

7. If the Recount Changes the Vote Totals.

If the recount results differ from the original canvass, even if the winner doesn't change, notify the supervisors to convene and correct the canvass. For state or federal offices, also notify the Secretary of State's office and send a new abstract. [50.48(5-6)]

Recount board report received: ___/___/___

Notice needed? yes ___ no ___

Notice to Board of Supervisors: ___/___/___

Secretary of State: ___/___/___

New canvass date: ___/___/___

Revised abstract sent to SoS: ___/___/___

Recount Forms & Instructions for Auditors

E. Recount Timeline for Most Elections

[For city primary elections and regular city elections in cities where the council has chosen the runoff provision, refer to the next page.]

Days after canvass by Supervisors -- Date	Event
0 -- ___/___/___	Canvass by County Board of Supervisors [50.24]
3 -- ___/___/___ : 5 pm	Deadline to request recount. [50.48(1), 50.49]
ASAP	Send copy of request to apparent winner. [50.48(1)"b"] Notify the State Commissioner if the recount is for a state or federal office or question. [50.48(6)] Notify governing body of public measure recount. Board of Supervisors orders recount. [50.48(1), 50.49]
_ -- ___/___/___	If the apparent winner cannot be reached within 4 days, the auditor must contact the chairperson of the candidate's political party to designate a person to serve on the recount board. If the recount is for a state or federal office, contact the state party chairperson; for county offices, contact the county chairperson. [50.48(1)]
7 -- ___/___/___ : 9 am	Apparent winning candidate (or auditor if the recount is for a public measure) designates a recount board member by the time to convene the board. [50.48(3)"b"; 50.49(2)] Deadline to convene recount board. [50.48(3), last ¶]
9 -- ___/___/___ : 8 am	Deadline for designees to name the third member of the recount board. If they cannot agree, the chief judge of the judicial district appoints. [50.48(3), last ¶; 50.49(3)]
11 -- ___/___/___ : 5 pm	Deadline for the chief judge to name the third person to the recount board. [50.48(3), last ¶; 50.49]
18 -- ___/___/___	Report of the recount board must be completed and filed with the auditor. If there are any changes from the original canvass, the auditor immediately notifies county supervisors and secretary of state. [50.48(4)]
ASAP	Within 3 days after notice supervisors reconvene to correct original proceedings, if necessary. [50.48(5)]

Recount Forms & Instructions for Auditors

F. Recount Timeline for Some City Elections

For use only for recounts of city primary elections and regular city elections in cities where the council has chosen the runoff provision. Use the other timeline (see p. 6) for runoff elections and the regular city election in cities with nominations under chapters 44, 45 or 376 (primary, if needed). See 50.48(7).]

PLEASE NOTE: Dates on this calendar are calculated by the number of days after the ELECTION. (Dates on the timeline on the preceding page are calculated by the number of days after the canvass.)

Number of days

after ELECTION -- Date

Event

2 -- ___/___/___

Canvass by County Board of Supervisors

3 -- ___/___/___: 5 pm

Deadline to request recount.
Copy of request to apparent winner.
Board of Supervisors orders recount.

? -- ___/___/___

If the apparent winner cannot be reached within 4 days, the auditor must contact the chairperson of the candidate's political party, if any, to designate a person to serve on the recount board.

6 -- ___/___/___: 9 am

Deadline to convene recount board.

? -- ___/___/___

Deadline for candidates' designees to name the third member of the recount board. If no appointment has been made, the chief judge of the judicial district must make the appointment.

? -- ___/___/___

Deadline for the chief judge of the judicial district to name the third person to the recount board.

11 -- ___/___/___

Report of the recount board must be completed and filed with the auditor. If there are any changes from the original canvass, auditor immediately notifies county supervisors of any changes from original canvass.

ASAP

Within 3 days after notice supervisors reconvene to correct original proceedings, if necessary.

Recount Forms & Instructions for Auditors

G. Recount Ballot Tracking Chart

Election name and date: _____ / /

Office or Question: _____

- INSTRUCTIONS:**
- A. Record the name or number of the precinct.
 - B. Record the name of the person receiving ballots.
 - C. Record the name of the person delivering ballots.
 - D. Record the date and time of the transfer.

A. Precincts recounted	Ballots Delivered to Recount Bd.				Ballots Returned to Auditor			
	B: To	C: By	D: Date & Time		B: To	C: By	D: Date & Time	
1.								
2.								
3.								
4.								
5.								
6.								
7.								
8.								
9.								
10.								
11.								
12.								
13.								
14.								
15.								
16.								
17.								
18.								
19.								
20.								

Record kept by: _____ / / : : am/pm

Forms & Instructions for Recount Boards

A. Instructions for Recount Boards

Duty of Recount Board

The responsibility of a recount board is to tabulate all ballots that were voted and counted by the precinct election officials at the election in question. The recount must be done as quickly and carefully as possible. This includes examining disputed ballots which were counted, but not agreed to unanimously. Recount boards do not resolve other questions about the conduct of the election or the qualifications of voters; they check the math. For additional guidance refer to *Iowa Code* section 43.56 for Primary Elections, and 50.48 and 50.49.

If additional questions arise during the course of the recount, or from other sources after the canvass of votes, these issues may be addressed in an election contest, if they fit the grounds for contesting elections in chapter 57. For additional information regarding contesting elections see *Iowa Code* chapters 57 through 62.

Duty of Auditor and Auditor's Staff

The county auditor (or the auditor's designee) is responsible for the security of the ballots and should supervise their handling. Please cooperate with the auditor to ensure that the ballots are protected from alteration, damage or loss.

Ballot Security

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 which may include an examination of the ballots. Therefore, the ballots should be carefully handled by the members of the recount board. The ballots must not be altered or damaged in any way.

The recount board shall open only the sealed ballot containers from the precincts specified in the request to be recounted or by the recount board. Ballots from precincts which are not included in the recount shall be kept sealed and/or separate from those being recounted.

When the recount is completed the ballots must be sealed in the same manner that ballots are required to be sealed on election night. The envelope or container must have a seal across the opening which is signed by all members of the recount board. The seal shall be applied so that the ballot package cannot be opened without breaking the seal. [50.12]

Method of Recounting Ballots

In counties with electronically tabulated special paper ballots the recount board may request that the ballots be recounted by machine, or you may count the ballots by hand, or both. Machine recounts will inevitably require the participation and supervision of the county auditor or members of the auditor's staff. The same program used on election day shall be used in the recount.

Forms & Instructions for Recount Boards

Iowa Code section 50.48(4) requires that the recount board "complete the recount as expeditiously as reasonably possible." The recount board shall follow the same laws in counting ballots that apply to precinct election officials. The recount board may not follow different standards from those used in the original tabulation.

The recount board shall recount the ballots which were voted and counted for the office in question. Votes cast for other offices or questions shall not be examined. Spoiled ballots shall not be examined by the recount board. However, the recount board must examine any disputed ballots. [50.3, 50.4, 50.5, 50.48(4)]

Although the recount request may specify only a limited number of precincts to be examined, any member of the recount board at any time during the recount may extend the recount to any other precincts in which the office or question appeared on the ballot. The recount may **not** be extended to other offices or questions. [50.48(4)]

The following sections of the *Code of Iowa* shall be consulted in determining the proper method of counting ballots:

49.92	Voting Mark.
49.93	But One Vote for Same Office Except in Groups.
49.94	How to Mark a Straight Ticket.
49.95	Voting Part of Ticket Only.
49.96	Group Candidates for Offices of Same Class.
49.97	How to Mark a Mixed Ticket.
49.98	Counting Ballots.
49.99	Writing Name on Ballot.
49.100	Spoiled Ballots.
49.101	Defective Ballot Does Not Nullify Vote.
49.102	Defective Ballots.
49.103	Wrong Ballots.
50.3	Double or Defective Ballots
50.4	Ballots Objected to
50.5	Disputed Ballots Returned Separately

Recount Proceedings are Open to the Public

Recounts, like all canvasses of votes, are open to the public. Because a recount is a purely ministerial function, rather than a policy-making one, recounts are not subject to the notification requirements of the *Iowa* open meetings law. [See *Iowa Code* §21.2, definition of "meeting."] However, observers may not participate in the recount.

Report of the Recount Board

The report of the recount board shall be filed with the county auditor no later than eighteen days after the board of supervisor's canvass of the votes for the election in question (or eleven days after city primary elections or the regular city election in cities with runoffs).

Forms & Instructions for Recount Boards

B. Recount -- Precinct Ballot Counting Worksheet

Note: Make a photocopy of this worksheet for each precinct.

Election name: _____ / /

Office or Question: _____ Precinct: _____

Number of ballots received in sealed package: _____ *

Machine recount: If the ballots cast in this election are machine readable, they may be recounted either by machine or manually, or both. The auditor's office staff will operate the tabulation equipment.

Manual recount: If each voter could have voted for two or more candidates in the office being recounted, use the attached tally sheet to tabulate votes.

If each voter could vote only for one person for the office being recounted, sort the ballots into piles. Make a separate pile for ballots cast for each candidate. Be sure to count votes for all candidates, including write-in votes, not just those candidates who are represented by members of the recount board. In general elections, make separate piles for straight party votes. Set aside ballots about which you have questions. In recounts for public measures sort the ballots into separate piles for "yes" and "no" votes.

After all ballots have been sorted into piles resolve questions about ballots with ambiguous or contradictory markings. Then, count the number of ballots in each pile.

Ballots Voted and Counted for Each Candidate:

<u>Name of Candidate</u>	<u>Votes Received</u>
_____	_____
_____	_____
_____	_____
_____	_____

Total number of ballots voted and counted: _____

Spoiled or blank ballots for office or question _____

* These two numbers must be exactly the same.

Disputed, and not counted _____

TOTAL NUMBER OF BALLOTS _____ *

Combine all precinct reports using the form on page 5.

Forms & Instructions for Recount Boards

C. Manual Recount Tally Sheet

Use: Copy as needed to record manual tabulation of votes, especially for boards or councils with more than one person to be elected. Use a separate grid for each candidate. As the ballots are examined make a mark for each vote cast for each candidate, like this: *##*

Use one box for each set of five marks. Combine all tallies using the form on page 5.

Election: _____ Office: _____ Precinct: _____

Candidate Name	5	10	15	20	25	30	35	40	45	50	
											50
											100
											150
											200
											250
											300
											350
											400
											450
											500
											550
											600
											650
											700
											750
											800
											850
											900
											950
											1000

Total number of votes for candidate: _____ Tally keeper's signature: _____

Forms & Instructions for Recount Boards

D. Recount Summary

Instructions. In the appropriate place on the form please record:

- A. Name or number of the precinct.
- B. Candidates' names; put vote totals in the columns below each name.
- C. Number of spoiled or blank, or disputed ballots not counted.
- D. The total number of ballots from the precinct.
- E. Add the totals from each column.

Election:					Office:			
A. Precincts recounted	B. Candidates' Names					C. Not counted		D. Precinct Total
						spoiled or blank	disputed	
1.								
2.								
3.								
4.								
5.								
6.								
7.								
8.								
9.								
10.								
11.								
12.								
13.								
14.								
15.								
16.								
17.								
18.								
19.								
20.								
E. Totals								

Summary prepared by: _____ Date: ___/___/___

Forms & Instructions for Recount Boards

E. Report of the Recount Board -- Candidate Election

This report must be submitted to the County Commissioner no later than ___/___/___.
(18 days after the canvass for most elections; 11 days after city primary elections and the regular city election in cities with runoff provisions.)

Election: _____ Office recounted: _____

1. **Names of the members of the recount board:**

Designee of requestor: _____

Designee of apparent winner: _____

Third member: _____

2. **Findings:**

Ballots Voted and Counted for Each Candidate:

Name of Candidate	Number
Total number of ballots voted and counted	
Spoiled or blank ballots for office recounted	
Ballots disputed, and not counted	
Total number of ballots examined	

3. **Attach all tally sheets and summary.**

4. **Comments:** _____

5. **Signatures:** This report must be signed by at least two members of the board.

[50.48(4)]

Designee of Requestor

Designee of Apparent Winner

Third Member

Date: ___/___/___

Forms & Instructions for Recount Boards

F. Report of the Recount Board -- Public Measure Election

This report must be submitted to the Board of Supervisors no later than ___/___/___.
(Eighteen days after the county canvass of votes.)

Election: _____ Question recounted: _____

1. Names of the members of the recount board:

Designee of Petitioners: _____

Designee of Commissioner: _____

Third member: _____

2. Findings:

Ballots Voted and Counted	Number
YES	
NO	
Total number of ballots voted and counted	
Spoiled or blank ballots for office recounted	
Ballots disputed, and not counted	
Total number of ballots examined	

3. Comments: _____

4. Signatures: This report must be signed by at least two members of the board.

[50.48(4)]

Designee of Petitioners

Designee of County Commissioner

Third Member

Date: ___/___/___

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