

PREPARING FOR RECOUNTS



Pre-Recount Prep & Considerations

- Take into account the number of ballots to be counted.
- Is it a Single Member or District Race vs Full County Race.
- Determine how many “hands on” members of a recount committee you’ll need to complete the recount in a timely manner.
- Recount teams consist of 3 members (1 caller & 2 to tally) + 1 extra person.
- The Committee Chair **MUST** be appointed from the membership committee (hence the 1 extra person)
- Who may be present during the Recount process.
- Get an overview of **WHAT** and **WHO** is needed **BEFORE** you begin the actual preparation stage of the Recount.



Recount Personnel

Recount Supervisor (Sec. 213.001)

- manages and supervises the recount;
- appoints recount chair and recount committee members;
- may exercise the chair's authority when present during the counting process
- Presiding officer of local canvassing authority or his/her designee (governing body)
 1. Commissioner's court → County judge
 2. Primary election → County Chair
 3. City election → Mayor
 4. School/Water/Hospital/Other District → President of school the board
- **Note:** *The presiding officer of a canvassing authority who is a candidate in the race to be recounted is ineligible to serve as recount supervisor.*



Recount Personnel *continued...*

- **Recount Coordinator (Sec. 211.002(6))**

- person to whom a recount petition is submitted under Sec. 212.026 or 212.082.

Note: The presiding officer of a canvassing authority who is a candidate in the race to be recounted is ineligible to serve as recount coordinator.

- **Recount Petitioner (Sec. 212.022)**

- A candidate may petition for a recount if: (Sec. 212.022)
 - The candidate is shown by the election return not to have been elected to the office.
 - A winning candidate may petition for a recount in certain circumstances affecting offices with a statewide canvass.
- In an election on a measure: (Sec. 212.024)
 - The campaign treasurer of a specific purpose political committee involved in the election may petition for a recount.
 - 25 or more persons acting jointly who were eligible to vote in the election on the measure may also petition for a recount



Recount Personnel *continued...*

- **Recount Chair (Sec. 211.002(6))**

- Manages the recount committee and the process of the recount.
- Solely determines questions of voter intent
- Create a precinct by precinct report of the recount;
- “the recount committee chair shall designate the members to serve on each team and the duties to be performed by each member.”

Note: The Recount Committee Chair has the same authority as presiding judge to preserve order. (Sec. 213.015(b))



Recount Personnel *continued...*

- **Recount Committee (Sec. 213.002) (Sec. 214.045)**

- Composed of at least four members (including chair) who are appointed by the recount supervisor.

Note: Members of the Recount Committee must meet the requirements of precinct election judges and election day clerks. **A person who served as an election judge or as judge of the early voting ballot board in the election is ineligible to serve as a member of the recount committee. (Sec. 213.003)**

- Can serve on the committee if the person worked in Early Voting



Other Persons Allowed in the Room

- **Only persons** specifically permitted to be present by law may be present in the room where a recount is taking place or in any hallway within 30 feet of an entrance to such room.
- **County Elections Staff**
 - Assist with check-in/check-out station, Runners, and other duties as needed.
- **Peace Officers**
 - Do they **NEED** to be present? **No. BUT** it is recommended for security purposes and to assist with preserving order in the room.



Other Persons Allowed in the Room *continued...*

- **Candidates/Campaign Treasurers and **their** Watchers**
 - Each candidate may have **TWO** Poll Watchers if there is just one counting team or Poll Watchers in a number equal to the number of counting teams if there is more than one counting team.
 - If a candidate wants a lawyer present, the lawyer counts as one representative/watcher
- **Custodian of voted ballots**
- **Secretary of State Election Security Trainers, Attorneys, Director of Elections, Deputy Director of Elections and Staff**



Form 12-2 Certificate of Appointment of a Watcher for a Recount

Used to be called a
“Representative for a
Recount”

Candidate’s
Representative at a
Recount = Watcher

12-2
Prescribed by Secretary of State
Sections 213.013, Texas Election Code
11/2021

APPOINTMENT OF A WATCHER FOR A RECOUNT (NOMBRAMIENTO DE UN OBSERVADOR PARA UN RECUENTO)

To the Recount Committee Chair:
(Al Presidente del Comité de Recuento:)

The following person has been appointed to serve as a watcher.
(La siguiente persona ha sido nombrada para servir como un observador.)

| | |
|--|---|
| Name of Watcher (Nombre del Observador) | Candidate or other Appointing Authority (Candidato u otra Autoridad Facultada para Proceder a los Nombramientos) |
| Name and Date of Election (If measure election, identify the side representing) (Nombre y Fecha de las Elecciones) (Si es una elección para una medida, identifique el lado que representa) | Time and Location of Recount (Hora y Ubicación del Recuento) |

Signature of Candidate or other Appointing Authority
(Firma del Candidato u otra Autoridad Facultada para Proceder a los Nombramientos)

Printed Name and Title of Candidate or other Appointing Authority
(Nombre en Letra de Imprenta y Título del Candidato u otra Autoridad Facultada para Proceder a los Nombramientos)

Signature of Watcher
(Firma del Observador(a))

Signature of Recount Committee Chair
(Firma del Presidente del Comité de Recuento)

Watcher (Observador) accepted (aceptado)
 rejected (rechazado)

Notice: No mechanical or electronic means of recording images or sound and no wireless communication are allowed inside the room in which the recount is conducted, or in any hallway or corridor in the building in which the recount is conducted within 30 feet of the entrance to the room, while the recount is in progress unless the representative agrees to disable or deactivate the device while present at the recount.

Aviso: No se permite ningún medio mecánico o electrónico de grabación de imágenes o sonido, ni ninguna comunicación inalámbrica dentro de la sala en la que se realiza el recuento, ni en ningún pasillo o corredor del edificio en el que se realiza el recuento a menos de 30 pies de la entrada de la sala mientras se realiza el recuento, a menos que el/la representante acepte desactivar o inutilizar el dispositivo mientras esté presente en el recuento.

SEE REVERSE SIDE FOR INSTRUCTIONS
(CONSULTE EL REVERSO PARA INSTRUCCIONES)



BEST PRACTICE

Once a person has been appointed as a member of the recount committee, that person **SHOULD NOT** be allowed to switch back and forth between counting and watching.



BEST PRACTICE

TRACK

TRAIN

MONITOR

ENSURE COMPLIANCE



Tips to assist in the **TRACK** process

- Designate a staff member to check in/check out everyone coming into the Recount Space (i.e. Watchers, Members, Media, Candidate, etc.)
- Keep track of appointing authorities vs number of watchers when they check in (forms to come in the future)
- Security Plan and Procedures, including Chain of Custody for handling voted ballots and election materials.
- Make different **solid colored name badges** for the candidates, watchers, counters, and a different one for Recount Supervisor, Recount Coordinator, and etc..
- Issue name badges and keep a log to track to whom they were issued. Name badges **MUST** be surrendered at the end of the day.



PRINTED FULL NAME

WATCHER

APPOINTED BY

PRINTED FULL NAME

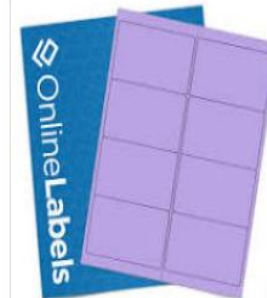
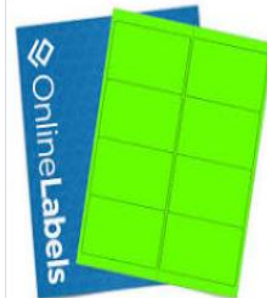
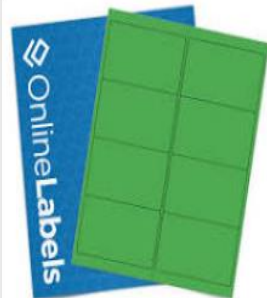
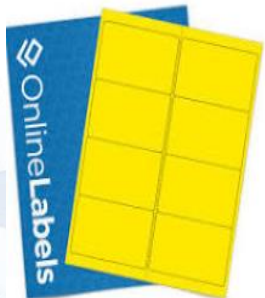
RECOUNT CHAIR

APPOINTED BY

PRINTED FULL NAME

RECOUNT SUPERVISOR

APPOINTED BY



Tips to keep in mind when you **TRAIN**

- Conduct a kick-off briefing/training for all participants PRIOR to the Recount.
- Discuss workflow, State laws/Regulations, and overall procedures for managing the recount in a timely manner.
- Policies, Rules of Conduct and Procedures for Observers, Watchers and Media.
- Review procedures to include: working hours for recount, breaks, lunch. Lunches should be staggered by team to prevent stopping in the middle of a stack/ballot box
- Review policies for use of devices capable of recording images or sound. No bags, purses or wireless devices should be present at the table where ballots are being counted. Smart watches should be removed.



Tips to keep in mind when you **TRAIN** *continued...*

- Review policies for storage of personal items belongings to the recount committee.
- Review different methods of recounting voted ballots (i.e. Count by precinct, sorting voted ballots into stacks and count stacks, Caller/Tallier method from the code
- Review the method to count one type/batch of ballots **BEFORE** moving on to another type. (i.e. Ballot by Mail, In Person, Early Voting and Election Day)
- Remind everyone that there is no stopping in the middle of counting a stack/ballot box.



Tips to keep in mind when you **TRAIN** *continued...*

- Review Poll Watcher Sec. 213.013(b)(f) and Candidate Representative rules
- No cell phones allowed. *Tip: place “no cell phone” signage in recount area and at all door entries.*
- Dos and Don'ts during the recount.
- Only recount when the recount committee is convened (this includes reading any media on the central accumulator)
- Recount committee is not authorized to recount other contests/races
- No trash cans allowed in recount area.
- Administer oaths
- Remind workers to seal/secure and label ballots.



NOTICE



**No cell
phone use
in this area**



Tips to help **MONITOR**

- Know and Enforce limitation on number of watchers/representatives.
Note: 2 Watchers/Representatives for the first counting team and if there is more than 2 team, 1 per team thereafter. A candidate's lawyer is considered to be 1 of the 2 representatives that can be appointed. Lawyer's ARE NOT extra. No Exceptions
- Watchers MAY monitor the count process to point out an irregularity or violations of the law.
- All counting questions in a recount should be determined by the Chair of the recount committee in accordance with the Texas Election Code.
- If there is a rejection of any ballot during a recount, the Chair should make note of the reason for the rejection and place the rejected ballot in a separate container.
However, keep in mind that the recount committee is not authorized to evaluate the method in which a voter was qualified for voting.
- Monitor staff assigned to seal/secure and label ballots.



Tips to help **MONITOR** *continued...*

- Ballots being counted in a recount are only those that were previously counted.
- Reminder: Only the recount chair can adjudicate the overvotes or voter intent issues.
- Monitor counting teams to make sure they place 1 Tally sheet in the ballot box and give the other one to the Recount Supervisor.
- Recount Supervisor tallies results and will verify original outcome or determine if totals need to be recanvassed. This decision is based on the outcome of the recount.



Preparing for the Recount

- Reports
 - Precinct by precinct results report with overvotes and undervotes
 - Cumulative results report with overvotes and undervotes
 - Optional - number of ballots cast by voting location (by party)
 - Optional – number of voters checked in (ePollbook or poll list) at each voting location (by party)
- Create an inventory of all ballot boxes containing ballots for the election
- Create check out (by location) and check in (by precinct) sheets



Preparing for the Recount continued...

- Prepare Tally sheets – make plenty of copies.
- Give instructions for callers and talliers about how to properly complete Tally sheets
- Write procedures for recount teams and elections staff
- Create supply list
- Determine recount area and develop work flow diagrams with “table configurations and paper flow etc.”
- Set up recount area
- Assign job duties to elections staff



Supplies...the little things

- Tables and chairs
- Pencils/red pens
- Scissors for breaking ballot box seals
- New seals to replace old seals
- Labels
- Keys
- Chain of Custody Forms
- Sign in sheets
- Nametags/Badges
- Tally sheets, by ballot type and precinct
- List of certified write-in candidates, if applicable
- Results reports (see above)
- Ballot adjudication guide



Manually Recounting Ballots...have a plan set

- Create a system to check ballots in
- **Recommended:** only work with **one type at a time** until finished
- EV ballots rejected by EVBB may not be counted in a recount
- Sort ballots before counting
- Stage all batches in one place
- Batches are counted in teams of 3
- Recount teams receive a batch from the recount chair
- If the recount team cannot determine voter intent, the recount chair will make a ruling
- Method 1 – Hashmark
- Method 2 – Sort and Stack
- Store ballots in labeled containers (with one of the tally sheets) with new seals and fill out new chain of custody logs as needed
- Record manage recount documents



Electronic Recount...have a plan set for this too

- Must be on the same or similar equipment unless otherwise requested by the person requesting the recount
- Must perform 2nd L&A test before recounting
- All members of the recount committee in an electronic recount shall be present during the testing of the program and equipment
- For ballots that have been duplicated, compare the duplicated ballot to the original before scanning to make sure it is correct; if it is incorrect, duplicate the ballot again and use that to rescan
- Prepare two copies of the returns



Debrief

- Talk with your staff about lessons learned and changes that can be made for future recounts.
- Prepare a Recount Guideline that would assist you in future recounts.
- Always refer to the Recount Resources that the Secretary of State's office has posted on its website.



Recount Issues and FAQs

- How does a candidate withdraw from a Recount?
 - A candidate fills out the Request to Withdraw a Recount Petition Form **(Coming Soon!)**
- What if a page from a ballot by mail with the race to be recounted is missing?
 - If there is a missing page from a ballot by mail, the races on that page were never counted.
 - If the race being recounted is on the missing page, this does not result in an undervote



Resources

- **Recount Outline –**

<https://www.sos.state.tx.us/elections/forms/recount-presentation-11-15-22.pdf>

- **Recount Forms**

[Petition Requesting a Recount](#)

[Appointment of Representative for a Recount](#)



Questions??

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