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ELECTIONS CODE - ELEC

DIVISION 15. SEMIFINAL OFFICIAL CANVASS, OFFICIAL CANVASS, RECOUNT, AND TIE VOTE PROCEDURES [15000 - 15702] (*Heading of Division 15 amended by Stats. 1998, Ch. 1073, Sec. 21.*)

CHAPTER 9. Recount [15600 - 15649] (*Heading of Chapter 9 renumbered from Chapter 12 by Stats. 1998, Ch. 1073, Sec. 41.*)

ARTICLE 3. Voter-Requested Recounts [15620 - 15634] (*Article 3 enacted by Stats. 1994, Ch. 920, Sec. 2.*)

15620. (a) Following completion of the official canvass, any voter may, within five days thereafter but not later than 5 p.m. on the fifth day, file with the elections official responsible for conducting an election in the county wherein the recount is sought a written request for a recount of the votes cast for candidates for any office, for slates of presidential electors, or for or against any measure, if the office, slate, or measure is not voted on statewide. The request shall specify on behalf of which candidate, slate of electors, or position on a measure (affirmative or negative) it is filed.

(b) If an election is conducted in more than one county, the request for the recount may be filed by any voter within five days but not later than 5 p.m. on the fifth day, beginning on the 31st day after the election, with the elections official of, and the recount may be conducted within, any or all of the affected counties.

(c) For the purposes of this section, "completion of the official canvass" shall be presumed to be that time when the elections official signs the certified statement of the results of the election except that, in the case of a city election, if a city council canvasses the returns itself and does not order the elections official to conduct the canvass, "completion of the official canvass" shall be presumed to be that time when the governing body declares the persons elected or the measures approved or defeated.

(*Amended by Stats. 2020, Ch. 370, Sec. 112. (SB 1371) Effective January 1, 2021.*)

15621. (a) Following completion of the official canvass any voter may, within five days beginning on the 31st day after a statewide election, file with the Secretary of State a written request for a recount of the votes cast for candidates for any statewide office or for or against any measure voted on statewide. Additionally, any voter may file with the Secretary of State a written request for a recount of the votes cast for candidates for any statewide office or for or against any measure voted on statewide within five days following completion of any postcanvass risk-limiting audit conducted pursuant to Section 15560. A request filed pursuant to this section shall specify in which county or counties the recount is sought and shall specify on behalf of which candidate, slate of electors, or position on a measure (affirmative or negative) it is filed.

(b) The Secretary of State shall forthwith send by registered mail one copy of the request to the elections official of each county in which a recount of the votes is sought.

(c) All the other provisions of this article shall apply to recounts conducted under this section.

(*Amended by Stats. 2015, Ch. 723, Sec. 3. (AB 44) Effective January 1, 2016.*)

15621.5. If more than one voter requests a recount of the same office or measure pursuant to Section 15620 or 15621, and at least one request is for a manual recount, the county elections official of a county subject to multiple requests as described in this section shall conduct only one manual recount of the ballots subject to recount, the result of which shall be controlling.

(*Added by Stats. 2015, Ch. 723, Sec. 4. (AB 44) Effective January 1, 2016.*)

15622. The request may specify the order in which the precincts shall be recounted.

(*Enacted by Stats. 1994, Ch. 920, Sec. 2.*)

15623. Any time during the conduct of a recount and for 24 hours thereafter, any other voter may request the recount of any precincts in an election for the same office, slate of presidential electors, or measure not recounted as a result of the original request.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

15624. The voter or the campaign committee, as defined in Section 82013 of the Government Code, represented by the voter filing the request seeking the recount shall, before the recount is commenced and at the beginning of each day following, deposit with the elections official a sum as required by the elections official to cover the cost of the recount for that day. The money deposited shall be returned to the depositor if, upon completion of the recount, the candidate, slate of presidential electors, or the position on the measure (affirmative or negative) for which the declaration is filed is found to have received the plurality of votes cast which it had not received according to the official canvass or, in an election where there are two or more candidates, the recount results in the candidate for whom the recount was requested appearing on the ballot in a subsequent runoff election or general election who would not have so appeared in the absence of the recount. The depositor shall be entitled to the return of any money deposited in excess of the cost of the recount if the candidate, slate, or position on the measure has not received the plurality of the votes cast or, in an election where there are two or more candidates, the recount does not result in the candidate for whom the recount was requested appearing on the ballot in a subsequent runoff or general election as a result of the recount. Money not required to be refunded shall be deposited in the appropriate public treasury.

(Amended by Stats. 2014, Ch. 904, Sec. 1. (AB 2369) Effective January 1, 2015.)

15625. The recount shall be conducted under the supervision of the elections official by special recount boards consisting of four voters of the county appointed by the elections official. Each member of a recount board shall receive the same compensation per day as is paid in the jurisdiction within which the recount is being conducted to members of precinct boards, other than inspectors, to be paid out of the appropriate public treasury.

If the office of the elections official is the subject of the recount, the governing body shall appoint an officer, other than the elections official, to appoint and supervise the special recount boards.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

15626. The recount shall be commenced not more than seven days following the receipt by the elections official of the request or order for the recount under Section 15620, 15621, or 15645 and shall be continued daily, Saturdays, Sundays, and holidays excepted, for not less than six hours each day until completed. The recount shall not be commenced until the first day following notification of the individuals specified in Section 15628.

(Amended by Stats. 2015, Ch. 723, Sec. 5. (AB 44) Effective January 1, 2016.)

15627. (a) If the votes subject to recount were cast or tabulated by a voting system, the voter requesting the recount shall, for each set of ballots cast or tabulated by a type of voting system, select whether the recount shall be conducted manually, or by means of the voting system used originally. Only one method of recount may be used for all ballots cast or tabulated by the same type of voting system.

(b) For purposes of direct recording electronic voting systems, "conducted manually" means that the voter verified paper audit trail of the electronically recorded vote is counted manually, as selected by the voter who requests the recount.

(Amended by Stats. 2015, Ch. 723, Sec. 6. (AB 44) Effective January 1, 2016.)

15628. Not less than one day prior to commencement of the recount, the elections official shall post a notice as to the date and place of the recount and shall notify the following persons of it in person or by any federally regulated overnight mail service:

(a) All candidates for any office the votes for which are to be recounted.

(b) Authorized representatives of presidential candidates to whom electors are pledged if the votes to be recounted were cast for presidential electors.

(c) Proponents of any initiative or referendum or persons filing ballot arguments for or against any initiative, referendum, or measure placed on the ballot by the governing body the votes for which are to be recounted.

(d) The Secretary of State in the case of a recount of the votes cast for candidates for any state office, presidential electors, the House of Representatives of the United States, the Senate of the United States, or delegates to a national convention or on any state measure.

(Amended by Stats. 1998, Ch. 199, Sec. 48. Effective January 1, 1999.)

15629. The recount shall be conducted publicly.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

15630. All ballots, whether voted or not, and any other relevant material, may be examined as part of any recount if the voter filing the declaration requesting the recount so requests.

No examination of any ballot shall include touching or handling the ballot without the express consent of the elections official or the election officer supervising the special recount board. No ballot may be touched or handled during the examination unless the elections official or the elections officer supervising the special recount is present to observe the examination.

Except as provided in this section no ballot shall be touched or handled by any person during the recount unless that person is the elections official, a person acting at the direction of the elections official, a member of the special recount board, or by order of the superior court.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

15631. On recount, ballots may be challenged for incompleteness, ambiguity, or other defects, in accordance with the following procedure:

(a) The person challenging the ballot shall state the reason for the challenge.

(b) The official counting the ballot shall count it as he or she believes proper and then set it aside with a notation as to how it was counted.

(c) The elections official shall, before the recount is completed, determine whether the challenge is to be allowed. The decision of the elections official is final.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

15632. In lieu of the returns as reported in the official canvass, upon completion of the recount showing that a different candidate was nominated or elected, that a different presidential slate of electors received a plurality of the votes, or that a measure was defeated instead of approved or approved instead of defeated, there shall be entered the result of the recount in each precinct affected, which result shall, for all purposes thereafter, be the official returns of those precincts for the office, slates of presidential electors, or measure involved in the recount. If the office, slates of presidential electors, or measure are not voted on statewide, the results of any recount which is not completed by counting the votes in each and every precinct in the jurisdiction within which votes were cast on the candidates for the office, on the slates of electors, or on the measure in question shall be declared null and void. If the office, slates of presidential electors, or measure are voted on statewide, the results of any recount will be declared null and void where there is not recounted each vote cast statewide for the office, slates, or measure.

(Amended by Stats. 2015, Ch. 723, Sec. 7. (AB 44) Effective January 1, 2016.)

15633. A copy of the results of any recount conducted pursuant to this chapter shall be posted conspicuously in the office of the elections official.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

15634. This chapter does not:

(a) Authorize the opening or recounting of ballots for any precinct except for the purposes specified in this chapter.

(b) Limit other provisions of law regarding an election contest or recount.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)