



GUIDE TO ELECTION RECOUNTS

STATE OF RHODE ISLAND
BOARD OF ELECTIONS
50 Branch Avenue
Providence, Rhode Island 02904

GUIDE TO ELECTION RECOUNTS

In accordance with R.I.G.L. 17-7-5(11) the Board of Elections is responsible for conducting recounts in all elections held in Rhode Island according to R.I.G.L. 17-19-37.1 et seq. Included are the procedures to be followed by a person or group seeking a recount.

Recount Procedures

Deadline For Submitting A Request For A Recount

The deadline for filing a request for a recount is as follows:

For a primary	By 4:00 p.m. on the day after the primary
For an election	By 4:00 p.m. on the seventh (7 th) day following an election
For a ballot question	By 4:00 p.m. on the seventh (7 th) day following an election

Application For A Recount

Candidates

A candidate or write-in candidate seeking a recount of the votes cast in his or her race must make a written application to the Board of Elections requesting said recount. The application should include the following:

- the name, address, daytime and evening telephone number of the candidate (if applicable, the application should also include the contact information of an attorney or person who the candidate designates to represent him or her);
- the office for which the recount is being sought (including district number, if applicable);
- the date on which the application is made
- the signature of the candidate which shall be notarized.

Referendum Questions

A person, group or organization of “recognized standing” (as defined by the Board of Elections) seeking a recount of the votes cast for a ballot question must make a written application to the Board of Elections requesting said recount. The application should include the following:

- the name, address, daytime and evening telephone number of the person, or a contact person for the group or organization of recognized standing (if applicable, the application should also include the contact information of an attorney or person who the person, group or organization designates to represent them);
- the ballot question for which the recount is being sought (City/Town if applicable);
- the date on which the application is made;
- the signature of the person requesting the recount which shall be notarized;

Filing of Recount

Applications will be considered to have been filed only when the signed, notarized original application is received at the Board of Elections, 50 Branch Avenue, Providence, Rhode Island. Applications not received by the deadline stated above or not executed pursuant to the requirements stated herein shall be rejected. **Recount requests cannot be faxed or e-mailed.**

Scheduling & Notification Of Recount:

Upon Receipt of a recount application the Board of Elections shall review the application and determine the eligibility of the candidate for the recount requested. The Board will notify the candidate (or the representative designated by the candidate in the application) of the disposition of his or her application and, if the candidate qualifies, schedule the recount. The Board will then contact other parties who may be interested in the recount. It is the responsibility of the candidate to provide the Board with the contact information necessary to facilitate communication between the Board of Elections and the candidate. The Board of Elections shall not be responsible or held liable for its inability to give notice to a candidate who fails to provide the necessary contact information.

Mail Ballots & Provisional Ballots:

- Mail and Provisional ballots subject to a recount for statewide elections shall be re-fed into the central count optical scan unit.
- Mail Ballots subject to a recount for a local election held at a time other than in conjunction with a statewide election, shall be re-fed into the “mail ballot” optical scan machine set up by the State Board.
- Provisional Ballots subject to a recount for an election held at a time other than in conjunction with a statewide election shall be manually reviewed by the State Board of Elections.
- Mail Ballots subject to a computer re-reading of the election night memory packs shall have the data file containing the mail ballot results re-read.

Conduct Of Recount:

The Board of Elections has established the policies and procedures to be used in conducting election recounts. The Board shall implement the necessary measures to secure the ballots to be recounted and to protect and ensure the integrity of the election and recount process. The Board shall take the steps necessary to conduct an efficient, orderly and accurate recounting of the ballots cast in elections qualifying for recounts pursuant to the Rhode Island General Laws.

All recounts are held at the Board of Elections, 50 Branch Avenue, Providence, Rhode Island. Candidates and/or their representatives are welcome to be present during recounts. In addition, the public and members of the media are invited to observe the proceedings. For information regarding the manner in which election recounts are conducted, including the role of the candidate during the recounting of his or her race, please contact the Board of Elections.

Eligibility for Recount

In order to qualify for a recount, a candidate/ballot question must meet the requirements listed in the following pages. Please refer to the chart below for your specific eligibility requirements.

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Eligibility Requirements - Candidates for Public Office

A candidate for public office is defined as a person who has qualified under law to have his or her name appear on the ballot for nomination for election to any federal, state, or local office that is filled by popular election.

Manual Re-Feeding of the Computer Ballots Cast

A candidate for public office shall be eligible to request a manual re-feeding of the computer ballots cast at said race into the optical scan voting equipment for each precinct in his or her race pursuant to the eligibility requirements listed in A or B below

A) When *One* Candidate is Elected:

If the Total Votes Cast* in a race is:	A candidate must trail the winning candidate by:
Less than or equal to 20,000	2% or 200 votes; whichever is less
20,001 – 100,000	1% or 500 votes; whichever is less
Greater than 100,000	0.5% or 1500 votes; whichever is less

* Total votes cast shall include votes cast for candidates and irregular ballots (Write-Ins) cast pursuant to R.I.G.L. 17-19-31.

B) When More Than One Candidate is Elected

- A race in which voters are permitted to voter for more than on candidate

If the Total Votes* Cast in a race is:	A candidate must trail the winning candidate by:
Less than or equal to 5,000	2% or 50 votes; whichever is less
5,001 – 20,000	1% or 100 votes; whichever is less
Greater than 20,000	0.5% or 150 votes; whichever is less

* Total votes cast shall be determined by dividing the total number of votes eligible to be cast in the race by the number of candidates for whom each voter was eligible to cast votes.

Computer Re-Reading of the election night memory packs

A candidate in a race for public office who fails to qualify for a manual re-feeding of the computer ballots pursuant to the eligibility requirements above, but who trails the winning candidate in said race by 5%, may request a re-reading of the programmed memory devices and compare the results and totals obtained at such recount with the results and totals obtained on election night

- 1) If there is no change in the totals from the re-read and the totals from election night, the election night totals shall stand as reported.
- 2) If the re-read is conducted and a discrepancy between the results obtained on election night and the results produced as a result of the re-read **AND**, subsequent to said re-read, the candidate shall meet the eligibility requirements to manually re-feed the computer ballots cast at each precinct in the race into the optical scan voting equipment they may request said re-feed of the ballots.

A candidate who wishes to have a recount conducted as defined in (2) above must notify the Board of Elections, in writing, within 24 hours of the conclusion of the recount conducted pursuant to the Recount

Eligibility Requirements – Write-In Candidates

A write-in candidate for public office is defined as a person receiving votes or seeking election to public office by virtue of having irregular (“write-in”) ballots cast for him or her pursuant to R.I.G.L. 17-19-31.

A write-in candidate for public office shall be eligible to request a manual recounting of the irregular ballots cast at each precinct in his or her race pursuant to the following:

a) If, following the initial manual count of all irregular ballots, the write-in candidate shall have received a minimum of ten (10) votes or one percent (1%) of the votes cast in the race, whichever is greater; provided, however, that if no candidates appear on the ballot in said race and only write-in candidates receive votes a “write-in candidate” shall be required to receive at least 10 votes in the race; **AND**

b) The write-in candidate shall trail the winning candidate by less than the number of votes required to qualify for a recount below.

A) When *One* Candidate is Elected:

If the Total Votes Cast* in a race is:	A candidate must trail the winning candidate by:
Less than or equal to 20,000	2% or 200 votes; whichever is less
20,001 – 100,000	1% or 500 votes; whichever is less
Greater than 100,000	0.5% or 1500 votes; whichever is less

* Total votes cast shall include votes cast for candidates and irregular ballots cast pursuant to R.I.G.L. 17-19-31

B) When More Than One Candidate is Elected

- A race in which voters are permitted to voter for more than on candidate

If the Total Votes* Cast in a race is:	A candidate must trail the winning candidate by:
Less than or equal to 5,000	2% or 50 votes; whichever is less
5,001 – 20,000	1% or 100 votes; whichever is less
Greater than 20,000	0.5% or 150 votes; whichever is less

* Total votes cast shall be determined by dividing the total number of votes eligible to be cast in the race by the number of candidates for whom each voter was eligible to cast votes.

The State Board may, upon its own motion, determine to manually re-feed the computer ballots cast at each precinct in the race into the optical scan voting equipment.

Note: Write-in ballots are not eligible for the computer re-reading of the memory packs used in the race.

Eligibility Requirements – Ballot Questions

Manual Re-Feeding of the Computer Ballots Cast

In the case of a ballot question, a person, group or organization of “recognized standing,” as determined by the Board of Elections, may request a manual re-feeding of the computer ballots cast at each precinct if the difference between “Approve” and “Reject” is less than one-half of one percent (1/2%) or 500 votes, whichever is less.

Computer Re-Reading of the election night memory packs

If a ballot question does not qualify for a manual re-feeding of the ballots cast, a person, group or organization of ‘recognized standing’ may request a re-reading of the memory packs and have the results compared to those obtained on election night if the difference between “Approve” and “Reject” is as follows:

- If less than 100,000 total votes* were cast the difference is 2% or less;
- If 100,000 or more total votes* were cast the difference is 1% or less.

* Total votes shall mean the total number of votes cast as “approve” and “reject” for said question.

- 1) If there is no change in the totals after the re-read, the election night totals shall stand as reported.
- 2) If the re-read is conducted and a discrepancy between the results obtained on election night and the results produced as a result of the re-read **AND**, subsequent to said re-read, the ballot question shall meet the eligibility requirements to manually re-feed the computer ballots cast at each precinct in the race into the optical scan voting equipment they may request said re-feed of the ballots.

A person, group or organization of ‘recognized standing’ who wishes to have a recount conducted as defined in (2) above must notify the Board of Elections, in writing, within 24 hours of the conclusion of the recount conducted pursuant to Section 2 of this document.

Eligibility Requirements – Other Offices (Non Public Office)

A candidate for any office other than a public office shall be eligible to request a re-reading of the programmed memory devices and compare the results and totals obtained at such recount with the results and totals obtained on election night if the candidate meets the following eligibility requirements:

Number of Candidates Elected	A candidate must trail the winning candidate by:
1	Less than 2% or 100 total votes*; whichever is less
2-7	Less than 1% or 25 total votes**; whichever is less
≥ 8	Less than 0.5% or 25 total votes**; whichever is less

* Total votes cast shall include votes cast for candidates and irregular (Write-In) ballots cast pursuant to R.I.G.L. 17-19-31

** Total votes cast shall be determined by dividing the total number of votes eligible to be cast in the race by the number of candidates for whom each voter was eligible to cast votes.

Eligibility Requirements – Delegates to National Conventions and for Presidential Preference

Upon application, the State Board of elections shall conduct a recount for a presidential candidate or delegate for a winning candidate when there is two hundred (200) or less vote difference between the losing candidate or delegate and the winner. Said recount shall be conducted by re-reading the programmed memory device or devices and comparing the results and totals obtained at such recount with the results and totals obtained on election night.

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BOARD OF ELECTIONS**

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