

# Recount Procedures

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## Automatic Recounts

All recounts are conducted in accordance with the [Ohio Revised Code 3515](#) and Ohio Secretary of State [Directive 2017-14](#) on Recount Procedures.

### **When an Automatic Recount Must Be Conducted (RC 3515.011)**

[\(From Directive 2017-14\)](#) An automatic recount must be conducted when the difference between votes cast for a declared winning nominee, candidate, question, or issue, and the declared losing nominee, candidate, question, or issue is equal to or less than a certain percentage of the total votes cast in the candidate contest, question, or issue as described below.

#### **Board of Elections Declares Automatic Recounts in Nominations or Elections Within a County**

A board of elections must order the automatic recount for any county, municipal, township, or school district race, or local question or issue election wholly contained within the county when the difference between votes cast for a declared winning nominee, candidate, question or issue, and a declared losing nominee, candidate, question or issue is equal to or less than one-half of one percent (0.5%) of the total votes cast in the candidate contest, question, or issue.

When a board of elections orders an automatic recount, that county board of elections must conduct a recount in its county for the election in question according to the procedures in Directive 2017-14.

#### **Secretary of State Declares Automatic Recounts in Multi-County District Nominations or Elections**

The Secretary of State must order the automatic recount of any multi-county district race, question, or issue when the difference between votes cast for a declared winning nominee, candidate, question or issue, and a declared losing nominee, candidate, question or issue is equal to or less than one-half of one percent (0.5%) of the total votes cast in the candidate contest, question, or issue.

When the Secretary of State orders an automatic recount, each county board of elections involved must conduct a recount in its county for the election in question according to the procedures in Directive 2017-14. Each board of elections involved shall report the results of its recount to the board of elections in the most populous county in the district, who will report to the Secretary of State's Office.

#### **Secretary of State Declares Automatic Recounts in Statewide Candidate or Issue Nominations or Elections**

The Secretary of State must order the automatic recount of any statewide election when the difference between votes cast for the declared winning nominee, candidate, question, or issue does not exceed the number of votes cast for the declared defeated nominee, candidate, question, or issue by a margin of one-fourth of one percent (0.25%) or more of the total votes cast in the race or issue.

When the Secretary of State orders an automatic recount, each county board of elections must conduct a recount in its county for the election in question according to the procedures in Directive 2017-14. Each board of elections shall report the results of its recount directly to the Secretary of State's Office.

### Automatic Recount Procedures

#### When One Candidate is to be Elected

Where there are two or more candidates for a single office but only one candidate is to be elected, add the votes for all candidates in that race together to obtain the total vote. For example:

Candidate A	2,845 votes (declared elected or nominated)
Candidate B	2,815 votes (declared defeated)
Candidate C	2,795 votes (defeated)

The total vote for the office is 8,455. One-half of 1% of 8,455 is 42.275 ( $8,455 \times 0.005$ ). Do not round.

Candidate A defeated Candidate B by 30 votes, which is less than 42.275. Because the difference between the declared elected and the declared defeated candidates is less than one-half of 1% (30 is less than 42.275), an automatic recount is declared, and the votes cast for each of the three candidates in the contest are recounted.

#### When Several Candidates are to be Elected

In a case where several candidates are to be elected, the term "declared winning candidate" in the statute is interpreted to mean the candidate whose election is disputed rather than to mean all of the candidates for the particular office.

Using the example below, if five candidates seek election, with three to be elected, only the votes cast for Candidates 3, 4, and 5 are regarded as the "total votes" cast for the third seat in computing the margin for an automatic recount. For example:

Candidate 1	4,200 votes (elected or nominated)
Candidate 2	2,301 votes (elected or nominated)
Candidate 3	2,300 votes (declared elected or nominated)
Candidate 4	2,275 votes (declared defeated)
Candidate 5	2,250 votes (defeated)

Do not include the votes cast for Candidates 1 and 2 to compute the total vote for the third seat because their election is not in dispute.

The votes cast for Candidates 3, 4, and 5 total 6,825. One-half of 1% of 6,825 is 34.125 ( $6,825 \times 0.005$ ). Do not round.

Candidate 3 defeated Candidate 4 by 25 votes, which is less than 34.125. Because the difference between the declared elected and the declared defeated candidates is less than

one-half of 1% (25 is less than 34.125), an automatic recount is declared, and the votes cast for 3, 4 and 5 are recounted in the contest.

### **Tied Contest (Resolved by Lot at Official Canvass) Leads to Automatic Recounts**

Any candidate contest that was tied according to the results of the official canvass should have been resolved by lot at the end of the Board's official canvass. In the event that the Board neglected to resolve a tie in a candidate race at the end of its official canvass as required by law, it must break the tie by lot prior to performing the recount. The Board may only resolve a tie by lot during a public meeting with a majority of the board members present.

## **Requested Recounts**

A requested recount may be conducted only when an automatic recount of a race or issue is not mandated by RC 3515.011. Any candidate who was not declared nominated or elected or any group of five or more qualified electors who declare that they voted "for" a question or issue that was defeated, or "against" a question or issue that passed may request a recount of the votes cast in any precinct.

### **Requested Recounts in Nominations or Elections Within a County**

Any defeated candidate or issue group may file a written application with the county board of elections for a recount of the votes cast in the race or issue in any precinct in which the race or issue appeared on the ballot.

### **Requested Recounts in Multi-County District Nominations or Elections**

Any defeated candidate or issue group may file a written application with the most populous county in the district for a recount of the votes cast in the race or issue in any precinct in any of the counties in which the race or issue appeared on the ballot.

### **Requested Recounts in Statewide Nominations or Elections**

Any defeated candidate or issue group may file a written application with the Secretary of State's Office for a recount of the votes cast in the race or issue in any precinct in any county.

## **How to Request a Recount**

### **Written Application for a Requested Recount**

A recount of the election results certified by a board of elections may only be requested **within five days** after the board of elections or the Secretary of State declares the official results of the election.

- If a contest (candidate, question, or issue) was wholly contained within a county, the application is filed with that county's board of elections.
- If a contest (candidate, question, or issue) appeared on ballots in a multi-county district, the application is filed with the board of elections in the most populous county of the district.
- If the contest (candidate, question, or issue) was statewide, the application is filed with the Secretary of State's Office.

## **Candidate Election**

A candidate who was not declared nominated or elected in a race may make written application to the appropriate election officials for a recount of votes cast in that contest in some or all of the precincts where that contest was submitted to the voters.

### **Issue Election**

A group of five voters who voted opposite to the certified result (i.e., if the question or issue passed, they voted against it, or vice versa) may file a written application with the appropriate election officials for a recount of votes cast on that question or issue in all or some of the precincts where that question or issue was submitted to the voters. The group filing the application for recount must designate one of its members as chairperson to receive all notices concerning the recount.

### **How to Request a Recount with the Butler County Board of Elections**

Written applications for requested recounts can be filed with the Candidate and Ballot Services Department at the Butler County Board of Elections, 1802 Princeton Road, Suite 600, Hamilton, OH 45011.

Applications will be accepted immediately following the Board meeting to certify the election through the fifth day following certification .

Mailed written applications must be postmarked by the fifth day following certification and must include the \$60 deposit per precinct.

### **All recounts will take place at:**

Butler County Board of Elections Warehouse  
1802 Princeton Road, Suite 600  
Hamilton, OH 45011

### **If you have questions regarding recounts, please contact:**

Diane Noonan, Director, at [noonandj@butlercountyelections.org](mailto:noonandj@butlercountyelections.org) or Jocelyn Bucaro, Deputy Director, at [bucaroja@butlercountyelections.org](mailto:bucaroja@butlercountyelections.org) or (513) 887-3700.