

CHAPTER 45. CONTESTS OF ELECTION

SUBCHAPTER 3. RECOUNTS

PART 1. RECOUNTS FOR COUNTY OFFICE

230:45-3-2. Procedure for Secretary

(a) At least one week prior to an election, the Assistant Secretary of the County Election Board shall consult with the other two members of the County Election Board to set a tentative date and time for a recount hearing to be held if necessary. The Secretary also shall consult with the county's District Judge concerning the tentative date and time of a recount hearing.

(b) Upon receipt of a recount petition, the Secretary shall observe the following procedure:

- (1) Contact the District Judge or Associate District Judge of the county to verify the time that the recount can begin in the District Courtroom.
- (2) Enter the appropriate information about the recount in MESA. Write the cause number assigned to the recount by MESA on the recount petition.
- (3) Issue an order setting the date, time and place of the recount. See 230:45-3-3. Provide a sufficient number of copies of the order to the contestant to have served on the other candidate or candidates involved in the recount. See 230:45-3-4.
- (4) Notify other members and/or alternate members of the County Election Board.
- (5) If a manual recount has been requested, select and train a sufficient number of Counters to conduct the recount.
 - (A) Regular Precinct Inspectors, Judges or Clerks may serve as Counters for a manual recount. Employees of the County Election Board also may serve as Counters.
 - (B) At least two different political parties shall be represented among the Counters for a manual recount. [26:8-114(B)]
 - (C) Counters at a manual recount shall be registered voters in the county. [26:8-114(B)]
 - (D) Counters at a manual recount may not be employed by nor related within the third degree by either consanguinity or affinity to a candidate involved in the recount. Counters also may not be related by either consanguinity or affinity to any member of the County Election Board.

PART 9. RECOUNTS WITH ELECTRONIC VOTING DEVICES

230:45-3-52. Preparation of voting device

When it is time to begin the recount, the person designated to operate the voting device shall follow the appropriate instructions to prepare the voting device to accept and count ballots. See 230:35-5-32 or the Election Day Reference and Problem Solver section of the Precinct Official ~~Notbook~~ Manual.