



DISCOVERY RECOUNTS **AND RECENT PRIMARY ELECTION CASES**

- I. Election Day Poll Watching
 - A. Be prepared – Train your poll watchers!
 - B. Check equipment
 - C. Make sure candidate/proposition on ballot and touchscreen
 - D. Ensure voters sign their names on ballot application

- II. Governing Law
 - A. State/County/Local Levels = Election Code
 - B. Federal Level = Statutes during Primary and House/Senate rules for General Election

- III. Statutory Discovery Recount (5/22-9.1, 24A-15.1)
 - A. Guidelines
 - 1. When to petition?
 - W/in 5 days after last day for proclamation of canvass results
 - 2. Who can petition?
 - Losing candidate w/at least 95% of votes
 - 3. Why ask for recount?
 - Catch mistakes and errors in preparation for election contest
 - 4. What to do during recount?
 - Have trained watchers present to look for discrepancies
 - B. Helpful Hints
 - 1. Seek documents under FOIA to check for correct information
 - 2. Look to other races in same or overlapping jurisdiction



IV. Election Contests

- A. Filed if enough discrepancies exist to overturn election
- B. Governing statutes
 - Section 5/7-63 of Election Code for Primary
 - Section 5/23-20 for General Election
- C. Process
 1. File Verified Petition with Clerk of Circuit Court
 2. File Notice of Pendency with Election authority
 3. Present Petition to Circuit Court Judge to schedule hearing
 4. Cause summons to be issued with hearing
 5. Court often refers matter to election authority to recount ballots
- D. Grounds to Contest an Election
 - Fraud
 - Identifying marks on ballots
 - Improper indication of choice
 - Un-initialed ballots
 - Improper printing of ballots
 - Absentee voter defects