

Vote Recounts and Election Contests in Battleground States

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Abstract:

Because the 2020 presidential election results in several states were quite close, stakeholders took advantage of various state laws and procedures to allege incorrect vote counts and request recounts. The Trump campaign challenged the vote counts in some states and sought recounts in others. Georgia conducted a risk-limiting audit and two statewide recounts. Wisconsin, at the request of the Trump campaign, recounted votes in Milwaukee and Dane counties. Arizona, Michigan, Wisconsin, and Pennsylvania all faced lawsuits that alleged vote-count fraud and sought recounts. Michigan Secretary of State Jocelyn Benson agreed to conduct a statewide election audit. The Trump campaign and various Republican organizations, candidates, and voters filed 10 “election contests” in Arizona, Georgia, and Nevada. None of these lawsuits or contests succeeded, and none of the recounts or audits changed the results of the election.

This report surveys the vote recounts and election contests in seven battleground states. State laws differ regarding who can request and challenge vote counts and file election contests, and when and why they can be requested and filed. The Appendix details the canopy of specific laws under which states can order and candidates can request a vote recount or an election challenge.

Authors: Haley Schwab, Bree Baccaglioni, Matthew Simkovits, Mikaela Pyatt, Amanda Zerbe, Axel Hufford, Evie Freeman, Christopher Middleton, Christopher Wan, Ali Bloomgarden, and Garrett Jensen

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Introduction

In the immediate aftermath of the 2020 presidential election, there was an extraordinary volume of requests for states to recount their vote and election contests challenging the validity of official results. The Trump campaign sought and obtained both a statewide vote recount and a statewide risk-limiting audit in the state of Georgia, as well as two countywide recounts in Wisconsin. Additionally, the national and state Republican parties, the Trump campaign, various Republican candidates for state and local offices, and Republican voters filed about a dozen election contests in court. Michigan and Georgia each performed post-election vote audits, with Michigan's extending into [February](#), after President-Elect Biden took office. These audits were not prescribed by law; rather, the secretaries of state called for these audits to boost voter confidence that the elections were fair and not tainted by widespread fraud. By contrast, in 2016 when Trump won the presidency, neither of the major parties, candidates, or their campaigns filed any election challenges, and there were only two [recounts](#)—one statewide recount in Wisconsin and one in several counties in Nevada.

This memo surveys the requests for and administration of vote recounts and election contests in seven battleground states in the 2020 general election: Arizona, Georgia, Michigan, Nevada, North Carolina, Pennsylvania, and Wisconsin. The extent of these requests and challenges varied significantly by state.

What are vote recounts and election contests? As a general matter, recounts involve re-canvassing or re-tabulating votes and are either mandatory or discretionary under state statute. Election contests are quasi-judicial proceedings to determine whether an election was marred by fraud or irregularities sufficient to overturn the results of the election.

Recounts: Recounts of election results generally involve a re-canvassing or re-tabulation of votes. Recounts can be mandatory or discretionary. Some states require a mandatory recount when the margin of victory is below a statutorily specified threshold. Other states have no such requirement but instead permit candidates to request a recount if the vote margin is small or if the candidate suspects that an error was made in the initial count. In November 2020, President Trump sought and obtained recounts in Georgia and in two counties in Wisconsin, indicating he believed they would uncover rampant voter fraud—fraud that the president and his loyalists predicted and alleged for months. None of the recounts revealed systemic fraud. The few irregularities that were uncovered were far from sufficient to change the results of the election. Additionally, Georgia and Michigan also undertook audits of their presidential vote counts. Unlike a recount, an audit is a post-election safety measure to verify and ensure that voting systems worked as expected. An audit is not a challenge or attempt to change the

election results, regardless of how close the margins appear to be. Although recounts and audits are not exactly the same, discussion of recounts includes audits. A brief summary of recounts in seven battleground states follows:

- **Arizona:** President-Elect Biden won in Arizona by approximately [10,500 votes](#), or a margin of 0.31% of total votes cast. The vote margin between incumbent Trump and winner Biden exceeded the statutory 0.1% or lower threshold required for a mandatory recount in Arizona, and state law does not permit candidates to request a recount. Consequently, there was no recount in Arizona.
- **Georgia:** President-Elect Biden won the state of Georgia by [11,779](#) votes. Georgia engaged in two statewide recounts of all votes: the first in the form of a risk-limiting audit that was conducted by a hand recount of all votes, and the second, requested by President Trump, was a subsequent machine recount of all votes. Neither the risk-limiting audit (the full hand recount) nor the machine recount showed a significant change from the original vote recount or changed the outcome of the election. [As a result of the audit](#) (the hand count), most counties found no change in their final tally. Some counties had changes of fewer than 10 ballots. The highest error rate found in any county recount was 0.73%. An [additional audit](#) of ballot signatures conducted in Cobb County revealed only two signature mismatches. [The statewide machine recount](#) also reaffirmed the election results. The [final official results](#), after the second recount, showed that Biden won the state of Georgia by [11,779](#) votes—reflecting 99.965% accuracy in the original vote count after Election Day.
- **Michigan:** Michigan certified the state’s vote on November 23, [declaring](#) that Biden won the state by over 150,000 votes, far above the 2,000-vote or lower threshold necessary to trigger a statewide mandatory recount. State law did not permit President Trump to request a recount. However, Michigan performed a statewide audit of the election, which was completed in mid-February and [affirmed the results](#) of the Michigan election.
- **Nevada:** President-Elect Biden won the state of Nevada by approximately 34,000 votes, a 2.4% margin of victory. President Trump did not request a recount in the state, even though he was permitted to do so before November 16.
- **North Carolina:** President Trump won the presidential race in North Carolina by [74,500 votes](#), a 1.4% margin of victory. President-Elect Biden did not request a recount.
- **Pennsylvania:** President-Elect Biden [won](#) the state of Pennsylvania by about 81,600 votes, a margin of 1.2% of all votes cast. This margin exceeded the statutorily required threshold margin of 0.5% or less of all votes cast for a mandatory recount, and state law did not permit President Trump to request a

recount. President Trump did, however, file six challenges to the counting process, all of which were dismissed. Additionally, state senatorial candidate Nicole Ziccarelli filed three lawsuits challenging the vote-counting process for her race, none of which succeeded.

- **Wisconsin:** President-Elect Biden [won](#) Wisconsin by [just over 20,500 votes](#), a margin of 0.62% of total votes cast. This was within the 1% or lower vote margin required to request a statewide recount. President Trump requested recounts in Dane County and Milwaukee County, and the recounts resulted in an increase in the vote margin of victory for Biden. President Trump filed a lawsuit disputing the recounts in both counties, but the trial court and the Wisconsin Supreme Court affirmed the recount results.

Election contests: An election contest is a unique, state-specific proceeding to determine whether fraud or irregularity in an election was of sufficient magnitude to have changed the result of the election or rendered the outcome reasonably uncertain. An election contest is not the same as a challenge to block certification of the vote. While voters or candidates can sue to block vote certification in any state, not all states have “election contest” laws.¹ Certification challenges feature a kaleidoscope of constitutional, federal, and state claims and can be filed in both federal and state courts. Election contests are narrow, state-specific proceedings. The procedures, deadlines, and rules for election contests vary greatly from state to state. Candidates or voters who file election contests must follow specific state statutes, procedures, and deadlines, which often differ significantly from rules of procedure in typical state and federal judicial proceedings. Some states, for instance, permit election contests to be filed only in one specific county court, and others require the challenger to petition the county or state election board before going to court.

Although they may take place before a county or state board, election contests often bear some resemblance to court proceedings because they typically involve extensive fact-finding with witnesses, affidavits, briefs, and oral arguments. Potential outcomes include requiring that votes be recounted entirely or a declaration of new election results. In 2020, various Republican

¹ Many lawsuits to block vote certification allege violation of federal rights, specifically that the state denied its citizens rights under the First Amendment and violated equal protection under the Fourteenth Amendment. These lawsuits seek relief under 42 U.S.C. §§ 1983 and 1988, which place liability on “every person who . . . under the color of any statute . . . subjects, or causes to be subjected, any citizen . . . to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws.” Some of these lawsuits to block vote certification also alleged violations of state election law. Certification challenges are a broad umbrella class of state or federal lawsuits to keep the state from certifying its election results, while election contests represent only a small, narrowly-defined subset of possible election challenges. Post-election lawsuits challenging vote certification are covered in detail in the Stanford-MIT Healthy Elections Project’s report on [Post-Election Litigation Analysis and Summaries](#) and mentioned just briefly here.

Party affiliates filed about a dozen election contests, alleging fraud, irregularity, and conspiracy in the administration of voting machines. The election contests in the various battleground states are summarized briefly as follows:

- **Arizona:** Three separate election contests were filed under Arizona law, but none succeeded.
- **Georgia:** Four separate election contests were filed under Georgia law, but none succeeded. Two were dismissed by the court due to a procedural defect that plaintiffs named the wrong defendant. The other two were voluntarily dismissed on January 7, 2021.
- **Michigan:** Michigan does not provide a specific statutory scheme for election contests relating to the presidential elections. Instead, President Trump relied primarily on lawsuits to block certification of the vote. While Michigan state law does include election contest procedures for candidates running for U.S. Congress, no such contests were filed.
- **Nevada:** Three separate election contests were filed under Nevada law. One was filed by Trump-supporting voters, and two were filed by Republican candidates for state office. All three alleged that the electronic voting machines counted illegal votes. None of these contests were successful.
- **North Carolina:** While North Carolina specifies robust procedures for election “protests,” none were filed after the election.
- **Pennsylvania:** While Pennsylvania has specific state procedures in place for election contests, President Trump did not file any election contests *per se* in the 2020 presidential election. Instead, Trump relied on lawsuits to try to block certification of the vote, at least one of which the court dismissed on the grounds that it was actually an election contest filed 11 days after the November 23 deadline, “styled” as a standard legal challenge.
- **Wisconsin:** Wisconsin state law does not provide for a specific statutory scheme for election contests relating to presidential elections.

The 2020 election was unique in the magnitude of post-election controversy. An analysis of the myriad recounts and election contests pursued and conducted across the battleground states underscored the deep partisan divide pervading the 2020 election. Only time will tell whether the extreme partisanship of 2020 was an anomaly in the history of U.S. elections or whether it will be a new normal for elections moving forward. It is also unclear the extent to which all of the fraud allegations and challenges have undermined the electorate’s perception that U.S. elections are legitimate and fairly conducted. But at least, in the end, the various state election laws, procedures, and judicial bodies were able to manage the partisan rancor and resolve the disputes lawfully and peacefully.

Arizona

A. Recounts

President-Elect Biden's margin of victory for the presidential race in Arizona was approximately [10,500 votes](#), or 0.31% of total votes cast. This was outside the 200-vote or 0.1% margin that would have triggered an automatic recount in the state. Because Arizona law does not permit candidates (or anyone) to request recounts, Arizona did not undergo any vote recounts in 2020.

Shortly after the election, however, the Trump campaign filed lawsuits that opponents argued amounted to a de facto recount:

- [Donald J. Trump for President v. Hobbs](#), No. CV2020-014248 (Ariz. Super. Ct., Maricopa Cnty. 2020) - The Trump campaign sought to bar the certification of election results until counties conducted a manual inspection of ballots that contained "overvotes," instances in which people voted for more candidates than permitted for a given race. The lawsuit alleged that tabulation machines rejected some ballots due to ink splashes and that poll workers either pressed or told voters to press a green button on the machine to override the error, resulting in some ballot selections being disregarded. While Trump's lawyers initially said there could potentially be thousands of Trump votes within the ballots in question, they later said that number would be lower, and the Trump campaign voluntarily [dropped](#) this lawsuit as moot before any ballots were actually reviewed.
- [Arizona Republican Party v. Fontes](#), No. CV2020-014553 (Ariz. Super. Ct., Maricopa Cnty. 2020) - The Arizona Republican Party sued the Maricopa County Recorder and the Maricopa County Board of Supervisors to challenge a provision of the Arizona Secretary of State's election manual that provides for only a "limited precinct hand count and early ballot hand count audit" to be conducted after each general election. Specifically, plaintiffs challenged the provision allowing the sample size to be limited to two percent of a county's polling places in counties that utilize a vote center model. The complaint alleged that the election manual instructions violate an Arizona statute that requires that two percent of precincts – not polling places – be audited. The court [dismissed](#) the case on November 19.

B. Election contests

Arizona permits election contests, and the Republican Party and its allies pursued several election contests in Arizona in 2020. The grounds for contesting an election, according to Arizona statute, are: (1) misconduct on the part of election officials; (2) ineligibility of the person elected; (3) an offense committed against the right to vote; (4) bribery of an election official or judge; (5) illegal votes; and (6) erroneous count of votes. Contests may be brought in the Superior Court of Maricopa County or in the superior court of the county in which the person contesting resides. The Republican Party and Republican voters in Arizona brought the following election contests in 2020:

- [*Ward v. Jackson*](#), No. CV2020-015285 (Ariz. Super. Ct., Maricopa Cnty. 2020) - The chair of the Arizona Republican Party filed an [election contest](#), broadly alleging three categories of “misconduct” in the general election: (1) that an insufficient opportunity was afforded to observe the actions of election officials; (2) that election officials overcounted mail-in ballots by not being sufficiently skeptical in their comparison of signatures on the mail-in envelope/affidavits with signatures on file; and (3) that ballots were duplicated. The Superior Court of Maricopa County [dismissed](#) the election contest on December 4, finding that plaintiff did not meet her burden of proof in establishing misconduct or fraud. Plaintiff then [appealed](#) her case to the Arizona Supreme Court, which [affirmed](#) the lower court’s denial. On December 11, plaintiffs filed a [petition for a writ of certiorari](#) in the U.S. Supreme Court, which the court denied on February 22.
- [*Stevenson v. Ducey*](#), No. CV2020-096490 (Ariz. Super. Ct., Maricopa Cnty. 2020) - Members of the Arizona Election Integrity Association contested the presidential election, alleging that (i) voters in “Democratic strongholds” were given greater opportunities to cure ballot defects than those in Republican-leaning counties, (ii) that out-of-state residents were allowed to vote in Arizona, (iii) that voters were allowed to vote twice, and (iv) that the results were skewed by the receipt of private philanthropic election grants by certain counties. The case was [voluntarily dismissed](#) on December 7 before the presentation of any evidence.
- [*Burk v. Ducey*](#), No. CV202001869 (Ariz. Super. Ct., Pinal Cnty. 2020) - On December 7, Plaintiff, an Arizona voter, [filed](#) an election contest, alleging the existence of a scheme that resulted in the counting of hundreds of thousands of fictitious ballots in Arizona and that Dominion Voting Systems software covered up this scheme. Plaintiff sought an audit and an injunction against transmitting Arizona's results to the Electoral College. On

December 15, the court dismissed the case after determining the plaintiff lacked standing—she did not register to vote in the election.

Georgia

A. Recounts

Given the narrow margin of the presidential race in Georgia (~12,000 votes, or 0.3%), Secretary of State Brad Raffensperger [announced](#) on November 11 that he would select the presidential contest to be the subject of the pre-certification risk limiting audit (RLA). RLAs are used to confirm with strong statistical likelihood that the votes cast for a certain contest were tabulated correctly, thus limiting the risk that the wrong winner gets (or was) certified. Unlike traditional post-election audits, where the number of ballots to be examined is fixed in state law, the number of ballots subjected to an RLA [depends](#) on the margin of victory in a given race. Where the margin is wide, fewer ballots must be inspected to reach statistical confidence about the results; where the margin is narrow, significantly more sample ballots must be examined.

But November 2020 was not typical. Because the election in Georgia was so close, instead of selecting a random sample of ballots for each county to review, the secretary announced that the close margins would trigger a full hand re-tally of the approximately five million ballots cast across all 159 counties. (This announcement followed [pressure](#) from the Trump campaign and other Georgia Republicans on the secretary to conduct a full recount.) Although only approximately 1.5 million ballots technically needed to be audited in order to provide statistical confidence about the winner in this tight presidential contest, VotingWorks, a non-partisan non-profit that builds election technology, [explained](#) that it is actually “less work to sample every cast ballot, simply because attempting to audit a large subset incurs the work of retrieving and replacing specific ballots, while reviewing all ballots does not.”

The secretary's office [directed](#) counties to begin the audit process no later than November 13 at 9 a.m. and complete it by 11:59 p.m. on November 18—two days prior to the state certification deadline. Essentially, the audit teams were responsible for re-tabulating the entire presidential vote by hand, instead of comparing electronic and paper results for randomly selected ballots. According to [Georgia Public Broadcasting](#), during the audit process, there were “inventory sheets to track which batch of ballots were counted when, audit board sheets [to] identify vote totals for each batch and the people that audited them and even a sign-in sheet for partisan monitors that can closely watch the process.” VotingWorks made copies of this paperwork

publicly available [online](#) (including a humorous [video](#) demonstrating the tasks required in a full hand tally). Some facilities offered a [live stream](#) of the audit process.

Given the short timeline for the audit, audit teams across Georgia worked around the clock until November 18 to carefully complete the recount and report the results to the secretary of state in time for the November 20 certification deadline. Fulton County (Georgia's largest) [estimated](#) that the manual re-tally of its 528,000 ballots would require around 300 people working 10-hour days Saturday through Wednesday. The audit was completed on November 18, and the state certified on November 20 that former Vice President Biden had won the state by 12,670 votes, or 0.25% of votes cast. According to the [secretary of state](#), "[t]he audit confirmed that the original machine count accurately portrayed the winner of the election."

Notably, Georgia law [permits](#) the losing candidate to request *another* recount within two days after the certification deadline (so, by November 22 in 2020) if the certification showed a margin of victory below 0.5%. Because Georgia certified that Biden had won the vote by 0.25%, President Trump [requested](#) another recount. Under Georgia law, this recount was required to be performed by optical scanning machines, which are considered more accurate and expeditious than the manual alternative.

This second recount, by optical scanning machine, again showed that Biden won the election in Georgia. But the machine recount showed Biden's lead [dropped](#), from 12,670 to 11,779, due to a discrepancy in Fulton County, the state's most populous county that includes most of Atlanta. Fulton County's recount results showed 880 fewer votes than the results certified November 20, with an overwhelming majority of those votes coming from Biden's total in the county. Gabriel Sterling, who oversaw the implementation of the state's new voting system, called the discrepancy in the county "a little worrisome" but said that Fulton County suffered from some managerial issues due to its size. The 880-vote difference was not enough to change the overall outcome of the election, and Georgia cast its 16 electoral votes for Biden on December 14.

Despite the multiple recounts, Donald Trump and other Republicans continued to make unsupported claims publicly that the Georgia election was not legitimate, largely blaming lack of proper signature verification. In response, Georgia Secretary of State Raffensperger stated that "signature matching has been attacked, again and again with no evidence, I feel we need to take steps to restore confidence in our elections." On December 14, Raffensperger [declared](#) that investigators would audit voter signatures on absentee ballot envelopes in Cobb County, to determine whether signatures on absentee ballot envelopes truly matched the voter signatures kept on file. The [audit](#) showed only two signature mismatches.

B. Election contests

Georgia [law](#) also permits candidates or voters to file an election contest on any of the following grounds:

- (1) Misconduct, fraud, or irregularity by any primary or election official or officials sufficient to change or place in doubt the result;
- (2) When the defendant is ineligible for the nomination or office in dispute;
- (3) When illegal votes have been received or legal votes rejected at the polls sufficient to change or place in doubt the result;
- (4) For any error in counting the votes or for declaring the result of the primary or election, if such error would change the result; or
- (5) For any other cause which shows that someone other than the declared winner was the person legally nominated, elected, or eligible to compete in a run-off primary or election.

The following election contests were filed in Georgia:

- [Wood v. Raffensperger](#), 2020CV342959 (Super. Ct. Fulton Cnty. 2020) - On November 25, the president of the Georgia Voters Alliance sued the Georgia governor and secretary of state under Georgia's election contest statute. The plaintiff challenged Fulton County's procedures for processing absentee ballots; and alleged fraud, failure to enforce state law residency requirements, and failure to enforce the prohibition on double-voting. The contest also alleged violations of Georgia's election code, the Georgia Constitution, and the Fourteenth Amendment to, and the Elections and Electors Clauses of, the U.S. Constitution. The court [dismissed](#) the election contest on December 8 due to a procedural defect: The persons whom the plaintiff named as defendants were not eligible, under Georgia law, to be subjected to an election contest.
- [Trump v. Raffensperger](#), No. 2020CV343255 (Super. Ct., Fulton Cnty. 2020) - On December 4, President Trump, the Trump campaign, and a Republican presidential elector nominee [sued](#) the Georgia secretary of state, the vice chair of the Georgia State Election Board, and others, contesting the election on numerous grounds. Their allegations included claims that absentee ballots were wrongfully counted without election officials adequately verifying the signatures, that voters requested absentee ballots more than 180 days prior to the election, and that absentee ballots were submitted by deceased persons, out-of-state residents, and felons. On December 9, the court issued an [order](#) that the case would proceed on a non-expedited basis. On December 11, petitioners

filed an [emergency petition for writ of certiorari](#) in the Georgia Supreme Court, but the Georgia Supreme Court [dismissed](#) the petition on December 12.

- [Pearson v. Kemp](#), No. 1:20-cv-04809-TCB (N.D. Ga. 2020) - On November 25, Plaintiffs, six Georgia voters, filed an [election contest](#) alleging that election software and hardware from Dominion Voting Systems, which they claimed was developed by Venezuelans to manipulate votes in favor of Hugo Chavez, led to a fraudulent ballot-stuffing campaign in Forsyth, Spalding, Cherokee, Hall, and Barrow counties. Plaintiffs alleged that the state's use of Dominion software and hardware violated the U.S. Constitution's Election Code and the Fourteenth Amendment by processing "defective" ballots. The election contest sought an injunction against transmitting Georgia's certified results. On December 7, the court [dismissed](#) the case. In the minutes on the record, the judge [said](#) that "[the plaintiffs] ask the court to order the secretary of state to decertify the election results as if such a mechanism even exists, and I find that it does not." The judge also found that the plaintiffs did not have legal standing and that the suit did not belong in federal court. Plaintiffs filed an [emergency appeal](#) to the U.S. Supreme Court on December 11. On January 19, petitioners moved to withdraw their petition and, on February 11, the court dismissed it.
- [Boland v. Raffensperger](#), No. 2020CV343018 (Super. Ct., Fulton Cnty. 2020) - On November 30, an individual voter filed an election contest, alleging that the secretary of state and other election officials failed to remove ineligible voters from Georgia's voter rolls and failed to reject a sufficient number of absentee ballots (as compared with previous elections' rejection rates). The court [dismissed](#) the contest on December 8, saying, among other things, that the plaintiff lacked standing and had named ineligible defendants for the election contest.

Michigan

A. Recounts

Michigan certified the state's vote on November 23, [declaring](#) that Biden won the state by over 150,000 votes, far above the 2,000-vote threshold necessary to trigger a statewide automatic recount. There was controversy, however, surrounding the certification of Wayne County, the state's most populous county. The two Republican members of the Wayne County Board of Canvassers there initially blocked certification, citing a discrepancy between the number of votes recorded as cast and the number of ballots actually counted. They [reversed course](#) later

that evening, however, after public outcry, saying they were reassured by the promise of a comprehensive audit of the vote tally. With their approval, the election results in Wayne County were certified unanimously. For more details on the certification of the Michigan vote, and the related litigation, see the Stanford-MIT Healthy Elections Project report on [Counting and Certifying the Vote](#).

Following Michigan's statewide certification, Michigan Secretary of State Jocelyn Benson [declared](#) that the state would conduct a statewide risk-limiting audit to provide a further check on election results by inspecting a certain percentage of paper ballots. According to Bureau of Elections, the audit would be the "most comprehensive post-election audits in state history" and [would include](#):

- Hand-counting thousands of randomly selected paper ballots statewide to make sure those counts conformed with the machine tabulations.
- A "zero-margin risk-limiting audit of the presidential election" in Antrim County, where unofficial results were initially misreported as a result of what state and county officials said was a programming error by the local clerk. While the risk-limiting audit in other counties involved hand-counting *random samples* of ballots to compare with machine results, the Antrim County audit was a hand tally of *every* ballot, which was compared with the machine results." The Antrim County audit began on December 17 and concluded the same day, showing a net gain of 12 votes for Republican President Donald Trump, out of 15,962 votes cast.
- Procedural audits of precincts and absentee ballot counting boards in more than 200 jurisdictions, including a large number of precincts in Detroit and Wayne County, and all absentee ballot counting boards in Detroit. Officials reviewed election processes, machines, and ballots.

The statewide audit concluded in February and [affirmed](#) the results of the Michigan election. The Secretary's [press release](#) following the audit explained:

Hundreds of Republican, Democratic and nonpartisan municipal and county clerks from more than 1,300 local jurisdictions – more than had ever participated in such an audit anywhere – took part in Michigan's statewide auditing exercise, hand counting more than 18,000 ballots that were randomly selected throughout the state.

In the hand count, President Biden received more votes than former president Donald Trump, and the percentage of votes for each candidate was within fractions of a percentage point of machine-tabulated totals. In the state's three largest counties, each of which uses a different voting machine vendor, the audit results were also all within one percentage point of the November results. Although a random sample of 18,000 ballots would not be expected to exactly match the percentages of votes cast for candidates out

of all 5.5 million ballots, the closeness in percentages between the hand-reviewed ballots and the machine-tabulated totals provides strong additional evidence of the accuracy of the machine count.

In the statewide sample, Biden received votes on 50 percent of all ballots reviewed while Trump received 48 percent. In Wayne County, which uses Dominion machines, Biden received 68 percent, while Trump received 31 percent. In Oakland County, which uses Hart machines, Biden received 57 percent while Trump received 41 percent, and in Macomb County, which uses ES&S machines, Biden received 44 percent and Trump received 54 percent.

The audit exercise was conducted by generating a statewide manifest that included the number of ballots cast in every jurisdiction, and then using a randomly generated (by rolling 10-sided dice) 20-digit number to select 18,162 of them. Clerks then retrieved ballots that had been selected in their jurisdictions and shared if it had a vote for president and, if so, who it was for. Clerks retrieved a total of 18,084 ballots total. Twenty-one clerks did not retrieve 78 ballots in their jurisdictions, meaning the sample was 78 ballots short of a complete sample. For this reason, the audit is being considered a pilot exercise.

While no official recount took place in Michigan, the relevant state recount laws can be summarized as follows: Under Michigan Compiled Laws [§168.880](#), registered voters who believe that there has been fraud or error committed by the inspectors of an election can file a petition with the secretary of state, setting forth the nature and character of the alleged fraud or error. The secretary of state can then order a recount to correct any fraud or error. Under [§168.879](#), a candidate can also petition for a recount. The candidate must petition for a recount within 48 hours of the completion of certification and be able to allege a good-faith belief that, but for voter fraud or mistake, the candidate would have had a reasonable chance of winning the election. The [deadline](#) to complete a recount is 30 days after either the last day to file counter petitions or the first day that recounts may begin.

A number of lawsuits were filed in Michigan petitioning for a recount of the vote, all of which failed:

- [King v. Whitmer](#), No. 2:20-cv-13134-LVP-RSW (E.D. Mich. 2020) - Plaintiffs, six Michigan voters, alleged that Republican poll observers were denied meaningful access to observe the processing of absentee ballots, that election workers forged and altered ballots, and that defective ballots were counted. They asked the U.S. district court to either decertify the election results or to order a recount of the vote. The court held that: the suit was barred by the Eleventh Amendment; that the case was moot; that the doctrine of laches applied, in that plaintiffs waited too long to bring their claims; that abstention doctrine applied, since parallel state proceedings were ongoing; and that

plaintiffs failed to establish an injury sufficient to meet standing requirements. Plaintiff appealed all the way up to the U.S. Supreme Court, which denied the petition for certiorari on February 22.

- [*Johnson v. Benson*](#), No. 162286 (Mich. Sup. Ct. 2020) - Petitioners, members of Black Voices for Trump, alleged that respondent state officials failed to allow meaningful poll observation, instructed election workers to count invalid ballots, and permitted “improper” grant funding from a private individual, tech billionaire Mark Zuckerberg. Petitioners further alleged that election workers forged ballots and duplicated ballots without oversight. Plaintiffs asked the court to take “immediate custody and control of the ballots, poll books, and other indicia of the voting” and to order a recount of the election results. The court found that the plaintiffs claimed statutory authority for jurisdiction was lacking.
- [*Johnson v. Benson*](#), No. 1:20-cv-01098 (W.D. Mich. 2020) - On November 14, plaintiffs, two Michigan voters and TCF Center poll challengers, alleged that the Michigan secretary of state enabled fraud on Election Day. They petitioned the U.S. district court to order a recount but voluntarily dismissed the case on November 18.
- [*Costantino v. Detroit*](#), No. 20-014780-AW (Mich. Cir. Ct., Wayne County 2020) - Plaintiffs, two Wayne County voters, petitioned the circuit court of Wayne County for a recount. They alleged that the city of Detroit processed and counted ballots from voters whose names did not appear in the Qualified Voter File; that various city officials instructed election workers not to verify signatures on absentee ballots, to backdate absentee ballots, and to process such ballots regardless of their validity; and that city officials, “on a daily basis leading up to the election, coached voters to vote for Joe Biden and the Democrat party.” The court found that the plaintiffs’ complaint was “rife” with generalization, speculation, hearsay, and a lack of evidentiary basis. The court held that the evidence supported no credible finding of fraud at the TCF Center.

B. Election contests

Michigan does not appear to provide a specific statutory scheme for election contests relating to the presidential elections. The Republican Party did, however, file four separate lawsuits seeking to block certification or decertify the vote. None of these lawsuits have succeeded. These lawsuits are summarized in more detail in the Stanford-MIT Healthy Elections Project report [Post-Election Litigation Analysis and Summaries](#). (Michigan law does specify election

contest procedures for candidates for the [Senate](#) and the [House](#), but no such election contests were filed.)

Nevada

A. Recounts

Under Nevada law, a candidate defeated in any election may request a recount within three business days of the canvass and the subsequent certification of votes. Nevada certified the vote on November 24, indicating that Biden won the state by approximately 34,000, or 2.4% of the total votes. President Trump did not request a recount, but Republican voters did file a lawsuit challenging the ballot counting process:

- [Stokke v. Cegavske](#), No. 2:20-cv-02046 (D. Nev.) - Plaintiffs, two individuals and two Nevada Congressional campaigns, sought injunctive relief directing defendants to (a) cease their use of the Agilis system to count ballots and (b) allow greater access to ballot-counting observers. Plaintiffs claimed that the Agilis system, which purportedly misidentified Plaintiff Stokke as having already voted by mail, was not able to properly verify signatures. The court denied the plaintiffs' request for preliminary injunction to mandate that Clark County permit observers to be closer to the ballot-counting process. Plaintiffs subsequently voluntarily dismissed their lawsuit.

For a detailed survey of the relevant recount laws in Nevada, please refer to the Appendix.

B. Election contests

While President Trump did not request a recount, his campaign and other candidates for office filed four election contests. Any candidate or registered voter in Nevada [can contest](#) the results of a presidential election. The following are grounds for contesting election results pursuant to Nevada Revised Statutes [293.410\(2\)](#):

- One or more members of the election board are guilty of malfeasance.
- The person elected is not eligible for office.
- Illegal or improper votes were counted, legal and proper votes were not counted, or some combination of the two.

- The election board made errors sufficient to change the results in the course of conducting the election or canvassing the returns.
- The winning candidate or a person acting on their behalf has given or offered anything of value for purposes of manipulating the outcome of the election.
- A malfunction of a voting device or other mechanism was sufficient to raise reasonable doubt as to the outcome of the election.

Under Nevada law, an election contest is a special judicial proceeding with its own rules. Parties to the contest [may take depositions, submit briefs, and make oral arguments](#). The following election contests were filed in Nevada after the 2020 election:

- [Law v. Whitmer](#), No. 20 OC 00163 1B (Dist. Ct., Carson City, 2020) - Six presidential electors supporting Trump sued six presidential electors supporting Biden, contesting the results of the election based on allegations of “substantial irregularities, improprieties, and fraud” in Nevada’s 2020 presidential election. They requested that Trump be declared the winner of the election. The statement of contest alleged violations of Nevada statutes and alleged that the use of signature comparison and electronic voting machines produced unreliable results, that 500 absentee ballots were received from deceased persons, that voters were improperly disenfranchised by arbitrary provisional ballot verification procedures, that poll watchers were not permitted meaningful access, and that the Nevada Native Vote Project conducted illegal vote drives. The defendants [filed](#) a motion to dismiss on November 23. On December 4, the court denied the election contest, [dismissed](#) the lawsuit with prejudice, and ordered plaintiffs to pay defendants’ costs. On December 8, the Nevada Supreme Court [affirmed](#) the lower court’s order.
- [Rodimer v. Gloria](#), No. A-20-825130-W (Dist. Ct., Clark Cnty. 2020) - A candidate for a Nevada state congressional district [sued](#) the Clark County Registrar of Voters and the Clark County Board of Commissioners, seeking a writ of mandamus for a new election in Clark County and a declaration that the use of the Agilis mail ballot processing machine for signature verification violated Nevada law. The petition challenged the defendants’ failure to convert to “inactive status” voters whose absentee ballot applications had been returned as undeliverable in the primary election. They also challenged the use and manner of use of the Agilis machines and alleged counting of illegal votes. The hearing was [delayed](#) after a “ministerial oversight” resulted in a new judge being assigned the case. The new judge subsequently [denied](#) the writ on November 25, citing no jurisdiction to grant the writ, and dismissed the case.

- [Becker v. Cannizzaro](#), No. A-20-825067-P (Dist. Ct., Clark Cnty. 2020) - April Becker, a Republican state senate candidate who narrowly lost to state Senate Majority Leader Nicole Cannizzaro, filed an [election contest](#) November 18, seeking a court-ordered new election over alleged inadequacies and voter fraud. In particular, she challenged the counting of alleged “illegal or improper votes and the failure to count “legal and proper votes” in the Clark County Commission District C election. The contest was [voluntarily dismissed](#) November 20.

North Carolina

President Trump won the presidential race in North Carolina by [74,500 votes](#), or 1.4%. Neither party requested any recount or filed any election protest in the 2020 general election.

The margin was greater than the threshold required for a recount. Under state law, a losing candidate on a statewide ballot has the right to demand a mandatory recount if the margin of votes between the losing and the prevailing candidate is less than 0.5% of the votes cast or fewer than 10,000 votes. Candidates also have the right to demand an *additional* recount if the initial recount did not recount the ballots manually.

Additionally, any registered voter can file an “election protest” with a county board of elections to dispute the way in which votes were counted and tabulated or any other “irregularities.” If the county board of elections does not find “substantial evidence” of irregularity or misconduct, it must dismiss the protest. If, however, the board does find substantial evidence of irregularity or misconduct that could affect the outcome of the election, the board can order any of the following remedies:

- (1) That the vote total as stated in the precinct return or result of the canvass be corrected and new results declared.
- (2) That votes be recounted.
- (3) That the protest and the county board's decision be sent to the state board for action by it.
- (4) Any other action within the authority of the county board.

Parties can appeal a county board of election's decision to the State Board of Elections, which can then resolve the protest on the existing record, request additional fact-finding, conduct its own hearing, or remand the protest back to the county board of elections for further proceedings. When the State Board of Elections renders a final decision, including a decision to

order a new election, the board must serve the parties with a copy of the final decision. Parties [may appeal](#) the final decision to the Superior Court of Wake County.

For a detailed survey of the relevant laws on recounts and challenges in North Carolina, please refer to the Appendix.

Pennsylvania

A. Recounts

President-Elect Biden [won](#) the state of Pennsylvania by about 81,600 votes, or 1.2% of all votes cast. [Pennsylvania law](#) provides for a mandatory recount when candidates or ballot questions “appearing on the ballot in every election district in [the] Commonwealth” have a victory margin of [0.5% or less](#) of all votes cast. Because the margin in the presidential contest exceeded the statutory cap, Secretary of the Commonwealth Kathy Boockvar did not order any official recounts.

Under Pennsylvania [law](#), election officials can also order recounts if there is a discrepancy or “palpable error” (such as if the total vote count exceeds the number of registered voters). In addition, a recount must occur under a number of other circumstances, including if “a discrepancy is found in the comparison of the sealed and unsealed general returns.” However, no Pennsylvania election officials initiated any recounts of the 2020 general election.

Voters can also request recounts in Pennsylvania. Pennsylvania law requires three qualified voters to file “a petition duly verified by them, alleging that upon information which they consider reliable they believe that fraud or error, although not manifest on the general return of votes made therefrom, was committed in the computation of the votes cast . . . It shall not be necessary for the petitioners to specify in their petition the particular act of fraud or error which they believe to have been committed, nor to offer evidence to substantiate the allegations of their petition.” The group of three voters can petition for a recount either with a county board of elections or in state court, but must either deposit \$50 in cash or present a bond of \$100 for each election district in which they request a recount. In the 2020 general election, one petition for a recount was [filed](#) in Delaware County, in the state’s 165th House District race.

Candidates themselves [may appeal](#) the “order or decision of any county board regarding the computation or canvassing of the returns of any primary or election, or regarding any recount or recanvass thereof.” The appeal process can result in a recount or the disqualification (or qualification) of a limited number of ballots. In the 2020 general election, Republicans filed a number of challenges to the vote-counting process in Pennsylvania, and they were largely unsuccessful. The few wins impacted a very small number of votes or none at all. A summary of the vote-count challenges follows:

- [Zicarelli v. Allegheny County Board of Elections](#) (a.k.a. *In re 2,349 Ballots in the 2020 General Election*), No. GD-20-11654 (Ct. Common Pleas, Allegheny Cnty. 2020). On November 12, state senatorial candidate Nicole Zicarelli [sued](#) the Allegheny County Board of Elections, challenging the counting in the canvass of 2,349 mail-in ballots arriving in envelopes with minor defects. On November 18, the court [dismissed](#) the petition and affirmed the decision of the board of elections. On November 19, the Commonwealth Court [reversed](#) the lower court’s decision and remanded for further proceedings. On November 23, the Pennsylvania Supreme Court [reversed](#) the Commonwealth Court’s order and affirmed the Allegheny Court of Common Pleas dismissal of the petition.
- [Zicarelli v. Allegheny County Board of Elections](#), No. GD-20-11793 (Ct. Common Pleas, Allegheny Cnty. 2020). On November 16, Zicarelli again sued the Allegheny County Board of Elections, challenging the counting in the canvass of approximately 300 provisional ballots on which voters signed their names once instead of twice, in the two different locations requested. On November 18, the court [dismissed](#) the petition and affirmed the decision of the county board of elections. The commonwealth court reversed and held the ballots would not be counted. The Pennsylvania Supreme Court declined to review.
- [Zicarelli v. Westmoreland County Board of Elections](#) (a.k.a. *In re 2020 General Election Provisional Ballot Challenges*), No. 4152 of 2020 (Ct. of Common Pleas, Westmoreland Cnty. 2020). On November 18, Zicarelli sued the Westmoreland County Board of Elections, challenging the board’s decisions to count the provisional ballots of voters who were erroneously instructed to sign the poll book and to count nine ballots that were missing the inner secrecy envelope. The court [reversed](#) the Westmoreland County Board of Elections’ decision to permit the counting of 204 challenged provisional ballots in which the poll book was also signed by the voter. The court also reversed the board of elections’ decision to permit the counting of the nine challenged ballots missing the inner secrecy envelope. Finally, the court affirmed the board of elections’ decision to count 46 challenged provisional ballots in which the poll book was also signed by the

voter but for which there was evidence showing that the voter had not voted twice.

- [*In re Canvass of Absentee and/or Mail-in Ballots of November 3, 2020, General Election*](#), No. 2020-5786 (Ct. Common Pleas, Bucks Cnty. 2020). On November 9, the Trump campaign, the Republican National Committee, and others filed an appeal of the decision of the Bucks County Board of Elections to count 2,175 allegedly defective absentee and mail-in ballots. On November 16, the Trump campaign conceded that plaintiffs were not alleging, nor did they have any evidence of, fraud, misconduct, impropriety, nor undue influence in relation to the challenged ballots. On November 19, the court [dismissed](#) the case, and on November 25, the Commonwealth Court [affirmed](#) the dismissal. On December 4, the plaintiffs filed an [emergency petition for appeal](#) in the Supreme Court of Pennsylvania, but the state supreme court [denied](#) the emergency petition on December 8.
- [*In re Canvass of Absentee and Mail-In Ballots of November 3, 2020 General Election*](#), Nos. 201100874, 20110085, 20110086, 20110087, 20110088 (Court of Common Pleas, Philadelphia Cnty. 2020). On November 10, the Trump campaign and an individual voter filed five separate appeals of decisions by the Philadelphia County Board of Elections, concerning the counting of a total of 8,366 absentee and mail-in ballots that were signed but allegedly suffered from minor defects, such as missing the voter's printed name or street address. On November 13, the Court of Common Pleas denied all five petitions, and the Trump campaign filed [notices](#) of appeal in all five cases. On November 23, the Supreme Court of Pennsylvania [affirmed](#) the Court of Common Pleas' denials of all five petitions.

B. Election contests

Pennsylvania has [different](#) election contest procedures for different classes of candidates for office. For President and Vice President of the United States, an election contest [must](#) be filed within 20 days after the election. The contest must be initiated by a [petition of at least 100 electors](#), then [verified by an affidavit](#) of at least five petitioners who are registered voters in Pennsylvania and who voted in the election. The complaint must "concisely set forth the cause of the complaint, showing wherein it is claimed that the primary or election is illegal." The complaint must also aver facts which, if proven, would change the results of the election.

President Trump did not file any election contests *per se* in the 2020 presidential election. Instead, Trump and various Republican plaintiffs filed at least three separate lawsuits seeking to block certification or to decertify the vote in Pennsylvania. None succeeded. The court

dismissed [one of these cases](#) on the grounds that the lawsuit was actually an election contest, filed 11 days after the November 23 election content deadline, “styled” as a standard legal challenge. These lawsuits are summarized in more detail in the Stanford-MIT Healthy Elections Project report [Post-Election Litigation Analysis and Summaries](#).

Wisconsin

A. Recounts

In Wisconsin, Biden was [declared](#) the winner by [just over 20,500 votes](#), or 0.62% of total votes cast. Under Wisconsin law, there are no automatic recount procedures but, in elections with more than 4,000 votes cast, a candidate who trails the leading candidate by 1% or less of the total votes cast [can petition](#) for a recount. The petitioner is required to pay a fee unless the candidate trails by .25% or less following the canvass of all provisional and absentee ballots. President Trump petitioned and [spent \\$3 million](#) for recounts only in Dane and Milwaukee counties.²

The Wisconsin recounts [concluded](#) on Sunday, November 29. Dane County reported a 45-vote gain for Trump, and Milwaukee County reported a 132-vote gain for Biden. Taken together, the recounts gave Biden a net gain of 87 votes, improving his winning margin just slightly to about 20,600 votes. The largest change occurred in the Town of Westport, where Biden lost 28 votes and Trump lost eight. According to an explanation provided by the Elections Commission, the Westport changes were due to “absentee certificates found to be missing the witness address, 3 missing the witness signature and 1 missing the voter signature.” On November 24, workers at Milwaukee County’s recount site uncovered nearly 400 ballots that had not previously been opened or counted. Those ballots were included in the city of Milwaukee’s recount tally. Milwaukee County Clerk George Christenson said in a [prepared statement](#) that the Milwaukee County recount was hampered due to initial delays caused by “several lengthy objections” from the Trump campaign and observers affiliated with the campaign.

Wisconsin also [permits](#) the losing party to appeal the results of a recount to a state district court. The appellant must file the appeal within five business days of the recount and must also file a complaint “enumerating with specificity every alleged irregularity, defect, mistake or fraud committed during the recount.” The appeal must be heard by a judge without a jury. After the

² Green Party presidential candidate Jill Stein [paid](#) nearly \$7.4 million to initiate a full state recount of the presidential vote four years ago, when Trump won Wisconsin. Stein complained that the voting system was a “mess.” The 10-day recount increased Trump’s margin of victory over Democrat Hillary Clinton by 131 votes.

judge enters a judgment either affirming or denying the appeal, the losing party may further appeal the decision to an appellate court. On December 3, following the Dane and Milwaukee County recounts, Donald Trump and Mike Pence filed a timely recount [appeal](#) of the recounts in those counties, in *Trump v. Biden*, No. 2020CV2514 (Wis. Cir. Ct., Dane Cnty. 2020), No. 2020CV7092 (Wis. Cir. Ct., Milwaukee Cnty. 2020). On December 11, the Wisconsin circuit court for Milwaukee County [affirmed](#) the results of both recounts, and the plaintiffs filed [notice](#) of appeal to the state supreme court. On December 14, the Wisconsin Supreme Court [affirmed](#) the lower court's judgment. On December 29, the Trump campaign filed a [petition for a writ of certiorari](#) and a motion for expedited consideration in the U.S. Supreme Court. The Supreme Court denied the motion to expedite on January 11 and the petition for certiorari on February 22.

B. Election contests

Wisconsin law does not specify procedures or rules for election contests. After the election, however, voters filed three separate lawsuits, seeking to block the certification of the Wisconsin vote under federal law. None of these lawsuits succeeded. For more detailed information on the lawsuits, see the Stanford-MIT Healthy Elections Project report [Post-Election Litigation Analysis and Summaries](#).

Conclusion

Long after Election Day passed, the 2020 election remained an historically contentious race, as the Trump campaign, the Republican Party, and their allies requested, litigated, and pursued dozens of recounts and election contests, prolonging uncertainty in statewide election results. Recounting and challenging election results for presidential races is a complex process that varies state by state. The narrow margins for the presidential race in various battleground states, particularly in Georgia and Wisconsin, resulted in mandatory recounts that, while time-consuming, did not change the outcome of the election. Other state laws, such as those in Nevada, permitted parties to file election contests to dispute the results of an election and petition for a recount of the vote. These challenges also did not change the outcome of the election.

It remains to be seen to what extent all of these challenges, coupled with highly publicized rhetoric claiming massive voter fraud, will result in a loss of confidence in the democratic process by the American populace. What is clear, however, is that the state laws and processes for channeling such challenges withstood the ultimate test. While the delays were nerve-racking

for millions of Americans, the state laws, election administration bodies, and judicial institutions resolved all of these challenges legally and peacefully.

Appendix of State Laws

Below is a detailed description of state laws related to recount procedures and election contests in seven battleground states. While not all of these laws were invoked or came into play during the 2020 election, they are helpful in understanding the context in which the elections took place and in understanding how election officials and party strategists made their decisions regarding when to trigger or request a recount and, in the case of political parties and candidates, when to contest an election.

Arizona

A. Recount Procedures

Arizona uses paper and Direct Recording Electronic (DRE) systems [for its elections](#) and requires a voter-verified paper audit trail (VVPAT) in its election and recount procedures. [According to NCSL](#), DRE systems are voting machines “designed to allow a direct vote on the machine by the manual touch of a screen, monitor, wheel, or other device. A DRE records the individual votes and vote totals directly into computer memory and does not use a paper ballot.” [DREs come with a VVPAT](#), which “consists of physical paper records of voter ballots as voters have cast them on an electronic voting system. In the event that an election recount or audit is called for, the VVPAT provides a supporting record.” [These two systems](#) are used in conjunction with one another to ensure proper recording of ballots and paper records for canvassing, post-election audit, and in the event of a recount. Furthermore, a post-election logic and accuracy test is performed to ensure the proper functioning of the electronic equipment.

Once the initial electronic tabulating is complete, an [Audit Board reviews](#) election board logs, the Official Ballot Report, tabulation units, accessible voting device tapes/printouts, and a copy of the precinct results. The audit must occur before the canvass results are accepted “in order to ensure the integrity of the canvass results.” A limited precinct hand count audit may follow the electronic audit to ensure that the results of the hand count audit are within the designated margin of electronic results for the selected ballots. These limited precinct hand count audits are only permitted for certain races, including presidential elections.

Arizona state statute [A.R.S 16-661](#) mandates an automatic recount when the canvass of returns in a primary or general election shows the margin between the top two candidates is less than or equal to the lesser of the following:

1. One-tenth of 1% of the total number of votes cast for both candidates or measures or proposals.
2. Two hundred votes for offices where the turnout is 25,000 or more.
3. Fifty votes in the case of an office to be filled by state electors and for which the total number of votes cast is 25,000 or less.
4. Two hundred votes in the case of an initiated or referred measure or proposal to amend the constitution.
5. Fifty votes in the case of a member of the legislature.
6. Ten votes in the case of an office to be filled by the electors of a city or town or a county or subdivision of a city, town or county.

If the canvass shows that a recount is required, the secretary of state must, in the case of an office to be filled by voters of the entire state, a Congressional district, a legislative district, or a subdivision of the state greater than a county, certify the facts requiring the recount to the superior court in Maricopa County. [A.R.S 16-662](#). A required recount must be initiated by court order. Arizona does not permit candidates to request recounts.

The secretary of state is charged with supervising the recount and, for offices other than county supervisor, can designate a county board of supervisors to perform their recount duties permitted under [A.R.S 16-663-67](#). While the recount [is in progress](#), election officials may not publicly release vote totals.

On completion of the recount, the county chairs of the political parties must select at random 5% of the precincts “for the recounted race for a hand count, and if the results of that hand count when compared to the electronic tabulation... are less than the designated margins pursuant to section [16-602](#), the recount is complete.” [A.R.S 16-663](#).

Georgia

A. Recount Procedures

While Georgia law does not require automatic recounts under any circumstances, the Official Code of Georgia Annotated [O.C.G.A. § 21-2-495](#) establishes the mechanisms for triggering a recount. Prior to results certification, a county superintendent may order a recount of the ballots whenever there appears to be any discrepancy or error in the returns. Likewise, any candidate for state or federal office may petition the secretary of state for a recount prior to

certification on the same basis. The petition must describe the observed discrepancies or errors and any supporting evidence, and the secretary of state has the discretion to grant, deny, or request additional evidence of alleged inconsistencies.

After certification, candidates in very close races can also petition for a recount. Where the margin of victory in a federal or state race is <0.5%, the losing candidate is entitled to a taxpayer-funded recount upon written request to the secretary of state made within two days of certification, under [O.C.G.A § 21-2-495\(c\)\(1\)](#). After granting the request, the secretary of state notifies the county election superintendents in the districts involved in the contested race(s), and they oversee the recount process in accordance with [SEB Rule 183-1-15-.03](#).

The default under Georgia law is for election superintendents to use electronic ballot scanning machines to perform a recount of the county's results. Prior to initiating the recount, the election superintendent must test each ballot-scanning machine to be used in the recount. To do so, the superintendent selects a test deck of ballots made up of 75 ballots marked by an electronic ballot marking device and 25 absentee ballots marked by hand. If possible, these test ballots should be drawn from ballots from three different precincts and selected from throughout the ballot container. The superintendent then runs the test deck through the ballot scanner and also performs a manual hand tabulation. If the results of the hand tabulation and electronic tabulation match, the scanning machine is authorized to be used in the recount. If not, the error must be investigated and corrected. If all available machines are malfunctioning and not authorized for use in the recount, officials must undertake a manual hand recount in accordance with [Rule 183-1-15-.03\(2\)](#).

Once the ballot-scanning machines are successfully tested, the election superintendent can rescan all the ballots subject to the recount in the approved ballot-scanning machines, never opening more than one ballot container per ballot-scanning machine at a time. The scanning machines must be programmed to flag or reject overvotes, and contested selections must be manually reviewed by an adjudicatory panel to establish the voter's intent. Bent, torn, and damaged ballots must be duplicated, labeled "RECOUNT DUPLICATE," and scanned. Throughout the count, the superintendent must maintain a clear audit trail, including by logging "the seal numbers on ballot containers before and after the recount." Once all ballots subject to the recount have been rescanned by the ballot machines, the superintendent can print out tabulation results and compare the original and the new results and, if necessary, make corrections.

Like ordinary tabulation, ballot tabulation during a recount is open to public view by party-designated poll observers. The superintendent may designate a viewing area in order to

maintain order and preserve the integrity of the count, and only election personnel designated by the superintendent may handle ballots and ballot containers.

B. Risk-Limiting Audit Rules

In 2019, the Georgia legislature [updated](#) the state's election laws in a variety of ways, including by adopting a manual statewide pre-certification risk-limiting audit (RLA) for elections held in even numbered years. In general, RLAs are used to confirm with strong statistical likelihood that the votes cast for a certain contest were tabulated correctly (i.e. that the same results would have been reached had the ballots been counted by hand) and limit the risk that the wrong winner gets certified. Unlike traditional post-election audits where the number of ballots to be examined is fixed in state law, the number of ballots subject to a RLA [depends](#) on the closeness of a given race. Where the margin is wide, fewer ballots must be inspected to reach statistical confidence about the results; where the margin is narrow, significantly more sample ballots must be examined.

After the adoption of the audit provisions at [O.C.G.A. § 21-2-498](#), Georgia partnered with the non-partisan and non-profit civic technology company VotingWorks to roll out and implement the RLA, which VotingWorks [calls](#) the “gold standard of tabulation audits.” While the RLA was piloted in a few counties after the June 2020 presidential primary, the November 3, 2020, contest was the first in Georgia's history to be subject to a statewide RLA.

SEB [Rule 183-1-15.04](#) lays out the parameters for preparing for and conducting the RLA, which, in 2020, had to be completed by November 20—the state certification deadline. First, the secretary of state selects and publicly announces which race (e.g. presidential, senatorial) will be subject to the audit. In determining which race to audit, the secretary must consider 1) the closeness of the reported tabulation outcomes; 2) the geographical scope of the contests; 3) the number of ballots counted in the contests; 4) any cause for concern regarding the accuracy of the reported tabulation outcome of the contests; 5) any other benefits that may result from auditing certain contests; and 6) the ability of the county to complete the audit before the state certification deadline. The secretary must also publicly announce the time, date, and locations of the audit, and the risk limit for the audit, which the Rule states must not be greater than 10%. (If the risk limit is 5%, for example, enough ballots must be audited to provide 95% accuracy in the results.) Finally, the secretary's office informs each county—based on the computer algorithm—which ballots it must select for auditing.

To conduct the hand audit of the selected ballots, the county election superintendent must create audit teams comprised of at least two sworn designees (permitted to be non-employees)

who take an oath to conduct the audit accurately and securely. The teams work through the random sample of ballots selected for review and compare the electronic tabulation to the sampled paper ballot. In reviewing hand-marked ballots, “the auditors shall rely on the choices indicated by the voter by filling in the oval adjacent to the candidate or question,” and for electronically marked ballots, “the auditors shall rely on the printed text on the ballot to determine the voter's selection.” Election workers must maintain the chain of custody for all selected ballots during the audit process, including by logging the seal numbers on the ballot containers before and after the audit. The audit is complete once all selected ballots have been reviewed and the designated confidence level reached. Public observers and press are permitted to observe the audit process but are prohibited from handling ballots and may be sequestered in a viewing area at the direction of the election superintendent.

Michigan

A. Recount Procedure

Michigan elections trigger an automatic statewide vote recount if the margin of victory is 2,000 votes or fewer. The margin of victory in the 2020 presidential race in Michigan was [more than 150,000 votes](#), well in excess of the margin required for an automatic recount.

Under Michigan Compiled Laws [§§168.880](#) and [168.880a](#), registered voters in Michigan can also petition for a vote recount. Additionally, candidates can petition the Michigan secretary of state to conduct a vote recount in certain counties. Under Michigan Compiled Laws [§168.879](#), the candidate must petition for a recount within 48 hours of the completion of certification. The candidate must allege a good-faith belief that, but for voter fraud or mistake, the candidate would have had a reasonable chance of winning the election. The petition need only allege specific instances of wrongdoing if the candidate has such evidence, but the candidate must specify the counties in which he or she requests a recount. Under Michigan Compiled Laws [§§168.867](#) and [168.881](#), the candidate requesting a recount must pay a \$25 deposit per precinct. This fee is raised to \$125 per precinct if the pre-petition margin of victory for the winning candidate over the petitioner is greater than 50 votes, or 0.5% of all votes cast, whichever is greater. If the outcome of the election is altered as a result of the recount, the deposit is refunded. The [deadline](#) to complete a recount is 30 days after either the last day to file counter petitions or the first day that recounts may begin.

Precincts with ballots that are inaccurately counted³ [are ineligible](#) for a recount, even though one might expect such precincts to be the priority during a recount. A precinct is also [ineligible](#) for a recount if the seal on the ballot container was placed in such a way that ballots could be inserted or removed from the container without breaking the seal. Finally, ballots in a precinct where the total number of ballots reflected by a physical count [does not agree](#) with the number of voters as shown in the poll book are ineligible for a recount. However, for this last group, if an acceptable explanation⁴ for the discrepancy can be identified or if the number of ballots counted corresponds to the total number of ballots tabulated on election night as reflected on the Statement of Votes, the precinct is eligible for a recount. Since voting centers were expected to grapple with an incredibly high number of absentee votes in 2020, there were increased risks for errors that would make precincts ineligible for a recount. In Detroit, for example, [72% of voting centers](#) reported inaccurate ballot counts during the August 4 primary.

Per [MCL 168.870](#), the Michigan Board of State Canvassers has the authority to issue subpoenas to the persons in charge of the ballot boxes in those precincts where a recount was petitioned for. They [may](#) conduct the recount using a manual tally of the ballots, a tabulation of the ballots on a computer using a software application designed to specifically count only the office or ballot question subject to the recount, a tabulation of the ballots on a computer using the same software application used in the precinct on Election Day, or any combination of these three methods. However, if one of the following issues is present, the Board [may not](#) recount a precinct's ballots:

- The seal on the ballot container is broken or bears a different number than that recorded on the poll book and the breaking or discrepancy is not explained to the satisfaction of the board of canvassers;
- There is a breaking or a discrepancy, and ballot labels or rotation of candidates' names is different than that shown by other voting devices in the precinct and records of the board of election commissioners; or
- The number of ballots to be recounted and the number of ballots issued on Election Day do not match and the difference is not explained to the satisfaction of the board of canvassers.

³ If the following three numbers [do not match](#), absentee ballots in a precinct are considered to be inaccurately counted: The number of absentee ballots recorded in the precinct's poll book; the number on the ballot container seal; and the number recorded in the precinct's Statement of Votes or ballot container certificate that was signed, dated, and attested to by two election inspectors who have expressed a preference for different political parties.

⁴ In determining whether an acceptable explanation exists, the Board of County Canvassers [must](#) make "all efforts... to identify the reason for the discrepancy, including a review of the following: 1) spoiled and/or defective ballots 2) duplicate ballots and corresponding original ballots 3) provisional envelope ballots 4) remarks page notations and 5) Statement of Votes."

If the ballots are not eligible for a recount due to one or more of these issues, the Board of State Canvassers must [consider](#) the original vote tally correct.

The Board [must](#) conduct its recount in a public place where the petitioning candidate, their counsel, one watcher, and one tallier may be present. While these people may observe, they may also “take notes as they desire for their own records.” The board of canvassers [shall](#) identify ballots counted or rejected under protest and keep a record of said protests. If on the first recount of a precinct’s ballots, the vote count does not match the original count, the Board [must](#) conduct a second recount. If on the second recount, the count still does not match the original count, then the second count will be considered final. If the second recount matches the original count, then the Board must conduct a third recount. The third recount’s count is considered final.

Additionally, per [MCL 168.872](#), if the Board has “probable cause” to believe that there has been fraud, wrongdoing, or a violation of the law due to the recount, it must fully investigate. To this end, the Board [has complete authority](#) to subpoena witnesses and to open any ballot box, regardless of the condition of its seal. If the Board believes that a violation of the law occurred, it [may issue](#) a report to that effect to the Michigan attorney general and the circuit judge of the county of Ingham.

North Carolina

A. Recount Procedures

North Carolina has two types of vote recounts: discretionary and mandatory. Pursuant to [N.C. Gen. Stat. §163-182.7](#), a county board of elections or the State Board of Elections has discretion to order a recount “when necessary to complete its canvass,” so long as the state board has not already denied a recount to the petitioner of the recount. A losing candidate on a statewide ballot has the right to demand a mandatory recount if the margin of votes between the losing and the prevailing candidate is less than 0.5% of the votes cast or fewer than 10,000 votes.

If the losing candidate wants to exercise the right to a recount where the margin is under 0.5% or 10,000 votes, they must submit their demand in writing to the state board by “noon on the second business day after the county canvass.” If the executive director later revises the initial results and concludes that the winning margin qualifies the losing candidate to demand a

recount, then the executive director is required to notify the losing candidate immediately. After being notified, the losing candidate has 48 hours to exercise the right to a recount.

Under [N.C. Gen. Stat. §163-182.7A](#), candidates also have the right to demand an *additional* recount. The losing candidate following the recount can demand an additional recount only if the initial recount did not recount the ballots manually. The losing candidate must demand the additional recount within 24 hours of completion of the initial recount. The recount initially occurs in only a 3% sample of precincts, and the ballots in these precincts must be recounted manually. If the results of that recount differ from the initial recount within those precincts “to the extent that extrapolating the amount of the change to the entire jurisdiction...would result in the reversing of the results,” then the State Board of Elections must order a manual recount of the entire state. There is no cost to the candidate for that statewide recount.

[N.C. Gen. Stat. §163-182.7](#) requires the State Board of Elections to develop rules for recounts regarding “the goals of multipartisan participation” and “opportunity for public observation.” However, the rules pertaining to recounts in the North Carolina Administrative Code do not currently explicitly contain any mention of observers, partisan ballot challengers, or requirements that the recount be conducted publicly. Nevertheless, a North Carolina statewide memo planning for a recount in the 2016 election suggested that the state generally permits free access for all interested parties to observe the recount. Indeed, the memo explicitly [stated](#): “Any person may attend the recount. This includes the candidates, their representatives or legal counsel, media representatives, and any other interested persons. These persons may observe the counting process, but may not observe individual ballots.”

B. Election contests

Under [N.C. Gen. Stat. §163-182.9](#), any registered voter can file an “election protest” with a county board of elections. The protest must state the remedy the protester is seeking and whether the dispute is over the manner in which votes were counted and tabulated or concerns some other irregularity. Any protest over the manner in which votes were counted and tabulated must be filed before the beginning of the county board of election's canvass meeting, unless the protest states good cause for a delay in filing, in which case the protester may file the protest until 5 p.m. on the second business day after the county board of elections has completed its canvass and declared the results. If the protest concerns any other irregularity, unrelated to vote counting or tabulation, the protest must be filed before 5 p.m. on the second business day after the county board of elections has completed its canvass and declared the results

Under [N.C. Gen. Stat. §163-182.10](#), when the protest is filed, the county board of elections must determine if the protest substantially complies with N.C. Gen. Stat. §163-182.9 (described above) and whether it establishes probable cause to believe that a violation of election law or irregularity or misconduct has occurred. If the board determines that one or both requirements are not met, the board must dismiss the protest. If the board permits the protest to proceed, it must notify any affected parties, including other candidates or county officials alleged of wrongdoing. The board must then conduct a hearing to examine the evidence that parties submit, including affidavits and witnesses. If the board does not find “substantial evidence” of irregularity or misconduct, it must dismiss the protest. If, however, the board does find substantial evidence of irregularity or misconduct that could affect the outcome of the election, the board can order any of the following remedies:

- (1) That the vote total as stated in the precinct return or result of the canvass be corrected and new results declared.
- (2) That votes be recounted.
- (3) That the protest and the county board's decision be sent to the state board for action by it.
- (4) Any other action within the authority of the county board.

[N.C. Gen. Stat. §163-182.11](#) permits parties to appeal a county board of election’s decision to the State Board of Elections, but parties must do so within five days after the day the original decision was filed by the county board office. The State Board of Elections can then resolve the protest on the existing record, request additional fact finding, conduct its own hearing, or remand the protest back to the county board of elections for further proceedings. The State Board of Elections can order a [new election](#) if four of its members agree that any of the following conditions are met:

- (1) Ineligible voters sufficient in number to change the outcome of the election were allowed to vote in the election, and it is not possible from examination of the official ballots to determine how those ineligible voters voted and to correct the totals.
- (2) Eligible voters sufficient in number to change the outcome of the election were improperly prevented from voting.
- (3) Other irregularities affected a sufficient number of votes to change the outcome of the election.
- (4) Irregularities or improprieties occurred to such an extent that they taint the results of the entire election and cast doubt on its fairness.

When the State Board of Elections renders a final decision, including a decision to order a new election, the Board must serve the parties with a copy of the final decision. Parties [may appeal](#) the final decision to the Superior Court of Wake County within 10 days of service.

Nevada

A. Recount Procedures

A candidate defeated in any election may request a recount within three working days of the canvass of the vote and the subsequent city or county clerk’s certification of the abstract of votes. The candidate must also make a deposit that covers the estimated cost of the recount. [N.R.S. § 293.403\(1\)](#). Any voter at an election may also request a recount. The voter must file a demand with the secretary of state if the voter is demanding a recount of a ballot question that affects more than a single county—but, like a candidate, the voter must also make a deposit to cover certain estimated costs.⁵ [N.R.S. § 293.403\(2\)](#); [N.A.C. § 293.375](#). If the person who demanded the recount prevails, the deposit is returned and the costs are withdrawn from a state account; otherwise, the person remains responsible for these actual costs once the recount is complete (and will either be reimbursed if the deposit was greater than the actual costs or assessed additional costs if the deposit was insufficient). [N.R.S. § 293.405\(1\)-\(2\)](#). Each recount must begin within five days of the demand for a recount and then must conclude within five days from when it begins. [N.R.S. § 293.405\(3\)](#). At the county clerk’s request, the secretary of state will also designate a representative to observe the recount. [N.A.C. § 293.371](#).

To conduct the recount, the county clerk unseals the ballots to be counted and gives them to the recount board. [N.R.S. § 293.404\(4\)](#). The recount board must count and inspect all ballots—including rejected ballots—and determine whether they were “marked as required by law.” [N.R.S. § 293.404\(3\)](#). Ballots must also be recounted in the same way that they were initially tabulated. *Id.* The individual who requested the recount may withdraw the request at any time before the recount is complete; in this case, he or she may not subsequently request a continuation of the recount or a new recount of those votes. [N.A.C. § 293.371\(2\)](#). In addition, if a recount or contest occurs, the county or city clerk must ensure that every election device that recorded votes electronically provides a paper record of each ballot voted on the device, which is deposited in the clerk’s vault. [N.R.S. § 293B.400](#).

⁵ The estimated and actual costs of a recount include utilities for the building used for the recount before or after business hours, rent for use of a non-publicly owned building, and salaries for overtime work of regularly employed staff members, but exclude certain other costs. [N.A.C. § 293.375](#).

When the recount concludes, the board of county commissioners makes an abstract of votes and transmits a copy of that abstract as well as a “mechanized report” of that abstract to the secretary of state. [N.A.C. § 293.365\(2\)](#); [N.R.S. § 293.395\(1\)](#); [N.R.S. § 293.393\(2\)-\(4\)](#). Nevada’s regulations require that the results of a recount be canvassed within five working days after the completion of the recount. [N.A.C. § 293.365\(1\)](#). Once a recount concludes, that precinct cannot be subject to another recount for the same candidate or question in the same election. [N.R.S. § 293.405\(4\)](#).

B. Election contests

Election contests in Nevada are court cases where any candidate or registered voter [can challenge](#) the results for the presidential election. The following are grounds for contesting election results pursuant to [293.410\(2\)](#):

- One or more members of the election board are guilty of malfeasance.
- The person elected is not eligible for office.
- Illegal or improper votes were counted, legal and proper votes were not counted, or some combination of the two.
- The election board made errors sufficient to change the results in the course of conducting the election or canvassing the returns.
- The winning candidate or a person acting on their behalf has given or offered anything of value for purposes of manipulating the outcome of the election.
- A malfunction of a voting device or other mechanism was sufficient to raise reasonable doubt as to the outcome of the election.

A case constituting an election contest is a special proceeding with its own rules⁶. The challenger must file a written statement of contest with the clerk of the district court containing the grounds for the challenge within 14 days of the presidential election or five days of a recount of the presidential election. [N.R.S. § 293.407\(2\)](#); [N.R.S. § 293.413\(1\)](#). Statement of contests cannot be dismissed for certain procedural deficiencies of form. [N.R.S. § 293.410](#). After the filing of a statement of contest, the court will have a hearing in between five to 10 days. [NRS 293.413\(2\)](#). Parties to the contest [may take depositions, submit briefs, and have oral arguments](#). A recount of ballots in the presence of the parties can also be conducted as part of the contest hearing and entered into evidence. [N.R.S. § 293.423](#). Investigations may take place, witnesses deposed, and aspects in some complex cases may be referred to a special master.⁷

⁶ Bradley Scott Schrage, Esq., [Post-Election Law and Procedure in Nevada: Recounts and Election Contests](#), Nev. Law., September 2012, at 17

⁷ *Id.*

After the contest hearing, if a court finds that the challenging candidate received the greatest number of legal votes, as part of the judgment, that person shall be declared elected. [N.R.S. § 293.417\(1\)](#). The court can ultimately confirm, annul, or reserve election results.⁸ Generally, the loser of the case is responsible for the court costs. [N.R.S. § 293.420](#). Nevada law does not explicitly require specialized procedures for losing candidates to appeal the decision to appellate courts.

Pennsylvania

A. Recount Procedures

Under Pennsylvania [law](#), if there is a discrepancy or “palpable error” (such as when the total vote count exceeds the number of registered voters), the county board is authorized to recount the ballots. In addition, a recount must occur under a number of circumstances, including if “a discrepancy is found in the comparison of the sealed and unsealed general returns.”

[Pennsylvania law](#) also provides for a mandatory close vote margin recount when candidates or ballot questions “appearing on the ballot in every election district in [the] Commonwealth” have a margin of [0.5% or less](#) of all votes cast. Biden [won the presidential contest](#) in Pennsylvania by 80,555 votes, and a margin of 1.17%, exceeding the statutory cap for a mandatory recount. Close vote margin recounts may also occur “if three qualified [voters] of the election district shall file . . . a petition duly verified by them, alleging that upon information which they consider reliable they believe that fraud or error, although not manifest on the general return of votes made therefrom, was committed in the computation of the votes cast....It shall not be necessary for the petitioners to specify in their petition the particular act of fraud or error which they believe to have been committed, nor to offer evidence to substantiate the allegations of their petition.”

Candidates themselves cannot directly request a recount in Pennsylvania, but they [may appeal](#) the “order or decision of any county board regarding the computation or canvassing of the returns of any primary or election, or regarding any recount or recanvass thereof.” This process can result in a recount.

⁸ *Id.*

Although Pennsylvania law does not require recounts to be conducted in public, various types of recounts allow each candidate (or an attorney from the candidate) to be present at the recount or recanvass. Moreover, “[a]ny candidate, attorney or watcher present at any recount of ballots or recanvass of voting machines [shall be entitled to examine the ballots](#), or the voting machine and to raise any objections regarding the same.”

When a recount is ordered, and “the election district uses an electronic voting system utilizing paper ballots,” Pennsylvania law applies a particular statutory provision called section 1701. 25 Pa. Stat. Ann. § 3031.18 (West). As of June 2020, all 67 of the state’s counties used voting systems with [voter-verifiable paper records](#), so section 1701 was likely to apply. Under that section, before any ballot boxes are opened, the court must first “direct that notice of time and place of proposed recount be given, either personally or by registered mail, to each candidate for the office or offices which are to be recounted by the order of the court.” 25 Pa. Stat. Ann. § 3261 (West). In addition, each candidate (or a representative) may be present during the recount.

Ballot boxes “may be opened . . . at any time within four months” after Election Day and, during this process, the Commonwealth Court shall “open the ballot box of each election district in which ballots were used” and “cause the entire vote of the election district to be correctly counted by persons designated by the court.” Typically, these recounts are governed by 25 Pa. Stat. Ann. § 3154 (West), which has specific rules for counties using “electronic voting system utilizing paper ballots” (which should apply to all counties in 2020). During a recount, each county board recounts “all ballots using manual, mechanical or electronic devices of a different type used for the specific election,” but all ballots containing “overvotes” must be counted manually. The results of the recount must then be submitted to the secretary of state by noon the day after the recount (or recanvass) is complete, and the secretary is required to issue a press release and publish the results of the recount on the internet.

Typically the costs of the recount are paid by the requester. However, if the recount finds any “fraud or substantial error,” then the court must certify such fact to a notary (who will then reimburse the requester).

Wisconsin

A. Recount procedures

In the recount petition, the candidate [must state the basis](#) for requesting the recount. This can consist of a general statement that the petitioner believes that a mistake or fraud was committed in a specified ward or municipality in the counting and return of the votes cast for the office; or more specific grounds, such as a particular defect, irregularity, or illegality in the conduct of the election. The petitioner must state if this information is based on personal knowledge of the petitioner or if the petitioner believes the information to be true based on information received from other sources (Wis. Stat. § [9.01\(1\)\(a\)2.b](#)).

Under [Wis. Stat. §9.01](#), in a recount, canvassers must review all absentee ballot certificate envelopes, including those previously rejected. Canvassers examine the rejected absentee ballot envelopes and make their own determination for each; improperly rejected ballots are marked and placed into the pool of ballots to be counted. Canvassers also examine all absentee ballot certificate envelopes for any defects not identified on election night. An absentee ballot envelope is [defective](#) only if it is not witnessed (with a witness signature), if it is not signed by the voter, or if the certificate accompanying an absentee ballot is missing. If a previously unidentified defect is found, the envelope is set aside.

Unless a court orders otherwise, the board of canvassers [may decide](#) to either hand-count or use voting equipment to tabulate the ballots. The board of canvassers may also choose to hand-count votes in certain wards, while using voting equipment to tabulate other wards. For wards that hand-count ballots, canvassers are [directed](#) to sort ballots by candidate, then create stacks by a fixed number, and finally tally the stacks to determine the total vote. If an optical scan tabulator is used, canvassers are first directed to examine the equipment for tampering and ensure it is programmed directly. They then compare duplicate ballots that were made by election officials from original ballots that could not be scanned by the tabulators due to defects, to ensure consistency. Canvassers then review each ballot, scan it, and ensure it was recorded correctly by the tabulator. Finally, the tabulators are placed in post-election mode and generate results. The board of canvassers adds any votes counted separately by hand using new tally sheets and records the total results as part of the revised canvass statement.

Wards that use Direct Record Electronic voting equipment in conjunction with paper ballots or optical scan ballots to enable individuals with disabilities to vote are [provided](#) additional instructions after completing the steps above. DRE equipment records votes two separate ways: electronically and on a paper tape that the voter can view to verify that the equipment is

recording their votes correctly before casting their ballot. In a recount, canvassers are required to use the paper record. Canvassers are instructed to cut the paper record to separate the individual voter records, further cut the paper tape into the individual ballots, and then randomize these ballots. Canvassers carefully count each individual ballot record as recorded on the tape. Two individuals record the count on two tally sheets. After all of the counts have been recorded, the two tally sheets should be compared against each other to ensure an accurate count is determined. The recount vote totals are then compared against the original results as generated by the DRE, and any discrepancies shall be recorded in the minutes.

Any person [may attend](#) the recount. This includes the candidates, their representatives or legal counsel, media representatives, and any other interested persons. If there are multiple representatives from a single campaign, a single representative shall be identified as the designated primary representative to the board of canvassers. Secondary representatives may ask clarifying questions of recount staff and request that ballots be set aside for further review by the board of canvassers, but any challenges or objections for the record must be made by the designated primary representative. All persons who are not under the supervision of the board of canvassers are considered observers and are subject to the observer rules established by the Wisconsin Elections Commission (WEC). If an observer engages in disruptive behavior that in the opinion of the board of canvassers threatens the orderly conduct of the recount, the board of canvassers must issue a warning and, if the observer does not cease the offending conduct, order the observer's removal.