

## **Quick Reference Guide - City and School Recount Information**

A recount request cannot be submitted until **AFTER** the official canvass is completed (this can be done as soon as the Canvass is completed, they do not have to wait until the next day to submit) and must be submitted within five days after the official canvass.

Here are the statutes and administrative rules that pertain to Municipal Recounts:

Form for oath of recount board: <https://sdlegislature.gov/Rules/Administrative/30529>

**5:02:19:04. Counting rules to apply.** The rules in chapters 5:02:09 and 5:02:16 regarding the counting of ballots also apply to recounts.

You will have the recount board count the ballots as provided in 5:02:16 - in the same manner your precinct election board counted the ballots: <https://sdlegislature.gov/Rules/Administrative/1422>

Finance Officer shall be responsible for providing administrative support and staff for the recount board.

### **Municipal Candidate Recount:**

9-13-27.2. Tie vote--Recount--Determination by lot. If a tie vote exists after a canvass of original official returns, the governing body making the canvass shall certify the vote to the finance officer. The finance officer shall then notify the candidates that if no request for recount is made in writing to the finance officer within five days after the certification, the winner shall be determined by drawing of lots. If no recount request is made or a tie vote between candidates is found to exist on the basis of the recount, the finance officer shall fix a time and place for the drawing of lots, giving reasonable notice of the time and place to each of the tied candidates. The drawing of lots shall be in the manner directed by the finance officer and the certificate of election shall be issued to the candidate winning in the drawing.

9-13-27.3. Requests for recounts--Recount board established. If any candidate for the municipal governing body is defeated by a margin not exceeding two percent of the total votes cast for all candidates for the office, or by a margin of five votes or less, the candidate may, within five days after completion of the official canvass, file with the municipal finance officer a written request for a recount. Upon receipt of a recount request, the finance officer shall set the time and place for the recount. A recount board shall be established consisting of one person chosen by each candidate declared elected and by each candidate who is eligible to request a recount. If this board consists of an even number of persons, one additional recount board member shall be appointed by the finance officer who shall be mutually agreeable to each candidate involved in the recount. The person having custody of the ballot boxes containing the ballots to be recounted shall deliver them to the recount board. Any question arising on the recount shall be determined by majority vote of the recount board. The recount shall proceed expeditiously until completed.

Finance Officer shall be responsible for providing administrative support and staff for the recount board.

**Form for candidate's petition for recount:** There is no prescribe form for the candidate's request for a recount. They just need to submit a written request.

### **Municipal Ballot Question Recount:**

9-13-27.4. Recount on ballot question, initiative, referendum or recall. Notwithstanding any other provisions of law, recounts of municipal ballot questions shall be conducted when, within five days after completion of the official canvass of a municipal ballot question election at which a question is approved or disapproved by a margin not exceeding two percent of the total votes cast in the election, any three registered voters of the municipality file a petition duly verified by them, setting forth that they believe a recount will change the outcome. A recount board shall be appointed by the finance officer who shall appoint one person on each side of the question and one person who shall be mutually agreed upon by the other two appointed. The recount shall be conducted according to the provisions of § 9-13-27.3.

Form for voter's petition for recount in municipal ballot question election: <https://sdlegislature.gov/Rules/Administrative/1500>

**Salary and Mileage:**

**12-21-4.1. Mileage allowance for recount board members.** The members of the recount board shall receive mileage for the miles traveled each day of the recount from their points of residence in an amount equal to that set by the State Board of Finance for state employees; provided however, that this provision shall not apply to the first ten miles traveled each day.

City and School Recount Manual: <https://sdsos.gov/elections-voting/assets/MunicipalSchoolRecountManual.pdf>

**Schools:**

A recount request cannot be submitted until AFTER the official canvass is completed (this can be done as soon as the canvass is completed, they do not have to wait until the next day to submit) and must be submitted within five days after the official canvass.

Here are the statutes and administrative rules that pertain to School Recounts:

Form for oath of recount board: <https://sdlegislature.gov/Rules/Administrative/30529>

**5:02:19:04. Counting rules to apply.** The rules in chapters 5:02:09 and 5:02:16 regarding the counting of ballots also apply to recounts.

You will have the recount board count the ballots as provided in 5:02:16 - in the same manner your precinct election board counted the ballots: <https://sdlegislature.gov/Rules/Administrative/1422>

Business Manager shall be responsible for providing administrative support and staff for the recount board.

**School Board Candidate Recount:**

**13-7-19.1. Tie vote--Recount procedure--Resolution by lot.** If a tie vote exists after the canvass of the original official returns, the school board making the canvass shall certify the vote to the business manager. The business manager shall then notify the candidates that if no request for recount is made in writing to the business manager within five days, the winner shall be determined by drawing of lots. If no recount request is made or a tie vote between candidates is found to exist on the basis of such recount, the business manager shall fix a time and place for the drawing of lots, giving reasonable notice of the time and place to each of the candidates involved in the tie vote. Drawing of lots shall be in the manner directed by the business manager and the certificate of election shall be issued to the candidate winning in the drawing of lots.

**13-7-19.2. Close margin in school board election--Request for recount--Recount board established.** If any candidate for the school board is defeated by a margin not exceeding two percent of the total votes cast for all candidates for the office, the candidate may, within five days after completion of the official canvass, file with the business manager of the school district a written request for a recount. Upon receipt of a recount request, the business manager shall set the time and place for a recount. A recount board shall be established consisting of one person chosen by each candidate declared elected and by each candidate who is eligible to request a recount. If this board consists of an even number of persons, one additional recount board member shall be appointed by the business manager who shall be mutually agreeable to each candidate involved in the recount. The person having custody of the ballot boxes containing the ballots to be recounted shall produce the ballot boxes before the recount board. All questions arising on the recount shall be determined by majority vote of the recount board. The recount shall proceed as expeditiously as reasonably possible until completed.

**Form for candidate's petition for recount:** There is no prescribed form for the candidate's request for a recount. They just need to submit a written request.

**School Ballot Question Recount:**

13-7-19.3. Close margin in school election--Petition for recount--Appointment of recount board--Production of ballot boxes--Disputes. A recount shall be conducted if, within five days after completion of the official canvass of a school district regular or special election at which a question is approved or disapproved by a margin not exceeding two percent of the total votes cast in the election, any three registered voters of the school district file a petition duly verified by such voters, setting forth that they believe a recount will change the outcome. A recount board shall be appointed by the business manager who shall appoint one person on each side of the question and one person who shall be mutually agreed upon by the other two appointed. The person having custody of the ballot boxes containing the ballots to be recounted shall produce the ballot boxes before the recount board. Any question arising on the recount shall be determined by majority vote of the recount board. The recount shall proceed as expeditiously as reasonably possible until completed.

Form for voter's petition for recount in school ballot question election: <https://sdlegislature.gov/Rules/Administrative/1500>

**Salary and Mileage:**

12-21-4.1. Mileage allowance for recount board members. The members of the recount board shall receive mileage for the miles traveled each day of the recount from their points of residence in an amount equal to that set by the State Board of Finance for state employees; provided however, that this provision shall not apply to the first ten miles traveled each day.

City and School Recount Manual: <https://sdsos.gov/elections-voting/assets/MunicipalSchoolRecountManual.pdf>

