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Georgia Election Recounts

On Nov. 11, Georgia Secretary of State Brad Raffensperger announced that he would turn a planned risk-limiting audit of election results from the Nov. 3 presidential race into a hand count of all ballots. That process has concluded, and while the audit turned up about 6,000 missing ballots that were then processed and included in the final certified results, it did not change the outcome of the race. President Donald Trump has now requested a recount, which is scheduled to take place the week of Nov. 22. Here's a look at recount processes and rules in Georgia.

What kind of recounts are there in Georgia?

County Election Superintendent Ordered Discretionary Recount– A county election superintendent can order a recount on their own or at the request of a candidate or political party if it appears there is a discrepancy or error not apparent on the face of the returns. This could be limited to a particular precinct or precincts or to one or more offices, and it takes place before results are certified.

Secretary of State Ordered Discretionary Recount – The secretary of state can grant a losing candidate a recount if it appears there is a discrepancy or error not apparent on the face of the returns. The recount request has to be in writing and verified. The recount can take place in any or all counties and must take place prior to the certification of the consolidated returns.

Close Race Recount – If the margin of victory is not more than .5 percent of the total votes cast for an office, the losing candidate has a right to recount if he or she makes a written request for one within two business days of the certification of the election results. Candidates for federal offices must make their request to the Georgia secretary of state. The recount covers all counties.

Court Ordered Recount– A Georgia superior court can order a recount when deciding an election contest.

How are recounts conducted?

Georgia recounts are generally conducted electronically. Election superintendents first test ballot scanners they plan to use for the recount, running a combination of at least 100 electronic and absentee ballots through the scanner and counting them manually to be sure the two counts match. There are provisions for reviewing ballots that scanners are unable to read. All the valid ballots are tabulated and the results are then compared with the original results. If it appears the original vote count was incorrect, the superintendent corrects the returns. You'll find a detailed list of rules and procedures [here](#).

Are recounts ever done manually?

A hand recount can occur only if all the ballot scanners fail testing or if a court orders one. In those cases, a team of three – the election superintendent or their designee and a member of each political party – counts all the votes and decides what they think a voter intended on any unclearly marked ballots. If it appears the original vote count was incorrect, the superintendent corrects the returns. You'll find a detailed list of rules and procedures [here](#).

Do losing candidates have options if the recount still indicates they lost?

Georgia law allows any losing candidate or unhappy voter who was entitled to vote for the losing candidate to file a lawsuit, if they have evidence of:

- “Misconduct, fraud, or irregularity” sufficient to “change or place in doubt the result” of the election.
- The fact the winning candidate was ineligible for the office.
- “Illegal votes received” or “legal votes rejected” in great enough quantities to “change or place in doubt the result” of the election.
- Any counting error that would change the result of the election.
- Any other cause that shows that another person was legally elected.

Is there a deadline for filing election-related lawsuits?

Five days after the official consolidation of the returns of that particular office.

[Jessie V. Pilgrim is senior member of the Carter Center’s U.S. Election Expert Study Team. He is an election lawyer with 35 years of experience in 38 countries. His international experience includes election observation and consulting with such organizations as the United Nations, Organization for Security and Co-operation in Europe, and the European Commission.]