



## Fast facts on Ohio contested election and recount rules<sup>1</sup>

### Ohio law<sup>2</sup> provides for an election recount in two scenarios.

- Scenario 1: automatic recount. If the margin of victory is less than 0.5% of the vote in a county, municipal, or district election, or less than 0.25% in a statewide election (including the presidential election), an automatic recount must occur.<sup>3</sup> In this scenario the recount is publicly funded.<sup>4</sup>
- Scenario 2: recount by application. If the margin of victory is larger, any losing candidate may request a recount; or any group of five or more voters may request a recount for an issue.<sup>5</sup> Applicants must file in writing, at the Board of Elections (BOE) of every county in which they want a recount, within five days after the initial results are announced, and pay \$50 for each precinct in which they want a recount.

### Boards of Elections are responsible for administering and announcing recounts.<sup>6</sup>

- Recounts must be scheduled within ten days after the application is filed. The BOE sets a time, place, and method for the recount and must notify all candidates. Election officials open sealed ballot containers and recount the ballots. Candidates or their designees may witness the process.
- The BOE declares the new results when the recount is complete, but in a statewide election, the BOEs send their recounts to the Secretary of State to declare results.

### A defeated candidate may contest an election following a recount.

- Within 10 days after a recount, a losing candidate may file a petition contesting the election with the clerk of court in the contested county.<sup>7</sup> The petition must be verified and requires the petitioner to post a bond.
- In these cases, the court re-counts all ballots again.<sup>8</sup> To prevail, the petitioner must show by clear and convincing evidence that some problem impacted enough votes to either change the result, or call it into question.

### Candidates may also contest an election if there was no recount.

- A losing candidate, or any group of 25 voters, may contest an election by filing a petition with the clerk of court.<sup>9</sup> In elections for statewide office or for appellate and Supreme Court justices, petitioners must file with the Ohio Supreme Court. In local elections, petitioners must file with the clerk of courts in the county where the contest occurs. Petitions must be filed within 15 days after the results are announced, and the petitioner must post a bond.
- The court must hear the petition between 15 and 30 days of when it is filed. This is a judicial hearing process with its own procedural rules.<sup>10</sup> The complaint must be resolved within 30 days of the hearing.

### Contested elections for U.S. Congress are governed by federal law.

- The U.S. Constitution gives each house of Congress the power to set its own rules for how people may contest elections to that house. Candidates for each house must follow rules outlined in the Federal Contested Elections Act.<sup>11</sup>

<sup>1</sup> This document was created as a general information resource. It is not legal advice. It does not reflect many important details of elections law. For more detailed information see Ohio Revised Code Chapter 3515.

<sup>2</sup> Ohio Revised Code (R.C.) §3515

<sup>3</sup> R.C. 3515.011

<sup>4</sup> R.C. 3515.071

<sup>5</sup> R.C. 3515.01-03

<sup>6</sup> R.C. 3515.04-06

<sup>7</sup> R.C. 3515.09

<sup>8</sup> R.C. 3515.13

<sup>9</sup> R.C. 3515.08

<sup>10</sup> R.C. 3515.10-12

<sup>11</sup> 2. U.S.C. §§381 *et seq.*; see Ohio Rev. Code §3515.08(A)