

# **A Survey and Analysis of Statewide Election Recounts 2000-2015**

An in-depth look at statewide election recount outcomes and practices in the United States.

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*November 2016*

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# Abstract

This report takes an in-depth look at statewide election recount outcomes and practices in the United States, using data from elections taking place from 2000 through 2015. Its findings provide a basis for observations on resolution of election disputes, model laws on recounts, and forecasts of recount scenarios for Presidential elections governed by a national popular vote. Our major findings are as follows:

**Statewide recounts are rare:** Out of the 4,687 statewide general elections between 2000 and 2015, there were 27 statewide recounts, 15 of which were deemed “consequential” (meaning elections with an original victory margin of no more than 0.15 percent). In other words, there was one recount for every 173 statewide elections and one consequential recount for every 312 statewide elections. This pattern was true of most subcategories of statewide elections as well, including only three consequential recounts for the 808 elections for the offices of governor, lieutenant governor, secretary of state, attorney general and treasurer.

**Outcome reversals are even rarer:**

Recounts resulted in three reversals, or one out of every 1,562 statewide elections. These reversals took place in the races for U.S. Senate in 2008 in Minnesota, auditor in 2006 in Vermont and governor in 2004 in Washington.

**Margin shifts in recounts are small:**

Statewide recounts resulted in an average margin swing of 282 votes between the frontrunners, representing 0.0191% of the statewide vote in those elections. The median average shift was 219 votes, with 22 of the 27 recounts changing the victory margin by fewer than 500 votes.

**Margin shifts are smaller and recounts rarer in larger electorates:** Recounts in elections with more voters altered the vote margin by lower percentages than recounts in elections with fewer voters. In the seven cases in which the total votes cast were above two million, the margin shift was on average 0.016% of the vote. In the eight cases in which the total votes cast were fewer than one million, the margin shift was on average 0.039%.

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There was one recount for every 173 statewide elections and one consequential recount for every 312 statewide elections.

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1. This report is an update of previous reports. Our thanks to previous contributors, including Dania Korkor, Emily Hellman and Monideepa Talukdar.

# 1 – Overview

The ability to handle a recount of votes to ensure fair, accurate and genuinely democratic outcomes is broadly recognized as a critical component of effective election administration. Even though errors by humans and machines typically mean that any large count of ballots will result in slightly different vote totals from a previous count, the great majority of elections in the United States result in clear winners that are not disputed. However, particularly close elections may necessitate recounts. Losing candidates may challenge the outcome on the grounds of fraud or administrative error.

Trust in elections requires trust in a jurisdiction's recount process. It is an ongoing process in learning how to conduct recounts well and determining when victory margins and data from post-elections audits should trigger a recount. In this report we quantify various aspects of statewide recounts in the United States between 2000 and 2015, including how often they occur, how often they change outcomes, how much vote totals change and how these figures vary with the size of the electorate. We conclude that:

- ***Recounts rarely occur:*** From 2000 to 2015, there were 27 recounts out of 4,687 statewide general elections – an average that is under two per year. Of these recounts, twelve were not consequential, meaning the original margin of difference between the top two candidates was 0.15% or more of the vote share. While recounts are generally rare, occurring on average once every 173 statewide elections, consequential recounts were even more unlikely, and took place in one out of every 312 statewide elections.
- ***Recounts rarely impact the margins:*** The mean average change in the vote margin in the 27 statewide recounts in 2000–2015 was 0.0191% of the vote (or 282 votes). The largest margin change occurred in Vermont in 2006, where initial errors in hand-counting resulted in an 0.11% shift in the recount margin. The next largest shift in the margin among the remaining 17 recounts was 0.076%. Although recounts with original margins of over 0.15% resulted in larger margin shifts (in terms of ballots cast) relative to recounts with closer margins, this margin shift on average typically widened the gap between the winning and the losing candidate instead of decreasing it.
- ***The election outcome was changed in 11.1% of all statewide recounts and 20.0% of all consequential recounts, representing one out of 1,562 statewide elections:*** Recounts altered the outcome three times in the 27 statewide recounts during the 2000-2015 period – that is to say, a recount changed the statewide election outcome one out of every 1,562 statewide elections. Consequential recounts reversed the outcome more often in statewide elections initially decided by less than 0.15%, with 20% of all of these recounts decided initially by less than 0.15% resulting in a change in the outcome.
- ***As the number of voters increased, the shift in vote margins declined:*** Our analysis of statewide elections finds that shifts in margins due to random errors did not increase proportionally to the number of ballots cast. This means the impact of a single recounted vote on the margin of victory should decrease as the number of votes in an election increase. For example, correcting a single miscounted vote in an election with ten votes cast would change the margin by 10%, but a single error in an election with 1,000 votes would change the margin by only 0.1% percent. In the 27 statewide recounts in 2000–2015, a recount's effect on victory margin indeed declined as the number of votes cast in the race increased. Consider that:

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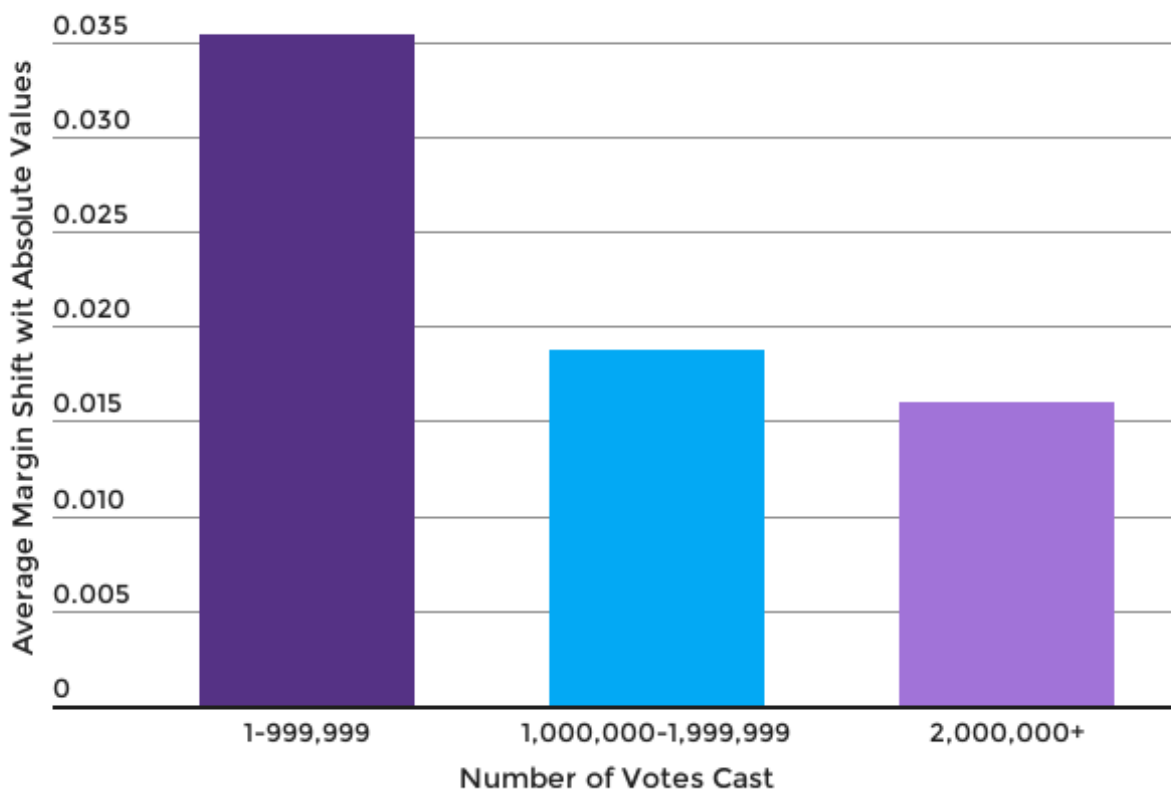
Trust in elections  
requires trust in a  
jurisdiction's  
recount process.

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- For elections with combined vote totals under one million (ten cases), the margin swing (meaning the percentage in the margin changed by the recount) was on average 0.0389% of total votes cast.
- When the total number of votes cast was in the range of one to two million (ten cases), the margin shift was on average 0.0188% of total votes cast.
- When the total number of votes cast was above two million (seven cases), the margin shift on average was 0.0160% of total votes cast.
- No recounts were required for any election where more than six million total votes were cast for the two leading contenders.

## Average Margin Shift with Absolute Values per Original Tally Vote




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Recounts altered the outcome three times in the 27 statewide recounts during the 2000-2015 period.

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# 2 – Report Methodology

## 2.1 Definition of Recount

The meaning of what constitutes a recount varies from state to state. For some states, a recount means completing an electronic review of the original tallies from the voting machines. In other states, it entails a vigorous hand-to-eye tally of ballots. In this study we define a recount as a process by which the original election results are reconfirmed in every precinct in a statewide race, typically due to a close initial victory margin, accusations of election fraud or concerns about administrative error. Methods of confirming the count include re-tabulating ballots by feeding them again into machines, electronic reviews of ballot records, and hand-counted tallies of ballots and/or paper trails. We focus only on recounts in which every precinct was included in the review of ballots in a statewide race.

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As to the definition of “statewide election,” we surveyed all statewide general elections –meaning any election, whether for an office or a ballot measure, where all citizens of a state, regardless of their residency, had an opportunity to vote for the same candidates or position on issues. The great majority of these elections took place in November, but general elections can include special elections and nonpartisan judicial races and ballot questions taking place alongside primaries. We did not include primary elections in which the winners were not able to take office without subsequent general elections.

As an example, Wyoming only has one congressional district, and its U.S. House elections are statewide because all Wyoming voters, regardless of where they live, can vote for the same candidates. But a Massachusetts election held for the U.S. House of Representatives is not a statewide election because candidates must run in districts, and only voters who reside in that district can vote for candidates of that district.

We divide recounts into two categories: “consequential recounts” and “inconsequential recounts.” These categories were created because we found that the likelihood of significant changes in victory margin in any recount is very small, making election outcome reversals only plausible in exceedingly close races. Among the 27 statewide recounts between 2000 and 2015, the largest margin shift occurred in Vermont in 2006, where errors in the reporting of initial hand tallies were key to a 0.11% shift in the margin. The next largest shift in victory margin among the remaining 26 recounts was only 0.076%. Therefore, taking these numbers into account, the report defines a *consequential recount* as a recount in which the original margin is no more than 0.15% and an *inconsequential recount* as a recount in which the original margin was greater than 0.15%.

## 2.2 Data Collection

Data on statewide elections between 2000–2015 was collected by visiting Secretary of State and Election Board websites, as well as calling and emailing each of the states’ respective offices. Contact was made either by phone or email with 46 of the 50 offices. Ballotpedia was also used as a resource. For those states with unresponsive offices, data was collected by thorough Google and Lexis-Nexis searches using the term “recount.” Races for each state were organized by year and by category of election (ballot measure and office being elected).

A multi-seat election (one where more than one candidate was elected) was counted as one statewide election because only one recount would be needed to confirm the results.

In elections going to a recount, we gathered vote totals only for the top two candidates, given that in each case the recount was close only between the top two finishers. As a result, numbers used in calculations such as “total vote” reflect only the votes cast for the top two candidates. As an example, in our analysis of the 2000 presidential election recount in Florida, the total vote is what George Bush and Al Gore together received, but does not include votes cast for Ralph Nader and other third party and independent candidates. Finally, we analyzed margin shifts both as absolute values and non-absolute values, thereby showing both the size and direction of any shifts in votes.

Earlier editions of this report also sought to identify every recount that had taken place from 1980 to 1999, 2000 to 2009, 2000 to 2012, and 2000 to 2013. For the 2015 edition, we used data from the 1980-1999 recounts as a supplement to our report and build off the analysis and data of previous reports.

# 3. Reviewing Recounts in Statewide Elections, 2000–2015

## 3.1 A total of 4,687 statewide general elections in 2000–2015

In the fifteen years of elections from 2000 to 2015, there were 4,687 statewide general elections for president, senator, governor, lieutenant governor, secretary of state, attorney general, judicial offices, ballot measures and other statewide offices. (See Table 1 in appendix for a breakdown by type of election.)

## 3.2 Types of elections that triggered the 27 statewide recounts

Election officials conducted 27 recounts in statewide elections in the 2000 to 2015 period, fewer than two per year. Of these 27 recounted elections, eight were ballot measures, six were judicial races and three were U.S. Senate races. The remaining elections were one state outcome in a presidential race (Florida in 2000), two gubernatorial elections, as well as one Secretary of State, Board of Education, Superintendent of Public Instruction, and State Auditor election. Two Attorney General races and one Public Land Commissioner's race were also recounted. Of these recounts, 15 were consequential recounts with an initial victory margin of 0.15 percent or less.

## 3.3 Extremely close margins needed for outcome reversal

Recounts in statewide elections did not reverse outcomes of elections that did not have an exceptionally close margin in the initial count. In the three overturned recounts, the mean average of the initial margin of victory was just 0.027 percent, while the median margin of victory in all 27 recounted elections was 0.13 percent. (See Tables 2-5 in the appendix.)

The largest change in results occurred in Vermont in the 2006 auditor's race, where the votes swung from a 0.06% margin of victory for one candidate to a 0.11% margin for the final winner. Tied to errors in recording hand-counted tallies on election night, the size of this swing was unusual – and still small in absolute number of ballots (with only a change of 102 net ballots). The next largest shift in margin among the remaining 26 recounts was only 0.076 percent, and the average shift was far less at 0.019%.

The original victory margin in many races with a recount was not close to the narrow margin necessary for a viable chance to reverse an outcome. Even using the generous definition (absent clear indications of fraud or error) of a consequential recount being one with an original margin of 0.15 percent or less, twelve of the 27 recounts do not meet this threshold. Among the twelve recounts that were not consequential, the mean average original margin of victory was 2.37 percent and the median average was 0.49 percent. In comparison, among the 15 consequential recounts, the mean and median original margins of victory were 0.06 percent.

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When using absolute values to calculate the margin shift, recounts that are not consequential on average changed slightly more from their original tallies than consequential recounts, but more often toward expanding the victory margin. In consequential recounts, the absolute value margin shifted a mean 0.021 percent and a median 0.012 percent. In the remaining recounts, the absolute value margin shifted a mean of 0.028 percent and a median of 0.021 percent.

Errors in the 27 recounts were just as likely to increase the initial victory margin as reduce it. In eight of the fifteen consequential recounts, initial leaders expanded their lead, and seven times (including the three races resulting in a reversal of outcome), their initial lead was reduced. In the twelve remaining recounts, the trailing candidate reduced the victory margin five times, although never close to what would have been necessary to change the outcome. These outcomes would suggest that initial errors in these 27 statewide elections were largely random rather than systematic.

### 3.4 Negligible vote gains are typical for both sides in recounts

Of the 54 candidates (meaning the top two candidates) and ballot measure positions (“yes” and “no”) considered in the 27 statewide elections with recounts, the vote totals of 45 candidates and positions increased slightly during the recount, nearly evenly split between the initial leader and initial second-place finisher. The number of votes cast increased for both sides in 21 of the 27 recounts and decreased for both sides in three elections. The initial leader lost votes and the trailing candidate gained more votes in three recounts, and the initial leader gained votes and the trailing candidate lost votes in the remaining recount. In twelve of the recounts, margins between the winner and loser decreased slightly after the recount and in fifteen that margin increased slightly. On average, the losing candidate’s votes saw a slightly larger swing, with their vote total being affected by 0.122% in comparison to the winner’s vote total being affected by 0.116%. These low percentages underscore recounts’ small impact on vote margins.

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### 3.5 The three exceptional races with a reversal in outcome

Three recounts resulted in a reversal of the original outcome: the 2004 gubernatorial race in Washington State, the 2006 State Auditor race in Vermont and Minnesota’s 2008 U.S. Senate race, with the recounts in Washington and Minnesota earning significant national attention.

- **Washington:** Washington State’s gubernatorial election in 2004 was decided in favor of Democrat Christine Gregoire by 129 votes out of 2,746,593 votes cast, representing a margin of victory of 0.005 percent. Gregoire initially trailed Republican Dino Rossi in the race by 261 votes. The recount shifted the margin by 390 votes, or 0.014 percent of total votes cast.
- **Vermont:** Vermont’s State Auditor race in 2006 initially went to Republican incumbent Randy Brock by a margin of 137 votes, or 0.062 percent of total votes. After the recount, Democratic challenger Thomas Salmon won the election by a margin of 102 votes, or 0.046 percent. The recount changed the margin in Salmon’s favor by 239 votes, or 0.107 percent of total votes cast. Most of the changes occurred in localities that had inaccurately recorded ballots tallied by hand on election night.



- **Minnesota:** Minnesota's U. S. Senate election in 2008 was a high-profile example of a recount that was ultimately decided in the courts. Minnesota law provides that tallies within one-half of one percent automatically trigger a recount. Democratic challenger Al Franken entered the state-mandated recount trailing by only 215 votes, or 0.009 percent of the votes cast, against Republican incumbent Norm Coleman. After a months-long legal process that hinged largely on questions of voter intent in filling out paper ballots, Franken finished with 225 more votes than the incumbent—a 440 vote swing, amounting to 0.018 percent of the total votes cast.

### 3.6 Partial recounts do not tend to change the initial outcome

Occasionally, partial statewide recounts do occur; however, they appear to change the outcome of the race even more rarely than statewide recounts. Several examples of this method include the 1988 U.S. Senate race in Florida, the 1995 Maine referendum on seat belts, the 1998 [attorney general](#) race in New York and the 1998 Senate race in Nevada.

In the 1988 Senate race in Florida, a partial manual recount was conducted in a few counties upon the request of the losing candidate. The recount in Maine began as a complete statewide manual counting of ballots, but was halted midway when the requesting party withdrew their demand. In the 1998 attorney general race in New York, votes cast in New York City were recounted after allegations of machine malfunctioning. In the 1998 Senate race in Nevada, a judge ordered the manual recounting of 6,000 absentee ballots in Reno upon allegations that their misprinting had resulted in incorrect tallying by machines. None of these recounts reversed the previous result.

Partial statewide recounts also occurred in Ohio during the 2004 presidential race and in a U.S. Senate race in Indiana in 2006. These recounts were both requested by petitioners seeking to draw attention to problems in how ballots were counted, not to overturn outcomes.

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# 4. Recount Laws in States

## 4.1 Laws about automatic recounts and requested recounts vary widely

Laws regarding recounts vary from state to state and have evolved over the years. (See Table 6). This analysis is based on a comprehensive review of state statutes in 2013 and may not reflect updates to laws since that time.

In 2013 we found that out of 50 states and the District of Columbia, 16 states plus the District of Columbia have automatic recount provisions for state and federal elections that require recounts when elections are decided by certain margins. Ten states automatically conduct a recount within a margin of 0.5 percent between the top two candidates, four states do so if the margin is 1% or less, three do so at margins of 0.1% up to 0.25 percent, and one (Michigan) conducts automatic recounts for margins equal to or below 2,000 votes. Four states have automatic recounts only in the case of an exact tie – which has never actually occurred – and we, therefore, do not include them in our count of automatic recount states.

Older automatic recount laws tend to be less sophisticated – as mentioned above, four states have laws dating back to the early twentieth century that only have an automatic recount in the event of an exact tie in the vote. Again, this has never occurred and likely never will. The first states to pass automatic recount laws using thresholds of 0.5 percent were Connecticut, Florida, Michigan, Ohio, and Oregon in the 1970s. Passage of an automatic recount law often has followed in the wake of a close election and mimics the threshold used in existing laws in other states. Delaware, Alabama, and Texas have each passed automatic recount laws since 2000, with the Alabama law following a particularly close election.

Thirty-three states functionally have no automatic recounts in the event of a close election. However, of these states, all but two at least have some recount provision. Forty states plus the District of Columbia allow candidates to petition for statewide recount. (See Table 6). This does not include New York, which allows candidates to petition for recounts only in village elections. Many states also empower voters or political parties to petition for recounts. Some states only allow candidates to petition if the results are within a certain margin, and some states charge candidates money to petition, with the fees generally returned to the petitioner only if the recount changes the result in the petitioner's favor. Deadlines for petitions also vary by state.

According to Citizens for Election Integrity Minnesota (CEIMN), almost every state has a procedure in place for a voter or group of voters to petition for a recount. These laws vary in the timeline and margin that must be met before eligible voters can request a recount (petitioning voters typically must have voted in the election for which a recount is requested.) The states without such a law in place for statewide elections are Arkansas, Connecticut, Delaware, Florida, Hawaii, Idaho, Louisiana, Mississippi Nebraska, New Mexico, North Carolina, North Dakota, South Carolina, Tennessee, Vermont and West Virginia.

One notable new recount law was adopted in California in 2015 after a close primary result in the statewide race for controller created concern about the state's lack of an automatic recount law. Factoring in research from previous FairVote reports, AB 44 established that there will be an automatic recount in a primary or general election if the difference in the number of votes received by the two candidates receiving the greatest number of votes for a statewide office is less than or equal to the lesser of 1,000 votes or 0.00015 (0.015%) of the number of all votes cast for that office.<sup>2</sup>

2. See [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160AB44](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB44)



## 4.2 Counting procedures

Just as recounts can be triggered differently in different states, recounts also are often conducted differently due to different election equipment and recount requirements. Moreover, the circumstances leading to a recount can affect what kind of recount is done. In the 2004 U.S. Senate race in Alaska, for example, all ballots were re-scanned and there was a manual count of a sample of ballots in order to evaluate concerns that the machines were not tallying all ballots accurately. In Minnesota's U.S. Senate race in 2008, a statewide manual hand count was conducted because Minnesota law seeks to verify voter intent. Full manual recounts decided the 2006 state auditor race in Vermont, the 2004 constitutional amendment referendum in Alabama and the 2004 gubernatorial race in Washington. All recounts prior to the introduction of voting machines involved manual counting, of course, while the 2000 State Education Board election in Colorado was an example of an automatic machine recount.

The margin shifts tended to reflect the process by which the ballots were recounted, although not dramatically so. Manual recounts are more costly and time-intensive than machine counts and require careful procedures to minimize human error, but such manual recounts also resulted in larger margin swings, presumably because of humans evaluating voter intent differently (and ideally more accurately), than determined by machines in the original count.

# 5. Likelihood of Recounts and Outcomes

## 5.1 Additional findings from statewide recounts

For the elections in which recounts take place, the initial mean average margin of victory was 1.08% with an initial median average margin of 0.131% in the 27 statewide recounts from 2000–2015.

Among consequential recounts, the 2000 presidential race in Florida involved the largest vote total of 5,816,486 votes and had an election night victory margin of 1,784 votes, or 0.031 percent of votes cast. For inconsequential recounts, the largest vote total was 2,137,677 votes in the 2000 Secretary of State race in Washington State. The original victory margin was 10,489 votes, or 0.491 percent (See Tables 2 and 4). In the consequential recount cases, the lowest vote total was 63,080 in the 2000 Montana Superintendent of Public Instruction race, with an original victory margin of 0.101 percent, or 64 votes.

The largest victory margin of the 27 recounts was Wyoming's 2004 Amendment race, with an 11.55 percent, or 25,221 vote, victory margin. (See Tables 3 and 5.). Such a high victory margin makes this race an outlier, as only one other race (the other 2004 Wyoming ballot measure recount) had an original margin greater than five percent. The smallest victory margin occurred in the upheld 2013 Attorney General race in Virginia, with a victory margin of 907 votes, or just 0.007 percent of the total vote between the top two candidates.

Overall, the change in victory margin upon recount was a mean average of 282 votes or 0.020 percent when using absolute values. The change in victory margin due to a recount was fewer than 500 votes in 22 of the 27 statewide recounts in the 2000–2015 time frame.

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## 5.2 Unlikelihood of outcome reversals can deter frivolous calls for recounts

The rarity of statewide recounts is underscored by the fact that several close elections were settled without a recount despite victory margins similar to ones where recounts occurred. For example, the 2002 U.S. Senate race in South Dakota was won by 524 votes without a recount. Before the period of our study, the 1994 gubernatorial race in Maryland was particularly controversial. The losing candidate alleged potential fraud, but ultimately decided not to press for a full recount after conceding that the gap of 5,993 votes was too large to be overturned. Similarly, in the 1982 gubernatorial race in Illinois, the losing candidate abandoned his challenge in a race where the final victory margin was 5,074 votes.

In states where there is no provision for automatic recounts, cost constraints as well as the sheer unlikelihood of closing the gap and changing the outcome of an election may deter losing candidates from seeking a recount.

# 6. Implications for policymakers

How recounts are administered differs widely among states. Various aspects of the process, such as the timing of recounts, prerequisites for recounts, and counting techniques all vary between states. Moreover, regardless of the standard criteria for handling recounts in close elections, candidates have the option of petitioning in court for at least partial recounts even in elections that are not close.

Nevertheless, our findings indicate that the overwhelming majority of elections have outcomes that are not realistically disputable, absent indications of systematic fraud or administrative error. In the relatively few statewide races with recounts in 2000–2015, the original outcome rarely was overturned, and initial victory margins only slightly changed. Yet recounts should be done in exceptionally close races even if costly to taxpayers – and procedures should be in place to identify fraud or error.

## 6.1 State laws governing automatic recounts and post-election audits

Recounts uphold the value of every vote when an outcome is in doubt, and the losing candidate should not be put in the position of being called a “sore loser” if there are sufficient grounds for a recount to verify the outcome of an election. For that reason, the 33 states without any automatic recount provisions should establish them. At the same time, the nine states with provisions for automatic recounts in elections won initially by 0.5% or more should reduce those triggers to reflect current realities of what is a realistic change in a recount when there is no evidence of systematic fraud or error. While a recount trigger of 0.5% can make sense for local and state legislative races with small electorates, the trigger for automatic recounts funded by taxpayers in statewide races should be smaller. Given data on margin shifts in statewide recounts with modern voting machines, we would recommend 0.1% percent as an automatic trigger for most states, perhaps rising to 0.2% for the smallest population states and declining to less than 0.1% in larger population states.

At the same time, however, recount laws should go hand-in-hand with rigorous post-election audit procedures designed to identify outcomes that may be questionable due to fraud or error no matter the initial margin of victory in the election. Such post-election audits should be tailored to the margins in each race, and the number of audited ballots should increase in relation to the percentage of discrepancies found as the audit progresses.

Our ideal recount law also would allow candidates to petition for a full recount despite an initial victory margin larger than the automatic recount trigger, but not in a way that prevents seating the likely winner. In these cases the candidate’s campaign or political party should be ready to pay for the recount if the outcome is not reversed. Recounts can be costly (consider that Washington State’s gubernatorial election recount in 2004 cost more than \$1.1 million dollars) and can be divisive if pursued solely to prevent a likely winner from taking office.

## 6.2 National popular vote elections

Since 2006, every state legislature in the nation has debated legislation to enact the National Popular Vote plan for president, which comes in the form of identical statutes entering participating states into an interstate compact to guarantee election of the presidential candidate who earns the vote across all 50 states and the District of Columbia (see [nationalpopularvote.com](http://nationalpopularvote.com)). As of September 2016, eleven states and the District of Columbia have signed the National Popular Vote plan into law; the agreement will become active once the participating states collectively have more than half of the nation’s electoral votes.

The National Popular Vote plan could trigger the need for a national recount, but the odds of a recount being necessary and problematic are significantly greater in the current method of electing the president, in which any one of 50 states could have a close outcome where an outcome reversal could swing the national outcome.

Consider that only one out of every 173 statewide general elections over the 2000–2015 time frame triggered any kind of recount, only one out 332 statewide elections in this period resulted in a consequential recount and only one out of every 1,562 statewide general elections led to the outcome being reversed by a recount. These numbers are generally true for the most competitive statewide offices such as governor, lieutenant governor and attorney general.

Applied to our four-year presidential election cycle, a consequential nationwide recount would occur once every 1,328 years, with an overturned election once every 6,248 years. In contrast, in our current system based on 51 separate elections individually determining allocation of electoral votes, any closely contested presidential election where the outcome could hinge on one state's outcome is far more likely to trigger a consequential recount even with such seemingly long odds – perhaps once every six very close presidential elections, given that five elections would represent a total of 306 statewide races.

In examining what might be a consequential recount in national popular vote elections, consider that the mean average change in victory margin in consequential recounts was 0.022 percent. In a race with 100 million votes, it seemingly would take a margin of about 22,000 votes to trigger the need for a recount where a change in outcome is plausible, unless there was clear evidence of fraud or error affecting an inordinate number of votes. But the graph provided earlier (Fig. 1) indicates that recounts result in a decreasing percentage change in the victory margin as the number of votes in an election rises. For elections with combined vote totals fewer than one million, the margin swing (meaning the margin percentage changed in the recount) was on average 0.035% of total votes cast (about one of every 2,500 votes cast). When the total votes cast was in the range of one to two million, the margin shift was on average 0.019% of total votes cast (about one of every 5,300 votes cast). And when the total votes cast were above two million, the margin shift was on average 0.016% of total votes cast (about one of every 6,400 votes cast).

Notably, as discussed earlier, our nation's largest state in 2015 passed a new law on recounts that is consistent with these insights. California's AB 44 established that there will be an automatic recount in a primary or general election if the difference in the number of votes received by the two candidates receiving the greatest number of votes for a statewide office is less than or equal to the lesser of 1,000 votes or 0.00015 (0.015%) of the number of all votes cast for that office.

This data means that the likelihood of an outcome reversal decreases when more votes are cast in an election. As a result, the required margin for a meaningful chance to overturn the outcome might in fact be fewer than 25,000 for a race with 100 million votes cast. (In 2008, more than 131 million valid votes were cast in the presidential race.) Considering these factors together, the need for a consequential recount in a national popular vote election quite plausibly might be necessary about once in a millennium, and an outcome reversal might take place once every four thousand years.

University of Pennsylvania Professor Jack Nagel's independent analysis of the same questions also concluded that the odds of a recount are significantly less for a single nationwide vote pool than for the current Electoral College system in which each state's votes are counted separately. He writes: "Defenders of the Electoral College often attempt to turn the Florida 2000 fiasco into a reason for rejecting the direct vote alternative. They ignore the obvious answer: The national vote in 2000 was not close enough to dispute, nor has the popular vote been that close in any recent election. Using any reasonable assumption about how close an election must be for recount demands to arise, the likelihood of disputes is greater under the current Electoral College system than it would be in an election decided by the national popular vote."

# 7. Data Sources and Acknowledgments

This report was updated by Haley Smith and Rob Richie in 2015, with the help of Sarah John. Others helping with this update in previous years were Dania Korkor and Henry Aldefer in 2013 and Emily Hellman in 2010. The 2010 edition of the recount report was previously an update of the 2007 edition co-authored by Monideepa Talukdar and Rob Richie. We thank Bill Shein and former interns Scott Epstein and Erin Creegan for their initial research, primarily for the 2007 edition of the report, and Adam Fogel, Neal Suidan, Matt Sledge, Patrick Withers, Jules Leconte, Joanna McKeegan and Brian Bennett for their assistance in updating a previous edition.

The data used in this report was obtained from election results archived on Secretaries of State and Election Board websites, by calling and emailing their offices, and from the Westlaw and Lexis-Nexis news databases. Recent updates were done with the help of Ballotpedia. The reports completeness, therefore, is contingent upon the completeness of the information obtained from these sources. Much of the information on laws was obtained by reading each state's law, through using the State Recount Laws Searchable Database by Citizens for Election Integrity Minnesota (CEIMN)<sup>3</sup> and research on automatic recounts from the National Conference of State Legislatures.<sup>4</sup>

3. State Recount Laws Searchable Database, CEIM. <http://ceimn.org/ceimn-state-recount-laws-searchable-database/search> (last visited July 14, 2014).

4. Automatic Recounts, Nat'l Conf. St. Leg., <http://www.ncsl.org/research/elections-and-campaigns/automatic-recount-thresholds.aspx> (last updated February 9, 2015).

# 8. Appendix

Summary charts on state recount laws, statewide elections, and statewide recounts and margin changes.

Detailed spreadsheets are available online at [fairvote.org/recounts](https://fairvote.org/recounts)



Table 1. Total Number of Statewide Elections and Recounts, by Office, 2000-2015

Office	Number of Statewide Elections (2000-2015)	Number of Statewide Recounts (2000-2015)	Percent of Recounts Per Election (2000-2015)
President	200	1	0.50%
U.S. Senator	279	3	1.08%
U.S. Representative	56	0	0.00%
Governor	211	2	0.95%
Lieutenant Governor	134	0	0.00%
Secretary of State	145	1	0.69%
Attorney General	176	2	1.14%
Treasurer	140	0	0.00%
Auditor	98	1	1.02%
Comptroller	36	0	0.00%
Public Service Commissioner	27	0	0.00%
Agriculture/ Industries Commissioner	48	0	0.00%
Labor Commissioner	13	0	0.00%
Insurance Commissioner	39	0	0.00%
Public Lands Commissioner	21	1	4.76%
Tax Commissioner	5	0	0.00%
Corporation Commissioner	22	0	0.00%
Railroad Commissioner	10	0	0.00%
Public Utilities Commissioner	8	0	0.00%
Mine Commissioner	4	0	0.00%
Superintendent of Public Instruction/ Education	51	1	1.96%
Board of Education/ Governors	18	1	5.56%
University Regent	12	0	0.00%
Trustee	8	0	0.00%
Court Positions and Retention (Supreme Court, Appeals Court, Criminal Court, Tax Court)	1047	6	0.57%
Ballot Question	1864	8	0.43%
Other	15	0	0.00%
<b>TOTAL</b>	<b>4687</b>	<b>27</b>	<b>0.58%</b>



Table 2. Statewide Recounts Tallies, 2000–2015 (Consequential Recounts)

State	Year	Office/Initiative	Requested or Automatic	Recount Result	Original Tally			Recount Tally		
					Votes – Winner	Votes – Loser	Margin	Votes – Winner	Votes – Loser	Margin
Alabama	2004	Amendment 2	Automatic	Upheld	691,300	689,450	1,850 0.134%	690,376	688,530	1,846 0.134%
Colorado	2000	State Education Board	Automatic	Upheld	768,915	767,704	1,211 0.079%	767,561	767,471	90 0.006%
Florida	2000	President	Automatic	Upheld	2,909,135	2,907,351	1,784 0.031%	2,912,790	2,912,253	537 0.009%
Georgia	2004	Court of Appeals Judge	Automatic	Upheld	207,416	207,068	348 0.084%	207,499	207,136	363 0.088%
Minnesota	2008	U.S. Senate	Automatic	Overtured	1,211,590	1,211,375	215 0.009%	1,212,206	1,212,431	-225 -0.009%
Montana	2000	Superintendent of Public Instruction	Requested	Upheld	31,572	31,508	64 0.101%	31,634	31,573	61 0.097%
Oregon	2008	Measure 53	Automatic	Upheld	489,592	489,042	550 0.056%	490,158	489,477	681 0.070%
Vermont	2006	Auditor of Accounts	Requested	Overtured	111,486	111,349	137 0.061%	111,668	111,770	-102 -0.046%
Virginia	2005	Attorney General	Requested	Upheld	970,886	970,563	323 0.017%	970,981	970,621	360 0.019%
Washington	2000	U.S. Senate	Automatic	Upheld	1,199,260	1,197,307	1,953 0.081%	1,199,437	1,197,208	2,229 0.093%
Washington	2004	Governor	Automatic	Overtured	1,371,414	1,371,153	261 0.010%	1,373,232	1,373,361	-129 -0.005%
Arizona	2010	Proposition 112	Automatic	Upheld	792,825	792,697	128 0.008%	792,858	792,664	194 0.012%
Virginia	2013	Attorney General	Requested	Upheld	1,103,777	1,103,612	165 0.007%	1,105,045	1,104,138	907 0.041%
New Mexico	2014	Public Land Commissioner	Automatic	Upheld	249,993	249,337	656 0.131%	250,185	249,481	704 0.141%
Oregon	2014	Ballot Initiative	Automatic	Upheld	753,489	752,687	802 0.053%	753,574	752,737	837 0.056%
AVERAGE					857,510	856,814	696,467 0.058%	857,947	857,390	556,867 0.047%

Table 3. Statewide Recount Tallies, 2000–2015 (Recounts Not Consequential)

State	Year	Office/Initiative	Requested or Automatic	Recount Result	Original Tally			Recount Tally		
					Votes – Winner	Votes – Loser	Margin	Votes – Winner	Votes – Loser	Margin
Alabama	2006	Constitutional Amendment	Automatic	Upheld	409,372	406,730	2,642 0.324%	408,524	405,374	3,150 0.387%
Alaska	2004	U.S. Senate	Requested	Upheld	149,446	139,878	9,568 3.307%	149,773	140,424	9,349 3.222%
North Carolina	2006	Court of Appeals Judge	Requested	Upheld	771,303	767,887	3,416 0.222%	774,819	771,353	3,466 0.224%
Pennsylvania	2009	Superior court Race	Requested	Upheld	952,781	869,088	83,693 4.594%	954,065	870,091	83,974 4.603%
Washington	2000	Secretary of State	Automatic	Upheld	1,074,083	1,063,594	10,489 0.491%	1,073,911	1,063,689	10,222 0.478%
Wyoming	2004	Amendment A	Automatic	Upheld	121,827	96,606	25,221 11.546%	122,038	96,762	25,276 11.552%
Wyoming	2004	Amendment C	Automatic	Upheld	123,957	109,998	13,959 5.967%	124,178	110,169	14,009 5.978%
North Carolina	2010	Court of Appeals	Requested	Upheld	542,984	536,996	5,988 0.554%	543,980	537,325	6,655 0.615%
Minnesota	2010	Governor	Automatic	Upheld	919,238	910,382	8,856 0.484%	919,232	910,462	8,770 0.479%
Wisconsin	2011	Supreme Court election	Requested	Upheld	752,323	745,007	7,316 0.489%	752,694	745,690	7,004 0.467%
Missouri	2014	Constitutional Amendment	Requested	Upheld	499,158	497,091	2,067 0.207%	499,963	497,588	2,375 0.238%
North Carolina	2014	State Supreme Court	Requested	Upheld	1,239,772	1,234,345	5,427 0.219%	1,239,763	1,234,353	5,410 0.219%
AVERAGE					629,687	614,800	14,887 2.37%	630,245	615,273	14,972 2.37%

Table 4. Statewide Recount Swing Margins, 2000–2015 (Consequential Recounts)

State	Year	Office/Initiative	Recount Result	Margin Swing Between Top 2 Candidates without absolute values	Margin Swing Between Top 2 Candidates with absolute values	Margin Shift without absolute values	Margin Shift with absolute values (as percent of original tally winner loser total)	Vote Gained/Lost Winner	Vote Gained/Lost Loser	Vote Total Effected - Winner	Vote Total Effected - Loser
Alabama	2004	Amendment 2	Upheld	4	4	0.0003%	0.0003%	-924 -0.134%	-920 -0.134%	924 0.134%	920 0.134%
Colorado	2000	State Education Board	Upheld	1,121	1,121	0.0730%	0.0730%	-1,354 -0.176%	-233 -0.030%	1,354 0.176%	233 0.030%
Florida	2000	President	Upheld	1,247	1,247	0.0214%	0.0214%	3,655 0.125%	4,902 0.168%	3,655 0.125%	4,902 0.168%
Georgia	2004	Court of Appeals Judge	Upheld	-15	15	-0.0036%	0.0036%	83 0.040%	68 0.033%	83 0.040%	68 0.033%
Minnesota	2008	U.S. Senate	Overtaken	440	440	0.0182%	0.0182%	616 0.051%	1,056 0.087%	616 0.051%	1,056 0.087%
Montana	2000	Superintendent of Public Instruction	Upheld	3	3	0.0048%	0.0048%	62 0.196%	65 0.206%	62 0.196%	65 0.206%
Oregon	2008	Measure 53	Upheld	-131	131	-0.0134%	0.0134%	566 0.115%	435 0.089%	566 0.115%	435 0.089%
Vermont	2006	Auditor of Accounts	Overtaken	239	239	0.1073%	0.1073%	182 0.163%	421 0.377%	182 0.163%	421 0.377%
Virginia	2005	Attorney General	Upheld	-37	37	-0.0019%	0.0019%	95 0.010%	58 0.006%	95 0.010%	58 0.006%
Washington	2000	U.S. Senate	Upheld	-276	276	-0.0115%	0.0115%	177 0.015%	-99 -0.008%	177 0.015%	99 0.008%
Washington	2004	Governor	Overtaken	390	390	0.0142%	0.0142%	1,818 0.132%	2,208 0.161%	1,818 0.132%	2,208 0.161%
Arizona	2010	Proposition 112	Upheld	-66	66	-0.0044%	0.0042%	33 0.0044%	-33 -0.0044%	33 0.0044%	33 0.0044%
Virginia	2013	Attorney General	Upheld	-742	742	-0.0336%	0.0336%	1268 0.115%	526 0.048%	1268 0.115%	526 0.048%
New Mexico	2014	Public Land Commissioner	Upheld	-48	48	-0.0096%	0.0096%	192 0.077%	144 0.058%	192 0.077%	144 0.058%
Oregon	2014	Ballot Initiative	Upheld	-35	35	-0.0023%	0.0023%	85 0.011%	50 0.007%	85 0.011%	50 0.007%
AVERAGE				140	320	0.0106%	0.0213%	437 0.050%	577 0.071%	741 0.091%	748 0.094%

Table 5. Statewide Recount Swing Margins, 2000–2015 (Recounts Not Consequential)

State	Year	Office/Initiative	Recount Result	Margin Swing Between Top 2 Candidates without absolute values	Margin Swing Between Top 2 Candidates with absolute values	Margin Shift without absolute values	Margin Shift with absolute values (as percent of original tally winner loser total)	Vote Gained/Lost Winner	Vote Gained/Lost Loser	Vote Total Effected - Winner	Vote Total Effected - Loser
Alabama	2006	Constitutional Amendment	Upheld	-508	508	-0.0622%	0.0622%	-848 -0.208%	-1,356 -0.335%	848 0.208%	1356 0.335%
Alaska	2004	U.S. Senate	Upheld	219	219	0.0757%	0.0757%	327 0.218%	546 0.389%	327 0.218%	546 0.389%
North Carolina	2006	Court of Appeals Judge	Upheld	-50	50	-0.0032%	0.0032%	3,516 0.454%	3,466 0.449%	3,516 0.454%	3466 0.449%
Pennsylvania	2009	Superior court Race	Upheld	-281	281	-0.0154%	0.0154%	1,284 0.135%	1,003 0.115%	1,284 0.135%	1003 0.115%
Washington	2000	Secretary of State	Upheld	267	267	0.0125%	0.0125%	-172 -0.016%	95 0.009%	172 0.016%	95 0.009%
Wyoming	2004	Amendment A	Upheld	-55	55	-0.0252%	0.0252%	211 0.173%	156 0.161%	211 0.173%	156 0.161%
Wyoming	2004	Amendment C	Upheld	-50	50	-0.0214%	0.0214%	221 0.178%	171 0.155%	221 0.178%	171 0.155%
North Carolina	2010	Court of Appeals	Upheld	-667	667	-0.062%	0.062%	996 0.183%	329 0.061%	996 0.183%	329 0.061%
Minnesota	2010	Governor	Upheld	86	86	0.005%	0.0047%	-6 -0.001%	80 0.009%	6 0.001%	80 0.009%
Wisconsin	2011	Supreme Court election	Upheld	312	312	0.0208%	0.0208%	371 0.049%	683 0.092%	371 0.049%	683 0.092%
Missouri	2014	Constitutional Amendment	Upheld	-308	308	-0.0309%	0.0309%	805 0.161%	497 0.100%	805 0.161%	497 0.100%
North Carolina	2014	State Supreme Court	Upheld	17	17	0.0007%	0.0007%	-9 -0.001%	8 0.001%	9 0.001%	8 0.001%
AVERAGE				-73	235	-0.0088%	0.0197%	558 0.11%	473 0.10%	731 0.15%	699 0.16%

Table 6. Statewide Recount Laws as of 2013

State	Automatic Recount Available?	Margin for Automatic Recount	Notable Provisions and Statutory Source Material for Automatic Recounts	Non-automatic Recount Available?	Candidate Petition Procedure for Statewide Elections and Statutory Source Material for Non-Automatic Recounts
Alabama	Yes	0.5%	ALA. CODE § 17-16-20 (West, Westlaw through Act 2014-457 of the 2014 Regular Session).	Yes	Petition filed by candidate within 48 hours of official canvass. ALA. CODE § 17-16-40 (West, Westlaw through Act 2014-457 of the 2014 Regular Session).
Alaska	Yes	Exact tie	ALASKA STAT. ANN. § 15.15.460 (West, Westlaw through legislation effective April 24, 2014, passed during the 2014 2d Reg. Sess. of the 28th Legislature).	Yes	Petition filed by candidate within 5 days after completion of the state review. ALASKA STAT. ANN. § 15.20.430 (West, Westlaw through legislation effective April 24, 2014, passed during the 2014 2d Reg. Sess. of the 28th Legislature).
Arizona	Yes	0.1%	ARIZ. REV. STAT. ANN. § 16-661 (West, Westlaw through legislation effective April 30, 2014 of the Second Regular Session and through the Second Special Session of the Fifty-first Legislature).	No	N/A
Arkansas	No	N/A	N/A	Yes	Candidate may petition no later than 2 days after results (if absentee ballots can affect the election). ARK. CODE ANN. § 7-5-319 (West, Westlaw through end of 2014 Fiscal Session).
California	No	N/A	N/A	Yes	The request must be filed within five days of the official canvass. The recount must begin within seven days of the request, and is required to continue each day, excepting holidays, for a minimum of six hours each day, until its completion. The request shall specify on behalf of which candidate, slate of electors, or position on a measure (affirmative or negative) it is filed." The request must also specify in which counties the recount is to take place: for elections that occur in more than one county, the recount may be requested for "any or all of the affected counties." CAL. ELEC. CODE § § 15620-15634 (West, Westlaw through Chs. 1-27, 30-34, and 36-100 of 2014 Reg.Sess. Res. Ch. 1 of 2013-2014 2nd Ex.Sess., and all propositions on the 6/3/2014 ballot).
Colorado	Yes	0.5%	Percentage of the top vote-winner's margin of victory. COLO. REV. STAT. ANN. § 10.5-101(1)(b) (West, Westlaw through laws effective Aug. 1, 2014).	Yes	Must be filed within 31 days of the election (21 days for a primary). COLO. REV. STAT. ANN. § 10.5-106(2) (West, Westlaw through laws effective Aug. 1, 2014).
Connecticut	Yes	0.5%	A nominal margin of 20 votes or less triggers the automatic recount. However, a nominal margin of more than 2000 votes eliminates the automatic recount provision. CONN. GEN. STAT. ANN. § 9-311 (West, Westlaw through enactments of Public Acts of the 2014 February Regular Session of the Connecticut General Assembly effective on or before July 1, 2014).	No	N/A

Delaware	Yes	0.5% (75-5702e or 75-7558c and d)	Only absentee and provisional ballots are recounted; only applicable to state legislative and municipal offices. DEL. CODE ANN. tit. 15, §§ 75-5702(e), 75-7558(c)-(d) (West, Westlaw through 79 Laws 2014, ch. 283).	Yes	Statewide candidate can only petition if within 1,000 votes or .5% of closest candidate. DEL. CODE ANN. tit. 15, § 75-5702(c) (West, Westlaw through 79 Laws 2014, ch. 283).
District of Columbia	Yes	1%	D.C. CODE § 1-1001.11 (Westlaw through June 9, 2014).	Yes	Recount requests must be made within 7 days after the certification of the election results. D.C. CODE § 1-1001.11 (Westlaw through June 9, 2014).
Florida	Yes	0.5%	FLA. STAT. ANN. §102.166(1) (West, Westlaw through chapters from the 2014 2d Reg. Sess. of the 23d Legislature in effect through July 1, 2014).	No	N/A
Georgia	No	N/A	N/A	Yes	Petition filed by candidate any time prior to certification or 2 business days if because the race is within a close margin. GA. CODE ANN. § 21-2-495 (West, Westlaw through Acts 343 to 346, 348 to 631, and 633 to 669 of the 2014 Regular Session).
Hawaii	No	N/A	N/A	No	See generally HAW. REV. STAT. § 11-151-157 (West, Westlaw through = Act 121 of the 2014 Regular Session of the Hawai'i Legislature).
Idaho	No	N/A	N/A	Yes	Petition filed by candidate within 20 days of the canvass. IDAHO CODE ANN. § 34-2303 (West, Westlaw through the 2014 Second Regular Session of the 62d Idaho Legislature).
Illinois	No	N/A	N/A	Yes	Any losing candidate who received votes equal to 95% of the number of votes received by any successful candidate for the same office. Petitions must be made within five days after the announcement of canvass results. 10 ILL. COMP. STAT. ANN. 5/22-9.1(a) (West, Westlaw through P.A. 98-690, with the exception of P.A. 98-674, of the 2014 Reg. Sess.).
Indiana	No	N/A	N/A	Yes	Petition filed by candidate no later than 12 pm 2 weeks after the election. IND. CODE ANN. § 3-12-11-2 (West, Westlaw through all 2014 Public Laws of the 2014 Second Regular Session and Second Regular Technical Session of the 118th General Assembly).
Iowa	No	N/A	N/A	Yes	Petition filed by candidate no later than 3 days after the canvass. IOWA CODE ANN. § 50.48(4)(b) (West, Westlaw through legislation from the 2014 Reg. Sess.).
Kansas	No	N/A	N/A	Yes	Petition filed by candidate no later than noon the Monday following the election. KAN. STAT. ANN. § 25-3107(b) (West, Westlaw through laws effective July 1, 2014, including Chapters 4, 23, 27, 60, 73, 74, 75, 87, 91, 93, 98, 100, 103, 122, 127 and 131 of the 2014 Regular Session of the Kansas Legislature).

Kentucky	No	N/A	N/A	Yes	Petition filed by candidate within 10 days of the election. KY. REV. STAT. ANN. § 120.095 (West, Westlaw through the 2014 Regular Session).
Louisiana	No	N/A	N/A	Yes	Only absentee ballots can be recounted. 2014 La. Sess. Law Serv. Act 615, La. Rev. Stat. Ann. § 18:1313 (West).
Maine	No	N/A	N/A	Yes	Recount request must be filed within 5 business days after the election. ME. REV. STAT. ANN. tit. 21, § 737-A (Westlaw through the 2013 Second Regular Session of the 126th Legislature).
Maryland	No	N/A	N/A	Yes	Petition filed by candidate within 3 days of certification. MD. CODE ANN., Elec. Law § 12-101(d) (West, Westlaw through chapters effective July 1, 2014, of the 2014 Regular Session of the General Assembly).
Massachusetts	No	N/A	N/A	Yes	Petition filed by candidate by 5pm on the 10th day after the general election with local officials and then file with the Secretary of the Commonwealth within 15 days. MASS. GEN. LAWS ANN. ch. 54, § 135 (West, Westlaw through Chapter 143 of the 2014 2d Annual Session).
Michigan	Yes	Equal or Below 2,000 votes (168.880a)	Only applicable to statewide races. MICH. COMP. LAWS ANN. § 168.880(a) (West, Westlaw through P.A.2014, No. 195, 197-249, 251, of the 2014 Regular Session, 97th Legislature).	Yes	Candidate must petition the state within 48 hours after the certification of election results. MICH. COMP. LAWS ANN. § 168.879.2 (West, Westlaw through P.A.2014, No. 195, 197-249, 251, of the 2014 Regular Session, 97th Legislature).
Minnesota	No	N/A	N/A	Yes	Publicly Funded Recount: Immediately following the meeting of the board that has responsibility for canvassing the results of the nomination, the filing officer must notify the candidate that the candidate has the option to request a recount of the votes at no cost to the candidate. This written request must be received by the filing officer no later than 48 hours after the canvass of the primary for which the recount is being sought. Candidate-Funded Recount: Candidate must petition the state within 5 days of the primary results and within 7 days of the general results. MINN. STAT. ANN. § 204C.35 (West, Westlaw through legislation of the 2014 Regular Session effective through June 30, 2014).
Mississippi	No	N/A	N/A	No	See <i>generally</i> MISS. CODE ANN. §23-15-461-485 (West, Westlaw through 2014 Regular (End) and First Extraordinary (End) Sessions).
Missouri	No	N/A	N/A	Yes	Candidate must petition the state within 7 days of the result. MO. ANN. STAT. § 115.601 (West, Westlaw through July 2, 2014, of the 2014 Second Regular Session of the 97th General Assembly).



Montana	Yes	Exact tie	MONT. CODE ANN. § 13-16-203 (West, Westlaw through the 2013 Session, and the 2012 general election).	Yes	Candidate must petition the state within 5 days of the result. MONT. CODE ANN. § 13-16-201 (West, Westlaw through the 2013 Session, and the 2012 general election).
Nebraska	Yes	1%	NEB. REV. STAT. ANN. § 32-1119 (West, Westlaw through End of 2013 Regular Session).	Yes	Candidate must petition the state within 10 days after the canvassing board convenes. NEB. REV. STAT. ANN. § 32-1121 (West, Westlaw through End of 2013 Regular Session).
Nevada	No	N/A	N/A	Yes	Candidate must petition the state 3 working days after certification of the vote. NEV. REV. STAT. ANN. § 293.403 (West, Westlaw through the 2013 77th Regular Session and the 27th Special Session of the Nevada Legislature and technical corrections received from the Legislative Counsel Bureau (2013)).
New Hampshire	No	N/A	N/A	Yes	Candidate must petition the state by 5 p.m. the Friday after the election. The difference between the 2 candidates must be less than 20% of the total votes cast in each precinct to be recounted N.H. REV. STAT. ANN. § 660:1, 4 (Westlaw through Chapter 116 of the 2014 Reg. Sess., not including changes and corrections made by the State of New Hampshire, Office of Legislative Services).
New Jersey	No	N/A	N/A	Yes	Candidate must petition before within 15 days following the election. N.J. STAT. ANN. § 19:28-1 (West, Westlaw through L.2014, c. 16 and J.R. No. 1).
New Mexico	Yes	0.5%	N.M. STAT. ANN. § 1-14-24 (West, Westlaw through laws of the 2d Regular Session of the 51st Legislature (2014)).	Yes	Candidate must petition the state within 6 days after the completion of the canvass. N.M. STAT. ANN. § 1-14-14 (West, Westlaw through laws of the 2d Regular Session of the 51st Legislature (2014)).
New York	No	N/A	N/A	Yes	The only candidate-initiated recanvass provided for in New York's election law is for village elections. N.Y. ELEC. LAW § 15-126 (McKinney, Westlaw through L.2014, chapters 1 to 90).
North Carolina	No	N/A	N/A	Yes	Candidate may petition within .5% or 10,000 votes in a statewide election. Requests must be filed by 12 pm on the 2 <sup>nd</sup> business day after the canvass. N.C. GEN. STAT. ANN. § 163-182.7 (West, Westlaw through Chapters 1-3, 5-17 of the 2014 Regular Session of the General Assembly).
North Dakota	Yes	1% or less for primary elections; 0.5% or less for general and special elections; and less than .25% for questions, measures, and bonds	To calculate the percent, the difference is divided by the number of votes received by the leading candidate. N.D. CENT. CODE ANN. § 16.1-16-01 (West, Westlaw through the 2013 Regular Session of the 63d Legislative Assembly).	Yes	Candidate may apply within in 3 days after the meeting of the county canvassing board if they are defeated by more than 1% but less than 2% in the primary, and more than 0.5% but less than 2% in the general. N.D. CENT. CODE ANN. § 16.1-16-01 (West, Westlaw through the 2013 Regular Session of the 63d Legislative Assembly).
Ohio	Yes	0.25%	Higher percentage (0.5%) for non-statewide elections. OHIO REV. CODE ANN. § 3515.011 (West, Westlaw	Yes	Candidate must file petition within 5 days of certification. OHIO REV. CODE ANN. § 3515.02 (West, Westlaw

			through Files 1 to 113, 116, 122 to 126, 128, 134, 136 to 140 and Statewide Issue 1 of the 130th GA (2013-2014)).		through Files 1 to 113, 116, 122 to 126, 128, 134, 136 to 140 and Statewide Issue 1 of the 130th GA (2013-2014)).
Oklahoma	No	N/A	N/A	Yes	For an election involving candidates, the petition shall be filed with the secretary of the election board with whom the candidate filed the candidate's declaration of candidacy, unless otherwise provided for by law. The petition may only be filed by a candidate whose name was printed on the ballot for that office in that election. OKLA. STAT. ANN. tit. 26, § 8-111 (West, Westlaw through chapters of the Second Regular Session of the 54th Legislature (2014) effective July 1, 2014);
Oregon	Yes	0.2%	OR. REV. STAT. ANN. § 258.280 (West, Westlaw through 2014 Reg. Sess. legislation effective through July 1, 2014).	Yes	Candidate must file the petition by the 35 <sup>th</sup> day after the date of the election or 5 business days after the results in the case of presidential elections. OR. REV. STAT. ANN. § 258.161 (West, Westlaw through 2014 Reg. Sess. legislation effective through July 1, 2014).
Pennsylvania	Yes	0.5%	Available only for candidates or ballot questions "appearing on the ballot in every election district in [the] Commonwealth." 25 PA. STAT. ANN. § 3154(g)(1) (West, Westlaw through 2014 Regular Session Acts 1 to 84).	No	N/A
Rhode Island	No	N/A	N/A	Yes	In primary elections, by 4:00 p.m. the day after the primary. In General elections, within seven days after the election. Close margin is required. R.I. GEN. LAWS ANN. §§ 17-15-34, 17-19-37.1 (West, Westlaw through Chapter 534 of the Jan. 2013 session).
South Carolina	Yes	1%	S.C. CODE ANN. § 7-17-280 (Westlaw through End of 2013 Reg. Sess.).	No	N/A
South Dakota	Yes	Exact tie	S.D. CODIFIED LAWS §12-21-16 (Westlaw through the 2014 Regular Session and Supreme Court Rule 14-10).	Yes	Candidate may request a recount if they are defeated "by a margin which does not exceed one-fourth of one percent of the total vote cast for all candidates for such office." S.D. CODIFIED LAWS §12-21-12 (Westlaw through the 2014 Regular Session and Supreme Court Rule 14-10).
Tennessee	No	N/A	N/A	Yes	Candidates may initiate election contest proceedings, through which a court may then order a recount. Note that candidates cannot request the recount directly; that is left up to the discretion of the court as described in Section 2 - 17. TENN. CODE ANN. § 2-17-102-104 (West, Westlaw through laws from the 2014 Second Reg. Sess., eff. through Apr. 16, 2014).
Texas	Yes	Exact tie	TEX. ELEC. CODE ANN. § 216.001 (West, Westlaw through the end of the 2013 Third Called Session of the 83d Legislature).	Yes	For initial recounts, petition must be file by 5 p.m. the 5th day after the election or 5 pm the second day after the completion of the canvass (whichever is later). TEX. ELEC. CODE ANN. § 212.028 (West, Westlaw

					through the end of the 2013 Third Called Session of the 83d Legislature).
Utah	No	N/A	N/A	Yes	Candidate has to petition the state within seven days of the initial canvass selection. The candidate has to lose by no more than one vote per precinct. UTAH CODE ANN. § 20A-4-401 (West, Westlaw through 2014 General Session).
Vermont	No	N/A	N/A	Yes	Candidate has to petition the state within 7 days. In an election for statewide office, county office, or state senator, the difference between the number of votes cast for a winning candidate and the number of votes cast for a losing candidate must be less than two percent of the total votes cast for all the candidates for an office, divided by the number of persons to be elected. 2014 Vermont Laws No. 161, VT. STAT. ANN. tit. 17, §§ 2601, 2602 (West).
Virginia	No	N/A	N/A	Yes	Candidate has to petition within ten days within certification, and margin has to be less than 1%. For Presidential electors, petition has to be filed no later than 5 pm on the second calendar day after the day after the day the state board certifies the result of the election. VA. CODE ANN. § 24.2-801 (West, Westlaw through the End of the 2014 Reg. Sess. and includes the 2014 Sp. S. I. c. 1).
Washington	Yes	0.5%	The nominal margin must be less than 2,000 votes cast. WASH. REV. CODE ANN. § 29A.64.021 (West, Westlaw through 2014 Legislation effective on June 12, 2014, the General Effective Date for the 2014 Regular Session, and 2014 Legislation effective July 1, 2014).	Yes	Candidate has to petition the state within 3 days of when the official election results are declared. WASH. REV. CODE ANN. § 29A.64.011 (West, Westlaw through 2014 Legislation effective on June 12, 2014, the General Effective Date for the 2014 Regular Session, and 2014 Legislation effective July 1, 2014).
West Virginia	No	N/A	N/A	Yes	Candidate has to petition within 48 hours of the last county certifying results in a multi-county election. W. VA. CODE ANN. § 3-6-9 (West, Westlaw through laws of the 2014 Second Extraordinary Session).
Wisconsin	No	N/A	N/A	Yes	Candidate must petition the board of canvassers within 3 business days of certification. WIS. STAT. ANN. § 9.01(1)(a)(1) (West, Westlaw through 2013 Act 380).
Wyoming	Yes	1%	WYO. STAT. ANN. § 22-16-109 (West, Westlaw through the 2014 Budget Session).	Yes	Candidate must petition the board of canvassers no later than 2 days after canvass of vote. WYO. STAT. ANN. § 22-16-110 (West, Westlaw through the 2014 Budget Session).

Sources: Citizens for Election Integrity Minnesota (CEIMN) searchable database on state recount laws (available at <http://ceimn.org/ceimn-state-recount-laws-searchable-database>) and contact with state Board of Elections officials. In the event that no information was available, we analyzed the relevant State Elections Code without looking to case law. Information from automatic recounts came from the National Conference of State Legislatures.