

Discovery Recounts & Election Contests

April 4, 2017 Consolidated Election

Discovery Recounts:

A losing **candidate** whose vote is equal to at least **95%** of a winning candidate has the statutory right to a discovery recount. [A discovery recount cannot change the results of an election; it provides an opportunity to gather information about an election.] In a discovery recount, a losing candidate petitions the Cook County Clerk's office to examine the ballots in up to **25% of the precincts** within the relevant jurisdiction. [Divide the number of precincts in the race by 4 and ignore the fraction, but if the district has 1, 2 or 3 precincts, you can get 1 precinct discovered.] An eligible candidate must file the petition for discovery recount with the Cook County Clerk's office within five days after the last day for the proclamation of the election results. Multi-county districts require independent filings in each jurisdiction and are limited to 25 percent of the precincts in the relevant district in each jurisdiction. This election, the deadline for filing petitions for discovery recounts with the County Clerk's office is **May 1, 2017**. The Clerk's office does not provide a form for this.

In the case of a **referendum**, if the losing side would have won had it received an additional number of votes equal to 5% of the total cast on the referendum, i.e., more than **47.5%** of the total vote on the issue (or exactly 47.5 percent, if the losing side is "No"), then 5 supporters of the losing side can petition for a discovery recount. The Petitioners can ask the 25% of the precincts in the election be discovered. Referenda discovery petitions due by the **May 1, 2017 deadline**.

The petition must list the precincts the petitioner wishes to have recounted and include a payment of **\$10.00 per precinct**. The results of a discovery recount have no effect on the results of an election; it is simply an information-gathering process.

Election Contests:

A **candidate** who wants to contest the proclaimed results of an election, i.e., change the results of an election, must file a lawsuit in the Circuit Court. This lawsuit is known as a petition for election contest. The petition must be filed with the Clerk of the Circuit Court within **30 days of the proclamation** of results by the relevant canvassing board.

In the case of a **referendum**, the losing side needs 5 supporters to file a petition for an election contest within **30 days of the proclamation** of results.

Note that for election contests the deadline is **not a fixed date**; it depends on when the proclamation of the canvass results is issued. The last date to proclaim the results of this election is April 25, 2017, but it could be earlier. If the proclamation date is April 25, the deadline for filling an election contest would be May 25, 2017.

Disclaimer: This is not legal advice. The Cook County Clerk's office is providing this for general informational purposes only. Candidates or others interested in filing a discovery recount petition or an election contest petition should seek legal advice from an experienced election attorney. The Cook County Clerk's office cannot recommend an attorney or give legal advice on these matters.