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**ADVISORY 2013-01**

February 25, 2013

To: All County Boards of Elections  
Directors, Deputy Directors, and Board Members

Re: Biennial Adjustment of Recount Charges

**SUMMARY**

The minimum security deposit for a requested (non-automatic) recount is \$55.00 per precinct. The minimum charge for a requested recount is \$5.00 per precinct and the maximum charge for a requested recount is \$55.00 per precinct.

**DETAILS**

Pursuant to R.C. 3515.072, in January of each odd-numbered year, the Secretary of State adjusts the security deposit and amount required for a recount<sup>1</sup> and the minimum and maximum charge per precinct for a recount<sup>2</sup>. The Secretary of State calculates the biennial adjustment according to a statutory formula<sup>3</sup> based on the yearly average of the previous two years of the Consumer Price Index.

Based on the Secretary of State's calculations in January 2013, boards of elections are hereby advised that there will be no change to the recount charges for the period beginning February 25, 2013 through February 24, 2015. The recount charges remain as follows:

- The minimum recount security deposit required by R.C. 3515.03 shall remain at \$55.00 per precinct;
- The maximum recount charge required by R.C. 3515.07 shall remain at \$55.00 per precinct; and
- The minimum recount charge required by R.C. 3515.07 shall remain at \$5.00 per precinct.

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<sup>1</sup> R.C. 3515.03

<sup>2</sup> R.C. 3515.07

<sup>3</sup> R.C. 3515.072(A)

Pursuant to R.C. 3515.072(B), on or before February 25<sup>th</sup> of each odd-numbered year, the Secretary of State shall create a report setting forth the recount charges and summary of how the recount charges were calculated. This report, entitled *2013 Procedure and Findings for Recount Charges*, is attached to this Advisory.

If you have any questions regarding this Advisory, please contact the Secretary of State's elections counsel assigned to your county at (614) 466-2585.

Sincerely,



Jon Husted



**2013**  
**Procedure and Findings**  
**For**  
**Recount Charges**

*Effective*

**February 25, 2013 – February 24, 2015**

**Jon Husted**  
**Ohio Secretary of State**  
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## **Summary of Procedure and Findings Recount Charges**

Pursuant to division (B)(3) of section 3515.072 of the Revised Code, the secretary of state issues this report setting forth the amount required to be deposited with a board of elections at the time a recount application is filed for each precinct to be recounted under section 3515.03 of the Revised Code and the minimum and maximum per precinct charge for a recount under section 3515.07 of the Revised Code. These charges will apply for the period beginning February 25, 2013, through February 24, 2015.

In January of each odd-numbered year, the secretary of state, in accordance with section 3515.072 of the Revised Code, adjusts the minimum security deposit amount and the minimum and maximum charge per precinct for a requested recount of election results specified in sections 3515.03 and 3515.07 of the Revised Code. The adjustments are based on the yearly average of the previous two years of the Consumer Price Index for All Urban Consumers (the "CPI"). Using the 2009 yearly average as the base year, the secretary of state compares the most current average CPI with that determined in the preceding odd-numbered year and determines the percentage increase or decrease. The percentage increase in CPI from 2010 to 2012 is five and three-tenths percent (5.3%).

The five and three-tenths percent (5.3%) increase is then multiplied by the actual dollar figure for the minimum security deposit amount specified in section 3515.03 of the Revised Code and by the actual dollar figures for the minimum and maximum per precinct charges for a requested recount specified in section 3515.07 of the Revised Code, as determined in the previous odd-numbered year. The product is added to the corresponding actual dollar figure determined in the previous odd-numbered year to calculate the new requested recount charges.

However, under section 3515.072 of the Revised Code, if the resulting amount is less than five dollars, then the secretary of state shall retain a record of the resulting amount and the manner in which it was calculated, but shall not make an adjustment unless the resulting amount, when added to the resulting amount calculated in each prior odd-numbered year since the last adjustment was made, equals or exceeds five dollars.

Appendix A of this report details how the minimum security deposit amount and the minimum and maximum per precinct recount charges were calculated for the period February 25, 2013, through February 24, 2015. In summary, because the resulting calculation is less than five dollars for the per

precinct recount charges, no adjustments will be made to the minimum security deposit under R.C. 3515.03 or the minimum or maximum per precinct recount charge under R.C. 3515.07. Accordingly, the minimum amount an applicant for a requested recount shall deposit with a board of elections at the time a recount application is filed for each precinct to be recounted under section 3515.03 of the Revised Code shall be fifty-five dollars. The per precinct charge for a recount under section 3515.07 of the Revised Code shall not be more than fifty-five or less than five dollars for each precinct the votes of which were recounted.

This report and all related documents are available for inspection and copying at the office of the secretary of state.

## **Appendix A**

### **2013 Recount Charges**

The calculations to determine whether the recount charges in sections 3515.03 and 3515.07 of the Revised Code shall be adjusted were performed pursuant to division (A) of section 3515.072 of the Revised Code.

#### **R.C. 3515.03**

In 2013, the minimum amount to be deposited with a board of elections at the time a recount application is filed for each precinct was fifty-five dollars. This amount was multiplied by the CPI increase of 5.3% to equal \$2.92 ( $\$55 \times 0.053 = \$2.92$ ).

The 2013 amount was added to the resulting amount calculated in 2011, the prior odd-numbered years.

Because the resulting amount is less than five dollars, no adjustment will be made to the minimum security deposit amount for a requested recount under R.C. 3515.03.

#### **R.C. 3515.07**

In 2013, the minimum and maximum per precinct charges for a recount were five dollars and fifty-five dollars. These amounts were multiplied by the CPI increase of 5.3% to equal \$0.29 cents ( $\$5.50 \times 0.053 = \$0.29$ ) and \$2.92 ( $\$55 \times 0.053 = \$2.92$ ).

In accordance with R.C. 3515.072(A), the 2013 resulting amounts were added to the resulting amounts calculated in the prior odd-numbered years:

- Minimum recount charge:
  - 2007 increase - \$0.16
  - 2009 increase - \$0.34
  - 2011 increase - \$0.07
  - 2013 increase - \$0.29
  - Total increase - \$0.86
- Maximum recount charge:
  - 2011 increase - \$0.72
  - 2013 increase - \$2.92

Because the resulting amount for the minimum and maximum recount charge is less than five dollars, no adjustment will be made to the minimum per precinct requested recount charges under R.C. 3515.07. The secretary of state will retain a record of the 2013 resulting amount for the minimum and maximum recount charge and the manner in which it was calculated for future biennial adjustments.