



KEEP OUR REPUBLIC

Pennsylvania Election Recount Procedures and the Threat of Delayed Certification

**Pennsylvania Recount Procedures and
Certification Risks**



Overview of Pennsylvania's Recount Procedures

Pennsylvania's recount laws and procedures are designed to ensure accuracy in close or disputed elections. However, they also introduce risks for delays that could impact the certification timeline, particularly ahead of the federally mandated Safe Harbor deadline of December 11th.

VOTE

VOTE

Key Provisions

Automatic Recounts: Triggered if the margin for a statewide race is 0.5% or less between the top two candidates. The recount must be ordered by the first Tuesday following the third Wednesday after the election (November 14th in 2024).

Requested Recounts: Recounts can be requested by three voters within five days of the completion of the county's canvass. Voters can petition through the court of common pleas with no margin required.

- A recount request must either cover all precincts in which the race occurred or provide evidence of fraud or error. This rule, upheld by the Pennsylvania Supreme Court in 2023, sets a precedent across the state.
- There is **no deadline** for the completion of requested recounts.

Recounts by Precinct: Three voters from any election district can request a recount at the precinct level by submitting an affidavit alleging errors. The deadline for such requests is five days after the election or five days after canvassing is completed. If fraud or error is found, additional requests can be filed within another five days. The costs of the recount are borne by the requesters unless fraud or error is discovered, in which case the state refunds the cost.

Request Price

In Pennsylvania, the cost for a voter-initiated recount is based on a fee structure that has remained largely unchanged since 1927. The fee to initiate a recount in an election district is **\$50 per precinct**. However, due to inflation, this fee is considered outdated, and a more accurate equivalent would be approximately **\$900 today**.

Key Cost Considerations:

- **Voter-Initiated Recounts:** Each precinct's recount costs \$50 for the initial filing.
- **Refundable Fees:** If the recount uncovers fraud or a significant error in the vote count, the requesting party may be refunded the costs.
- **Overall Cost:** If recounts are requested across multiple precincts, this cost multiplies with each precinct, making it more expensive as the recount extends to more areas. The low filing fee makes it relatively easy for individuals or groups to initiate precinct-level recounts, even in multiple precincts, which can add complexity and delays to the overall process.

Timeline and Potential Delays

12

November 12: Counties must submit their unofficial results to the Pennsylvania Department of State.

13

November 13: A losing candidate can request a recount not take place by this date if they accept the results.

14

November 14: The Secretary of the Commonwealth orders an automatic recount for any statewide race within the 0.5% margin.

20

November 20: Recounts must begin no later than this date, using either hand counts or different tabulation machines than were used initially.

27

November 27: Recount results must be submitted to the Secretary of the Commonwealth.

Risks of Delayed Certification

If recounts—whether automatic or requested—extend beyond these timelines, Pennsylvania risks missing the federal Safe Harbor deadline of December 11, 2024. The Safe Harbor deadline guarantees that electoral votes submitted by this date will be counted by Congress without challenge. Failing to meet this deadline could lead to:

- **Uncertainty in Pennsylvania's Electoral Votes:** If recounts extend beyond the Safe Harbor deadline, Pennsylvania's electoral votes could be contested or excluded, which is especially concerning given the state's swing-state status in presidential elections.
- **Increased Litigation and Court Intervention:** Delays could invite lawsuits from both sides, and courts may be forced to intervene to determine Pennsylvania's electors or to resolve disputes over recounts.
- **Potential for Misinformation:** Prolonged recount processes may fuel public skepticism and spread misinformation about the integrity of the election.
- **Undermining Public Trust:** Extended recounts, especially in precincts where the likelihood of changing the election outcome is slim, can create a perception of election manipulation. Recounts can also introduce human errors that may complicate the accuracy of results already verified by machines.



2023 Precedent and Its Implications

The 2023 Pennsylvania Supreme Court ruling that requires precinct recount petitions to cover the entire district or provide evidence of fraud is an important legal safeguard. This precedent could help prevent frivolous recounts that aim to delay certification without valid cause. However, it still leaves room for recounts to be initiated in multiple precincts, which, though unlikely to change the outcome, can disrupt the overall election process.

Conclusion

While Pennsylvania's recount procedures ensure transparency and accuracy, they also introduce potential delays that threaten the timely certification of election results. The Safe Harbor deadline is a critical benchmark for maintaining the integrity of the Electoral College process, and any delay beyond December 11th could have significant national repercussions.

