

Tabulating Overvoted and Crossover Voted Ballots Using the Override Function

If the voting equipment is programmed to permit the use of the override function to tabulate overvoted ballots and ballots with crossover votes, that function may be used instead of remaking ballots for which the elector's intent regarding the contest(s) in question cannot be determined. To avoid confusion and any complications during a recount, Board staff recommends all ballots at the polling place be treated uniformly, either by remaking the ballot or using the override function, as instructed by the municipal clerk.

An **overvoted** ballot is a ballot with at least one contest in which the elector has voted for more than the maximum number of selections allowed. A ballot with a **crossover** vote is a ballot where the voter has not selected a party preference and voted in more than one party, which is prohibited by state law. When programmed to use the override function, the voting equipment will display a warning message after a voter inserts an overvoted ballot or a ballot with crossover votes into the machine. An election inspector should be assigned to monitor the tabulation equipment at all times that voters are inserting ballots into the machine.

There are currently several different types of tabulation equipment in use in Wisconsin and each piece of equipment displays a different notification when an overvoted or crossover voted ballot is inserted into the machine. The lack of standard content for notifications across different equipment creates the potential for voter confusion and reinforces the need for election officials to be familiar with the notification screens and the impact on a ballot if the override function is used. A poll worker should monitor the use of the equipment and be able to explain to the voter that votes for at least one ballot contest will not be counted if the voter decides to cast an overvoted or crossover voted ballot.

Below are two separate procedures for using the override function when processing an overvoted ballot or a ballot with crossover votes, depending upon whether it is an absentee ballot or one that is being cast while the voter is present.

Overvoted and Crossover Voted Absentee Ballots

1. The election inspector inserts the ballot without inspection into the tabulation equipment and the machine displays the warning message.
2. The inspector selects the option to return the ballot on the machine.
3. The inspectors review the ballot to attempt to determine the voter's intent for the contest or contests in question. For example, a stray mark could have mistakenly caused the machine to identify the ballot as overvoted or crossover voted.
 - a. If voter intent can be determined, the ballot should be remade to correct the error for the contest(s) in question and include all other votes using the process outlined in the Election Day Manual.
 - b. If voter intent cannot be determined, continue to Step 4.
4. The inspector reinserts the ballot into the tabulation equipment and casts the ballot using the override function.
5. The inspector makes a notation on the Inspectors' Statement (GAB-104) to indicate that the override function was used to cast the ballot. The reason why the override function was used should also be included in this notation. The ballot is not marked.

Overvoted and Crossover Voted Ballots When Voter is Present

1. The voter inserts the ballot into the tabulation equipment and the machine displays the warning message.
2. The election inspector assigned to monitor the tabulation equipment should intervene and explain the notification to the voter.

- a. **Overvoted Ballot:** Casting an overvoted ballot with the override function would result in no votes being counted for the overvoted contest(s), but votes for all other contests would be counted.
 - b. **Crossover Voted Ballot:** Casting a ballot that contains a crossover vote would result in no votes being counted for any partisan office, but votes for all nonpartisan contests would be counted.
3. The voter is informed that they can spoil the ballot and mark another ballot (up to three ballots) OR cast the ballot as is.
 - a. If the voter chooses to spoil the ballot, the election inspector should select the option to return the ballot, return the ballot to the voter without examining it, and direct the voter to exchange the ballot at the ballot issuing table for a replacement ballot.
 - b. If the voter wants the ballot cast as is, the inspector should first offer to use the option to return the ballot to the voter so that the voter may review the ballot before making the final decision. If the voter does not wish to examine the ballot, the election official casts the ballot using the override function. If the voter wishes to examine the ballot first, the voter or inspector selects the option to return the ballot and the voter determines whether to spoil the ballot or to cast it using the override function.
4. The inspector makes a notation on the Inspectors' Statement (GAB-104) to indicate that the override function was used to cast the ballot. The reason why the override function was used should also be included in this notation. The ballot is not marked.