

## **Preparing for the April Election**

**Wednesday, March 4, 2015**

**9:00 a.m. – 11:00 a.m.**

### **Program Presenters**

Wisconsin Government Accountability Board Staff

### **Agenda**

- Clerk Communications
  - Municipal Clerks Training Report
  - Election Inspector Service Guidance
  - Status of Voter Photo ID
  - Other information
- Election Day Issues
  - Voting Equipment Testing and Security (video tutorial)
  - Ballots: Spoiling and Remaking
- Closing the Polls (video tutorial)
- Counting Write-In Votes: Q & A



# State of Wisconsin\Government Accountability Board

212 East Washington Avenue, 3<sup>rd</sup> Floor  
Post Office Box 7984  
Madison, WI 53707-7984  
Voice (608) 266-8005  
Fax (608) 267-0500  
E-mail: [gab@wisconsin.gov](mailto:gab@wisconsin.gov)  
<http://gab.wi.gov>



JUDGE GERALD C. NICHOL  
Chair

KEVIN J. KENNEDY  
Director and General Counsel

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## MEMORANDUM

**DATE:** February 3, 2015

**TO:** Wisconsin Municipal Clerks  
City of Milwaukee Election Commission  
Wisconsin County Clerks  
Milwaukee County Election Commission

**FROM:** Michael Haas  
Elections Division Administrator

Allison Coakley  
Elections Training Coordinator

**SUBJECT:** Final Reminder: Municipal Clerks Must Report Training Hours  
(2013-2014 term)

This is a final reminder that municipal clerks must report their 2013-2014 election training to us by **February 13, 2015** for it to be counted toward recertification for the current 2015-2016 term. This list is current as of Friday, January 30, 2015. Another update will be posted later this week.

### Background

Municipal clerks are required by state law to take and report six hours of election training every two years to the Government Accountability Board. Election training taken between January 1, 2013 and December 31, 2014 will recertify municipal clerks for the 2015-2016 term. For new municipal clerks or clerks who lost their certification at the end of 2012, three of the six hours of training must be the Municipal Clerk Core Curriculum training class or the equivalent training taken at the Wisconsin Municipal Clerks Institute in Green Bay.

### Training Report

The Municipal Clerk Training Report was first posted in November 2014 and lists the number of election training hours municipal clerks have reported for the 2013-2014 term. The list can be searched by name or HINDI number. Clerks should report their training using the form available on our website: <http://gab.wi.gov/forms/mct-hours-reporting>. Please note that deputy clerks and other office staff who have submitted training information are not listed on this report as they are not required by state law to be certified.

### Certification

Municipal clerks who have not taken a minimum of six hours of election training in the 2013-2014 term and reported it to us by **February 13, 2015** will lose their certification and be

considered noncompliant with state law. Clerks who lose their certification are required to take the 3-hour Municipal Clerk Core training class and three hours of election training – for a total of six hours - by the April 7, 2015 Spring Election to be considered certified to conduct elections in the 2015-2016 term. If you are a new clerk or a clerk who lost his or her certification at the end of 2014 and needs to take the Municipal Clerk Core Curriculum training class, we have scheduled a webinar on Tuesday, March 10, 2015 from 4:00 p.m. – 7:00 p.m. that will satisfy part of this requirement. The schedule and online registration is available on our website: <http://gab.wi.gov/clerks/education-training/municipal-clerk-core>.

### **Contact**

If you have questions, are not listed or are listed incorrectly on the training report, please contact Allison Coakley: [allison.coakley@wi.gov](mailto:allison.coakley@wi.gov), or (608) 261-2033. Thank you for your usual attention and cooperation.

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JUDGE GERALD C. NICHOL  
Chairperson

KEVIN J. KENNEDY  
Director and General Counsel

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## MEMORANDUM

**DATE:** February 4, 2015

**TO:** Wisconsin County Clerks  
Wisconsin Municipal Clerks  
City of Milwaukee Election Commission  
Milwaukee County Election Commission

**FROM:** Michael Haas  
Elections Division Administrator

**SUBJECT:** Election Inspector Service at Election Where A Candidate's Success or Failure May Affect the Inspector Financially

### Summary

A common question which arises around elections, especially local elections, is whether an election inspector may work at an election where a family member is a candidate on the ballot. Due to a recent formal opinion issued by the Attorney General, the Government Accountability Board (G.A.B.) has revisited this issue and the Board approved updated guidance at its meeting of January 13, 2015. The Board has concluded that the Ethics Code for Local Public Officials prohibits an election inspector from working at a specific election under circumstances in which a candidate's success or failure to win election would affect the inspector financially, including if a candidate is a spouse or immediate family member of the election inspector.

### Background

In October 2014, the Attorney General issued a formal opinion concluding that local boards of canvassers are subject to the requirements of the Open Meetings Law. The local board of canvassers convenes after the polls close as a governmental unit and consists of some or all of the election inspectors working at the polling place. Election inspectors (and therefore members of the local board of canvassers) are appointed by the municipal governing body for a specified term of two years.

While the duties of election inspectors during Election Day may be described as administrative or ministerial, the local board of canvassers acts as a body and may be required to exercise some judgment or discretion in the processing of ballots and tallying of results. Therefore, inspectors who also serve as members of the local board of canvassers qualify as local public officials who are subject to the Code of Ethics in Chapter 19 of the Wisconsin Statutes. See *Wis. Stat. §19.41(7w)(c), (7x)*.

Previously, when assessing whether an election inspector should serve at an election where a family member was on the ballot, G.A.B. staff had focused on the election laws and the inspector's ability to be impartial, as well as the appearance of impartiality. The Attorney General's opinion prompted the Board to reconsider its guidance in light of the provisions of the Ethics Code for Local Public Officials.

Local public officials are subject to the provisions of Wis. Stat. §19.59, including the following relevant restrictions:

***19.59 Code of ethics for local government officials, employees and candidates***

***(1)(a) No local public official may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family. . . .***

***(c) Except as otherwise provided in par. (d), no local public official may:***

***1. Take any official action substantially affecting a matter in which the official, a member of his or immediate family, or an organization with which the official is associated has a substantial financial interest.***

***2. Use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the official, one or more members of the official's immediate family either separately or together, or an organization with which the official is associated.***

In the Ethics Code, "immediate family member" includes an individual's spouse and an individual's relative by marriage or children who receive, directly or indirectly, more than one-half of their support from the individual or from whom the individual receives, directly or indirectly, more than one-half of his or her support. *Wis. Stat. §19.42(7)*.

Inspectors who serve as members of the local board of canvassers are charged with duties to determine the intent of electors who have not clearly marked ballots, and to determine whether a ballot should be counted. These tasks may involve the use of their own judgment and discretion, and may also affect the election or defeat of candidates on the ballot. Given that local elected officials receive some compensation for their service, it appears that the Ethics Code would require an election inspector to refrain from taking any discretionary action or casting a vote as a member of the canvass board which would potentially affect the ability of a spouse or other immediate family member to win an election and receive a financial gain or substantial benefit.

In the Board's opinion, therefore, an election inspector, particularly when acting as a member of the local board of canvassers, may be put in a position of violating Wis. Stat. §19.59 by either:

1. Using his or her public position to obtain financial gain for their own private benefit or the private benefit of a spouse or other immediate family member, or
2. Taking an official action affecting a matter in which the official or immediate family member has a substantial financial interest, or

3. Using his or her public position in a way that produces or assists in producing a substantial benefit for the inspector or an immediate family member.

Furthermore, under certain circumstances a potential conflict of interest likely arises if the inspector's relationship with the candidate is not as a spouse or immediate family member, but simply someone who shares the same household, or involves other circumstances in which the financial interests are intertwined. In that case, if the ability of the candidate to earn compensation through being elected to the public office affects the inspector's finances (by reducing rent or other household costs, for instance), the use of the public office of election inspector would provide a financial gain to the inspector irrespective of the family relationship between the inspector and the candidate.

To avoid a violation of the Ethics Code, local public officials may recuse themselves from the specific action or decision which poses a conflict of interest. That is likely to be an impractical solution in many cases because recusal of one election inspector would result in a two-member board of canvassers that may be unable to resolve disputed ballots. In addition, the inspector who may possess the conflict of interest would be unable to act with regard to any ballots cast for the office being sought by the immediate family member, and by the time a potential conflict situation arises, it would likely be too late to replace the inspector with another individual who could serve on the local board of canvassers.

### Conclusion

For these reasons, it is the opinion of the Board that election inspectors may not serve at elections where their spouse or immediate family member is a candidate on the ballot, or under other circumstances where a candidate's success or failure to win election would affect the election inspector financially. While the inspector's service as a member of the local board of canvassers does not in itself necessarily violate the Ethics Code, as a practical matter it would be difficult to remedy an actual or perceived conflict of interest on Election Day or Election Night. The prudent approach is to not permit election inspectors to work as members of the local board of canvassers or as election inspectors in the event that they are a spouse or immediate family member of a candidate on the ballot, or under circumstances in which the candidate's success or failure to win election would affect the inspector financially.

Please keep in mind that violations of the Ethics Code for Local Public Officials are enforced by local district attorneys. Therefore this opinion is advisory and is not binding on district attorneys who are responsible for making determinations based upon individual facts and circumstances.

If you have any questions regarding this guidance, please contact G.A.B. Help Desk at [gabhhelpdesk@wi.gov](mailto:gabhhelpdesk@wi.gov) or (608) 261-2028.

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<http://gab.wi.gov>



JUDGE THOMAS H. BARLAND  
Chairperson

KEVIN J. KENNEDY  
Director and General Counsel

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## MEMORANDUM

**DATE:** January 8, 2015

**TO:** Wisconsin County Clerks  
Wisconsin Municipal Clerks  
City of Milwaukee Election Commission  
Milwaukee County Election Commission

**FROM:** Michael Haas  
Elections Division Administrator

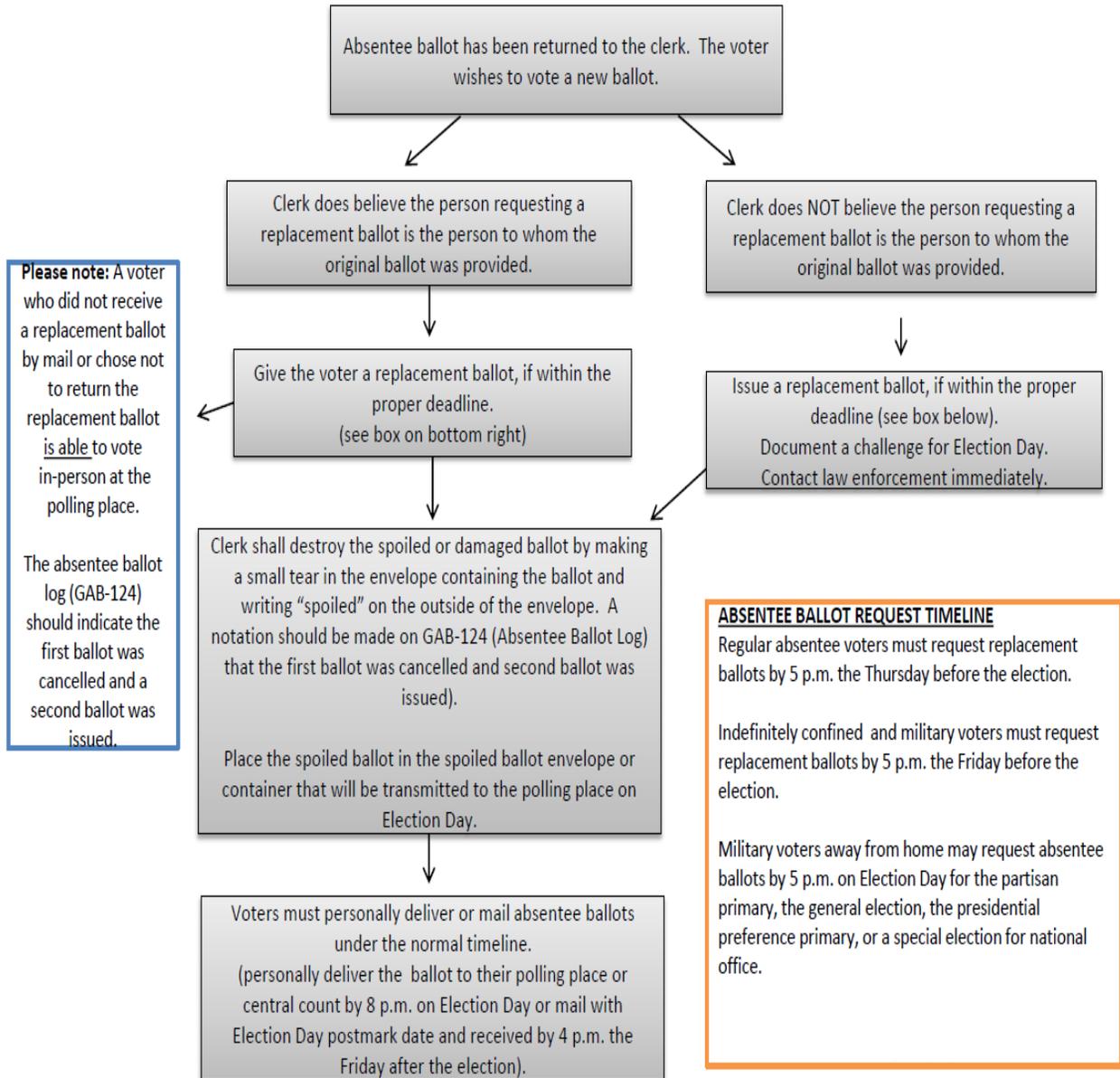
**SUBJECT:** Voter Photo ID Status for 2015 Spring Elections  
Voter Photo ID Guidance 2015-1

The plaintiffs in the federal lawsuit challenging the Voter Photo ID requirement have filed an appeal with the U.S. Supreme Court. Therefore, the court injunction prohibiting implementation of the photo ID requirement remains in effect until the appeal has been resolved by the Supreme Court. Until further notice, therefore, the photo ID requirement is not to be enforced in Wisconsin elections.

You may wish to review our Clerk Communication of December 12, 2014 for reminders as to preparations and processes for the Spring Primary and Spring Election which are affected by the court injunction. We will promptly communicate with local election officials when there is a change in the status of the photo ID requirement. If you have any questions, please contact the G.A.B. Help Desk at [gabhelpdesk@wi.gov](mailto:gabhelpdesk@wi.gov) or (608) 261-2028. Thank you.

# Spoiling Ballots

In the municipal clerk's office:



**Please note:** A voter who did not receive a replacement ballot by mail or chose not to return the replacement ballot is able to vote in-person at the polling place.

The absentee ballot log (GAB-124) should indicate the first ballot was cancelled and a second ballot was issued.

**ABSENTEE BALLOT REQUEST TIMELINE**

Regular absentee voters must request replacement ballots by 5 p.m. the Thursday before the election.

Indefinitely confined and military voters must request replacement ballots by 5 p.m. the Friday before the election.

Military voters away from home may request absentee ballots by 5 p.m. on Election Day for the partisan primary, the general election, the presidential preference primary, or a special election for national office.

At the polling place on Election Day:

- If a voter makes an error while marking his or her ballot, the voter may request another ballot.
  - The first ballot must be returned to the election officials and spoiled (torn so as to make it unusable).
  - The spoiled ballot should be kept in an envelope to be returned to the municipal clerk with the other election materials.
  - Up to three ballots may be issued to a voter. A notation (2<sup>nd</sup> or 3<sup>rd</sup> ballot issued) should be made on the Inspectors' Statement (GAB-104) and poll list for each additional ballot issued.
- The voter then places his or her voted ballot into the tabulating device or appropriate ballot box. Or, if using direct recording electronic equipment (DRE), the voter casts his or her ballot and closes out the voting session.
- The voter should then leave the polling place unless he or she intends to stay as an observer.

## **Remaking Ballots**

In order to be scanned and counted by an electronic tabulator, ballots may need to be “remade” by election inspectors at the polls on Election Day.

This guidance only applies to municipalities that use electronic tabulation equipment. This information does not apply to municipalities that use hand count paper ballots. Hand counted paper ballots don't need to be remade as there is no electronic tabulator making the call on how to count it.

### *Ballots with Overvotes*

Election inspectors are required to remake ballots with overvotes. These are ballots with at least one instance in which the elector has voted for more than the maximum number of selections allowed in a contest.

For Election Day voters, election inspectors should instruct the elector of the overvote error and provide them the opportunity to spoil their ballot and be issued a new ballot. A voter may be issued up to three ballots. If the voter refuses to vote a new ballot, election inspectors must remake the ballot so the electronic tabulator will accept it. On a new ballot, election inspectors transfer all votes from the overvoted ballot in which the voter's intent can be determined. No votes are transferred for the overvoted contest, unless voter intent can be determined. This process is also employed for absentee ballots that contain an overvoted office.

### *Procedure*

To remake a ballot, the following steps should be followed:

1. At least two election inspectors (if party-affiliated inspectors are present, use one of each party) must participate in this process.
2. Election inspectors shall announce to observers, if present, that a ballot is being remade and the reason for doing so.
3. Note and select a reason for remaking the ballot in the endorsement section of the ballot.

For Official Use Only	
<i>Inspectors: Identify ballots required to be remade.</i>	
<b>Reason for remaking ballot:</b>	
<input type="checkbox"/>	Overvoted
<input type="checkbox"/>	Damaged
<input type="checkbox"/>	Other
Original Ballot No. or Duplicate Ballot No.	
_____	_____

- a. “Overvoted” ballots are ballots with at least one instance in which the elector has voted for more than the maximum number of selections allowed in a contest.
- b. “Damaged” ballots include ballots in which the voter circled names on the ballot rather than marking the arrows or ovals and ballots mutilated by postal equipment.
- c. “Other” ballots include ballots emailed or faxed to a military or overseas elector and ballots accessed and completed by a military or overseas elector through MyVote Wisconsin.

4. These ballots are labeled “Original Ballot # (serial number)” and “Duplicate Ballot # (same serial number)” in the endorsement section of the ballot. Remade ballots should be issued a sequential number regardless of the reason the ballot was remade.
5. Transfer votes based on voter intent from the original ballot to the duplicate ballot so the electronic tabulator will accept the ballot. An overvoted contest on the original ballot is left blank on the duplicate ballot, unless voter intent can be determined. The duplicate ballot for a crossover voted original ballot is a blank ballot for municipalities with a DS200 or M100 electronic tabulator.
6. Describe on the Inspectors’ Statement (GAB-104) why the ballot had to be remade.
  - Use a code of “OV” to identify overvoted ballots.
  - Use a code of “DM” to identify damaged ballots.
  - Use a code of “OT” to identify ballots remade for other reasons.
7. The “remade” ballots are inserted into the tabulating device.
8. The original ballots are bundled together, marked and placed in the “Original Ballots Envelope.”
9. The “Original Ballots Envelope” is placed in the ballot container.

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## MEMORANDUM

**DATE:** February 3, 2015

**TO:** Wisconsin County Clerks  
Wisconsin Municipal Clerks  
City of Milwaukee Election Commission  
Milwaukee County Election Commission

**FROM:** Michael Haas  
Elections Division Administrator

Diane Lowe  
Lead Elections Specialist

**SUBJECT:** Counting Write-in Votes in “Vote for More than One” Situations

2013 Wisconsin Act 178 limits write-in votes that may be counted for an office, depending upon whether candidates’ names appear on the ballot for the office. The Act also provides direction on counting write-in votes if a ballot candidate is deceased. These are the basic elements of Act 178:

- If there is at least one ballot candidate for a given office, only tally votes for registered write-in candidates.
- If there are no ballot candidates for a given office, tally all write-in votes.
- If there are any ballot candidates for a given office, and one or more pass away, tally all write-in votes.

Act 178 presumes that the voter is voting for one candidate, and does not specifically address counting write-in votes in situations, such as the offices of Town Board Supervisor or Village Trustee, where more than one seat in a particular office may be up for election. It is the sense of G.A.B. staff that the intent of the law is to count the votes of nonregistered write-in candidates only when there are less ballot candidates than there are seats to fill. Therefore, when counting votes for offices with more than one seat, the following applies:

- If the number of ballot candidates for a given office is equal to or more than the number of seats to be filled, only tally votes for registered write-in candidates.
- If the number of ballot candidates for a given office is less than the number of seats to be filled, tally all write-in votes.
- If there are any ballot candidates for a given office, and one or more pass away, tally all write-in votes.

If you have questions, please contact the GAB Help Desk at 608-261-2028 or [gabhhelpdesk@wi.gov](mailto:gabhhelpdesk@wi.gov).

## Counting Write-In Votes in Multiple-Seat Offices

### Review of 2013 Act 178

2013 Wisconsin Act 178 limits when votes cast for unregistered write-in candidates may be counted, but considers only “**vote for 1**” offices. The fundamentals of Act 178 are:

- If there is at least **one** ballot candidate for a given office—
  - Only tally votes for registered write-in candidates
- If there are no ballot candidates (i.e., less than **one**) for a given office—
  - Tally all write-in votes
- If there are **any** ballot candidates for a given office, and **one** or more pass away—
  - Tally all write-in votes

### Applying 2013 Act 178 to Multiple-Seat Offices

The application of Act 178 to multiple-seat offices follows the same principles while considering the number of seats to be filled within the office. Here are the fundamentals of Act 178 using a “**vote for 2**” office as an example:

- If there are at least **two** ballot candidates for a given office—
  - Only tally votes for registered write-in candidates
- If there are less than **two** ballot candidates for a given office—
  - Tally all write-in votes
- If there are **any** ballot candidates for a given office, and **one** or more pass away—
  - Tally all write-in votes

### Process for Determination of Viability of Write-in Votes

There are four questions inspectors should ask themselves when determining write-in vote viability and in what situations votes for ballot candidates may be considered. The four questions are:

- 1) *Can all write-in votes be counted or just those for registered write-in candidates?*
- 2) *Is (or are) the write-in candidate(s) registered?*
- 3) *Regardless of whether the write-in vote(s) can or can't be counted, are there enough write-in votes to fill the seats up for election?*
- 4) *How many votes is the elector entitled to?*

Taking time to ask these questions should help to sort out the confusion write-in votes can cause.

On the following pages are examples that implement the application of Act 178 and the four questions used to determine viability of write-in votes and when votes for ballot candidates may be considered. The examples use “Vote for not more than 2” and “Vote for not more than 3” offices.

<p><b>Example 1</b></p> <p><b>Village Trustee</b> Vote for not more than 2</p> <ul style="list-style-type: none"> <li>● Mark Mywerds</li> <li>● Shirley Ugest</li> <li>● <u>Rusty Pipe</u></li> <li>○ _____</li> </ul> <p>2 ballot candidates in a 2-seat office. Rusty is a registered write-in candidate.</p>	<p><b>The voter has cast votes for the two ballot candidates and has also written in a name.</b></p> <p>1) <i>Can all write-in votes be counted or just those for registered write-in candidates?</i></p> <p>There are two ballot candidates in this “vote for 2” office, so only votes for registered write-in candidates may be counted.</p> <p>2) <i>Is the write-in candidate registered?</i></p> <p>Yes. Rusty Pipe is a registered write-in candidate, so a vote is tallied for Rusty.</p> <p>3) <i>Regardless of whether the write-in vote can or can’t be counted, are there enough write-in votes to fill the seats up for election?</i></p> <p>No. There is only one write-in vote for this two-seat office, so ballot candidates <i>may</i> be considered.</p> <p>4) <i>How many votes is the elector entitled to?</i></p> <p>Two. One vote has been tallied for the write-in candidate, so the voter is entitled to one more vote, but which ballot candidate the voter intended to vote for cannot be determined, so no vote is counted for either ballot candidate.</p> <p><b>Result:</b> Only one vote is counted—write-in Rusty’s.</p>
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<p><b>Example 2</b></p> <p><b>Town Board Supervisor</b> Vote for not more than 3</p> <ul style="list-style-type: none"> <li>● Dewey Wanna</li> <li>● Anita Proof</li> <li>● <u>Izzy Serton</u></li> <li>● <u>Margi Navera</u></li> <li>○ _____</li> </ul> <p>2 ballot candidates in a 3 seat office. Margi is registered, Izzy is not registered.</p>	<p><b>The voter has cast votes for the two ballot candidates and has also written in two names.</b></p> <p>1) <i>Can all write-in votes be counted or just those for registered write-in candidates?</i></p> <p>There are two ballot candidates in this “vote for 3” office, so all write-in votes may be counted.</p> <p>2) <i>Are the write-in candidates registered?</i></p> <p>One is, one isn’t, but all write-in votes may be counted. Votes are counted for both write-in candidates.</p> <p>3) <i>Regardless of whether the write-in vote can or can’t be counted, are there enough write-in votes to fill the seats up for election?</i></p> <p>No. There are only two write-ins for this three-seat office, so ballot candidates <i>may</i> be considered.</p> <p>4) <i>How many votes is the elector entitled to?</i></p> <p>Three. Two votes have been tallied for the write-in candidates, so the voter is entitled to one more vote, but which ballot candidate the voter intended to vote for cannot be determined, so no vote is counted for either ballot candidate.</p> <p><b>Result:</b> Only the two write-in votes are counted.</p>
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<p><b>Example 3</b></p> <p><b>Village Trustee</b> Vote for not more than 2</p> <ul style="list-style-type: none"> <li><input checked="" type="radio"/> Ida Thotso</li> <li><input type="radio"/> <u>Izzy Serton</u></li> <li><input type="radio"/> <u>Margi Navera</u></li> </ul> <p><i>1 ballot candidate in a 2-seat office. Izzy is a registered write-in candidate, Margi is not.</i></p>	<p><b>The voter has cast a vote for the ballot candidate and has also written in two names.</b></p> <p>1) <i>Can all write-in votes be counted or just those for registered write-in candidates?</i></p> <p>There is one ballot candidate in this “vote for 2” office, so all write-in votes may be counted.</p> <p>2) <i>Are the write-in candidates registered?</i></p> <p>One is, one isn’t, but all write-in votes may be counted. Votes are counted for both write-in candidates.</p> <p>3) <i>Regardless of whether the write-in vote can or can’t be counted, are there enough write-in votes to fill the seats up for election?</i></p> <p>Yes. There are two write-ins for this two-seat office, so ballot candidates may not be considered.</p> <p>4) <i>How many votes is the elector entitled to?</i></p> <p>Two. Two votes have been tallied for the write-in candidates, so the voter is not entitled to any more votes; the vote for the ballot candidate does not count.</p> <p><b>Result:</b> Only the two write-in votes are counted.</p> <p><b>Note:</b> The voting equipment has recorded a vote for the ballot candidate. The inspectors must subtract a vote for Ida Thotso on the tape.</p>
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<p><b>Example 4</b></p> <p><b>School Board Member</b> Vote for not more than 3</p> <ul style="list-style-type: none"> <li><input type="radio"/> Mark Urballot</li> <li><input checked="" type="radio"/> R. U. Smart</li> <li><input type="radio"/> Letta Meein</li> <li><input type="radio"/> Charlie Horse</li> <li><input type="radio"/> Peter Piper</li> <li><input type="radio"/> Andy Lost</li> <li><input type="radio"/> <u>Dudley Doright</u></li> <li><input type="radio"/> <u>Tom Terrific</u></li> <li><input type="radio"/> _____</li> </ul> <p><i>6 ballot candidates in a 3-seat office. Dudley is registered, Tom is not.</i></p>	<p><b>The voter has cast a vote for a ballot candidate and has also written in two names.</b></p> <p>1) <i>Can all write-in votes be counted or just those for registered write-in candidates?</i></p> <p>There are six ballot candidate in this “vote for 3” office, so only votes for registered write-in candidates may be counted.</p> <p>2) <i>Are the write-in candidates registered?</i></p> <p>Dudley is, but Tom is not. A vote is counted for Dudley.</p> <p>3) <i>Regardless of whether the write-in votes can or can’t be counted, are there enough write-in votes to fill the seats up for election?</i></p> <p>There are only 2 write-in votes for this three-seat office, so ballot candidates may be considered.</p> <p>4) <i>How many votes is the elector entitled to?</i></p> <p>Three. One vote has been counted for a write-in candidates, so the voter is entitled to two more votes. The vote marked for the ballot candidate is counted.</p> <p><b>Result:</b> One ballot candidate vote and one write-in vote are counted.</p>
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### Example 5

#### Town Board Supervisor

Vote for not more than 3

- Andy Warhol
- Gloria Steinem
- Walter Winchell
- Izzy Serton
- Margi Navera
- Ima Fended

3 ballot candidates in a 3-seat office. Margi and Ima are registered, Izzy is not.

The voter has cast a vote for the ballot candidate and has also written in three names.

1) *Can all write-in votes be counted or just those for registered write-in candidates?*

There are three ballot candidate in this “vote for 3” office, so only votes for registered write-in candidates may be counted.

2) *Are the write-in candidates registered?*

Margi and Ima are registered, Izzy is not. Votes are counted for Margi and Ima.

3) *Regardless of whether the write-in vote can or can't be counted, are there enough write-in votes to fill the seats up for election?*

Yes. There are three write-ins for this three-seat office, so ballot candidates *may not* be considered.

4) *How many votes is the elector entitled to?*

Three. Two votes have been tallied for write-in candidates, so the voter is entitled to one more vote, but ballot candidates may not be considered (See 3 above). The vote for Gloria does not count.

**Result:** Only the two write-in votes are counted.

**Note:** The voting equipment has recorded a vote for the ballot candidate. The inspectors must subtract a vote for Gloria Steinem on the tape.

### Example 6

#### Town Board Supervisor

Vote for not more than 3

- Andy Warhol
- Walter Winchell
- Chet Huntley
- Izzy Serton
- Ima Fended
- \_\_\_\_\_

3 ballot candidates in a 3-seat office. Ima is registered, Izzy is not. Chet is deceased.

The voter has cast a vote for a ballot candidate and has also written in two names.

1) *Can all write-in votes be counted or just those for registered write-in candidates?*

Chet is deceased. All write-in votes may be counted.

2) *Are the write-in candidates registered?*

Ima is registered, Izzy is not, but all write-ins may be counted. A vote is counted for both Ima and Izzy.

3) *Regardless of whether the write-in votes can or can't be counted, are there enough write-in votes to fill the seats up for election?*

No. There are two write-in votes for this three-seat office, so ballot candidates may be considered.

4) *How many votes is the elector entitled to?*

Three. Two write-in votes have been counted. The voter is entitled to one more vote, and ballot candidates may be considered. (See 3 above.) The vote for Chet is counted.

**Result:** The votes for Chet and both write-ins are counted.

<p><b>Example 7</b></p> <p><b>School Board Member</b> Vote for not more than 3</p> <p><input type="radio"/> Mark Urballot  <input checked="" type="radio"/> R. U. Smart  <input type="radio"/> Letta Meein  <input type="radio"/> Charlie Horse  <input checked="" type="radio"/> Peter Piper  <input type="radio"/> Andy Lost  <input type="radio"/> <u>Dudley Dought</u>  <input type="radio"/> <u>Tom Terrific</u>  <input type="radio"/> <u>Huckleberry Hound</u></p> <p>6 ballot candidates in a 3-seat office. Dudley, Tom and Huckleberry are all registered.</p>	<p>The voter has cast a vote for two ballot candidates and has also written in three names.</p> <p>1) <i>Can all write-in votes be counted or just those for registered write-in candidates?</i></p> <p>There are six ballot candidate in this “vote for 3” office, so only votes for registered write-in candidates may be counted.</p> <p>2) <i>Are the write-in candidates registered?</i></p> <p>All write-in candidates are registered. A vote is counted for each write-in.</p> <p>3) <i>Regardless of whether the write-in votes can or can’t be counted, are there enough write-in votes to fill the seats up for election?</i></p> <p>Yes. There are three write-in votes for this three-seat office, so ballot candidates may not be considered.</p> <p>4) <i>How many votes is the elector entitled to?</i></p> <p>Three. One vote has been counted for each of the three write-in candidates, so the voter is not entitled to another vote. The vote marked for the ballot candidate is not counted.</p> <p><b>Result:</b> The three write-in votes are counted.</p> <p><b>Note:</b> The voting equipment has recorded votes for two ballot candidates. The inspectors must subtract one vote each from R. U. Smart and Peter Piper on the tape.</p>
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<p><b>Example 8</b></p> <p><b>Town Board Supervisor</b> Vote for not more than 3</p> <p><input type="radio"/> Andy Warhol  <input checked="" type="radio"/> Gloria Steinem  <input type="radio"/> Walter Winchell  <input checked="" type="radio"/> Chet Huntley  <input checked="" type="radio"/> <u>Izzy Serton</u>  <input checked="" type="radio"/> <u>Margi Navera</u>  <input type="radio"/> _____</p> <p>4 ballot candidates in a 3-seat office. Neither Izzy nor Margi are registered. Chet Huntley is deceased.</p>	<p>The voter has cast a vote for two ballot candidates and has also written in two names.</p> <p>1) <i>Can all write-in votes be counted or just those for registered write-in candidates?</i></p> <p>Chet is deceased. All write-in votes may be counted.</p> <p>2) <i>Are the write-in candidates registered?</i></p> <p>Neither write-in candidate is registered, but as there is a deceased ballot candidate, it does not matter in this case.</p> <p>3) <i>Regardless of whether the write-in votes can or can’t be counted, are there enough write-in votes to fill the seats up for election?</i></p> <p>No. There are only two write in votes for this three-seat office, so ballot candidates may be considered.</p> <p>4) <i>How many votes is the elector entitled to?</i></p> <p>Three. The votes for the two write-in candidates are counted first, so the voter is entitled to one more vote, but which ballot candidate the voter intended to vote for cannot be determined, so no vote is counted for either ballot candidate.</p> <p><b>Result:</b> The two votes for the write-in candidates are counted.</p>
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