

COUNTING VOTES AT THE AUGUST PARTISAN PRIMARY

Public Counting

Counting votes is always done publicly after the polls close at 8:00 p.m. Counting is done by the election inspectors. The governing body of a municipality may also appoint tabulators to assist election inspectors with counting votes. Any person, including candidates at the election, may observe the counting of votes.

Voter Intent

When counting votes, voter intent is the controlling factor in determining if and how a vote should be counted. When there is a question of how a vote should be counted because the vote is not clearly marked as the instructions on the ballot indicates, the decision is made by a majority of the election inspectors. Even though tabulators may be used to assist in counting, the decision on how to treat a questionable ballot is made by the election inspectors. One common example of when a determination of voter intent must be made is when an elector has overvoted a particular office on the ballot. This ballot should be treated as an overvote for that office only. A record is made on the Inspectors' Statement (GAB-104) that a vote was not counted for that office because of an overvote. All other offices on that ballot must be counted as the voter intended.

Counting Paper Ballots

Accuracy is very essential when counting votes. The voter identifies their party preference when they choose the **one** party ballot on which they will cast their vote. Election inspectors should familiarize themselves with the proper procedures for counting votes on paper ballots. See the *Ballots* chapter of the Election Day Manual. To alleviate fatigue and ensure accuracy, all election inspectors and tabulators should count votes. The duties should be rotated among all inspectors and tabulators for each different type of ballot or for each office to be counted.

Whenever a ballot is found to be defective, is objected to, or is rejected, a notation must be made on the Inspectors' Statement (GAB-104).

Counting Write-In Votes

Determining the proper way to count write-in votes raises several questions. It is important to remember that if the voter's intent can be determined, the write-in vote must be counted to reflect that intent. Another important point is that, in most cases, a write-in vote will take precedence over a vote for a person whose name is printed on the ballot for the same office.

Where optical scan voting systems are used, care must be taken to ensure that write-in votes are counted when the elector fails to make a mark or connect the arrow next to the write-in line. Because the optical scan equipment will not pick up a write-in vote where there is no mark or the arrow is not connected, inspectors must inspect **each** ballot to determine if a write-in vote has been cast.

Following are several examples of *when* and *when not* to count write-in votes. Inspectors must also remember that all write-in votes cast for any person at the election must be listed on the tally sheet, regardless of whether or not the person is a registered write-in candidate.

The examples of when and when not to count write-in votes set out below include, but are not limited to, general situations for all elections. In addition to the general situations, there are special considerations where electronic voting systems are used, and when counting votes at partisan primaries and general elections.

GENERAL SITUATIONS

Count Write-in Votes When:

1. The name of the person is misspelled, but the intent of the voter can be reasonably determined.
2. The name of the person is abbreviated, but the intent of the voter can be reasonably determined.
3. The name of the person contains a wrong initial or an initial is omitted.
4. Only the last name of a person is written in. If the person is a registered write-in candidate, and/or the intent of the voter can be reasonably determined.
5. An X or other mark is omitted. An X or any other mark is not required in order to cast a write-in vote.
6. A sticker contains only the name of a person and is placed on a ballot. The vote is counted for the person named for the office listed in the space where the sticker is placed.
7. A sticker contains only the name of a person and is placed in the margin. Voter intent must be determined. If the person named on the sticker has filed a campaign registration statement indicating the office sought, the vote should be counted for the person named on the sticker for the office.
8. A sticker contains the name, the political party and the office the person is seeking and is placed on the face of the ballot other than in a particular office space. This vote is counted for the person for the political party and office listed on the sticker.
9. The instructions to voters are "Vote for one," and the voter selects a name that is printed on the ballot and also writes in another person's name for the same office, only the write-in vote is counted. This is not an overvote.
10. The name of write-in candidate, who has filed a campaign registration statement indicating the party and office sought, is written in under an office other than the one indicated on the campaign registration statement but in the same party as indicated on the campaign registration statement. The vote counts for the person for the office where the name is written.
11. A sticker containing the name of a candidate and the office sought is placed under a different office than the one indicated on the sticker. The vote counts for the person named on the sticker for the office under which the sticker is placed.

Do Not Count Write-in Votes When:

1. A name is misspelled or abbreviated and the intent of the voter can not be reasonably determined.
2. A write-in sticker is placed on a side of the ballot with no printed offices or contests.
3. A write-in sticker is found in the ballot box and is not attached to any ballot.
4. The instructions on the ballot are "Vote for one," and the name of more than one person has been written in for a single office. This is an overvote and no votes are counted for that office.
5. The instructions on the ballot are "Vote for One," and the name of more than one person has been written in and a vote has also been cast for a candidate whose name is printed on the ballot for the same office. This is an overvote and no votes are counted for that office.
6. The name of a write-in candidate, who has filed a campaign registration statement indicating the party and office sought, is written in under a party other than the one indicated on the campaign registration statement.

HAND COUNT PAPER BALLOTS

At an August partisan primary, an elector may vote for candidates of only one political party. Voters using paper (hand-count) ballots are given a packet of ballots, stapled together at the bottom. Each packet contains a ballot for each ballot status party in Wisconsin. The voter indicates their party preference by removing a party ballot from the packet and voting that ballot. The voted ballot is placed in the ballot box and the remaining un-voted ballots are placed in a locked “discard” box. Please refer to the *Counting Ballots* section of the Election Day Manual (October 2011).

OPTICAL SCAN VOTING SYSTEMS

At an August partisan primary, an elector may vote for candidates of only one political party. For this reason, electors casting votes on a consolidated optical scan ballot may select a party preference. Selecting the party preference will not prevent crossover voting, but it is a safeguard so that a voter will not lose all votes if he or she does crossover.

Count Write-in Votes at a Partisan Primary When:

- 1 A sticker contains the name, political party and office the person is seeking and is placed anywhere on the face of a ballot other than in a particular office space. This vote is counted for the person, party and office listed on the sticker.
- 2 The voter has written in the name of a person for an office, and has also voted for a person whose name is printed on the ballot for the same office. This is not treated as an overvoted ballot. In this case, the name written in must be counted and the vote for the person whose name is printed on the ballot is not counted.
- 3 A candidate's name is printed on the ballot for one office and the voter writes in that candidate's name for another office for the same party.

Do Not Count Write-in Votes at a Partisan Primary When:

- 1 The voter has selected a party preference choice, and then writes in the name of a person whose name appears on the ballot in a different political party. This creates a crossover vote for that office only, and the write-in is not counted.
- 2 The voter has not selected a party preference, but has cast votes in one political party, and then writes in the name of a person whose name appears in a different party creating a crossover vote. In this case, the entire ballot is not counted.

This information was prepared by the staff of the Government Accountability Board, and represents the staff's view of the application of the law set out in §7.50(2), Wis. Stats., to the general situations described. Election inspectors and candidates should review the law or consult an attorney about any specific application of the law. Any questions should be directed to the G.A.B. Help Desk: gab@wi.gov or (608) 261-2028.