

# Counting Votes at the Partisan Primary

## Introduction

### A. Statutory Authority

The information in this document was prepared by the staff of the Wisconsin Elections Commission and represents the staff's interpretation of the application of the law set out in Wis. Stat. § 7.50(2), 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 about the information contained in this document should be directed to the Wisconsin Elections Commission Help Desk at 608-261-2028 or via email at [elections@wi.gov](mailto:elections@wi.gov).

### B. Public Counting

Counting votes is always done **publicly** after the polls close at 8:00 p.m. Vote 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.

### C. Voter Intent

When a voter has marked a ballot in a way that does not clearly indicate his or her voting objective, the election inspectors must attempt to determine the voter's intention. All inspectors must be part of the determination process, and the majority must agree that the voter's intention can or cannot be determined. 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 it appears an elector has overvoted an office on the ballot. If the majority of the inspectors agree that the voter's intention can be determined, the vote for that office is counted as the majority decided. If the majority of the inspectors agree that a determination of intent cannot be made and the office has truly been overvoted, the ballot is treated as an overvote for that office only. A record is made on the Inspectors' Statement (EL-104) that a vote was not counted for that office because of an overvote. All other offices on that ballot must be counted if voter intent can be determined.

### D. Defective, Objected-to and Rejected Ballots

Whenever a ballot is found to be defective, is objected to, or is rejected, the ballot must be identified with a number and set aside. A notation must be made on the Inspectors' Statement (EL-104).

**Defective Ballot:** A ballot that is damaged, overvoted or otherwise difficult or impossible to determine voter intent. A Defective Ballot may be defective for one office, several offices or the entire ballot may be defective. Votes for offices that are not defective are counted. A Defective Ballot is bundled together with other defective ballots and placed in the ballot bag.

**Objected-to Ballot:** A ballot on which one or more offices are defective and a minority of inspectors disagree with the intent determination of the majority. Votes on an Objected to Ballot are counted if the majority of inspectors agree on the intent of the voter. An Objected-to Ballot is bundled together with other objected-to ballots and placed in the ballot bag.

**Rejected Ballot:** An absentee ballot which does not contain the signature of the voter and the signature and address of a witness. A ballot is also rejected if the certificate envelope contains more than one marked ballot of the same type. A Rejected Absentee Ballot is labeled and placed in the Rejected Absentee Ballots envelope. The voter is not given a voter number.

Again, when there is a question on how a vote should be counted because the choice(s) is not clearly marked as prescribed by the instructions on the ballot, the decision is made by a majority of the election inspectors.

## **General Guidelines for Counting Ballots**

### **A. Paper Hand-Count Ballots**

Accuracy is essential when counting votes, especially when counting is done manually. Election inspectors should familiarize themselves with the proper procedures for counting votes marked on hand-count paper ballots as set out in the Counting Ballots section of the *Election Day Manual for Wisconsin Election Officials*. To alleviate fatigue and assure accuracy, all election inspectors and tabulators should be involved in counting votes. The duties should be rotated among all inspectors and tabulators for each different type of ballot or for each office to be counted. There are examples of marked ballots with a special emphasis on handling write-in votes further on in this manual.

At a partisan primary, a voter may vote only in one party's primary. The voter marks only one party's ballot and deposits it in the locked or sealed ballot box. The unused ballots are placed in a locked or sealed discard box or container. When counting ballots, if two or more party ballots are folded together or a certificate absentee envelope contains more than one party ballot, examine the ballots carefully. If more than one ballot is marked, no ballot may be counted. The ballots are marked "crossover" and placed in the "Original Ballots" envelope. In the case of an absentee voter, the ballots are returned to the certificate envelope and marked "rejected-crossover." If one party's ballot is marked and the other is not, count the marked ballot and deposit the other ballot in the discard container.

### **B. Special Considerations Where Optical Scan (OS) Voting Systems are Used**

#### *Write-in Votes*

Since the law does not require a voter to mark a square, arrow or oval to vote for a write-in candidate, care must be taken to assure that write-in votes are counted when the elector fails to mark a square/arrow/oval next to the write-in line, *if* the write-in vote is eligible to be counted. (See the Counting Write-in Votes section of this manual.) Likewise, it is equally important to ensure that write-in votes counted by the equipment are eligible to be counted.

The decision-making capability of optical scan equipment is limited. The voting equipment “decides” a vote based on its assessment of the marks placed on the ballot by the voter. The optical scan voting equipment will not “see” a write-in vote when the square/arrow/oval has not been marked. (Companies currently marketing OS equipment claim the ability to program the equipment to widen the optical eye path to include a name written in, but this feature has not been tested by the WEC). The OS voting equipment cannot differentiate between registered and non-registered write-in candidates, nor is it able to determine whether write-in votes are eligible to be counted. Therefore, inspectors must **examine each ballot** to determine if a write-in vote has been cast and if that vote has been counted properly or improperly. See the “Counting Votes/Optical Scan Ballots” section of the *Election Day Manual for Wisconsin Election Officials*.

### *Adjusting the Machine Tape*

In a case where a voter has marked the square/arrow/oval next to a ballot candidate and has also written in a name but did not mark the square/arrow/oval next to the write-in line, the equipment will “see” only the vote for the ballot candidate and record that vote. In this case, the inspectors must adjust the machine tape to subtract one vote from the ballot candidate’s total and then determine the eligibility of the vote for the write-in candidate. See the “Counting Votes/Optical Scan Ballots” section of the *Election Day Manual for Wisconsin Election Officials* and the “Write-in Votes” section of this manual.)

### *Overvoted Ballots – If voter intent **can be determined***

When an optical scan ballot has been overvoted **but the intent of the voter can be determined, the ballot must be remade**. Two election inspectors transfer the votes onto a new ballot, duplicating the votes as they were marked by the voter on the original ballot, except that the office(s) that has been overvoted is marked to reflect the intent of the voter. The original ballot is assigned a serial number, starting with one, and labeled “Original Ballot 1.” The duplicated ballot is marked with the same serial number and labeled “Duplicate Ballot 1.” The duplicate ballot is put through the electronic equipment and the original ballot is preserved in the Original Ballots envelope.

### *Overvoted Ballots – If voter intent **cannot be determined***

When an optical scan ballot has been overvoted **but voter intent cannot be determined**, the overvoted ballot is remade\* by two election inspectors exactly as the voter marked the original ballot, except that the overvoted office(s) is left blank. The original ballot is assigned a serial number, starting with one, and labeled “Original Ballot 1.” The duplicated ballot is marked with the same serial number and labeled “Duplicate Ballot 1.” The duplicate ballot is put through the electronic equipment and the original ballot is preserved in the Original Ballots envelope.

\*If the optical scan equipment has an “override” feature, and the municipality has been approved to utilize the override feature, a ballot for which intent cannot be determined may be overridden rather than remade. The voting equipment will not count votes for overvoted contests, but will count votes for all other properly marked contests.

### *Crossover Ballots*

A crossover occurs when the voter has cast votes in more than one party and has not selected a party preference. No votes are counted for partisan contests in this case and the ballot must be remade or overridden.

The remade ballot is a blank ballot or only contains votes for non-partisan contests. As with overvoted ballots, the original ballot is assigned a serial number, starting with one, and labeled “Original Ballot 1.” The duplicated ballot (blank ballot) is marked with the same serial number and labeled “Duplicate Ballot 1.” The duplicate (blank) ballot is put through the electronic equipment and the original ballot is preserved in the Original Ballots envelope.

If the optical scan equipment has an “override” feature, and the municipality has been approved to utilize the override feature, a crossover ballot may be overridden. The voting equipment will not count any votes for partisan contests.

Whenever a ballot is remade or overridden, the action must be recorded on the EL-104 Inspectors’ Statement.

For further instructions, see the “Processing Overvoted and Crossover Voted Ballots” section of the *Election Day Manual for Wisconsin Election Officials*.

## **Write-in Votes at a Partisan Primary**

### A. Determining Eligibility of Write-in Votes

Counting votes in an office where write-in votes are present can be complicated and requires a step-by-step approach to systematically separate which write-in votes are “eligible” for counting and which are “ineligible.” The following four principles will assist you in determining write-in vote eligibility and whether ballot candidates that are also marked can be considered. Each party’s primary is a separate election and these principles apply separately to the contests for each party.

#### *The Four Principles of Counting Write-in Votes*

1. If one or more ballot candidates of a specific party are listed under a given office—  
**Only votes for registered write-in candidates are eligible for counting in that party’s contest.**
  
2. If one or more ballot candidates of a specific party are listed under a given office, but one or more are deceased—  
**All write-in votes are eligible for counting in that party’s contest.**
  
3. If there are no ballot candidates of a specific party listed under a given office—  
**All write-in votes are eligible for counting in that party’s contest.**
  
4. If there is at least one write-in vote cast (*regardless of the eligibility of the write-in vote*)—  
**No votes for ballot candidates may be considered in that party’s contest.**

Using this partisan primary ballot example, determine how this office should be counted by answering the four questions that follow the example. (The answers can be found in the four principles listed above.)

Sugar Cookie Party	
<b>Governor Vote for 1</b>	Ballot instructions
<input checked="" type="radio"/> Pillsbury Dough Boy	
<input checked="" type="radio"/> Betty Crocker	
<input checked="" type="radio"/> Cookie Monster	
<input checked="" type="radio"/> <u>Grommet</u>	(Grommet is a registered write-

3 ballot candidates for a 1-seat office.

*Question 1: How many votes is the voter entitled to cast? (Refer to the ballot instructions.)*

- One. The instructions are “Vote for 1.” The voter has marked 4 candidates, which is 3 too many.

*Question 2: Are all write-in votes eligible for counting or only votes cast for registered write-in candidates? (Refer to Principle 1.)*

- There is 1 position to be filled and 3 ballot candidates. Only votes for registered write-in candidates are eligible to be counted.

*Question 3: Is the write-in candidate registered?*

- Grommet is a registered write-in candidate. The vote for Grommet is counted.
- The voter is entitled to no more votes.

Since Grommet’s vote has been counted, the following question is not necessary, but the answer has still been provided.

*Question 4: Regardless of eligibility for counting, are there enough write-in votes to fill the seats up for election? (Refer to Principle 4.)*

- Yes. There is 1 position to be filled and 1 write-in vote.
- Ballot candidates may not be considered.

*Final result:*

- There are 4 votes marked for this office. The voter is only entitled to one vote.
- Only the write-in vote for Grommet is counted.
- The voting equipment has recorded this office as overvoted—no votes were recorded.
- The tape is adjusted to add a write-in vote to this office in this party.

**Note:** *If Grommet were not a registered write-in candidate, the vote for Grommet would not be counted. And since there is a write-in vote for this Vote for 1 office, ballot candidates cannot be considered. In this case no votes would be counted.*

Here is another example that involves adjusting the machine tape:

Chocolate Chip Cookie Party	
<b>Governor Vote for 1</b>	Ballot instructions
<input type="radio"/> Missy Fields	
<input checked="" type="radio"/> Chip Ahoy	
<input type="radio"/> Sugar Sprinkle	
<input type="radio"/> <i>Cocoa Bean</i> (Cocoa is a registered write-in candidate.)	

*Question 1: How many votes is the voter entitled to cast? (Refer to the ballot instructions.)*

- One. The instructions are “Vote for 1.” The voter has marked 1 candidate and written in a candidate.

*Question 2: Are all write-in votes eligible for counting or only votes cast for registered write-in candidates? (Refer to Principle 2.)*

- There is 1 position to be filled and 3 ballot candidates. Only registered write-in candidates are eligible to be counted.

*Question 3: Is the write-in candidate registered?*

- Yes. Cocoa Bean is a registered write-in candidate. The vote for write-in candidate Cocoa Bean is counted.
- The voter is not entitled to any more votes.

The following question is not necessary, but the answer has still been provided.

*Question 4: Regardless of eligibility for counting, are there enough write-in votes to fill the seats up for election? (Refer to Principle 4.)*

- Yes. There is 1 position to be filled and 1 write-in vote.

### Final Result

Machine Tape	
<b>Governor</b>	
M. Fields	45
C. Ahoy	33 (-1)
S. Sprinkle	15
wr-in	0 (+1)

- The write-in vote for Cocoa Bean is counted.
- The voting equipment has recorded a vote for the ballot candidate, Chip Ahoy.
- The inspectors must adjust the tape by subtracting a vote from Chip’s total.
- The reason for the adjustment is recorded on the Inspectors’ Statement (EL-104).

More examples of counting vote for offices that contain write-in votes and involve adjusting the tape may be found at the end of this manual.

## B. Write-in Vote Irregularities

When a voter casts a write-in vote in a manner inconsistent with the ballot instructions for casting a write-in vote, or the write-in vote is deficient to cause the inspectors to question the voter's intent, the vote is described as "irregular." An irregularity can be caused by failure of the voter to follow instructions, less-than-legible handwriting, inadequate erasures, indicating a candidate preference with unconventional or stray marks, etc. *An irregular vote may be counted if the intent of the voter can be determined.*

Below are several general examples of write-in vote irregularities. These examples include, but are not limited to, general situations for all elections. Following the General Situations are examples specific to counting votes at the partisan primary.

## C. 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. Example: The write-in candidate is Jonathan L. Seagull. The voter writes in Jonathan T. Seagull or Jon Seagull.
4. Only the last name of a person is written in. Count the vote if—
  - the person is a registered write-in candidate, and/or
  - the intent of the voter can be reasonably determined.
5. The voter wrote in a name but did not make an X or other mark, fill in a square or oval, or complete an arrow next to the write-in line--
  - No mark is required next to the write-in line to cast a write-in vote. If the write-in vote is eligible, it is counted.
6. A voter writes in the name of a registered write-in candidate **under an office other than the one for which the candidate is registered--**
  - The vote is counted for the office under which the name is written if:
    - The office under which the name is written has no ballot candidates or one or more ballot candidates is deceased, **and**.
    - The office under which the name is written is the same party in which the registered write-in candidate is running.

7. A name is written in **the margin**, rather than in an office space--
  - If the person whose name is written in is a registered write-in candidate, the name is counted as a vote for the write-in candidate in the office and party in which he or she is registered.
  - If the name is that of a ballot candidate, the vote is counted for the candidate in the office and party for which he or she is registered.
  
8. The voter **marks the ballot for a name that is printed on the ballot and writes in another person's name for the same office--**
  - If the write-in vote is deemed eligible, the write-in vote is counted. The vote for the ballot candidate is not counted. (*See Principles 1 and 4 in the Determining Eligibility of Write-in Votes section.*)
  
9. The name of a Party X registered write-in candidate is written in under Party X, but for an office other than the one for which the candidate registered.
  - The write-in vote counts for the person for the office where the name is written, if there are no ballot candidates for the office or one or more ballot candidates is deceased. (*See Principles 2 and 3 in the Determining Eligibility of Write-in Votes section.*)

*Do Not Count Write-in Votes When:*

1. A name is misspelled or abbreviated and the intent of the voter cannot be reasonably determined.
2. A name is written on the endorsement (back) side of a paper ballot.
3. The instruction on the ballot is "**Vote for one**," and the name of more than one person has been written in for a single office—
  - This is an overvote. No votes are counted for that office.
4. The instruction on the ballot is "**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. No votes are counted for that office.

D. Ballot Candidates as Write-ins

A write-in vote for a ballot candidate is always counted if it is written in under the office where the name is printed on the ballot. If a voter marks a ballot candidate's name and writes in the same ballot candidate's name for the same office, one vote is counted for the ballot candidate.

When a ballot candidate's name is written in under an office other than where the name is printed on the ballot, *the vote may be counted if the office where the name is written...*

<b>Election Type</b>	...has fewer ballot candidates than positions to be filled, or one or more ballot candidates is deceased.	...is under the same party where the name is printed on the ballot. (Both required where marked.)
<b>Nonpartisan</b>		
Spring Primary	<b>X</b>	
Special Primary	<b>X</b>	
Spring Election	<b>X</b>	
Special Election	<b>X</b>	
<b>Partisan</b>		
Partisan Primary	<b>X</b>	<b>X</b>
Special Primary	<b>X</b>	<b>X</b>
General Election		
Special Election		

## **PARTY PREFERENCE**

Each ballot-status party in Wisconsin holds a primary on the 2<sup>nd</sup> Tuesday in August of an even-numbered year. Though the primaries are conducted on the same day, each party's primary is considered a separate election event. At the partisan primary, a voter may choose ONE party's primary in which to vote. By voting in a party's primary, the voter is participating in the nomination process for candidates of that party.

There are several methods by which a voter selects the party in which he or she will vote.

Where hand-count paper ballots are used, the voter identifies their party preference when he or she chooses **one** party ballot on which to vote. The voted ballot is placed in the ballot box and the remaining un-voted ballots are placed in a locked "discard" box.

Where optical scan voting systems are used, the voter identifies their party preference either by voting in only one party or by marking 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. Selecting a party preference preserves the votes cast in the preferred party, while not counting votes cast in another party.

Voters do not always vote in the manner prescribed by law and as provided in the instructions on the ballot. A voter will often vote in more than party, either by mistake, misunderstanding or in a deliberate attempt to frustrate the purpose of the primary. It is the job of election officials to count votes if the voter's intent can be determined, even if the ballot is not marked according to the ballot instructions.

Before we get to examples of crossover voting and how to treat them, let's first review several rules regarding counting votes at a partisan primary.

### A. General Rules Regarding Party Preference

1. Selecting a party preference will preserve the votes cast in the preferred party even if the voter crosses over and votes in another party.
2. Casting votes for candidates of only one party, is the same as selecting a party preference.
3. If no party preference is selected, and the voter **marks more than one party's ballot**, no votes will count.

4. If no party preference is selected, and the voter **marks only one party's ballot**, but on that same party ballot writes in the name of a ballot candidate or registered write-in candidate of another party, all votes are counted except the write-in vote.
5. **Regardless if a party preference is selected**, the name of a ballot candidate or registered write-in candidate of Party X written on a Party Y ballot will never count.
6. **Within the same party**, a voter may write in the name of a ballot candidate or registered write-in candidate for an office under a different office, but it is counted only if there are no ballot candidates for the different office or if a ballot candidate has died.

#### B. Counting Write-in Votes at a Partisan Primary

(The following scenarios presume a write-in vote is eligible to be counted, either because it is for a registered write-in candidate, there are no ballot candidates, or a candidate has died.)

##### *Count Write-in Votes at a Partisan Primary When:*

1. **The voter has selected a party preference.** The voter casts votes in the preferred party and then marks candidates in another party--
  - The votes cast in the preferred party are counted. **Rule 1**
2. **The voter has selected a party preference.** The voter casts votes for ballot candidates in the party selected and writes in, on the that same party ballot, the name of a person who appears as a ballot candidate on a different party ballot--
  - All votes are counted except for the write-in vote. **Rules 1, 2 and 5**  
*The voter has not physically voted on more than one party's ballot.  
 The voter benefits from the party preference safety net.  
 Votes for a candidate of one party may not be counted on the ballot of a different party.*
3. **The voter has selected a party preference.** The voter casts votes for ballot candidates in the selected party and then writes in a name on another party's ballot--
  - The votes cast in the selected party are counted. **Rules 1 and 5**
  - The name written in on the other party ballot does not count.  
*Although the voter has physically voted on more than one party's ballot, he has benefitted from the preferred party safety net.*
4. **The voter has not selected a party preference** but has voted for candidates of only one party. The voter writes in, on that same party ballot, the name of a person who appears as a ballot candidate in a different party--
  - All votes are counted except for the write-in vote. **Rules 2, 4 and 5**  
*The voter has not physically voted on more than one party's ballot.  
 Votes for candidates of one party may not be counted on the ballot of a different party.*

5. A candidate's **name is printed on a party ballot** for one office, and the voter writes in that candidate's name for a different office **on the same party ballot**—
  - The vote is counted for the person for the office where the name is written if there are no ballot candidates for that office or if a candidate for that office has died. **Rule 6**
6. The name of a registered write-in candidate is written in under an office other than the one for which the candidate registered, but in the same party for which the candidate registered--
  - The vote counts for the write-in candidate for the office where the name is written if there are no ballot candidates for that office or if a candidate for that office has died. **Rule 6**
7. The name of a registered write-in candidate is written in under the office for which the write-in candidate is running, but in a different party--
  - The write-in vote is not counted. **Rule 6.**

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

1. **The voter has selected a party preference.** On the face of the ballot, in no party or office space, the voter writes the name, office and political party of a ballot candidate or registered write-in. The political party the voter has written is **different from the preferred party the voter selected** --
  - The vote is not counted. Any votes cast in the preferred party are counted. **Rules 1 and 5**  
*The voter has voted on more than one party's ballot but has benefitted from the party preference safety net.*
2. **The voter has not selected a party preference.** The voter casts votes for candidates on one political party's ballot, and then votes for a candidate on another party's ballot or writes in a name on another party's ballot—
  - No votes are counted for partisan contests. **Rule 3**  
*The voter has physically voted on more than one party's ballot without the benefit of the party preference safety net.*
3. The name of a registered write-in candidate is written in under a party other than the one indicated on the campaign registration statement--
  - The vote is not counted. **Rule 5**
4. A candidate's name is printed on a party ballot for an office and the voter writes that candidate's name under a different office on a different party ballot. --
  - The vote is not counted. **Rule 5**

### C. Partisan Primary Write-in Vote Examples

All write-in names are assumed to be eligible to count either because it is for a registered write-in candidate, there are no ballot candidates, or a candidate has died.

<p><b>Example 1</b></p> <p><b>Party Preference</b></p> <ul style="list-style-type: none"><li><input type="radio"/> Country</li><li><input checked="" type="radio"/> Motown</li><li><input type="radio"/> Rock 'n Roll</li></ul> <p><b>Country Party</b> <b>Representative to the Assembly</b> Vote for 1</p> <ul style="list-style-type: none"><li><input type="radio"/> Tammy Wynette</li><li><input type="radio"/> Donna Fargo</li><li><input checked="" type="radio"/> <del>Robert Plant</del></li></ul> <p><b>Motown Party</b> <b>Representative to the Assembly</b> Vote for 1</p> <ul style="list-style-type: none"><li><input type="radio"/> Diana Ross</li><li><input checked="" type="radio"/> <del>Levi Stubbs</del></li><li><input checked="" type="radio"/> <del>Tammy Wynette</del></li></ul> <p><b>Rock 'n Roll Party</b> <b>Representative to the Assembly</b> Vote for 1</p> <ul style="list-style-type: none"><li><input checked="" type="radio"/> <del>Eddie Vedder</del></li><li><input type="radio"/> Robert Plant</li><li><input type="radio"/> _____</li></ul>	<p>The voter has chosen Motown as the party preference. Choosing a party preference preserves votes cast in that party.</p> <p>Analysis:</p> <p>The write-in vote in the country party is not counted because the voter chose Motown as the preferred Party and because voter wrote in a ballot candidate from the Rock 'n Roll Party.</p> <p>In the Motown party, the voter has written in a Country Party ballot candidate (Tammy Wynette). The vote is not counted. Choosing a party preference preserves votes cast in that party, but not when a voter tries to force a Country singer to sing Motown.</p> <p>The vote for Motown ballot candidate Levi Stubbs is not counted either because of the write-in, even though the write-in wasn't counted.</p> <p>The vote for Rock 'n Roll Party ballot candidate, Eddie Vedder is not counted because the voter chose Motown as the preferred party.</p> <p>Result: No votes are counted.</p> <p>Effect on machine tape: Because the voter chose a party preference, the OS equipment scanned only the Motown Party section. The equipment recorded a vote for Levi Stubbs, which must be subtracted on the tape.</p>
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<p><b>Example 2</b></p> <p><b>Party Preference</b></p> <p><input type="radio"/> Country</p> <p><input type="radio"/> Motown</p> <p><input checked="" type="radio"/> Rock 'n Roll</p> <hr/> <p><b>Country</b></p> <p><b>Representative to the Assembly</b></p> <p>Vote for 1</p> <p><input checked="" type="radio"/> <u>John Smith</u></p> <hr/> <p><b>Motown Party</b></p> <p><b>Representative to the Assembly</b></p> <p>Vote for 1</p> <p><input type="radio"/> Smokey Robinson</p> <p><input type="radio"/> Diana Ross</p> <p><input type="radio"/> _____</p> <hr/> <p><b>Rock 'n Roll Party</b></p> <p><b>Representative to the Assembly</b></p> <p>Vote for 1</p> <p><input checked="" type="radio"/> Eddie Vedder</p> <p><input type="radio"/> Robert Plant</p> <p><input type="radio"/> _____</p>	<p><b>The voter has chosen the Rock 'n Roll Party. Choosing a party preserves votes cast in that party.</b></p> <p>Analysis:</p> <p><b>Country Party</b></p> <p>No votes are counted in the Country Party because the Rock n' Roll Party has been selected.</p> <p>There were no votes cast in the Motown Party.</p> <p>The vote for Rock 'n Roll ballot candidate Eddie Vedder is counted.</p> <p><b>Result:</b> Only Eddie's vote for Rock 'n Roll Assembly is counted.</p> <p><b>Effect on machine tape:</b> None. The Rock 'n Roll party was selected as the voter's preference. The OS machine only scanned the preferred party and recorded the vote for Eddie.</p>
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### Example 3

#### Party Preference

- Country
- Rock 'n Roll

#### Country Party

##### Representative to the Assembly

Vote for 1

- Miranda Lambert
- Tammy Wynette
- Donna Fargo
- Jim Morrison

##### State Senator

Vote for 1

- Tammy Wynette

#### Rock 'n Roll Party

##### Representative to the Assembly

Vote for 1

- Shirley Allston Reeves
- ~~Patty LaBelle~~
- Jim Morrison
- Keith Moon

##### State Senator

Vote for 1

- Roger Daltrey
- Keith Richards
- Jay Black
- \_\_\_\_\_

(Keith Moon is a registered write-in candidate.)

The voter has chosen the Rock 'n Roll Party. Choosing a party preference preserves votes cast in that party.

Analysis:

#### Country Party

No votes are counted in the Country Party, because the Rock 'n Roll Party has been chosen as the voter's preference.

#### Rock 'n Roll Party (The preferred party)

##### Office of Rep. to the Assembly:

There is a write-in candidate for Assembly (registered write-in candidate Keith Moon). Keith's vote is counted, and the vote for Keith cancels the vote for ballot candidate, Patty.

##### State Senator

The voted for ballot candidate Roger Daltrey is counted.

**Result:** The write-in vote for write-in candidate Keith Moon for Assembly is counted. The vote for Patty LaBelle is not counted. The vote for Roger Daltrey for Senate is counted.

**Effect on machine tape:** The OS equipment scanned only the preferred party (Rock 'n Roll) and counted the vote for Patty LaBelle for Assembly. The write in vote for Keith Moon was not recorded. In the office of Rep. to the Assembly, subtract a vote from Patty LaBelle and add a write-in vote for Keith Moon.

## Example 4

### Party Preference

- Country
- Rock 'n Roll

### Country Party

#### Representative to the Assembly Vote for 1

- Miranda Lambert
- ~~Tammy Wynette~~
- Donna Fargo
- ~~Jim Morrison~~

#### State Senator

Vote for 1

- Tammy Wynette

### Rock 'n Roll Party

#### Representative to the Assembly Vote for 1

- Shirley Allston Reeves
- Patty LaBelle
- Jim Morrison
- \_\_\_\_\_

#### State Senator

Vote for 1

- Roger Daltrey
- Keith Moon
- Jay Black
- \_\_\_\_\_

## The voter has not chosen a party preference.

The voter has marked candidates in only one party (**Country**).

Analysis:

Jim Morrison, a Rock 'n Roll Party ballot candidate for assembly has been brought over to the Country Party as a write-in candidate to masquerade as a Country singer (yeah, right). Jim Morrison's vote for Congress in the Country Party is not counted.

The presence of a write-in vote in an office means a vote for a ballot candidate in that office cannot be counted, even if the write-in cannot be counted either. The vote for Tammy for Assembly is not counted.

Tammy Wynette is a Country Party ballot candidate for Assembly. Her name has been written in for State Senator in the Country Party. Since the voter has written in Tammy for a different office but in the Same Party, and there are not ballot candidates for that office, Tammy's vote in the office of State Senator is counted.

No votes were cast in the Rock 'n Roll Party

Result: No party preference was selected, but the voter's marks are confined to the Country Party; no marks were made in any other party. The voter's attempt at making a country singer out of Jim Morrison backfired. Not only could the write-in vote for Jim be not counted, but it also cancelled out Tammy's vote in that office.

**Effect on machine tape:** None. In the Country Party Assembly contest, the ovals of a ballot candidate and a write-in were marked. The OS equipment saw it as an overvote and did not record a vote. The write-in vote for Country Party Senator was picked up by the equipment.

## Example 5

### Party Preference

- Country
- Rock 'n Roll
- Opera

### Country Party

#### Representative to the Assembly

Vote for 1

- Miranda Lambert
- Tammy Wynette
- Donna Fargo
- 

#### State Senator

Vote for 1

- 

### Rock 'n Roll Party

#### Representative to the Assembly

Vote for 1

- Shirley Allston Reeves
- Patty LaBelle
- Jim Morrison
- 

#### State Senator

Vote for 1

- Roger Daltrey
- Keith Moon
- ~~Jay Black~~

### Opera Party

#### Representative in Congress

Vote for 1

- ~~Beverly Sills~~
- Enrico Caruso
- Placido Domingo
- ~~Beverly Sills~~

#### State Senator

Vote for 1

- Luciano Pavarotti
- Maria Callas
- Renee Fleming
- ~~Beverly Sills~~

The voter has not chosen a party preference.

No votes were cast in the Country Party.

The voter voted primarily in the Opera Party, but crossed over by writing in a name on the Rock 'n Roll ballot.

#### In the Opera Party:

In both offices, an Opera Party ballot candidate has been written in both offices. Had the voter not crossed over to write in on the Rock 'n Roll party ballot, the vote for Beverly Sills for Congress would have counted (once). The vote for Beverly for Senate would not have been counted because Beverly is not a registered write-in candidate for that office.

**Result:** No votes count because no party preference was selected and there are votes in two parties.

**Effect on machine tape:** The OS machine saw only the votes in the Opera Party because the oval was not filled in next to Jay's name in the Rock 'n Roll Party. Jay's write-in vote was not recorded.

The OS equipment would have seen the two filled in ovals for Opera Party Congress as an overvote and no votes would have been recorded for that office.

For Opera Party State Senator, a write-in vote would have registered on the tape. Adjust the tape to subtract the write-in vote.

## Example 6

### Party Preference

- Country
- Opera
- Rock 'n Roll

### Country Party

**Representative to the Assembly**  
Vote for 1

- Miranda Lambert
- Tammy Wynette
- Donna Fargo
- 

### State Senator

Vote for 1

- ~~Shirley Reeves~~

### Rock 'n Roll Party

**Representative to the Assembly**  
Vote for 1

- Shirley Allston Reeves
- Patty LaBelle
- Jim Morrison
- ~~Robert Plant~~

### State Senator

Vote for 1

- Roger Daltry
- Keith Moon
- Jay Black
- ~~Jimmy Page~~

*(Robert Plant is a registered write-In candidate. Jimmy Page is not.)*

**The voter has chosen the Country Party. Choosing a party preserves the votes cast in that party.**

### Country Party

The Country Party is the preferred Party. The vote for Donna Fargo for Assembly in the Country Party is counted.

Once again, an effort to convert a Rock 'n Roller (Shirley) to a Country singer fails. Since the office of Senator has no ballot candidates, ordinarily any a write-in vote would be counted, but not when it is a candidate of another party.

### Rock 'n Roll Party

The Country Party is the preferred party, so no votes are counted in the Rock 'n Roll Party. If the preferred party were the Rock 'n Roll party, The write in vote for Robert Plant for Assembly would have counted. The write-in vote for Jimmy Page would not because he is not a registered write-in.

**Result:** Only the vote for Donna Fargo for Assembly is counted.

**Effect on machine tape:** None. The OS equipment scanned only the preferred party (Country) and recorded the vote for Country Party Assembly candidate, Donna Fargo. The equipment also did not record the vote for Shirley Reeves for Senate in the Country Party because the oval was not filled in. No votes were counted in the Rock 'n Roll Party because it is not the preferred party.

## Example 7

### Party Preference

- Country
- Rock 'n Roll
- Opera
- Motown

### Country Party

#### Representative in Congress

Vote for 1

- Miranda Lambert
- Tammy Wynette
- Donna Fargo
- \_\_\_\_\_

#### State Senator

Vote for 1

- \_\_\_\_\_

### Rock 'n Roll Party

#### Representative in Assembly

Vote for 1

- Shirley Allston Reeves
- Patty LaBelle
- Jim Morrison
- \_\_\_\_\_

#### State Senator

Vote for 1

- Roger Daltrey
- Keith Moon
- \_\_\_\_\_

### Opera Party

#### Representative to the Assembly

Vote for 1

- Beverly Sills
- Enrico Caruso
- Placido Domingo
- ~~Freda Payne~~

#### State Senator

Vote for 1

- Enrico Caruso

*Freda Payne and Enrico Caruso are not registered write-ins.*

### Motown Party

#### Representative to the Assembly

Vote for 1

- Smokey Robinson
- Freda Payne
- Gladys Knight
- \_\_\_\_\_

#### State Senator

Vote for 1

- Barry Gordy
- Stevie Wonder
- Marvin Gaye
- \_\_\_\_\_

### The voter has chosen the Opera Party.

Analysis:

The voter has voted for an Opera Party ballot candidate for Assembly, (Beverly) and has also written in Freda Payne.

Freda's vote cannot be counted because a) she is a ballot candidate in the Motown Party and b) she is not a registered write-in and there are ballot candidates. Because of the vote for Freda, Beverly's vote cannot be counted either.

Opera ballot candidate for Assembly (Caruso) has been written in for Opera Senate. Enrico's write-in vote is counted because he is a candidate for the Opera Party and there are no ballot candidates for Opera Senate, so Enrico doesn't need to be a registered write in for Senate.

**Result:** The write-in vote for Enrico Caruso is the only vote that counts on this ballot.

**Effect on machine tape:** In the Opera Party, the ovals next to Beverly Sills and write-in Freda Payne have been filled in. The OS equipment sees this as an overvote and no votes are recorded.

The oval next to write-in Enrico Caruso was not filled in and was not picked up by the equipment. A vote should be added to the write-ins for Opera Senator.