



Wisconsin Elections Commission

Counting Votes, Breaking Ties
& Filling Vacancies

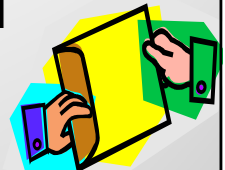
February 7, 2018

Agenda

- ▶ Registered Write-Ins
- ▶ Counting Votes
- ▶ Breaking a Tie
- ▶ Filling a Vacancy

Registered Write-Ins

- ▶ Write-In candidates must file a campaign registration statement with the appropriate filing officer by 12:00 p.m. the Friday before an election to be considered a “registered write-in”
- ▶ The municipal clerk must provide election inspectors with a list of all qualified write-in candidates at the polling place on Election Day
- ▶ The election inspectors must provide the list to any voter who requests it
- ▶ The list may not be posted at the polling place on Election Day and election inspectors may not inform voters of any write-in candidates unless asked



Counting Write-In Votes in “Vote for One” Offices

- ▶ 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 one or more candidates for a given office, and one or more pass away
 - Tally all write-in votes



Counting Write-In Votes in Multiple-Seat Offices

- ▶ If there are at least as many ballot candidates as seats to fill for a given office
 - Only tally votes for registered write-in candidates
- ▶ If there are fewer ballot candidates than seats to fill for a given office
 - Tally all write-in votes
- ▶ If there are one or more candidates for a given office, and one or more pass away
 - Tally all write-in votes

Counting Votes at the Spring Primary & Spring Election

COUNTING VOTES AT THE SPRING PRIMARY, SPRING ELECTION & GENERAL ELECTION

Public Counting

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

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 and the validity of a ballot must be made is when an elector has overvoted an office on the ballot. If a 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 a 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.

Breaking a Tie in a Municipal Contest

- ▶ A tie vote in a municipal contest is broken by the MBOC.
- ▶ The tie is broken by a method that results in a random outcome.
 - Flip a coin, draw names out of hat, etc.
 - Document procedure
- ▶ If all candidates are present, they may draw for themselves.
- ▶ When a municipal referendum ties, the referendum fails. No need to break tie.



Filling a Vacancy

- ▶ Wisconsin Statutes Chapter 17: Resignations, Vacancies and Removals from Office
 - Not under WEC jurisdiction
 - Contact county or municipal attorney

- ▶ Examples
 - Candidate receiving the most votes declines position
 - Candidate is elected to more than one non-partisan position
 - Several candidates receive the same number of votes

COUNTING VOTES

AT THE SPRING PRIMARY, SPRING ELECTION & GENERAL ELECTION

Public Counting

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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 impossible to determine voter intent.

"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.

Rejected Ballot: An absentee ballot which does not contain the signatures 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.

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.

Counting Paper Ballots

Accuracy is essential whether votes are electronically tabulated or counted by hand. Manually counting ballots requires patience, attention to detail and an understanding of the statutes that govern determining voter intent. 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 participate 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.

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 eligible write-in votes are counted when the elector fails to mark a square/arrow/oval next to the write-in line. It is equally important to ensure that write-in votes counted by an electronic tabulator are eligible to be counted. (See the “Write-in Votes” section of this manual.)

The decision-making capability of optical scan voting 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 may 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 identify write-in votes where the appropriate square/arrow/oval has not been marked, 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 marked 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 1, 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 1, 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 is equipped with an “override” feature, and the municipality has approved the use of the override feature, a ballot for which intent cannot be determined may be overridden. The voting equipment will not count votes for overvoted contests, but will count votes for all other properly marked contests.

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

WRITE-IN VOTES

Write-in Stickers

Some of the examples of write-in vote irregularities refer to write-in stickers. Although 2015 Act 37 removed the language in Wis. Stat. § 7.50 related affixing a write-in sticker on a ballot, the Act did not specifically prohibit the use of write-in stickers. If a write-in sticker is affixed to a ballot, the inspectors must treat it in the same as any other write-in vote.

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 marked ballot candidates can be considered.

The Four Principles for Determining Eligibility of Write-in Votes

1. If the number of ballot candidates for a given office is equal to or greater than the number of seats to be filled—

Only votes for registered write-in candidates are eligible for counting.

(A *ballot candidate* whose name is written in under a different office than the office where the candidate's name is printed cannot be counted because he or she is not a registered write-in candidate for that office.)

2. If there are fewer ballot candidates for a given office than the number of seats to be filled—

All write-in votes are eligible for counting.

(A ballot candidate whose name is written in under a different office than the office where the candidate's name is printed *is* counted in this situation.)

3. If there are any ballot candidates for a given office and one or more has passed away—

All write-in votes are eligible for counting.

(A ballot candidate whose name is written in under a different office than the office where the candidate's name is printed *is* counted in this situation.)

4. If there are enough write-in votes to fill the number of seats up for election (*regardless of the eligibility of the write-in votes*)—

Votes for ballot candidates may not be considered.

Note: In nonpartisan elections such as the spring primary and spring election, a ballot candidate's name may be written in under an office other than where the name is printed.

Examples of Write-in Scenarios

Using the following examples, determine how each ballot should be counted by answering the four questions that follow each example. (The answers are provided in the four principles listed above.)

Example 1

Village Trustee
Vote for not more than 2

- Mark Mywerds
- Shirley Ugest
- Rusty Pipe
- _____

Ballot instructions

2 ballot candidates for a 2-seat office.
Rusty is a registered write-in candidate.

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

- Two. The instructions are “Vote for not more than 2.”
- The voter has cast a vote for 3 candidates, which is one 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 are 2 positions to be filled and 2 ballot candidates.
- Only votes for registered write-in candidates are eligible to be counted.

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

- Rusty Pipe is a registered write-in candidate. The vote for Rusty Pipe is counted.
- The voter is entitled to one more vote.

Question 4: *Are there enough write-in votes to fill the seats up for election? (Refer to Principle 4.)*

- No. There are 2 positions to be filled and only one write-in vote. There are not enough write-in votes to fill the 2 positions. Ballot candidates can be considered.
- There are two marked ballot candidates, and the voter is entitled to only one more vote. It is impossible to determine which ballot candidate the voter intended to vote for. Neither marked ballot candidate may be counted.

Final result

- There are 3 votes marked. The write-in vote for Rusty Pipe is the only vote counted for this office. Record Rusty’s vote on the write-in tally sheet.
- The voting equipment has recorded this office as overvoted—no votes were recorded by the voting equipment.
- Adjust the tape to reflect a write-in vote.

<u>Village Trustee</u>		
Mark Mywords	0	
Shirley Ugest	0	
Write-in	0	+1

- The reason for the adjustment is recorded on the Inspectors’ Statement (EL-104).
-

Example 2

Village Trustee
Vote for not more than 2

Ballot instructions

Ida Thotso
 Izzy Serton
 Margi Navera

1 ballot candidates for a 2-seat office.
Izzy is a registered write-in candidate; Margi is not.

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

- Two. The instructions are “Vote for not more than 2.”
- The voter has cast votes for 3 candidates; 1 ballot candidate and 2 write-in candidates.

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

- There are 2 positions to be filled and only 1 ballot candidates.
- All write-in votes are eligible to be counted.

Question 3: *Are the write-in candidates registered?*

- In this case, this question is irrelevant because question 2 determined that all write-in votes are eligible.
- The votes for the two write-in candidates are counted.

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 are 2 positions to be filled and 2 write in votes.
- There are enough write-in votes to fill the 2 positions. Marked ballot candidates may not be considered.
- The voter is not entitled to any more votes.

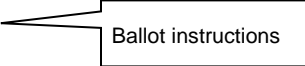
Final result

- The votes for the two write-in candidates are counted for this office. Record the write-in votes on the tally sheet.
- The voting equipment has recorded a vote for the ballot candidate, Ida Thotso.
- On the tape, the inspectors subtract a vote from Ida’s total and add 2 write-in votes.

<u>Village Trustee</u>		
Ida Thotso	9	-1
Writer-in	0	+2

- The reason for the adjustment is recorded on the Inspectors' Statement (EL-104).

Example 3

Village Trustee
Vote for not more than 3 

Helen Wheels
 Wanda Round
 Randy Sailor
 Bill Melator
 Fannie Hill
 Heywood Jabuzzoff

4 ballot candidates for a 3-seat office.
 Bill Melator is deceased.
 Fanny is a registered write-in candidate; Heywood is not.

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

- Three. The instructions are “Vote for not more than 3.”
- The voter marked 2 ballot candidates and wrote-in 2 names.

Question 2: Are all write-in votes eligible for counting or only votes cast for registered write-in candidates? (Refer to Principle 3.)

- There are 3 positions to be filled and 4 ballot candidates, but 1 is deceased.
- All write-in votes are eligible to be counted.

Question 3: Are the write-in candidates registered?

- In this case, this question is irrelevant because question 2 determined that all write-in votes are eligible.
- The votes for the two write-in candidates are counted.

Question 4: Are there enough write-in votes to fill the seats up for election? (Refer to Principle 4.)

- No. There are 3 positions to be filled and 2 write in votes.
- There are not enough write-in votes to fill the 3 positions. Marked ballot candidates may be considered.
- The voter is entitled to one more vote, but has marked 2 ballot candidates. Neither ballot candidate vote may be counted.

Final result

- Only the votes for the two write-in candidates are counted for this office. Record 1 vote each for Fannie and Heywood on the tally sheet.
- The voter is entitled to one more vote, but 2 ballot candidates have been

- marked. No ballot candidates may be counted.
- The voting equipment has recorded 1 vote each for ballot candidates Wanda and Bill and 1 write-in vote.
- The inspectors must subtract 1 vote each from Wanda and Bill and add 1 write-in vote.

<u>Village Trustee</u>		
Wanda Round	1	-1
Randy Sailor	0	
Bill Melator	1	-1
Write-in	1	+1

- The reason for the adjustment is recorded on the Inspectors' Statement (EL-104).

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

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 examples of write-in vote irregularities. These are general examples that apply for all types of 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. A name 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 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.
 6. A sticker containing the name of a registered write-in candidate and the office sought is placed on the face of the ballot, but not in a particular office space.
 - The sticker is counted for the name and office listed on the sticker.

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 write-in sticker is placed on the endorsement (back) side of a paper ballot.
3. A write-in sticker is found in the ballot box and is not attached to any ballot.
4. 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.
5. The instruction on the ballot is "**Vote for one**" and the name of more than one person has been written in for an office and a vote has also been cast for a ballot candidate for the same office.
 - This is an overvote and no votes are counted for that office.

Write-in Votes for Ballot Candidates

A write-in vote for a ballot candidate in the same office where the candidate's name is listed as a ballot candidate:

1. The name of a ballot candidate is **written in under the office where his or her name is printed on the ballot.**
 - The write-in vote is counted and added to the total votes cast for the candidate as a ballot candidate.
2. The voter marks a box/arrow/oval for a ballot candidate and then **writes in that ballot candidate's name for the same office.**
 - Only one vote is counted for the candidate.

Write-in votes for a ballot candidate in an office other than where the candidate's name is listed as a ballot candidate:

Nonpartisan Primaries and Elections

1. The name of a ballot candidate is written in under a different office than the office where his or her name appears as a candidate.
 - The write-in vote may be counted if the office under which the name is written has fewer ballot candidates than positions to fill or one or more ballot candidates has passed away. *(Refer to Principles 2 and 3.)*

Partisan General Election

1. A ballot candidate's name is written in under a different office than the office where his or her name appears as a candidate.
 - The write-in vote may not be counted.

Counting Write-in votes for Governor and/or Lieutenant Governor at a General Election

If an elector writes in the name of a ballot candidate or registered write-in candidate for lieutenant governor but does not write in a name of a candidate for governor, a vote is counted for the candidate for lieutenant governor.

If an elector writes in the name of a ballot candidate or registered write-in candidate for governor but does not write in a name of a candidate for lieutenant governor, a vote is counted for the candidate for governor.

However, a write-in vote for governor shall not be added to the votes of the same candidate if there are different combinations of governor/lieutenant governor. For example:

- a write-in vote for Mary Jones for governor and Samuel Smith for lieutenant governor may not be added to a write-in vote for Mary Jones for governor with a different candidate for lieutenant governor or no candidate for lieutenant governor.
- a write-in vote for Mary Jones for governor and Samuel Smith for lieutenant governor may not be added to a write-in vote for Samuel Smith for lieutenant governor with a different candidate for governor or no candidate for governor.
- a write-in vote for Mary Jones for governor may not be added to a write-in vote for Mary Jones for governor with a different candidate for lieutenant governor.
- a write-in vote for Samuel Smith for lieutenant governor may not be added to a write-in vote for Samuel Smith for lieutenant governor with a different candidate for governor.

In these situations, the write-in votes are listed separately on the tally sheet for each

combination of candidates.

Write-in Candidates Governor/Lt. Governor	Counted as a vote for		
	Team	Governor	Lt. Governor
Mary Jones / Samuel Smith	Mary Jones / Samuel Smith		
Mary Jones / Jack Frost	Mary Jones / Jack Frost		
Mary Jones / No Candidate		Mary Jones	
Robin Bird / Samuel Smith	Robin Bird / Samuel Smith		
Jay Blue / Samuel Smith	Jay Blue / Samuel Smith		
No Candidate / Samuel Smith			Samuel Smith

Counting Write-in Votes for President and Vice President of the United States:

Each prospective write-in candidate for the offices of President and Vice-President is required to file a Declaration of Candidacy and a list of “electors.” “Electors” are individuals who will support the candidate in the Electoral College should they receive the highest number of votes in Wisconsin. When the deadline for filing these documents has passed, the WEC provides a list of “registered” Presidential and Vice-Presidential write-in candidates to the municipal clerks.

Wis. Stat. § 7.50, provides direction on how votes should be counted for President and Vice-President in certain circumstances:

- A registered write-in vote for only President is counted.
- A registered write-in vote for only Vice-President is not counted.
- A write-in vote for President and Vice-President that combines the name of a registered write-in candidate with the name of a candidate on the ballot is not counted.

Following is a quick-reference guide for Tallying Write-In Votes for President/Vice-President on Election Night:

Write-in Vote for:		
Presidential Candidate	Vice Presidential Candidate	Vote Counted?
Registered write-in	Registered write-in	Yes
Nonregistered write-in	Nonregistered write-in	No
Registered write-in	Nonregistered write-in	Yes
Nonregistered write-in	Registered write-in	No
Registered write-in	None	Yes
None	Registered write-in	No
Nonregistered write-in	None	No
None	Nonregistered write-in	No
Registered write--in	Ballot Candidate	No

Ballot Candidate	Registered write-in	No
Nonregistered write-in	Ballot Candidate	No
Ballot Candidate	Nonregistered write-in	No
Pres. Ballot Candidate	Running mate of Pres. Candidate on Ballot	Yes
Pres. Ballot Candidate	Running mate of another Pres. Candidate on ballot.	No

Counting votes for nonregistered Presidential/Vice-Presidential Write-in Candidates

Generally, only votes for registered presidential/vice-presidential write-in candidates are required to be counted. However, there is a circumstance that would require inspectors to count votes for nonregistered write-in candidates for president/vice president:

Wis. Stat. § 8.185(1), provides that write-in votes for President/Vice-President are to be counted in two instances:

- 1) The candidate has filed with the Commission a list of presidential electors and a Declaration of Candidacy (a “registered write-in candidate”) as discussed earlier; and
- 2) A nonregistered candidate who is written in for President receives 10% of the total votes cast in the ward, or the municipality if not divided into wards.

Until the 2016 Presidential Election, presidential write-in candidates, registered or not, had never gotten close to approaching the 10% threshold, so this provision was not an issue. However, the widespread movement in 2016 to write in candidates that have not been properly registered brought this rarely-used provision to the forefront. To comply with Wis. Stat. § 8.185(1), inspectors must document any nonregistered write-in candidate for President/Vice-President who appears to be receiving a large number of votes.

Before beginning to count write-in votes for President/Vice-President, the inspectors may easily determine the number of votes a nonregistered write-in candidate would need to meet the 10% threshold by taking the total number of votes cast in the ward and moving the decimal point left one digit. It will likely be obvious from your voting equipment tape whether the total number of scattering votes for President/Vice-President is even close to the 10% threshold and whether election inspectors will need to document any votes for nonregistered write-in candidates. If the number of total scattering votes is not close to the 10% threshold, the focus is only required to be given to the registered write-in candidates, as meeting the threshold would be mathematically impossible.

Examples:

Total votes cast for president in the ward = 5, 280. 10% of 5,280 = 528
Total votes cast for the office in the ward = 410. 10% of 410 = 41

Total votes cast for the office in the ward = 42. 10% of 42 = 5

If a write-in candidate is at or close to 10% of the votes cast in the ward for the office of President/Vice-President, the votes for the candidate must be individually tallied. However, once it becomes evident that it is mathematically impossible for a non-registered write-in candidate to reach the 10% threshold, votes for that candidate no longer need to be tallied.

Nonpartisan Election Examples

1. The instruction to the voter is "**Vote for one.**" The voter marks the office for a ballot candidate, and then writes in the name of a nonregistered write-in candidate for the same office.
 - The write-in vote is not counted.
(Principle 1: If the number of ballot candidates for a given office is equal to or greater than the number of seats to be filled, only votes for registered write-in candidates are eligible for counting.)
 - The vote for the ballot candidate is not counted either.
(Principle 4: If there are enough write-in votes to fill the number of seats up for election (*regardless of the eligibility of the write-in votes*), votes for ballot candidates may not be considered.)

2. The instruction to the voter is "**Vote for not more than two.**" The voter marks the office for two ballot candidates, and then writes in the name of a nonregistered write-in candidate for the same office.
 - The write-in vote is not counted.
(Principle 1: If the number of ballot candidates for a given office is equal to or greater than the number of seats to be filled, only votes for registered write-in candidates are eligible for counting.)
 - The votes for the two ballot candidates are counted.
(Principle 4: If there are not enough write-in votes to fill the number of seats up for election, *regardless of the eligibility of the write-in votes*, votes for ballot candidates may be considered.)

3. The instruction to the voter is "**Vote for not more than two.**" One of the ballot candidates has passed away. The voter marks the office for two ballot candidates, and then writes in the name of a nonregistered write-in candidate.
 - The write-in vote is counted.
(Principle 3: If there are any ballot candidates for a given office and one or more has passed away, all write-in votes are eligible for counting.)
 - The two ballot candidate votes may be considered...
(Principle 4: If there are not enough write-in votes to fill the number of seats up for election, *regardless of the eligibility of the write-in votes*, votes for ballot candidates can be considered.)

- The two ballot candidate votes are not counted because the voter is only entitled to one more vote.
4. A candidate's name is printed on the ballot for an office and the voter writes in that candidate's name for a different office that has no ballot candidates.
 - The write-in vote is counted for the office where the candidate's name is written.
(Principle 2: If there are fewer ballot candidates for a given office than the number of seats to be filled, all write-in votes are eligible for counting.)
 5. A candidate's name is printed on the ballot for an office and the voter writes in that candidate's name for a different office where the instructions are "Vote for not more than 3" and there are 3 ballot candidates.
 - The write-in vote is not counted.
(Principle 1: If the number of ballot candidates for a given office is equal to or greater than the number of seats to be filled, only votes for registered write-in candidates are eligible to be counted.)

Partisan General Election Examples

1. A candidate's name is printed on the ballot for an office, and the voter writes in that candidate's name for a different office.
 - The write-in vote is not counted.
(A write-in vote for a ballot candidate under an office other than the office where his or her name is printed on the ballot may never be counted.)
2. The name of a registered write-in candidate is written in under an office other than the office for which he or she is registered.
 - The vote is not counted. At a partisan election, a registered write-in cannot be counted if written in under an office for which he is not registered.

This information was prepared by the staff of the Wisconsin Elections Commission and represents the staff's view 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 should be directed to the Help Desk at 608-261-2028 or elections@wi.gov.