



Wisconsin Elections Commission

Preparing for a Statewide Primary

January 29, 2020

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Agenda

- Counting Write-In Votes**
 - Voter Intent
 - Registered Write-Ins
 - Training Examples
- Reminders!**
- Questions?**

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Voter Intent



- ▶ Wis. Stat. § 7.50(2)(em): When write-in votes may be counted for registered vs. non-registered candidates
- ▶ Wis. Stat. § 7.52(2)(d): When write-in votes may be counted vs. ballot candidate votes
- ▶ The Four Principles for Determining Eligibility of Write-In Votes.

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Registered Write-Ins



- ▶ A candidate who wishes to run as a write-in is required to file a Campaign Registration Statement (CF-1) by 12:00 p.m. the Friday before the election.
- ▶ If the candidate has already filed an CF-1 with the filing officer and decides to run as a write-in, WEC recommends the candidate submit a written statement to that effect to the filing officer.
- ▶ The municipal clerk should give the election inspectors a list of registered write-ins. A voter who asks if there are any registered write-ins should be allowed to look at the list. The list should not be posted or otherwise offered to voters.

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Counting Votes: Voter 1



Registered Write-in Candidates
Fanny Hill
Izzy Serton

1
Village Trustee
Vote for not more than 1

Ida Thotso
 Izzy Serton

Ballot instructions

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Counting Votes: Voter 2



Registered Write-in Candidates
Fanny Hill
Izzy Serton

2
Village Trustee
Vote for not more than 1

Robert Plant

Ballot instructions

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Counting Votes: Voter 3



Registered Write-in Candidates
Izzy Serton
Nell Carter

3

Village Trustee
Vote for not more than 1

Ida Thotso

Izzy Serton

Nell Carter

Ballot instructions

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Counting Votes: Voter 4



Registered Write-in Candidates
Fanny Hill
Izzy Serton

4

Village Trustee
Vote for not more than 2

Wanda Round

Bill Melator

Martin Sheen

Ballot instructions

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Counting Votes: Voter 5



Registered Write-in Candidates
Fanny Hill
Izzy Serton

5

Village Trustee

Vote for not more than 2

- Wanda Round
- Bill Melator
- Fanny Hill
- _____

Ballot instructions

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Counting Votes: Voter 6



Registered Write-in Candidates
Fanny Hill
Izzy Serton

Deceased
Bill Melator

6

Village Trustee

Vote for not more than 2

- Wanda Round
- Bill Melator
- Martin Sheen
- _____

Ballot instructions

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Counting Votes: Voter 7



Registered Write-in Candidates
Fanny Hill
Izzy Serton

7
Village Trustee
Vote for not more than 2

- Wanda Round
- Martin Sheen
- Izzy Serton

Ballot instructions

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Counting Votes: Voter 8



Registered Write-in Candidates
Fanny Hill
Izzy Serton

8
Village Trustee
Vote for not more than 3

- Wanda Round
- Rusty Sailor
- Rob R. Barron
- Mary Smith
- _____
- _____

Ballot instructions

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Reminders!



- Review “Counting Votes” Manual:
<http://elections.wi.gov/manuals/counting-votes>
- 2019 Act 48: Creates an exemption for voters who cannot state their name and address and allows an election worker or assistor do so on their behalf.
- Be prepared for bad weather in February. Snow and ice removal in the pathways to the polling area should be part of your election contingency plan
- Be sure to have copies of the IDPP handout at the polls
- The Photo ID does not have to include a current address
- Send in your clerk training! The list was updated on 1/28

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Questions?



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Thank You!

Questions?

Email: elections@wi.gov

Elections Helpdesk: 608-261-2028

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 in this situation.)

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.

Other items to bear in mind

A false notion among clerks and poll workers is that if a ballot candidate is deceased but the candidate's name remains on the ballot, votes for that candidate are ignored. They are counted. If the deceased candidate wins, it creates a vacancy for that office.

In addition, if a winning candidate declines the seat, the candidate with the next highest number of votes does not win. It creates a vacancy for that office.

The Alarming Insidious Fallacy that Optical Scan Equipment is Infallible.

This is the extent of the analytical skills and mathematical aptitude of optical scan equipment.

Optical Scan can:

- look for completed arrows and ovals and count them.
- determine cross-over votes in a partisan primary
- determine if the number of marked ovals or arrows is more than the voter can vote for.
 - If it sees more marked ovals or arrows than allowed, it counts nothing—which is not always correct.

Optical scan cannot:

- think or reason
- kick out overvotes caused by write-in votes so election inspectors don't have to count them
- figure out write-ins for so election inspectors don't have to
- see and "read" handwriting
- know the difference between registered write-in candidates and those that are not registered

Counting Votes: Voter 1

Registered Write-in Candidates

Fanny Hill
Izzy Serton

1
Village Trustee Vote for not more than 1
<input checked="" type="radio"/> Ida Thotso
<input type="radio"/> <u>Izzy Serton</u>

Ballot instructions

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

- One. The instructions are “Vote for not more than 1.”
- The voter has cast a vote for 2 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 is 1 position to be filled and 1 ballot candidate.
- Only votes for registered write-in candidates are eligible to be counted.

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

- Izzy Serton is a registered write-in candidate. The vote for Izzy Serton is counted.

Question 4: *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. There are enough write-in votes to fill the 1 position. Ballot candidates may not be considered.

Final result

- There are 2 votes marked. The write-in vote for Izzy Serton is counted for this office, the vote for Ida Thotos is not counted.
- The voting equipment has recorded a vote for Ida (because Ida’s oval is filled in) and has not recorded a vote for Izzy.
- Adjust the tape to subtract a vote from Ida and add a vote for Izzy.

<u>Village Trustee</u>		
Ida Thotso	0	-1
Write-in	0	+1

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

Counting Votes: Voter 2

Registered Write-in Candidates

Fanny Hill
Izzy Serton

2
Village Trustee Vote for not more than 1


Ballot instructions

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

- One. The instructions are “Vote for not more than 1.”
- The voter has cast a vote for 1 candidate, which is what the voter is entitled to.

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 no ballot candidates.
- All write-in votes are eligible for counting.

Question 3: Is the write-in candidate registered?

- Robert Plant is not a registered write-in candidate, but all write-ins are eligible for counting. The vote for Robert Plant is counted.

Question 4: *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. There are enough write-in votes to fill the 1 position. Regardless, there are no ballot candidates to consider.

Final result

- There is 1 vote marked. The vote for Robert Plant is counted.

Counting Votes: Voter 3

Registered Write-in Candidates

Izzy Serton

Nell Carter

3
Village Trustee Vote for not more than 1
<input type="radio"/> Ida Thotso
<input type="radio"/> <u>Izzy Serton</u>
<u>Nell Carter</u>

Ballot instructions

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

- One. The instructions are “Vote for not more than 1.”
- The voter has cast a vote for 2 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 is 1 position to be filled and 1 ballot candidate.
- Only votes for registered write-in candidates are eligible to be counted.

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

- Izzy Serton and Nell Carter are registered write-in candidates. The voter has written in two candidates and is only entitled to one vote. Voter intent cannot be determined between the two write-in votes. The votes for Izzy and Nell are not counted.

Question 4: *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 2 write-in votes. There are enough write-in votes to fill the 1 position. Ballot candidates may not be considered.

Final result

- There are 2 votes marked. Votes for neither candidate may be counted.

Counting Votes: Voter 4

Registered Write-in Candidates

Fanny Hill
Izzy Serton

4
Village Trustee Vote for not more than 2
<input checked="" type="radio"/> Wanda Round
<input checked="" type="radio"/> Bill Melator
<input checked="" type="radio"/> <u>Martin Sheen</u>
<input type="radio"/> _____

Ballot instructions

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, 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?*

- Martin Sheen is not a registered write-in. Only registered write-ins can be counted for this contest, so the vote for Martin Sheen is not counted.

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 1 write-in vote. There are not enough write-in votes to fill the 2 positions. Ballot candidates may be considered.

Final result

- There are 3 votes marked. The votes for ballot candidates Wanda Round and Bill Melator are counted for this office.
- The voting equipment has recorded this office as overvoted (3 ovals filled in for a Vote for 2 contest)—no votes were recorded by the voting equipment.
- Adjust the tape to reflect two votes for the ballot candidates.

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

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

Counting Votes: Voter 5

Registered Write-in Candidates

Fanny Hill
Izzy Serton

5
Village Trustee Vote for not more than 2
● Wanda Round
● Bill Melator
● <i>Fanny Hill</i>
○

Ballot instructions

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?*

- Fanny Hill is a registered write-in candidate. The vote for Fanny Hill is counted.
- The voter is entitled to two votes; one vote is cast for Fanny Hill.

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 may be considered.
- There are two marked ballot candidates, and the voter is only entitled to one more vote. The votes for Wanda Round and Bill Melator would give the voter too many votes so neither vote is counted.

Final result

- There are 3 votes marked on the example ballot. Only the vote for Fanny Hill is counted.
- The voting equipment has recorded this office as overvoted—no votes were recorded by the voting equipment.
- Adjust the tape to reflect the write-in vote for Fanny Hill.

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

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

Counting Votes: Voter 6

Registered Write-in Candidates
Fanny Hill
Izzy Serton

Deceased
Bill Melator

6
Village Trustee Vote for not more than 2
<input type="radio"/> Wanda Round
<input checked="" type="radio"/> Bill Melator
<input checked="" type="radio"/> <u>Martin Sheen</u>
<input type="radio"/> _____

Ballot instructions

Questions 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 2 candidates.

Question 2: Are all write-in votes eligible for counting or only votes cast for registered write-in candidates? Ballot candidate Bill Melator has passed away (Refer to Principle 3)

- All write-in votes are eligible to be counted.

Question 3: Is the write-in candidate registered?

- Martin Sheen is not a registered write-in candidate, but ballot candidate Bill Melator has passed away, so all write-in candidates are eligible to be counted. (Refer to Principle 3) The vote for Martin Sheen is counted.
- The voter is entitled to two votes, one vote is cast for Martin Sheen.

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 is one marked ballot candidate, and the voter is entitled to another vote. The vote for Bill Melator is counted.

Final result

- The votes for Bill Melator and Martin Sheen are counted.

Counting Votes: Voter 7

Registered Write-in Candidates

Fanny Hill

Izzy Serton

7
Village Trustee
Vote for not more than 2
<input checked="" type="radio"/> Wanda Round
<input checked="" type="radio"/> <i>Martin Sheen</i>
<input type="radio"/> <i>Izzy Serton</i>

Ballot instructions

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 2)

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

Question 3: Is the write-in candidate registered?

- Martin Sheen is not a registered write-in candidate. Izzy Serton is a registered write-in candidate. However, all write-ins are counted. The votes for Martin Sheen and Izzy Serton are both counted.
- The voter is entitled to two votes.

Question 4: 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 two write-in votes. There are enough write-in votes to fill the 2 positions. Ballot candidates cannot be considered.

- There is one marked ballot candidate, but the voter is not entitled to any more votes. The vote for Wanda Round is not counted.

Final result

- There are 3 votes marked. Only the votes for Martin Sheen and Izzy Serton are counted.
- The voting equipment has recorded a vote for Wanda that needs to be adjusted on the machine tape. The voting equipment did not record a vote for Izzy Serton, which also needs to be adjusted on the machine tape.

<u>Village Trustee</u>		
Wanda Round	0	-1
Write-in	0	
Write-in	0	+1

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

Counting Votes: Voter 8

Registered Write-in Candidates

Fanny Hill
Izzy Serton

8
Village Trustee Vote for not more than 3
<input checked="" type="radio"/> Wanda Round <input type="radio"/> Rusty Sailor <input checked="" type="radio"/> Rob R. Barron <input checked="" type="radio"/> <i>Mary Smith</i> <hr/> <input type="radio"/> <hr/> <input type="radio"/>

Ballot instructions

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 has cast a vote for 3 candidates.

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 3 positions 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?*

- Mary Smith is not a registered write-in candidate. The vote for Mary is not 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 one write-in vote. There are not enough write-in votes to fill the 3 positions. Ballot candidates may be considered.

Final result

- There are 3 votes marked. The votes for Wanda Round and Rob R. Barron are counted for this office.
- The voting equipment has recorded a vote for the write-in. Adjust the tape to subtract one write-in vote.

<u>Village Trustee</u>		
Wanda Round	0	
Rob R. Barron	0	
Write-in	0	-1

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

Counting Write-ins Worksheet – Nonpartisan Elections

1. Count write-in votes first.

Write-in votes take precedence over votes for ballot candidates.

Ignore ballot candidate votes for now.
Concentrate on the write-in votes.

Vote for not more than 3

Moe Howard

Larry Fine

Shemp Howard

Bud Abbott

Lou Costello

Remember: Not filling in the oval next to a write-in vote does not invalidate the vote.

Count write-in votes using the 3 principles:

Count votes for only registered write-in candidates when:

- Number of ballot candidates is equal to or greater than the “vote-for” number and no ballot candidate is deceased.
 - Do not count votes for a registered write-in candidate written in for an office other than the office for which they are registered unless all write-in votes for that office may be counted.

Count all write-in votes when:

- Number of ballot candidates is equal to or greater than the “vote-for” number and at least one ballot candidate is deceased **OR**
- Number of ballot candidates is less than the “vote for” number.

Record counted write-in votes on the tally sheet.

2. Should ballot candidate votes count?

Vote for not more than 3

- Moe Howard
- Larry Fine
- Shemp Howard
- Bud Abbott
- Lou Costello
- _____

Count Moe’s vote.

Vote for not more than 3

- Moe Howard
- Shemp Howard
- Larry Fine
- Bud Abbott
- Bob Hope
- Lou Costello

Do not count Moe’s vote.

Ballot candidates votes count if:

- the number of *names the voter wrote in* is **less than** the “vote for” number, **AND**
- the number of *counted write-in votes* is **less than** the “vote-for” number, **AND**
- the number of *counted write in votes plus the number of ballot candidate votes* is **equal to or less than** the “vote-for” number.”

3. Has the voting equipment counted ballot candidate votes correctly?

Vote for not more than 3

- Larry Fine
- Curley Howard
- Shemp Howard
- Bob Hope
- Stan Freberg
- Shecky Greene

The 3 write-in votes (Bob, Stan and Shecky) count. The equipment counted a vote for Shemp, but should not have.

Compare the filled in ovals on the ballot with the ballot candidate votes you have decided can be counted.

The voting equipment may record votes for ballot candidates that should not be counted when:

- The number of filled-in ovals is equal to or less than the “vote for” number, **AND**
- The voter has written in eligible write-in names, but not every name has a filled-in oval next to it.

Vote for not more than 3

- Moe Howard
- Larry Fine
- Shemp Howard
- Bud Abbott
- Lou Costello
- _____

The 2 write votes count and so does Moe’s vote. The voting equipment saw this contest as over-voted and counted no votes. Moe is owed a vote.

The voting equipment may fail to record votes for ballot candidates when:

- The number of filled in ovals is more than the “vote for” number, **AND**
- One or more write-in ovals are filled in, but no name is written in. (A filled-in oval with no name written in does not count.)

4. Correct machine Errors.

Correct machine counting errors by adding (+1) a vote to or subtracting (-1) a vote from the ballot candidate’s vote total on the machine tape. Record the adjustment on the Inspectors’ Statement.