



Counting Votes

A guide to counting votes for ballot candidates, write-in votes, and assistance in determining how to count irregular votes.



Part One:

Counting Votes at the Spring Primary, Spring Election and General Election (Rev.10/2002)

Part Two:

Counting Votes at the September Partisan Primary (Rev.8/2002)

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. The counting is done 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 counting votes at any election, **voter intent is the controlling factor** in determining if and how a vote should be counted. When there is a question of how a vote should be counted because it is not clearly marked as the instructions on the ballot indicate, the decision is made by a majority of the election inspectors. Even though tabulators may be used to assist in the 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 for a particular office on the ballot. This ballot should be treated as an overvote for that office only. A recording is made on the Inspectors' Statement (EB-104) that a vote was not counted for that office because of an overvote. All other offices on that ballot must be counted as the voter intended.

Counting Paper Ballots

Accuracy is very essential when counting votes. Election inspectors should familiarize themselves with the proper procedures for counting votes on paper ballots as set out on pages 19-21 of the "Election Day Manual for Wisconsin Election Officials." To alleviate fatigue and assure accuracy, all election inspectors and tabulators should count votes. For each different type of ballot or for each office to be counted, the duties should be rotated among all inspectors and tabulators.

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

Counting Write-In Votes

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

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

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

The examples of when and when not to count write-in votes set out below include, but are not limited to, general situations for all elections. In addition to these situations, there are special considerations when counting votes at the general election.

GENERAL SITUATIONS

Count Write-in Votes When:

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

Do Not Count Write-in Votes When:

1. A name is misspelled or abbreviated and the intent of the voter can not be reasonably determined.
2. A write-in sticker is placed on the endorsement (back) side of the ballot.
3. A write-in sticker is found in the ballot box and is not attached to any ballot.
4. The instructions on the ballot are "Vote for one" and the name of more than one person has been written in for a single office. This is an overvote and no votes are counted for that office.
5. The instructions on the ballot are "Vote for One" and the name of more than one person has been written in and a vote has also been cast for a candidate whose name is printed on the ballot for the same office. This is an overvote and no votes are counted for that office.
6. Where lever type voting machines are used, and a voter can cast a vote for more than one candidate (such as school board office), do not count a write-in name for any candidate whose name also appears on the ballot.
7. In the general election, when 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.

GENERAL ELECTION

When counting votes at a General Election it is important to remember that all votes are counted for the person for the office in which the elector has cast the vote. If a name is written in by the elector the party affiliation does not matter when it comes to determining the number of votes cast for that person. All votes cast for an individual, for the same office, are added together even though they may have been written in under different party columns on the ballot.

Straight Party Voting

At a General Election electors have the option of casting a straight party vote for all the candidates of a designated political party, or casting individual votes for candidates of their choice. A straight party vote cannot be cast for candidates listed in the Independent column. An elector must cast votes individually for Independent candidates. Straight party votes are cast in one of the following ways:

1. Where paper ballots are used, by making an **(X)** in the circle at the top of the selected party column. There is no circle in the Independent column, because a straight party vote is not allowed here.
2. Where lever voting machines are used, by pulling the lever or pushing the button at the right of the selected party designation.
- 3.. Where marksense or optical scan voting systems are used, by connecting the arrow or filling in the oval next to the selected party designation.

When a straight party vote has been cast, an elector may still vote individually for candidates of his or her choice under another party column. When an elector casts an individual vote for a candidate of a party different than the straight party vote, the individual vote must be counted for that office. A vote is also counted for all other offices under the straight party column selected by the voter.

When a straight party vote has been cast and the elector also marks individual votes for certain candidates within that same party, the straight party vote should be determined as the voter's intent and a vote must be counted for all candidates under that party column.

When voting for Governor and/or Lieutenant Governor:

If an elector writes in the name of a 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.

If an elector writes in the name of a 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.

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.

When voting for President and Vice President of the United States:

An elector casting a write-in vote for President and Vice President must designate the presidential candidate of his or her choice. A vote for a candidate for President only will be counted. If the elector casts a write-in vote for only a candidate for Vice President, the vote will not be counted.

This information was prepared by the staff of the State Elections Board, and represents the staff's view of the application of the law set out in s.7.50(2), Stats., to the general situations described. Election inspectors and candidates should review the law or consult an attorney about any specific application of the law. Any questions should be directed to an elections specialist, 608-266-8005.

COUNTING VOTES AT THE SEPTEMBER PARTISAN PRIMARY

Public Counting

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

Voter Intent

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

Counting Paper Ballots

Accuracy is very essential when counting votes. Election inspectors should familiarize themselves with the proper procedures for counting votes on paper ballots. See pages 19-21 of the "Election Day Manual for Wisconsin Election Officials." To alleviate fatigue and assure accuracy, all election inspectors and tabulators should count votes. The duties should be rotated among all inspectors and tabulators for each different type of ballot or for each office to be counted.

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

Counting Write-In Votes

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

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

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

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

GENERAL SITUATIONS

Count Write-in Votes When:

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

Do Not Count Write-in Votes When:

1. A name is misspelled or abbreviated and the intent of the voter can not be reasonably determined.
2. A write-in sticker is placed on the endorsement (back) side of the ballot.
3. A write-in sticker is found in the ballot box and is not attached to any ballot.
4. The instructions on the ballot are "Vote for one" and the name of more than one person has been written in for a single office. This is an overvote and no votes are counted for that office.
5. The instructions on the ballot are "Vote for One" and the name of more than one person has been written in and a vote has also been cast for a candidate whose name is printed on the ballot for the same office. This is an overvote and no votes are counted for that office.

OPTICAL SCAN OR MARKSENSE VOTING SYSTEMS

At a September partisan primary, an elector may vote for candidates of only one political party or for candidates on the independent ballot. For this reason, electors casting votes on an optical scan or marksense electronic voting system may select a party preference. Selecting the party of choice 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. Write-in votes are not permitted on the independent ballot.

Count Write-in Votes at a Partisan Primary When:

1. The voter writes in the name of a registered write-in candidate, but does not include the party and/or the office.
2. A sticker contains the name, political party and office the person is seeking and is placed anywhere on the face of a marksense ballot other than in a particular office space. This vote is counted for the person, party and office listed on the sticker.
3. The voter has written in the name of a person for an office, and has also voted for a person whose name is printed on the ballot for the same office. This is not treated as an overvoted ballot. In this case, the name written in must be counted and the vote for the person whose name is printed on the ballot is not counted.
4. The voter has selected a party preference, and writes in the name of a person but does not include the political party. The vote is counted for that person in the party selected.
5. A candidate's name is printed on the ballot for one office and the voter writes in that candidate's name for another office for the same party.
6. The voter has selected a party preference, has voted for candidates in more than one political party and writes in the name of a person in the write-in section. The votes cast for the candidates in the political party selected will be counted. The write-in vote is counted as a vote in the political party selected.
7. The voter has not selected a party preference, but has voted for candidates in one political party and then writes in the name of a person in the write-in section of the ballot. The write-in vote is counted as a vote in the party of the candidates voted for in the party section.

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

1. The voter has selected a party preference choice, and then writes in the name of a person for an office of a different political party. This creates a crossover vote for that office only.
2. The voter has not selected a party preference, but has cast votes in one political party, and then writes in the name of a person and a different party creating a crossover vote. In this case, the entire ballot is not counted.
3. A candidate's name is printed on the ballot for an office and is written in for an office on the ballot of a different political party.
4. If the voter has not selected a party preference and writes in names of persons in the write-in section of the ballot, no votes will count. Without party designation, write-in votes cannot be attributed to a party.

This information was prepared by the staff of the State Elections Board, and represents the staff's view of the application of the law set out in s.7.50(2), Stats., to the general situations described. Election inspectors and candidates should review the law or consult an attorney about any specific application of the law. Any questions should be directed to an elections specialist, 608-266-8005.