

PAPER

TALLYING CLERKS QUICK REFERENCE

2016 Primary Election

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TALLYING CLERKS' CHECKLIST

BEFORE THE POLLS OPEN

1. List of Supplies
 - a. Tally Clerk Quick Reference
 - b. Tally Books - 2 of Each Required
 - 1) Judicial Tally Books (EP-3) - PRIMARY ONLY
 - 2) Republican Tally Books (EP-4) - PRIMARY ONLY
 - 3) Democratic Tally Books (EP-5) - PRIMARY ONLY
 - 4) Constitution Tally Books (EP-6) - PRIMARY ONLY
 - 5) Combined Tally Books - Candidates (EG-3) - GENERAL ONLY
 - 6) Combined Tally Books - Measures (EG-3M) - GENERAL ONLY
 - 7) Combined Tally Books - Candidates and Measures (E-56) - ALL OTHER ELECTIONS
 - c. Pens or Pencils
 - d. Needle and String, if applicable
 - e. Binder Clips, if applicable
 - f. Rubber Bands, if applicable
2. Assist in preparing the polling place.
3. Subscribe to the Oaths of Office for Members of the Election Board found on the front cover of the Election Record and Poll Book in the upper left-hand corner.
4. In precincts using duplicate ballot boxes, the tallying may begin after five (5) ballots have been cast.
 - a. At that time, the Chief Judge and/or tallying Clerks will give the empty duplicate ballot box to the Receiving Clerk. Then, they will take the first ballot box and retire to the counting area to count the ballots.
 - b. The Receiving Clerk will show that the duplicate ballot box is empty to the next voter and any bystanders. Then, close and lock the ballot box.
 - c. Upon completion of the counting, the Chief Judge and/or Tallying Clerks will return the first ballot box, which is empty, to the Receiving Clerk. They will then take the second ballot box and return to the counting area to count all of the ballots cast in the second ballot box during this period.

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- d. The Receiving Clerk will show that the duplicate ballot box is empty to the next voter and any bystanders. Then, close and lock the ballot box.
 - e. This counting process will continue until the polls are closed at which time Tally Clerks will open the final ballot box and complete the counting of the ballots. (34-1201, I.C.)

NOTE: If watchers are present during the counting of votes, they are not allowed to leave the counting room once counting has begun. Cell phones, iPads, laptops, notepads, etc. are not allowed in the counting room.

5. Keep a record showing the number of ballots removed from each Ballot Box when using duplicate ballot boxes. At the close of the polls, give the number of ballots removed from the Ballot Boxes throughout the day to the Receiving Clerk.

IMPORTANT: "Poll workers must be non-partisan while working the polls. Do not discuss politics or issues among yourselves or with voters!"

GUIDELINES FOR COUNTING PAPER BALLOTS

Section 34-1203, Idaho Code, sets the statutory standards for counting ballots i.e., “When a ballot is sufficiently plain to determine therefrom a part of the voter’s intention, it shall be the duty of the clerks to count such ballots.” Although it is impossible to include all possible scenarios, these instructions are intended to assist the poll and election workers in determining in a fair and consistent manner what should be counted as a vote for each voting system used in the state. In all cases, inspection boards must determine whether ballots should be counted, rejected or duplicated.

Overvotes:

If a voter places a mark or writes-in the names of more than one candidate for an office than are to be elected or nominated, no vote shall be counted for any candidate for that office. The ballot is defective with respect only to that office, and the rest of the ballot should be counted.

Undervotes:

If a voter does not mark a candidate or issue, the votes for the other candidates or issues on the same ballot that are validly marked shall be counted. Failure to vote for a particular candidate or issue will be deemed a conscious decision to not vote for either that office or issue.

DETERMINING VOTER'S INTENT

In determining the intent of the voter, the following principles apply:

1. **From face of ballot only.** Intent shall be ascertained only from the face of the ballot.
2. **Votes for too many candidates.** If a voter places a mark or writes in the names of more candidates for an office than are to be elected or nominated, the ballot is defective with respect only to that office. No vote shall be counted for any candidate for that office.
3. **Name written-in.** If a voter has written-in the name of a declared write-in candidate or a candidate filing a declaration of candidacy, a vote shall be counted for that individual whether or not the voter makes a mark (X) in the square opposite the blank. Please note, a partisan tally of write-ins must be kept in the primary for an individual whereas the write-ins for an individual in the general election are cumulative. Remember only the write-ins for an individual who has filed a Declaration of Intent are to be checked for validity. The County Clerk will provide a list of such individuals. In the event a write-in is cast for a candidate whose name appears on the ballot, the vote shall be counted provided it does not create an overvote. Write-ins in the wrong office shall not be counted.
4. **Mark out of place.** If a mark (X) is made out of its proper place, but so near a name or space as to indicate the voter’s intent, the vote shall be counted.
5. **Different marks.** Any mark evidencing the intent of the voter shall be counted.

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6. **Attempted erasures or cross outs.** If the names of two candidates have been marked and an attempt has been made to erase or obliterate one of the marks, a vote shall be counted for the remaining marked candidate. If an attempt has been made to obliterate a write-in name, a vote shall be counted for the remaining name or marked candidate.
 7. **Misspellings and abbreviations.** Misspellings or abbreviations of the names of write-in candidates shall be disregarded if the individual for whom the vote was intended can be ascertained from the ballot.

DETERMINING VOTER'S INTENT FOR PAPER BALLOT WRITE-INS.

Pursuant to Section 34-702A and 34-1407, Idaho Code, no write-in vote for any office shall be counted unless a declaration of intent or declaration of candidacy has been filed indicating that the person desires the office. Pursuant to Section 34-1203, Idaho Code, when a ballot is sufficiently plain to determine therefrom a part of the voter's intention, it shall be the duty of the judges to count the vote. **The minimum threshold for determination of a write-in vote is the surname within the appropriate space.**

DETERMINING VOTER'S INTENT FOR WRITE-IN'S

The following guidelines are to assist in determining voter's intent for a declared write-in candidate or candidate filing a declaration of candidacy.

I. Voter has written-in the complete name of the write-in candidate or candidate filing a declaration of candidacy under the office the candidate has filed a declaration of intent or declaration of candidacy for and marked the box to the right.

THIS VOTE SHOULD BE COUNTED AS A VALID WRITE-IN VOTE.

II. Voter has written-in an abbreviation or common nickname of the candidate's first name and the surname of the write-in candidate or candidate filing a declaration of candidacy under the office the candidate has filed a declaration of intent or declaration of candidacy for and marked the box to the right.

THIS VOTE SHOULD BE COUNTED AS A VALID WRITE-IN VOTE.

III. Voter has written-in the complete name of the write-in candidate or candidate filing a declaration of candidacy under the office the candidate has filed a declaration of intent or declaration of candidacy for and did not make a mark in the box to the right.

THIS VOTE SHOULD BE COUNTED AS A VALID WRITE-IN VOTE.

IV. Voter has placed a pre-printed sticker with the candidate's name under the office the candidate has filed a declaration of intent or declaration of candidacy for and did/or did not make a mark in the box to the right.

THIS VOTE **SHOULD BE** COUNTED AS A VALID WRITE-IN VOTE.

V. Voter has written-in the complete name of the write-in candidate or candidate filing a declaration of candidacy under a different office the candidate has filed a declaration of intent or declaration of candidacy for and marked the box to the right.

Examples:

- a. Candidate filed for County Commissioner for the first district and wrote the name under County Commissioner for the second district.
- b. Candidate filed for State Representative, position A and the name was written in under position B.

THIS VOTE **SHOULD NOT BE** COUNTED AS A VALID WRITE-IN VOTE

VI. Voter has written-in only the surname of the write-in candidate or candidate filing a declaration of candidacy under the office the candidate has filed a declaration of intent or declaration of candidacy for and marked the box to the right.

THIS VOTE **SHOULD BE** COUNTED AS A VALID WRITE-IN VOTE.

VII. Voter has written-in only the first name of the write-in candidate or candidate filing a declaration of candidacy under the office the candidate has filed a declaration of intent or declaration of candidacy for and marked the box to the right.

THIS VOTE **SHOULD NOT BE** COUNTED AS A VALID WRITE-IN VOTE.

TALLYING PROCEDURE

TALLYING IN THE PRIMARY ELECTION IN EVEN YEARS

SUGGESTED ASSIGNMENTS - COUNTING BOARD DUTIES.

1. One (1) Reading Clerk to read the voted ballots.
2. One (1) Verification Clerk to watch that the ballots are read correctly.
3. Two (2) Tally Clerks to record the votes in the appropriate tally book.

TALLY PROCEDURE

1. Divide the voted ballots into separate stacks by party and place the green judicial ballots into a separate stack. (Each stack thus separated will be read and tallied separately.)
2. The Reading Clerk reads from the voted ballot the candidate's name after which the voter has placed a cross (X) or other mark sufficient to show the voter's intent. If a person votes by writing the name of a declared write-in candidate on the ballot under the appropriate office, such act shall constitute a vote for the person's name that appears, without the necessity of placing a mark in the box to the right of the name written on the ballot. (34-1203, I.C.) See *Guidelines for counting paper ballots* (see "X – GUIDELINES FOR COUNTING PAPER BALLOTS" on page 5).
3. After calling each ballot, the Reading Clerk should lay it face down to distinguish it from the uncounted ballots. After the ballots are counted, the ballots should either be tied (by party) with string provided or bound with a paper clip or binder clip in sets or stacks of 20 or 25 ballots.
4. The two Tally Clerks will tally the vote in the appropriate Tally Books. For example, when Republican votes are tallied, each Tally Clerk will have charge of a Republican Tally Book (EP-4). Thus, each vote cast is tallied by two members of the counting board in each of the Republican Tally Books. The same procedure is applicable to other parties and the judicial Tally Book. (Judicial Tally Book EP-3, Republican Tally Book EP-4, Democrat Tally Book EP-5)
5. As the candidate's name is called by the Reading Clerk, each Clerk will place a short perpendicular Line opposite the name of the candidate voted for. Every fifth vote for the same candidate shall be recorded by a horizontal Line through the first four perpendicular lines. One of the Clerks should clearly announce the fifth tally as the tallying proceeds.

NOTE: It is extremely important that you identify where you were when you balanced each time a fifth tally is announced. It is suggested that upon the fifth tally for each candidate, one of the Tally Book Clerks announce the number of

hash marks for each candidate. Each Tally Clerk should make a mark above the last hash mark for each candidate to indicate that you balanced at this point. The Reading Clerk should either turn the stack of counted ballots or move the stack of counted ballots to indicate that you balanced at this point.

6. The tally continues as long as the two Tally Clerks agree on the totals.
7. If there is any discrepancy, the cause must be identified and corrected before continuing with the tally.

AFTER THE BALLOTS ARE TALLIED

1. Transcribe the total votes cast for each candidate in official return section of each Tally Book. The number of votes must be written out.
2. Each Election Clerk must sign the certificate in the back of each Tally Book.
3. Post a correct copy of the election results (it is suggested that a sample ballot be used for posting results). Note #5 below.
4. Transmit a copy of such results to the County Clerk as early as possible.
5. **In no event shall the results of any count be released to the public until all polling places have closed on Election Day.** (34-1203, I.C.)

NOTE: For a statewide election, it requires the polls to be closed throughout the state. The state of Idaho has two time zones, Mountain Standard Time and Pacific Standard Time. Make sure that it is after 8:00 p.m. statewide before releasing election results (i.e. 9 p.m. Mountain Time and 8 p.m. Pacific Time).

6. Gather your supplies and place them in the proper container.
 - a. See the List of Supplies above.
7. Sign the front cover of the Election Record and Poll Book, in the bottom right hand corner, certifying the Election Day activities.
8. Assist in returning the polling place to its condition as it appeared before you arrived.