

Ballot Inspection Process

What is to be counted as a vote?

General

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. If the ballot has damage or defects that would cause problems in a vote tally system a duplicate ballot should be generated.

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.

Paper Ballots

The following principles apply when examining a paper ballot:

- **From face of ballot only.** Intent shall be ascertained only from the face of the ballot.
- **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.
- **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.
- **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.
- **Different marks.** Any mark evidencing the intent of the voter shall be counted.
- **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.
- **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.

Guidelines for 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.

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.

Optical Scan Ballots

An optical scan voting system requires that the elector place a mark in a pre-defined area on the ballot in order to cast a vote. The vote shall be considered valid when the vote tabulator recognizes a mark within the predefined area unless the ballot is rejected as being blank.

If the tabulation device rejects the ballot as being blank, and it appears that the reason is because the ballot was marked consistently, but in a manner that it could not be read by the device, the ballot is to be duplicated in a machine readable manner from the marks on the original ballot.

If the tabulation device rejects the ballot because of an "indeterminate read error", the ballot is to be examined by the duplication board and, if the board can determine the intent of the voter, duplicated in a machine readable manner from the marks on the ballot. If the duplication board cannot determine the intent of the voter, or if the members of the board disagree on the intent of the voter, the ballot is to be duplicated with the race or races in question left blank so that no vote will be recorded for the race or races in question.

An elector shall not place on the ballot a sticker bearing the name of a person, or use any other method or device, except writing, to vote for a person whose name is not printed on the ballot.

Guidelines for determining voter's intent for optical scan ballot write-ins.

Pursuant to Section 34-702A, 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 such part. The minimum threshold for determination of a write-in vote is the surname within the appropriate space.

The following guidelines are to assist in determining voter's intent for a declared write-in candidate or a 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 predefined area.
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 predefined area.
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 a different office the candidate has filed a declaration of intent or declaration of candidacy for and marked the predefined area.

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.

IV. Voter has written-in only the surname 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 predefined area.

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

V. 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 predefined area.

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

Punch Card Ballots

If the electronic voting system uses punch cards from which the voter punches out a section of the card ("chad") to indicate a vote, a punch is valid to vote for any candidate, or for or against any issue, if at least two adjacent corners of the chad are dislodged or broken away. Election workers are to examine the ballots prior to running them through the vote tabulation equipment and remove any chads described above. No other depression, dimple or mark on the ballot shall be counted as a vote. Ballots that are ripped or torn and are not readable by the tabulation equipment are to be duplicated as outlined in the "Procedures Manual for Punch Card Voting" from the Office of the Secretary of State.

Guidelines for determining voter's intent for punch card ballot write-ins.

Pursuant to Section 34-702A, Idaho Code, no write-in vote for any office shall be counted unless a declaration of intent 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 such part. The minimum threshold for determination of a write-in vote is the surname on the secrecy envelope.

The following guidelines are to assist in determining voter's intent for a declared write-in candidate.

I. Voter has written-in the complete name of the write-in candidate or candidate filing a declaration of candidacy on the secrecy envelope, did not punch a candidate appearing on the ballot pages, and the candidate has filed a declaration of intent or declaration of candidacy.

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 on the secrecy envelope and the candidate has filed a declaration of intent or declaration of candidacy.

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

III. Voter has placed a pre-printed sticker with the candidate's name on the grey secrecy envelope, the candidate has filed a declaration of intent or a candidate filing a declaration of candidacy and the voter did not punch for a candidate appearing on the ballot pages.

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

IV. Voter has written-in the complete name of the write-in candidate or candidate filing a declaration of candidacy for a different office than the candidate has filed a declaration of intent or declaration of candidacy.

Examples:

a. Candidate filed for county commissioner for the first district and wrote the name for county commissioner for the second district.

b. Candidate filed for State Representative, position A and the name was written-in for position B.

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

V. Voter has written-in only the surname of the write-in candidate under the office for which the candidate has filed a declaration of intent or a candidate filing a declaration of candidacy and did not punch for a candidate appearing on the ballot pages.

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

VI. Voter has written-in only the first name of the write-in candidate or candidate filing a declaration of candidacy under the office for which the candidate has filed a declaration of intent or declaration of candidacy.

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

Direct Recording Electronic (DRE) Ballot

A vote on a touch-screen direct recording electronic voting system or electron voting system consists of a voter's selection of a candidate or answer to a ballot question appearing on the voting surface of the device, followed by the voter activating the cast vote indicator.

Guidelines for determining voter's intent for DRE ballot write-ins.

Pursuant to Section 34-702A, Idaho Code, no write-in vote for any office shall be counted unless a declaration of intent has been filed indicating that the person desires the office. Pursuant to Section 34-1203, Idaho Code, when it is sufficiently plain to determine 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.

The following guidelines are to assist in determining voter's intent for a declared write-in candidate.

I. Voter has written-in the complete name of the write-in candidate or candidate filing a declaration of candidacy and the candidate has filed a declaration of intent or declaration of candidacy.

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 and the candidate has filed a declaration of intent or declaration of candidacy.

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 a different office for which the candidate has filed a declaration of intent or declaration of candidacy.

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.

IV. Voter has written-in only the surname of the write-in candidate or candidate filing a declaration of candidacy under the office for which the candidate has filed a declaration of intent or declaration of candidacy.

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

V. Voter has written-in only the first name of the write-in candidate or candidate filing a declaration of candidacy under the office for which the candidate has filed a declaration of intent or declaration of candidacy.

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