

GUIDELINES FOR COUNTING PAPER BALLOTS

Section 34-1203, **Idaho Code**, sets the statutory standards for counting ballots i.e., “Any ballot or part of a ballot from which it is impossible to determine the elector’s choice, shall be void and shall not be counted. 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 part.” Therefore a ballot shall not be rejected for a technical error that does not make it impossible to determine the voter’s intent. In determining the intent 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, 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. 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.
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, 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 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.

1. Voter has written-in the complete name of the write-in candidate under the office the candidate has filed a declaration of intent for and marked the box to the right.
THIS VOTE SHOULD BE COUNTED AS A VALID WRITE-IN VOTE.
2. Voter has written-in an abbreviation or common nickname of the candidate's first name and the surname of the write-in candidate under the office the candidate has filed a declaration of intent for and marked the box to the right.
THIS VOTE SHOULD BE COUNTED AS A VALID WRITE-IN VOTE.
3. Voter has written-in the complete name of the write-in candidate under the office the candidate has filed a declaration of intent for and did not make a mark in the box to the right.
THIS VOTE SHOULD BE COUNTED AS A VALID WRITE-IN VOTE.
4. Voter has placed a pre-printed sticker with the candidate's name under the office the candidate has filed a declaration of intent 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.
5. Voter has written-in the complete name of the write-in candidate under a different office the candidate has filed a declaration of intent 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.
6. Voter has written-in only the surname of the write-in candidate under the office the candidate has filed a declaration of intent for and marked the box to the right.
THIS VOTE SHOULD BE COUNTED AS A VALID WRITE-IN VOTE.
7. Voter has written-in only the first name of the write-in candidate under the office the candidate has filed a declaration of intent for and marked the box to the right.
THIS VOTE SHOULD NOT BE COUNTED AS A VALID WRITE-IN VOTE.