

Ballot Inspection Process

What is to be counted as a vote?

General

Section 34-1203, Idaho Code, says that, “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.” The Secretary of State is also given the responsibility of issuing directives adopting standards that spell out what constitutes a vote and give guidance on what is to be counted in each of the voting systems used in the state.

Although it is impossible to include all possible scenarios, these instructions are intended to assist the poll workers and election workers in determining in a fair and consistent manner, what should be counted as a vote for each voting system. 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 shall 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, it is considered an overvote. The ballot is defective with respect only to the office in which the overvote occurred. The rest of the ballot shall be counted.

Primary Elections: In hand counted paper ballot and optical scan voting systems, if a voter casts a vote for candidates in more than one party in a primary election, none of the partisan votes are to be counted. For punch card voting systems, if a voter punches a party selection in a primary election and votes for candidates in more than one party, only the votes cast in the selected party are counted. If a party selection is not punched and the voter casts votes for more than one party, none of the partisan votes are to 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 office or issue will be deemed a conscious decision to not vote for either that office or issue.

Write-in Candidates:

Pursuant to Section 37-702A, 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. The County Clerk will provide a list of such individuals and they are to be considered legal write-ins. Write-ins in the wrong office shall not be counted. Please note, a partisan tally of write-ins must be kept in the primary election for an individual whereas the write-ins for an individual in the general election are cumulative.

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.

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.
- **Name written-in.** If a voter has written-in the name of a valid write-in, a vote shall be counted for that individual whether or not the voter makes a mark (X) in the square opposite the blank.
- **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.

Guidelines for determining a valid write-in vote for paper ballots.

The minimum threshold for determination of a write-in vote is the surname within the appropriate space for the office.

The following guidelines are to assist in determining a valid vote for a declared write-in candidate.

I. Voter has written-in the complete name of the write-in candidate under the office for which the candidate filed and did or did not mark the box to the right.

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

II. Voter has written-in an abbreviation or common nickname of the write-in candidate's first name and the surname under the office for which the candidate has filed and did or did not mark the box to the right.

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

III. Voter has placed a pre-printed sticker with the the write-in candidate's name under the office for which the candidate has filed and did or did not make a mark in the box to the right.

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

IV. Voter has written-in the complete name of the write-in candidate under a different office than the candidate has filed for and did or did not mark 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 SHALL 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 and did or did not mark the box to the right.

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

VI. Voter has written-in only the first name of the write-in candidate under the office for which the candidate has filed and did or did not mark the box to the right.

THIS VOTE SHALL 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 only when there is a mark within the predefined area unless the ballot is rejected as being blank.

In the event that the tabulation device rejects the ballot as being blank, and it appears that the reason is because none of the ballot was marked in a manner that it could be read by the device, the ballot is to be duplicated in a machine readable manner from the marks on the original ballot.

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 a valid write-in vote for optical scan ballots.

Only legal write-ins are to be checked for validity. The minimum threshold for determination of a write-in vote is the surname within the appropriate space for the office and a mark in the pre-defined area on the ballot.

The following guidelines are to assist in determining a valid vote for a declared write-in candidate.

I. Voter has written-in the complete name of the write-in candidate under the office for which the candidate has filed and marked the predefined area.

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

II. Voter has written-in an abbreviation or common nickname of the write-in candidate's first name and the surname under the office for which the candidate has filed and marked the predefined area.

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

III. Voter has written-in the complete name of the write-in candidate under a different office than the candidate has filed 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 SHALL NOT BE COUNTED AS A VALID WRITE-IN VOTE.

IV. Voter has written-in only the surname name of the write-in candidate under the office for which the candidate has filed and marked the predefined area.

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

V. Voter has written-in only the first name of the write-in candidate under the office for which the candidate has filed and marked the predefined area.

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

Punch Card Ballots

In a punch card voting system 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 a valid write-in vote for punch card ballots.

Only legal write-ins are to be checked for validity. The minimum threshold for determination of a write-in vote is the surname of the candidate and office being sought written on the secrecy envelope.

The following guidelines are to assist in determining a valid vote for a declared write-in candidate.

I. Voter has written-in the complete name of the write-in candidate and office for which the candidate filed on the secrecy envelope and did not punch a candidate appearing in that office on the ballot pages.

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

II. Voter has written-in an abbreviation or common nickname of the write-in candidate's first name and the surname and office for which the candidate filed on the secrecy envelope and did not punch a candidate appearing in that office on the ballot pages.

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

III. Voter has placed a pre-printed sticker with the write-in candidate's name and office for which the candidate filed on the secrecy envelope and the voter did not punch for a candidate appearing on the ballot pages.

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

IV. Voter has written-in the complete name of the write-in candidate for a different office than the candidate filed for.

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 SHALL NOT BE COUNTED AS A VALID WRITE-IN VOTE.

V. Voter has written-in only the surname of the write-in candidate and office for which the candidate filed on the secrecy envelope and did not punch for a candidate appearing on the ballot pages.

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

VI. Voter has written-in only the first name of the write-in candidate and office for which the candidate filed on the write-in secrecy envelope.

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