

APPENDIX A

Samples of Standards to determine valid ballot marks:

State of Oklahoma

Oklahoma Statutes, Title 26, Section 7-119:

The voter shall vote by marking the ballot as prescribed by the Secretary of the State Election Board for the party of his choice or for the candidate of his choice or for the answer he desires to select on each question.

Oklahoma Secretarys Digest (adopted rules of the Oklahoma State Election Board):

19-44. Counters shall observe rules

When manually recounting ballots that were originally counted by electronic voting devices, the law concerning the counting of ballots by voting devices shall be applied to the manual count. Counters shall observe the following rules in counting all ballots:

- (1) Ballots must be marked in ink or in pencil. If not, they cannot be counted.
- (2) Any marking in the voting target shall be a valid marking. The voting target is the space between the head and tail of the arrow that appears beside each candidate's name, beside each option on a question, and beside a party emblem in each straight party voting option.
- (3) If there is any writing on the ballot, the ballot still can be counted for any office or question thereon.
- (4) Any mark extending outside the voting target into another voting target cannot be counted.
- (5) Marks used to designate the intention of the voter shall not be counted if they are not located in the voting target.
- (6) Failure to vote for any candidate for a particular office shall not invalidate valid markings for candidates or other offices on the same ballot.
- (7) A valid marking in the voting target beside the emblem of a political party shall be counted as a vote for each candidate of that party on the ballot. It is possible that more than one ballot on a ballot card may include the straight party voting option. In this case, a valid marking in the voting target beside a party emblem shall be counted only for those candidates included in that ballot.
- (8) If a valid marking is marked in the voting target beside emblems of two or more parties, then the ballot cannot be counted for any candidate on that ballot.
- (9) If a valid marking is marked in the voting target beside the emblem of Political Party A, and a valid marking is marked in the voting target beside the name of a candidate of Political Party B, then one vote shall be recorded for each candidate of Political Party A except for the office in which the vote was recorded for the individual candidate of Political Party B. That individual candidate of Political Party B shall receive one vote. Such a ballot is valid and shall not be considered mutilated. In counting such a split ticket ballot, the candidate shall supersede the party.
- (10) If valid markings are made in the voting targets opposite the names of two candidates for the same office, the ballot cannot be counted for any candidate for that office. However, the ballot may be counted for candidates for other offices which are validly marked.
- (11) If a ballot has not been marked for any candidate or question, it cannot be counted.
- (12) Ballots that have been torn shall be counted if it is possible to determine how the voter marked the ballot.

Samples of Guidelines to determine voter intent:

Snohomish County (Washington)

ADMINISTRATIVE RULE FIVE

Ballot Enhancement and Duplication Procedure

I. PURPOSE:

To identify situations and delineate procedures in which ballot duplication or enhancement are appropriate for BRC Optical Scan Ballots in Snohomish County to serve as guidance to the ballot processing team in making such determinations.

II. SCOPE:

This procedure applies to all BRC Optical Scan Ballots in Primary, General, Special elections and for Polling Place, Absentee and By-Mail Ballots.

III. REFERENCES:

RCW 29.54 WAC 434-262
RCW 29.62

IV. DEFINITIONS:

- A. **Duplicated Ballot:** Ballot for which a true copy is made in order to be properly processed and counted due to damage, improper marking or other reasons which might prevent accurate machine counting of the ballot. A duplicate ballot is marked Duplicate, marked with a unique number or code and cross referenced with the original ballot, which is similarly marked, on a duplication log.
- B. **Enhanced Ballot:** Ballot which is improperly marked for machine counting but which clearly conveys the intent of the voter and is corrected to count properly. Enhancement consists of adding marks to the ballot which reflect the voters intent in such a manner which allows the ballot to be correctly machine counted. A ballot may not be enhanced unless it clearly retains the voters original marking. Enhanced ballots will be marked and logged.
- C. **Absentee Ballot:** Ballot sent at the voters request to a specified address in lieu of voting at the assigned polling place. Absentee ballots may be mailed to an address other than the address of record in the voter registration file. Absentee ballot requests may be for a single election or on an on-going basis.
- D. **Mailed Ballot:** Ballot mailed to the voter in a Vote-by-Mail precinct or a ballot mailed to all voters when the entire election is conducted by mail.
- E. **Write-in Ballot:** Ballot upon which the voter wrote the name of a candidate in the space reserved on the ballot for write-in votes. When the corresponding arrow is connected the write-in is properly voted.

V. RESPONSIBILITIES:

The County Canvassing Board is responsible for establishing all procedures and criteria for duplication and enhancement of ballots and for making final determination in situations not covered by this procedure.

VI. PROCEDURES:

The Snohomish County Canvassing Board delegates to the Counting Center the authority to duplicate or enhance ballots in the following situations:

A. Duplication:

1. Scenario 1: Write-in ballot with the names of a candidate printed on the ballot and with the same candidate properly voted as a write-in candidate. In this scenario, the voter has indicated the intention to vote for a candidate whose name is printed on the ballot by connecting the proper arrows. The voter has written the name of that same candidate in the space provided for a write-in candidate and connected the appropriate arrows at that location as well. (Attachment A)
 - (a) Interpretation: Voter intended to vote for the candidate printed and written on the ballot. Write-in ballot duplicates the voters intent.
 - (b) Action: Duplicate the ballot to reflect the printed candidate and omit the write-in name from the duplicated ballot to allow machine counting of the ballot.
2. Scenario 2: An incomplete erasure which will cause the ballot to overvote. In this scenario, an erasure attempt is clearly evident in the space where the voter could indicate a ballot choice by connecting an arrow and the voter has clearly and properly voted for another candidate or response to ballot issue. Such an erasure mark would look to the ballot counting machine as a connected arrow. (Attachment B)
 - (a) Interpretation: Voter intended to erase an incorrectly connected arrow and correctly vote for another candidate.
 - (b) Action: Duplicate the ballot to reflect the intended candidate or response to ballot issue if applicable.
3. Scenario 3: A ballot is marked in a manner which will result in an overvote but the voter has indicated in a clear fashion that a mistake has been made and has attempted to correct it. In this scenario, the voter has used an x or equivalent mark to cross out a line which was drawn next to a candidates or ballot issue and had connected the appropriate arrow. The voter also connected the arrow corresponding to a different choice in that same race. (Attachment C)
 - (a) Interpretation: Voter intended to vote for the correctly marked candidate and has indicated his/her error.
 - (b) Action: Duplicate the ballot to reflect the intended candidate or response to ballot issue, if applicable.
4. Scenario 4: A ballot is improperly marked in the vicinity of the read area in a manner which may result in the ballot not being accurately machine counted but the intent of the voter is clear. In this scenario, the voter has uniformly marked the ballot but has not connected any arrows. (Attachment D)
 - (a) Interpretation: Voter intended to vote for identifiable candidates or responses to ballot issues but improperly marked the ballot for machine counting.
 - (b) Action: Duplicate the ballot to reflect the voters intended candidates or response to ballot issue, if applicable.
5. Scenario 5: One or more stray marks that are clearly unrelated to the voters intent to vote for a particular candidate or ballot issue are visible in the read area of an otherwise correctly marked ballot. In this scenario, the mark on the ballot does not indicate voter intent to vote for a particular candidate or ballot issue but does cross an area of the ballot where the ballot counting machine may read it as a connecting arrow. (Attachment E)
 - (a) Interpretation: Voter correctly voted and the stray mark is unrelated to the vote.
 - (b) Action: Duplicate the ballot to reflect the voters intended candidates or response to ballot issues, if applicable.
6. Scenario 6: A writing that is clearly unrelated to the voters intent to vote for a particular candidate or ballot issue is marked on an otherwise correctly marked ballot. In this scenario, the writing on the ballot goes beyond the instructions to choose candidates or ballot issues by connecting arrows. The way in which the writing is placed on the ballot will interfere with the ability of the ballot counting machines to correctly read and record the choices made by the voter by correctly connecting the arrows. (Attachment F)
 - (a) Interpretation: Voter correctly voted and the writing should be disregarded.

(b) Action: Duplicate the ballot to reflect the voters intended candidates or response to ballot issues, if applicable.

7. Scenario 7: A ballot is marked with a color or device which may not permit an accurate machine count. In this scenario, the voter used a pen, pencil or marking device which cannot be accurately read by the ballot counting machine. (Attachment G)

(a) Interpretation: Voter correctly voted.

(b) Action: Duplicate the ballot to reflect the voters intended candidates or response to ballot issues, if applicable.

8. Scenario 8: An absentee ballot is signed by the voter clearly identifying the voter. In this scenario, the absentee voter has signed the ballot in such a way that the voters identity can be determined. (Attachment H)

(a) Interpretation: Voter failed to follow instructions. This procedure only applies to absentee ballots (see accompanying definitions)

(b) Action: Duplicate the ballot to reflect the voters intended candidates or response to ballot issues, if applicable.

B. Enhancement:

~~1. Scenario 9: Write in ballot with the write in arrow not marked and no other candidate on the ballot was properly voted. In this scenario, the voter has written the name of a candidate for a particular race in the spot provided for on the ballot. The voter has not connected the arrow next to the name of the candidate or any other candidate as indicated in the instructions. In addition, the voter has not indicated another choice within that same race. (Attachment I)~~

~~(a) Interpretation: Voter intended to vote for the write in candidate although the arrow was not connected.~~

~~(b) Action: Enhance the ballot to reflect the correctly voted candidate.~~

~~2. Scenario 12: A ballot is incorrectly marked in a manner which will result in a total undervote, but the voters intent is clearly indicated. In this scenario, the voter has not followed the instructions printed at the top of the ballot to connect the arrow next to the name of each candidate or response to ballot issue of choice. Rather, the voter has chosen to place a mark next to the name of each candidate or response to ballot issue. This mark is outside of the area on the ballot where the machine can read the voters intent. (Attachment J)~~

~~(a) Interpretation: Voter incorrectly marked the ballot but the voters intent is clear.~~

~~(b) Action: Enhance the ballot to reflect the intended candidates or response to ballot issues, if applicable, in a manner which will render the ballot machine countable. This procedure does not apply to write-in votes as provided in RCW 29.04.180 and Administrative Rule 4 IV.G.1.~~

APPENDIX B

Suggested Operational Guideline Outline

This document outlines the type of information that should be included in a typical management guideline for a voting system. Not all items would be appropriate for each voting system. A guideline would provide specific information as to the best practices that should be followed for a specific system. For example, it might include a checklist detailing the steps for inspecting and testing a newly arrived piece of voting equipment.

A. Overview.

General overview of the particular system.

Cite appropriate reference material.

List of those participating in the development of the guideline.

Coordination of voting system implementation with the chief election official in the state.

Other information deemed appropriate.

B. Preparation to implement a new voting system.

Supporting hardware and software.

User, technical, and maintenance manuals.

Training on all components of the voting system.

A public education program and training materials for the system.

Recommendation to obtain at least one voting machine/device for training purposes.

Recommendation about visiting a jurisdiction using the system to learn about the system first-hand.

Program for training staff and the people who will be training poll workers.

Suggested standards for what constitutes a vote and for recounts as regards the system.

Recommended storage requirements space, climate control, etc.

C. Acceptance testing.

Procedures for unpacking and inspecting each component of the system when received.

Procedures for evaluating each component of the voting system physical inspection as well as operational testing using a pre-determined script (does it do what it is supposed to do).

Procedures for documenting discrepancies and reporting them to the vendor.

Procedures for running a test election internally from start to finish.

D. Maintenance.

Recommended preventative maintenance program.

Procedures for tracking maintenance performed on each piece of voting equipment.

Procedures for obtaining replacement parts.

Recommended parts inventory.

Point of contact with the vendor for maintenance issues.

Points of contact with other users of the system for maintenance issues.

Procedures for reporting system problems to the chief state election official.

E. Ballot design and preparation.

Recommended guidelines and procedures for ballot layout and preparation.

- A. Clearly identify candidates for each office.
- B. Be as consistent as possible from one election to the next.
- C. Comply with state and local guidelines.
- D. Be black letters on white paper or background if possible.
- E. Be in sufficiently large and appropriate style font to meet needs of visually impaired
- F. Provide clear and precise instructions for correctly marking a ballot.

Recommended procedure for ballot approval.

Recommended procedures for review and testing of ballot designs to make sure that they are not confusing to the public.

Sample ballot recommendations.

F. Pre-election preparation

Model time-line for each election listing all required actions and activities.

Procedures for preparing the voting system for an election inspection and maintenance, ballot preparation, document and materials preparation.

Materials and supplies required by the voting system for the election.

Recommended training of staff and poll workers prior to each election.

Recommendations on review of manuals, instructions, etc.

G. Pre-election set-up and testing.

Procedures for setting up and testing the voting system and each component to be used in an election.

This includes:

1. Calibration when necessary.
2. Logic and accuracy.

Procedures for visually inspecting each piece of equipment for observable defects.

Procedures for documenting the testing of the voting system.

Procedures for delivering and verifying delivery of equipment to polling places.

H. Pre-election certification.

Procedures for certifying each piece of equipment as ready for the election. This should include retaining documentation of the aforesaid certification.

I. Voter education.

Recommendations on an aggressive voter education program. To include:

1. Media newspaper and television.
2. Brochures distributed at places frequented by the public: libraries, super markets, etc.
3. Demonstrations of the voting system.
4. Education of the voter at the polling place: posters, sample ballot, a demonstrator, verbal instructions by poll workers.

J. Election day operations.

Help desk procedures how to quickly resolve equipment problems.

Maintenance procedures that can be performed on election day.

Maintenance procedures that cannot/should not be performed on election day.

Voter instructions.

Procedures for documenting Election Day maintenance and problems.

Procedures for replacing a defective piece of equipment when necessary, including securing the votes from that equipment.

Procedures to account for ballots, ballot boxes, results recording devices, and other material.

Procedures for securing ballots, results recording devices, and results.

Procedures for giving replacement ballots to voters who spoil their ballots.

Procedures for assisting voters whose ballots are rejected by precinct tabulating equipment due to undervote(s), overvote(s), or other causes.

Recommendations for technical support.

Vendor emergency contacts.

K. Counting, tallying, or tabulating the vote.

Procedures for gathering/reporting unofficial results.

Guidelines for handling of "no votes," undervotes, and overvotes,

Guidelines for screening and handling ballots that will not be read by tabulating equipment in central count jurisdictions.

Guidelines for duplicating damaged ballots that cannot be read, if permitted.

L. Post-election security for ballots, documents and equipment.

Security guidelines.

Procedures for securing the voting equipment.

Procedures for the return of voting equipment to its storage location.

M. Post-election activities.

Model recount and/or contest procedures.

Recommended procedures for declaring results official.

Recommended guidelines for sequestering equipment following an election.

Procedures for inspecting, cleaning, and testing voting equipment following an election.

Procedures for preparing equipment for storage.

APPENDIX C

Elections Mail Rate

Whereas Congress intended in the National Voter Registration Act to grant voter registration and elections offices a reduced postal rate;

Whereas Congress intended to encourage the local voter registration and election officials to update and maintain accurate and current voter registration lists through the use of U.S. Mail;

Whereas Congress has continued to show a concern for voter participation rates in the electoral process;

Whereas the postal rate provisions provided by Congress in previous legislation are not able to be used by more than 70% of the nations jurisdictions;

Whereas local voter registration and elections offices have paid, from their local budgets, the costs of all federal elections;

Therefore, it is resolved that:

The National Association of Secretaries of State ask Congress to create a new Elections Class of postage which will be rated as 50% of the rate of first class mail including all entitlements and services of the first class mail designation;

And further, that this Elections Class rate will be offered at 50% of each level of first class service from individual stamped mail through highest level of automated discounts;

And further, that if the Postal Service changes the name or designation of first class mail that the Elections Class will automatically be tied to any successors of what is now termed first class mail.

Resolution also adopted by:

The Election Center

International Association of Clerks, Recorders, Election Officials and Treasurers (IACREOT)

National Association of County Recorders, Election Officials and Clerks (NACRC)

National Association of State Election Directors (NASED)

ABOUT THE ELECTION CENTER

The Election Center is a nonprofit 501(c)(3) tax-exempt organization under the regulations of the Internal Revenue Service. The Election Centers purpose is to promote, preserve, and improve democracy.

Its members are almost exclusively government employees whose profession it is to serve in voter registration and elections administration, i.e., voter registrars, elections supervisors, elections directors, city clerk/city secretary, county clerk, county recorder, state legislative staff, state election director and Secretary of State for each of the individual states, territories, and the District of Columbia and voting systems manufacturers.

The Center provides its members a faxcasting service which informs and updates state, city and other elections and voter registration officials regarding legislation, regulations, court decisions, and Justice Department rulings which affect the conduct of voter registration or elections administration. Additionally, the Center performs research for such governmental units concerning the similarities and differences in state or local laws, regulations, or practices concerning voter registration and elections administration.

As the election profession's premier organization for training and certification of election and voter registration administrators, The Center also conducts annual conferences and several regional workshops and seminars throughout each year which are designed specifically for government elections units. Each of these programs is designed to improve the methods of operation and efficiency of the affected offices. The result is improved service to voters, the public, the taxpayers and to government. The Center trains between 600 and 1,000 election and voter registration administrators every year.

Continuing professional education is the cornerstone of continuous improvement of democracy through The Election Center's Professional Education Program. A joint effort of The Center and Auburn University's public administration faculty, the Professional Education Program offers college level instruction for professional growth and development of government officials in the elections and voter registration process. These classes are conducted in several locations throughout each year. The Professional Education Program won an award as the most outstanding continuing education program in America from the National College and University Continuing Education Association (1995).

The Center sponsors an annual Professional Practices contest to get government officials to submit a professional paper on the best of their office programs and practices. Such papers are then duplicated and made available to government officials throughout the U.S. for improving their own operations.

Acting as a catalyst for new ideas or working with difficult issues, it was through The Election Center:

- That state directors of elections formed the National Association of State Election Directors (NASED) and served as an incubator for NASED until the organization could operate on its own (1989).

- That the nation's elections administrators developed the first Code of Ethics for voter registrars and elections administrators (1997).

- That the United States Postal Service created the only logo for any mailer outside of the USPS itself. The national Elections Mail Logo identifies for voters and for postal employees official mail related to citizens participation in the democratic process.

- That the USPS and the elections community created the National Task Force on Postal Issues and an elections mail program that significantly improves the ability of election offices to reach voters with mail and to lower mail costs to state and local jurisdictions.

- That created the National Task for on Voting Accessibility, a joint effort of the elections community and the disability community, to improve the ability of the nation's disabled and elderly to participate unassisted in voting, and to improve voting technology for such citizens.

- That advised the court appointed masters to run the Teamster's election.

- The Election Center is the principal focus for the U.S. Congress, federal agencies and state governments related to the elections and voter registration issues.

- That has trained the elections officials of developing nations.

- That serves as the best single source for news and information organizations concerning elections.

Member governments can also utilize many other services such as surveys, peer review programs, consulting services, technology reviews, recruiting services for employees, and other consulting related services. The consulting services are only for voter registration and elections offices. Due to the unique nature of the responsibilities for voter registration and elections administration, nothing else in industry, or government, is comparable to these functions. These services are fee based but are designed to save jurisdictions tax dollars for services at a fraction of corporate costs for such services. Additionally, the services are performed by people who have an understanding and knowledge of the special requirements necessary for the operations of these offices.

A small professional staff is maintained to develop and administer these programs and to provide research

services for members, legislators, local, state and federal elections officials. Research projects can involve in-depth surveys of major issues or specific portions of laws affecting voter registration and elections.

The Center also provides staff services to the National Association of State Election Directors (NASED) for the voting systems program. NASED is responsible for the voluntary testing, through an independent nationally recognized testing laboratories (NRTL), of voting systems hardware and software to meet or exceed the Federal Voting Systems Standards as developed by the Federal Election Commission. The program as administered by the Center for NASED, comprises developing materials for distribution to government officials concerning systems testing, developing and handling the public information about the program, administering the day-to-day needs of the program, and assuring that American jurisdictions get qualified voting systems that will continue the fair, free, honest and accurate elections that are the hallmarks of American democracy. The Center continues to invest considerable time and resources of its own toward this project which is vital for democracy.

With more than 1,000 members nationwide, The Election Center has the largest number of the state and local election and voter registration administrators as members of any elections related organization in America.