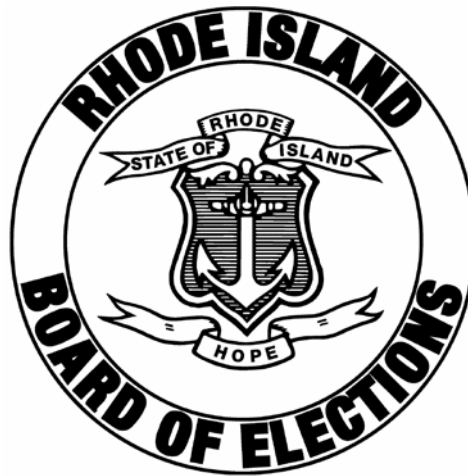


# **RHODE ISLAND BOARD OF ELECTIONS**



## **PROCEDURES FOR TABULATING & REPORTING WRITE-IN VOTES**

## **TABULATING & REPORTING “IRREGULAR BALLOTS” or “WRITE-IN VOTES”**

Rhode Island General Law 17-19-31 permits voters to cast “irregular ballots” at all non-primary elections. **“Irregular ballots” are more commonly known as “write-in votes.”** Write-in votes are required to be tabulated by the Local board of Canvassers and the Board of Elections pursuant to the procedures established herein.

### **REQUIREMENTS FOR A WRITE-IN VOTE**

**A ballot shall be considered to include a write-in vote when a voter has;**

- In the appropriate space, written in the name of a person for a particular office AND filled-in the oval next to the name indicated on the ballot. Voters can either write or print in the name.

**A ballot shall NOT be considered to include a write-in vote when the voter has;**

- Provided a name in the write-in space, but does not fill-in the oval.
- Filled-in the oval next to the write-in space but does not indicate a name.
- Cast a “write-in” for a person whose name appears on the ballot as a nominated candidate for that office
- Affixed a label to the ballot in the write-in space.

### **TABULATING & RECORDING WRITE-IN VOTES**

In accordance with R.I.G.L. 17-19-31 all persons or names for which write-in votes have been cast must be tabulated. In the vast majority of races in which write-in votes are cast the Local Board should be able to tabulate and report the write-in votes cast by following the instructions in this manual.

In those instances in which there may be a question as to the name or person for whom the voter has cast a write-in vote, the members of the local canvassing authority shall exercise their best judgment to “reasonably ascertain” the person for whom the voter wished to cast his/her vote. (See “Write-In Votes ‘Frequently Asked Questions’” included in this document for assistance and guidance regarding write-in votes.)

The State Board of Elections provides each Local Board with the necessary forms to tabulate and record write-in votes. Local Boards must first tabulate all write-in votes cast at the polling places for all local, state and federal races. The Local Boards shall then return to the Board of Elections tally sheets of write-ins for all state and federal races cast City/Town wide. (See “Tabulating and Recording Procedures for the Local Boards of Canvassers” on Page 2 of this document for more details)

If the Local Board is aware of anyone conducting a “write-in campaign” they should notify the State Board of Elections, as any potential write-in candidate will need to comply with Rhode Island Campaign Finance Laws (R.I.G.L. 17-25).

Write-In Candidates that are declared the winner of an Office shall be certified in the same manner as other successful candidates on the Official Computer Ballot.

## TABULATING AND RECORDING PROCEDURES FOR THE LOCAL BOARDS OF CANVASSERS

For all elections except primaries, ballots are fed into the DS-200 at the local precinct. Any ballots with a write-in vote cast on them will be deposited into the DS-200. At the close of the polls, a “Write-In Review” report containing a digital reproduction of all write-in votes will be generated by the DS-200. The Moderator will place this report into a marked envelope found in their supplies and deliver it to the Board of Canvassers with their election returns.

Under R.I.G.L 17-19-31 “The Local Boards shall remain in session on election night to receive the report and to count and record all write-in votes cast for all federal, state and local races listed on the ballot.”

### **Upon arrival of the “Write-In Review” report envelope from a precinct the Local Board shall;**

1. Indicate the City/Town and precinct number on a “Precinct Write-In Vote Tally Sheet”. These sheets must be completed for each polling place. **If no write-in votes were cast at the polling place simply fill-in the precinct number and write NONE on the Precinct Tally Sheet.**
2. Inspect the DS-200 Election Results report for that precinct and determine if write-ins were cast for any of the races on the ballot. If a write-in was cast, on your Precinct Tally Sheet write the name of the office it was cast for (OFFICE:) and the number of write-ins cast for that office (Website).
3. Once all races and numbers on the precinct report have been reviewed and recorded on the tally sheet, the Local Board shall examine the DS-200 “Write-In Review” report for each precinct and tally the write-in votes for each office. **For auditing and record keeping purposes if a voter fills-in the oval next to the write-in space but does not indicate a name please refer to that as “BLANK” on your tally sheets. Despite not actually counting as a write-in, these still need to be recorded so the write-in totals can match up with the Board of Elections website results.**

Notes: Please ensure that number of write-in votes for all offices total up to the number of write-in votes cast in that precinct. You can find this information on your on your Election Results report, which is also printed by the DS-200 at the polling place.

### **Upon Completion of all Precinct Write-In Vote Tally Sheets the Local Board Shall Proceed To Tabulate All Write-Ins For the State and Federal Races held City/Town Wide.**

The Board of Elections has provided each Local Board with State/Federal Write-In Vote Tally Sheets for each state and federal race held in that community. The Local Board must complete the State/Federal Tally Sheets as instructed below and return them to the State Board of Elections. The Local Board shall;

1. Look at the Election Day website results each precinct in your City/Town and determine if write-ins were cast for any of the State and Federal races on the ballot.
2. If a write-in was cast City/Town wide for a State or Federal race record the number on the corresponding State/Federal tally sheet where it says “WEBSITE”.
3. Review your “precinct write in tally sheets” and merge the write-in votes onto the State/Federal tally sheets for the specific races. Please ensure that the write-in numbers for each race match the “Election Report #”.
4. Once completed, have two members of the Local Board Sign the State/Federal tally sheets to confirm that the write-ins for that office have been tabulated.

## **RETURNING AND SAFEKEEPING OF WRITE-IN VOTES BY THE LOCAL BOARD**

Upon completion of all write-in tabulations the Local Board shall;

- Return the State/Federal Write-In Vote Tally Sheets to the State Board of Elections. The Local Boards should make copies for their own records
- Store the write-ins with the other ballots cast at the election in a secure location, and a copy of all write-in vote tally sheets for 22 months in accordance with R.I.G.L.17-19-39.1.

## **TABULATING AND RECORDING PROCEDURES FOR THE STATE BOARD OF ELECTIONS FOR MAIL BALLOT WRITE-IN VOTES CAST DURING A GENERAL ELECTION**

During a general election or any special State or Federal Election, mail ballots are fed into the DS-850 at the State Board of Elections. Any ballots with a write-in vote cast on them will be scanned and printed on a “Write-in Review” report. Once all ballots have been run through the machine, the Board of Elections shall tabulate the mail ballot write-ins by;

1. Indicating the precinct number on a “Mail Ballot Write-In Vote Tally Sheet”. A Mail Ballot Write-In Vote Tally Sheet must be completed for each precinct. **If no mail ballot write-in votes were cast for that precinct simply fill in the precinct number and write NONE on the Mail Ballot Tally Sheet.**
2. Inspect the Mail Ballot website results for that precinct and determine if write-ins were cast for any of the races on the ballot. If a write-in was cast, on your Precinct Tally Sheet write the name of the office it was cast for (OFFICE:) and the number of write-ins cast for that office (Website:).
3. Once all races and mail ballot numbers on the precinct report have been recorded on the tally sheet, the Board of Elections shall separate the mail ballot write-ins for each City/Town by precinct number, then record the names of the write-in votes cast in each precinct. **For auditing and record keeping purposes if a voter fills-in the oval next to the write-in space but does not indicate a name please refer to that as “BLANK” on your tally sheets. Despite not actually counting as a write-in, these still need to be recorded so the write-in totals can match up with the Board of Elections website results.**
4. The State Board of Elections will then merge all mail ballot write-ins with the State/Federal Write-In Vote Tally Sheets from the Local Boards to ascertain the final write-in numbers for all State and Federal races.

## **RETURNING AND SAFEKEEPING OF WRITE-IN VOTES BY THE STATE BOARD**

Upon completion of all mail ballot write-in tabulations the State Board of Elections shall;

1. Transmit the Mail Ballot Write-In Vote Tally Sheets to the appropriate Local Board of Canvassers
2. Store the mail ballot write-ins with the other mail ballots cast at the election for 22 months in accordance with R.I.G.L. 17-19-39.1, and copies of all write-in vote tally sheets.

## WRITE-IN VOTES “FREQUENTLY ASKED QUESTIONS”

Obviously it is impossible to list or even anticipate every possible manner in which a write-in ballot may be executed and, thus, difficult to definitively instruct a local board on how to count a ballot without actually seeing the ballot which may be in question. Nevertheless, the following questions and answers are provided to assist and guide local canvassing authority members in fulfilling their duties and responsibilities.

### 1. Must a write-in vote include the full name of the person being voted for?

It may not be necessary for the voter to write-in both the first and last name of the person being voted for. However, it is *always* necessary for the last name of the person being voted for to be written in. Moreover, it shall be necessary for the voter to write-in the first and last name of the person being voted for when it is apparent that there is more than one person in a race with the same last name. The following example illustrates when it may or may not be necessary to include both the first and last name of the person being voted for.

**Situation:** Maria Sanchez is seeking to be elected to the School Committee via write-in votes. It is widely known that she has been campaigning and is asking voters to cast a write-in vote for her for School Committee. Although there are several other persons named Sanchez in the community, there are no other persons named Sanchez who are seeking write-in votes for School Committee.

**Manner In Which Voter Wrote Name:** The voter casting a write-in vote wrote the name “Sanchez” in the appropriate space (and filled-in the oval next to the name.)

**Local Board Assessment:** In attempting to “reasonably ascertain” the person for whom to count the vote, the local board can “reasonably ascertain” that the person for whom the voter was casting his/her vote was “Maria Sanchez”, the same person who was campaigning to be elected to the School Committee via write-in votes.

**Other Considerations:** If, in this example, more than one Sanchez were seeking votes for School Committee it would not be possible to “reasonably ascertain” which Sanchez the voter was casting his/her vote for. Thus, in this case, it would be necessary for the voter to distinguish which Sanchez he/she was voting for. (i.e. Writing in the first name of the person he/she wished to cast a ballot for.)

### 2. Is the use of stickers or labels permitted in the execution of a write-in vote?

The use of stickers and labels is *prohibited*. Persons wishing to cast a write-in vote must *write* in the name of the person for whom they wish to vote for in the appropriate space using the appropriate marking device.

### 3. When casting a write-in vote, must the voter correctly spell the name of the person he/she is casting a write-in vote for?

Solely because a name is misspelled should not be cause for not counting a vote for a particular person. Once again, if the local board can “reasonably ascertain” who the voter wished to cast his/her vote for the vote should be counted for that person. (i.e. There is a person seeking write-in votes by the name of Thomas Brady. In tabulating the write-in votes the local board discovers that there are a preponderance of write-in votes for Tom Brady, Tomas Brady, Tom Bradi, Thomas Bradee, etc. Unless there is another person in the race whose name is spelled somewhat close to that of Thomas Brady the local board could “reasonably ascertain” that the voter in each of these cases wished to cast his vote for Thomas Brady.)

### 4. Is the use of a “nickname” permitted when casting a write-in vote?

A “nickname” alone is not sufficient to “reasonably ascertain” who the voter wishes to cast his/her vote for. However, a nickname used in conjunction with the last name of the person for whom the voter wishes to vote for is permitted. (i.e. The name of the person for whom a voter wishes to cast a write-in vote for is Manuel Santiago. Mr. Santiago is known to his friends as “Manny” or “the Barber.” If the voter writes in Manny Santiago, the vote should be counted. However, if the voter writes in “Manual the Barber” or simply “Manny” or “The Barber”, the vote should not be counted for Manuel Santiago.)