Appendix K

Counting Rules for All Towns - Voter Intent

The statutory rules for counting ballots are in 17 V.S.A. §2587. The Secretary of State has adopted a rule for **"What Constitutes a Vote"** in **Appendix M**. Ballots will be printed in the style used for tabulators (ovals to be filled in instead of checkmarks in boxes--but checkmarks will still be counted.)

If the BCA by majority vote determines that a mark was made on a ballot to allow the ballot to be identified and the vote traced, defeating the secrecy of the ballot, the entire ballot must be marked defective and placed in the defective ballot envelope and none of the votes on the ballot should be counted. If the voter marks more names than there are persons to be elected to an office, overvotes equal to the number of candidates to be elected for that office (the "Vote For" number) should be entered on the tally sheet for that ballot. If a candidate receives more than one vote for the same office, i.e., the voter fills in the oval next to the candidate's name and then writes in the same candidate, the candidate shall receive only one vote.

Vermont law allows the voter to affix a sticker or label bearing a candidate's name to the ballot for write-in candidates. **The act of writing in a name or attaching a sticker or label bearing a candidate's name must be counted as a vote for that candidate, even if there is no "x" in the accompanying box or the oval is not filled in.** 17 V.S.A. §2587(e)

The following illustrations help explain the rules for determining a **voter's intent:**

No. 1: The voter added a note to the ballot that allows election officials to know who marked the ballot. *Mark the ballot DEFECTIVE, place in the Defective ballot envelope and do not count any votes from the ballot*

Vote for not •rore p,an ONE: •ı	
r\; 4\M. t1ov)', ,i- Joiy?o	
Morton Main	
Dee Fault A	0

No. 2: Here the voter made no marks at all. *Count this as BLANK (UNDERVOTE).*

Vote for not more than ONE:	
Morton Main	0
Dee Fault	0

No. 3: The voter only voted for 1 candidate in a "Vote for not more than TWO" contest. *Count one vote for the candidate and add one mark to the BLANK (UNDERVOTE) column.*

Vote for not more than TWO:	
Morton Main	0
Dee Fault	●

No. 4: The voter circled the name without making an X or filling in an oval. *Is the voter's intent clear? If the pair is in doubt, put it to a vote of the election officials present.*

Vote for not more than TWO:	
onM:)	0
Dee Fault	0

No. 5: The voter's X is in between two candidate names, so intent is not clear. *Count this as BLANK (UNDERVOTE).*

Vote for not more than ONE:	
Morton Main	O X
Dee Fault	O

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No. 6: The voter changed his mind. *If the pair agrees, count this for Main.*

Vote for not more than ONE:	*Please Can't*
Morton Main	↓ ●
Dee Fault	✕

No.7: The voter wrote the name but did not fill in the oval or make a checkmark. *Vermont law requires this to be counted as a vote for Whist.*

Vote for not more than ONE:

| Morton Main | 0 |
| *Pam Whist* Write-in | 0 |

No. 8: A write-in for a fictional person or a dead person is not counted. *Count this as BLANK (UNDERVOTE).*

Vote for not more than ONE:

| Morton Main | 0 |
| *M'e,\-<e:(No..k.* Write-in | ● |

No. 9: The voter filled in the write-in oval but no name was written. *Count this as BLANK (UNDERVOTE).*

Vote for not more than ONE:

| Morton Main | 0 |
| _____ Write-in | ● |

No. 10: The voter made two marks and may have tried to erase one of the marks or may have just smudged a mark. *lfthe pair is uncertain, all of the election officials present decide.*

Vote for not more than ONE:

| Morton Main | ● |
| Dee Fault | |

No. 11: The voter marked two names for a "Vote for not more than ONE" race. *Enter one overvote on the tally sheet for this race. '*

Vote for not more than ONE:

| Morton Main | ● |
| Dee Fault | ● |