Can this vote count?

A complete guide to
hand-counting printed
ballots for elections
and recounts

★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Contents

Introduction

What is hand-counting?

Hand-counting ballots is the process by which ballots are manually counted rather than read by the voting machine. The majority of ballots for an election will not be hand-counted. Hand-counting ballots should be considered only when the ballot cannot be read by the voting machine.

The purpose of these instructions is to assist you while manually counting ballots. Throughout these instructions you will see examples that discuss how to read a ballot and determine if a vote should be counted.

How to use these guidelines

Use these guidelines when you are looking for an indication that a voter affirmatively chose a candidate or a write-in for their vote. Many times this will be obvious and other times it may not be as clear.

These guidelines are the rules and principles that must be applied to every manually counted ballot.

When a voter's choice is not clear, these instructions can help you make a determination about the vote.

What's in this guide?

The instructions include illustrated scenarios of votes to count and votes not to count. When a rule in the Virginia election code applies to an example, it is included with a citation.

What to do if…

What if the ballot I am reading is not shown in the examples?

Sometimes the vote you are looking at will not be exemplified in these instructions. Use the principles provided in these instructions to determine if and how a vote should be counted.

What if my team cannot determine who the voter voted for?

In a recount if the teams cannot agree on how to process the ballot, the vote must be challenged and adjudicated by the court.

For other ballots being manually counted, speak with your general registrar.

Abbreviations and symbols

✓	A vote that can be counted
✗	A vote that cannot be counted

1. Extra Marks

A voter might accidentally make extra pen marks or smudges on their ballot.

Follow the rule in the elections code

- Any ballot marked so that the intent of the voter is clear shall be counted. (Va. Code §24.2-644)

How to determine voter intent if a ballot contains extra marks

- Count the vote for the mark that stands out and is clearly associated with a candidate.

Vote marking scenarios

**Member
House of Delegates
64th District**

Vote for not more than one

- Aaron J. Peshkin II (D)
- G. Duane Kruse (R)
- ✔ Davitra Rangel (L)
- Jin Chen (I)
- Viviana Montoya (I)

#1a

✓ Vote to count

This example contains two marks, but one stands out because it is bold and complete.

This vote is counted for Davitra Rangel.

Vote marking scenarios: Marks between candidates

**Member
House of Delegates
64th District**

Vote for not more than one

- Aaron J. Peshkin II (D)
- ✗ G. Duane Kruse (R)
- Davitra Rangel (L)
- Jin Chen (I)
- Viviana Montoya (I)

#1b

✗ Vote not to count

The voter marked between two candidate names.

In this instance, the voter did not clearly indicate their choice.

This vote cannot be counted.

**Member
House of Delegates
64th District**

Vote for not more than one

◯ Aaron J. Peshkin II (D)
◯ G. Duane Kruse (R)
◯ Davitra Rangel (L)
◯ Jin Chen (I)
◯ Viviana Montoya (I)

#1c

✖ Vote not to count

The mark is between two names and gives no clear indication of the voter's choice.

This vote cannot be counted.

**Member
House of Delegates
64th District**

Vote for not more than one

◯ Aaron J. Peshkin II (D)
◯ G. Duane Kruse (R)
◯ Davitra Rangel (L)
◯ Jin Chen (I)
◯ Viviana Montoya (I)

1d

✖ Vote not to count

It is not clear who the voter prefers because the mark is in between two candidates.

This vote cannot be counted.

**Member
House of Delegates
64th District**

Vote for not more than one

◯ Aaron J. Peshkin II (D)
◯ G. Duane Kruse (R)
◯ Davitra Rangel (L)
◯ Jin Chen (I)
◯ Viviana Montoya (I)

#1e

✖ Vote not to count

The mark is between—and touches—two names and gives no clear indication of the voter's choice.

This vote cannot be counted.

2. More than one candidate marked

You may encounter a ballot that contains more than one mark for a vote-for-one contest.

Follow the rules in the elections code

- Any ballot marked so that the intent of the voter is clear shall be counted. (Va. Code §24.2-644).
- If a ballot for an office contains a greater number of votes than permitted, no vote for the office can be counted (Va. Code §24.2-663).
- In a recount, voting for more candidates than permitted is considered an overvote and the vote cannot be counted (Va. Code §24.2-802.2).

How to determine voter intent if a ballot contains more than 1 mark for a race

- Count the vote for the mark that stands out and is clearly associated with a candidate.

Vote marking scenarios

Vote to count

This example contains two marks, but one stands out because the box contains an x and is circled.

The vote is counted for Aaron J. Peshkin II.

**Member
House of Delegates
64th District**

Vote for not more than one

✓ Aaron J. Peshkin II (D)

✗ G. Duane Kruse (R)

✗ Davitra Rangel (L)

✗ Jin Chen (I)

✗ Viviana Montoya (I)

#2b

Vote not to count

The voter marked each candidate on the ballot. One candidate was marked with a check while the others are marked with an "X". Each mark has the same weight for choice and there is no clear indication of voter intent.

The voter marked each candidate which is an overvote; thus, the vote cannot be counted.

**Member
House of Delegates
64th District**

Vote for not more than one

○ Aaron J. Peshkin II (D)

✗ G. Duane Kruse (R)

○ Davitra Rangel (L)

○ Jin Chen (I)

P. J Roe

#2c

Vote not to count

The voter marked a candidate and wrote the name of a write-in candidate. Both are a vote for a candidate.

This vote cannot be counted.

**Member
House of Delegates
64th District**

Vote for not more than one

- ☒ Aaron J. Peshkin II (D)
- ☒ G. Duane Kruse (R)
- ◯ Davitra Rangel (L)
- ◯ Jin Chen (I)
- ◯ Viviana Montoya (I)

#2d

Vote not to count

The voter marked two candidates, when only one is allowed. It is not clear who the voter prefers because both marks are the same. No mark stands out for a particular candidate. This vote cannot be counted.

3. Strikethroughs

Some voters draw lines (also called strikethroughs) across candidate names instead of marking in the oval or box.

Follow the rule in the elections code

- Any ballot marked so that the intent of the voter is clear shall be counted. (Va. Code §24.2-644)

How to determine voter intent if a ballot contains strikethroughs

- Strikethroughs mean a voter does not favor a candidate. They don't provide information about voter intent. Often, these votes cannot be counted.

Vote marking scenarios

Vote to count

This voter checked the oval for one candidate and marked out the others.

The vote is counted for Viviana Montoya.

Vote not to count

The voter marked a line in between two names and there is no clear indication of the voter's choice.

This vote cannot be counted.

**Member
House of Delegates
64ᵗʰ District**

Vote for not more than one

- ⬭ ~~Aaron J. Peshkin II (D)~~
- ⬭ ~~G. Daane Kruse (R)~~
- ⬭ ~~Davitra Rangel (L)~~
- ⬭ ~~Jin Chen (I)~~
- ⬭ Viviana Montoya (I)

#3c

Vote not to count

In this example, 4 candidates are struck out. There is no clear mark that indicates who the voter prefers.

This vote cannot be counted.

4. Mark outside the oval

A voter's mark for a candidate may fall outside the oval or box.

Follow the rule in the elections code

- Any ballot marked so that the intent of the voter is clear shall be counted. (Va. Code §24.2-644)

How to determine voter intent if a ballot contains marks outside the oval

- Consider whether the mark indicates a preference for a candidate. If the mark is unclear, the vote cannot be counted.

Vote marking scenarios

Vote to count

In this example, it is clear that the checkmark aligns with a candidate.

The vote is counted for Aaron J. Peshkin II.

Vote to count

In this example, the arrow clearly points to a candidate.

The vote is counted for G. Duana Kruse.

**Member
House of Delegates
64th District**

Vote for not more than one

- ◯ Aaron J. Peshkin II (D)
- ◯ G. Duane Kruse (R)
- ◯ Davitra Rangel (L)
- ◯ Jin Chen (I)
- ◯ Viviana Montoya (I)

#4c

Vote not to count

This mark outside of the oval is not clearly associated with any candidate.

This vote cannot be counted.

**Member
House of Delegates
64th District**

Vote for not more than one

- ◯ Aaron J. Peshkin II (D)
- ◯ G. Duane Kruse (R)
- ◯ Davitra Rangel (L)
- ◯ Jin Chen (I)
- ◯ Viviana Montoya (I)

#4d

Vote not to count

This mark is not clearly associated with a single candidate.

This vote cannot be counted.

5. Circle-like marks

You may encounter a ballot on which a voter has circled a candidate name, rather than filling in an oval or box to specify their vote.

Follow the rule in the elections code

- Any ballot marked so that the intent of the voter is clear shall be counted (Va. Code §24.2-644).

How to determine voter intent if a ballot contains circle-like marks

- Consider whether the mark indicates a preference for a candidate. If it is unclear, the vote cannot be counted.

Vote marking scenarios

Member House of Delegates 64th District

Vote for not more than one

- ○ Aaron J. Peshkin II (D)
- ○ G. Duane Kruse (R)
- ○ Davitra Rangel (L)
- ○ Jin Chen (I)
- ○ Viviana Montoya (I)

Vote to count

In this example, the circle corresponds to a specific candidate.

The vote is counted for Aaron J. Peshkin II.

Member House of Delegates 64th District

Vote for not more than one

- ○ Aaron J. Peshkin II (D)
- ○ G. Duane Kruse (R)
- ○ Davitra Rangel (L)
- ○ Jin Chen (I)
- ○ Viviana Montoya (I)

#5b

Vote to count

In this example, the circle line touches more than one candidate. The center of the circle closes on one candidate.

The vote can be counted for Davitra Rangel.

**Member
House of Delegates
64th District**

Vote for not more than one

◯ Aaron J. Peshkin II (D)

◯ G. Duane Kruse (R)

◯ Davitra Rangel (L)

◯ Jin Chen (I)

◯ Viviana Montoya (I)

#5c

✖ Vote not to count

The circle closes around two candidates. The voter's preference cannot be determined.

This vote cannot be counted.

6. Writing words

Voters shall not write words, other than a candidate's name, to indicate preference. Writing words cannot be used to indicate preference.

Vote marking scenarios

Vote to count

In this example, the words "this one" cannot be taken as an indication of preference. However, the voter also drew an arrow which can be used to indicate the voter's preference for 1 candidate.

The vote is counted for G. Duane Kruse.

Vote not to count

The voter checked all the boxes and wrote "this one" on the ballot. The words "this one" cannot be used as an indication of preference.

Additionally, voter marked each candidate which is an overvote; thus, the vote cannot be counted

**Member
House of Delegates
64th District**

Vote for not more than one

- ◯ Aa~~My~~ Pe~~GUY~~il (D)
- ◯ G. Duane Kruse (R)
- ◯ Davitra Rangel (L)
- ◯ Jin Chen (I)
- ◯ Viviana Montoya (I)

#6c

❎

Vote not to count

The voter only wrote "My Guy" across a candidate's name.

This is not a clear indication that the voter was choosing this candidate for their vote.

This vote cannot be counted.

7. Write-in votes

Voters may choose to write in the name of a candidate not listed on the ballot.

Follow the rules in the election code

- At all elections, except primary elections, a voter may vote for any person other than the listed candidates for the office by writing or hand printing the person's name on the official ballot. No check or other mark shall be required to cast a valid write-in vote.
§24.2-644(C)
- No write-in vote shall be counted for an office for any person whose name appears on the ballot as a candidate for that office.
§24.2-644(D)

Voting scenarios

**Member
House of Delegates
64th District**

Vote for not more than one

◯ Aaron J. Peshkin II (D)

◯ G. Duane Kruse (R)

◯ Davitra Rangel (L)

⬤ Write-In
P.J. Roe

#7

✓

Vote to count

The voter wrote the name and filled in the oval to indicate that this is their choice.

The vote is counted as a write-in vote for P.J. Roe.

**Member
House of Delegates
64th District**

Vote for not more than one

- ◯ Aaron J. Peshkin II (D)
- ◯ G. Duane Kruse (R)
- ◯ Davitra Rangel (L)
- ◯ Jin Chen (I)

X P.J. Roe

#7a

✓ Vote to count

The voter wrote in the name and created a mark to indicate that this is their choice.

The vote is counted as a write-in vote for P.J. Roe.

**Member
House of Delegates
64th District**

Vote for not more than one

- ◯ Aaron J. Peshkin II (D)
- ◯ G. Duane Kruse (R)
- ◯ Davitra Rangel (L)
- ◯ Jin Chen (I)

P.J. Roe

#7b

✓ Vote to count

The voter clearly indicated their voting preference.

No check or other mark shall be required to cast a valid write-in vote.
§24.2-644(C)

The vote is counted as a write-in vote for P.J. Roe.

**Member
House of Delegates
64th District**

Vote for not more than one

- ◯ Aaron J. Peshkin II (D)
- ◯ G. Duane Kruse (R)
- ◯ Davitra Rangel (L)
- ◯ Write-In
  AARON J PESHKIN II

#7c

✗ Vote not to count

The voter indicated their choice; however, their choice is already printed on the ballot.

No write-in vote shall be counted for an office for any person whose name appears on the ballot as a candidate for that office.
§24.2-644(D)

This vote cannot be counted.

**Member
House of Delegates
64th District**

Vote for not more than one

◯ Aaron J. Peshkin II (D)

◯ G. Duane Kruse (R)

◯ Davitra Rangel (L)

⬤ Write-In
Peshkin

#7d

❌

Vote not to count

The voter indicated their choice with the last name of a candidate; however, their choice is already printed on the ballot.

No write-in vote shall be counted for an office for any person whose name appears on the ballot as a candidate for that office.
§24.2-644(D)

This vote cannot be counted.

**Member
House of Delegates
64th District**

Vote for not more than one

⬤ Aaron J. Peshkin II (D)

◯ G. Duane Kruse (R)

◯ Davitra Rangel (L)

◯ Write-In
P.J. Roe

#7e

❌

Vote not to count

The voter marked a selection and wrote down a name.

This indicates two choices—more than are permitted for this contest.

If voter indicates a number of choices for a race in which is not permitted they have made an overvote and no vote shall be counted.
§24-802.2

This vote cannot be counted.