

Murphy, Patty

To: Moss, Sheryl
Subject: Question of the Day--Write-ins in Single Candidate Races

Subject: Question of the Day--Write-ins in Single Candidate Races

Dear Election Partners:

As we receive questions from election administrators this year, there may be some that we will choose to share with you. This email addresses several questions we recently received about write-in votes in single candidate races.

Write-ins are complex to administer, especially in a primary. The fact that a write-in candidate may only need 1% of the total votes cast for an office to go onto the General Election is becoming well known and more candidates may try this option.

In a single candidate race, how is the 1% calculated for write-in candidates to advance to the General Election?

“Following any primary, a candidate's name shall be entitled to appear on the general election ballot if he or she receives the greatest or the next greatest number of votes for the office and additionally receives at least one percent of the total votes cast for the office.” (WAC 434-230-060) This applies to all candidates, including write-in candidates.

The “total votes cast” includes votes cast for candidates printed on the ballot plus write-in votes for that office. Overvotes and undervotes are not included.

If the number of write-ins, overvotes, and undervotes total more than 1% of the votes cast in a single candidate race, you will need to examine all undervoted and overvoted ballots to determine the number of write-ins cast for that office.

For example, if you had the following results in an office:

Candidate A	1000
Overvotes	1
Undervotes	110
Write-ins	5

Step 1. Establish the need to tally write-in votes. 1% of 1000 is 10 and 116 is definitely more than 1% so further research is needed..

Step 2. Examine under and over votes to find all write-in votes to determine the 1% threshold. All the under and overvotes must be examined. If 10 more write-in votes are found in this instance, the total votes cast is 1015. A write-in candidate would need to receive at least 11 votes to advance to the general. (RCW 29A.60.021)

Step 3. Determine if any write-in candidate reaches the 1% requirement. Individual write-in votes would be tallied to determine if a candidate received at least 11 votes.

Please remember that any write-in vote, including votes such as fictional characters and “none of the above”, must be included in the votes cast total.

What about the advice given previously that counties are not required to tally votes for candidates not registered to vote in a district—such as “Micky Mouse” and “None of the above”?

While you are not required to tally individual votes for these write-ins, they do count toward the total number of votes cast. You are not required to tally or duplicate these ballots, but you will need to include them in the total votes cast to determine the 1% threshold.

Why do overvotes need to be examined when there is only one candidate on the ballot? RCW 29A.60.021 (4) doesn't require inclusion of overvotes.

We recommend checking the overvotes because a single candidate race would only have an overvote if there is a mark in the response position of both Candidate A and the write-in. If a voter crossed off a vote for the Candidate A and wrote-in a name, it would be a legitimate write-in vote and needs to be included in the total. A stray mark may also produce a false overvote.

How does this affect how I treat my single candidate races?

In most cases, the total number of overvotes, undervotes, and write-ins will require you to determine if a write-in candidate is eligible to go on to the General Election. You may want to prepare ahead of time for tallying write-ins in single candidate races. Here are some suggestions:

- Duplicate ballots with unmarked write-ins for these races (duplication for these votes is strictly voluntary)
- Separate write-ins, overvoted and undervoted ballots after tabulation for easy access later
- Be sure to plan for the additional time and personnel needed to process these ballots before certification

The subject of write-in votes was previously addressed in a Clearinghouse sent July 21. You may view the Clearinghouse at <http://www.sos.wa.gov/elections/auditorsCTP/clearinghouse/2010/1004.pdf>.

Again, processing write-in votes in a Primary can be very complex. Please feel free to contact our office with any questions you may have.

Sincerely,

Sheryl Moss