Washington Secretary of State
SAM REED

Advisory Issue: 12 County Questions (2)
February 7, 2008

Four questions have been asked by counties this week:

1. What if a voter has altered the party oath?
2. If a voter has already returned a ballot, can he or she come in to select a party oath?
3. Will voters participating in the primary using Federal Write In Absentee Ballots be included in the list of voters who signed party oaths?
4. Do we need to process write-in votes?

Question #1. If a voter has altered the party oath in any way, we do not recommend counting the corresponding partisan vote. You may consider processing the ballot as though a party had not been selected. Final determination on whether to accept or reject the oath is up to each county and its County Canvassing Board. If it is rejected, the voter should not be included on the party list.

Question #2. There may be instances in which a voter, who has already returned a ballot, requests the opportunity to select a party oath or change the oath that was previously selected. It is up to each county to determine its own policy regarding whether to allow the voter to do so.

For ballots returned with accepted signatures and lacking a party selection, each county has the authority to decide whether or not to contact such voters to mark a party check box.

If the county allows a voter to change the party oath marked on an envelope, it would be up to the County Canvassing Board to decide which oath is viable in terms of counting the votes.

Question #3. Yes. Voters who utilize a Federal Write In Absentee Ballot do not have the opportunity to select a party oath. As long as they only vote in one party's primary, the partisan votes may be counted. These voters will be credited with participating in the party's primary, and included in the list that will be sent to the political parties.

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Question #4. You need to be able to report the total number of write-in votes for each race per RCW 29A.60.021(2). Write-in votes for specific Presidential candidates are not tallied in this primary. If a voter has used the write-in area to write in the name of a candidate whose name is already printed on the ballot, this should be caught during manual inspection and treated as a vote for the printed candidate as described in WAC 434-261-086(1)(i).

Additionally, write-in votes count when determining if a race has been overvoted. For example, if a ballot contains a regular vote for a Democratic candidate and a write-in vote for a Republican candidate, neither vote will count. In this scenario, the race has been overvoted.

If you have questions, please contact the Certification and Training Program at (360) 902-4180.

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