

**Top 2 Primary                      Advisory 07: Write-in Votes                      July 17, 2008**

Processing write-in votes in the upcoming Primary could prove challenging. Reinstatement of the one percent rule, which moves the top two vote getters on to the General Election, and the elimination of the 10% rule for Precinct Committee Officers (PCO) will increase the number of offices requiring the tally of write-in votes.

Any time there is only one candidate in a race, there is the possibility that a write-in candidate will be the second of the two candidates to move on to the General Election.

Candidates for PCO no longer have to meet the 10% rule (RCW 29A.80.051). The candidate with the most votes is elected. In many cases, you will have to process write-in votes to determine which candidate is elected.

**Note: For legislative and judicial offices with single candidates, you must tally the write-in votes and report the write-in vote totals with the certification to the OSOS.**

**Determining When to Tally Write-In Votes**

1. Two or more candidates in a race:

Combine the number of write-in votes + overvotes + undervotes. If this number exceeds the number of votes of one of the top two candidates, then write-in votes must be tallied. The top two candidates must also receive at least one percent of total votes cast for candidates in question.

2. One candidate in a race:

Add the number of write-in votes + overvotes + undervotes. If this number exceeds one percent of votes cast for candidates, then write-in votes must be tallied.

To calculate whether a candidate meets the one percent requirement, add the number of votes for all candidates -- include write-in votes but not overvotes or undervotes. One percent of this number is the minimum number of votes a candidate must receive to go on to the General Election. Of course, candidates must also be one of the two candidates receiving the most votes in the Primary.

## **To Tally Write-In Votes**

### 1. Declared Write-In Candidates:

Tally any names that can reasonably be considered to be the candidate.

### 2. Undeclared Write-In Candidates:

Tally separately for each name variation. Political party preference is not required to be a valid write-in vote.

Rules for invalid write-in votes can be found in RCW 29A.24.311.

## **Election Results**

Declared write-in candidates will not appear in any Voters' Pamphlet, Online Voters' Guide, or the Candidates Who Have Filed report or on a ballot. However, they may appear on results reports. If so, they will be listed as the last candidates in each race.

Declared write-in candidates for state races will be 'filed' in WEI as write-in candidates. When counties upload or enter results, they will be prompted for cumulative totals for any declared write-in candidates. (Hart counties may setup their upload for these results.)

WEI Counties may follow the WEI procedure for declared write-in candidates for local races (attached).

Write-in candidates will be listed on the website with a write-in label preceding the name.

## **Write-In Candidates from the Primary Advancing to the General Election Ballot**

The write-in candidate must be one of the top two candidates receiving the most votes in the Primary, and must receive at least one percent of votes cast for all candidates in that race. This does not apply to PCOs, as they are elected in the Primary.

If the write-in candidate meets the two requirements:

- The candidate's name will appear on the General Election ballot.
- For a declared write-in candidate, use the party preference listed on the Declaration of Candidacy form.
- For an undeclared write-in candidate, "(States No Party Preference)" will be on the ballot.
- The candidate's name will appear on all General Election publications as a regular candidate for the office.

## **Write-In Candidates for PCO**

Candidates, regular or written-in, with the most votes within a party are elected. A minimum number of votes is not required.

A valid write-in vote must indicate the party of the candidate.

If no candidates have filed, you must tally the write-in votes to determine who is elected.

Mandatory recount rules do apply to PCOs. Recounts and ties are treated as they would be for any other race.

## **Election Results**

Declared write-in candidates for PCO will not appear in any Voters' Pamphlet, Online Voters' Guide, the Candidates Who Have Filed report, the sample ballot, or on a ballot. However, they may appear on results reports. If so, they will be listed as the last candidates in each race.

WEI Counties may follow the WEI procedure for PCOs and PCO declared write-in candidates (attached).

For questions regarding write-in votes, please contact the Certification and Training Program at (360) 902-4180.