



*Washington Secretary of State*

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# CLEARINGHOUSE

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## ELECTIONS NOTICE

Issue: 0805

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### **Write-in Voting**

Any person wishing to be a write-in candidate may file a Declaration of Candidacy no later than the day prior to an election or primary. Write-in candidates file in the same manner as regular candidates.

Any voter wanting to write in the name of a person for any office may do so. Write-in candidates do not have to be declared in order for the votes to be counted.

#### **Party Preference / Party Affiliation**

For most partisan offices, write-in votes will not need to indicate party preferences. This change was brought about by the Top 2 Primary. Only for offices in which candidates are affiliated with or nominated by a party (e.g. President/Vice-President) must a write-in vote indicate a party affiliation. Candidates for other partisan offices are not party nominees, and therefore, party preference is not required. The Voter Intent Guide does not conflict with this change because Rule P requires write-in votes to indicate the political party only, "...if applicable."

#### **Declared Write-in Candidates**

The Secretary of State will notify each County Auditor of any declared write-in candidates for state offices that may file with the Secretary of State per RCW 29A.24.320. It is the responsibility of County Auditors to ensure that the election workers responsible for counting ballots are notified of all declared write-in candidates prior to tabulation of the ballots.

#### **Reporting Write-in Votes**

The total number of write-in votes cast in each race must be tabulated and reported with the canvass for the General Election. This information must be included in the County Cumulative Report. The County Cumulative Report, as part of the certificate of the election, is transmitted to the Secretary of State immediately following certification (RCW 29A.60.230(1)).

Most write-in votes cast in a general election will not need to be tallied (that is, totaled for each individual candidate) except in the event of a close race.

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

RCW 29A.60.021 requires that overvotes and undervotes be included to determine when write-in votes must be tallied. The rule for judging when write-in votes must be counted for individual candidates requires two calculations.

Step 1. Determine the total of potential write-in votes for a race by adding the number of write-ins, overvotes, and undervotes reported.

Step 2. Compare the total calculated in Step 1 as follows:

- a. For a single candidate race: When the number of potential write-in votes exceeds the number of votes cast for the single candidate, individual write-in votes must be tallied.
- b. For multi-candidate races: Subtract the votes for the 2<sup>nd</sup> place candidate from the votes for the 1<sup>st</sup> place candidate. If the total number of write-ins, overvotes, and undervotes, is more than the difference of the votes cast for the 1<sup>st</sup> and 2<sup>nd</sup> place candidates, then write-in votes must be tallied.

**Example:** The results for County Dogcatcher are:

Candidate A	1000 votes
Candidate B	950 votes
Write-ins	35 votes
Overvotes	3 votes
Undervotes	19 votes

Step 1. The sum of Write-ins, Overvotes, and Undervotes equals 57 votes.

Step 2. The difference between candidate A and B is 50.

Because 57 (the total of write-ins, overvotes, and undervotes) is more than 50 (the difference between the top candidates), write-in votes must be tallied.

**Multi-County Districts**

For a multi-county race, apply the above rule to the votes cast in your county. Should write-ins need to be tallied in your county, please report this information immediately to the Secretary of State’s Office.

The Secretary of State’s Office will determine if write-ins need to be tallied for a multi-county district. Counties will be notified if write-ins need to be tallied for multi-county district races.

## **Tallying Write-in Votes (WAC 434-262-160)**

- When tallying write-in votes, all ballots with overvotes, undervotes, and write-ins for that race must be checked for votes.
- Votes cast for a declared write-in candidate shall be counted the same as if the name had been printed on the ballot.
- If individual write-ins are tallied, there are no laws or rules that eliminate counting entries such as Mickey Mouse, None of the Above, Jesus, etc.
- The county canvassing board shall exercise all reasonable efforts to determine the voter's intent. The Statewide Standards on what is a Vote (WAC 434-261-086) must be applied to write-in votes.

Two types of write-in votes do not need to be tallied, but must be accounted:

- County staff may check the VRDB to determine if a write-in candidate is registered to vote in the district. Checking the VRDB is optional. However, if it can be determined that no one by a specific name is registered in the state or district, the votes need not be tallied.
- If a write-in candidate lost the same race in the Primary, as either a regular candidate printed on the ballot or a declared write-in, that candidate is ineligible and write-in votes are not tallied. (RCW 29A.24.311 and RCW 29A.60.021)

When tallying write-in votes, individual votes should be reconciled with the total number of write-in votes.

There will be a large number of declared Presidential write-in candidates. Counties with digital scan tabulation systems may want to classify these candidates as "uncertified" when resolving the write-in votes for that race.

For more information, please contact the Certification and Training Program at (360) 902-4180. Citation references are attached.

**RCW 29A.24.311**

**Write-in voting — Candidates, declaration.**

Any person who desires to be a write-in candidate and have such votes counted at a primary or election may file a declaration of candidacy with the officer designated in RCW 29A.24.070 not later than the day before the primary or election. Declarations of candidacy for write-in candidates must be accompanied by a filing fee in the same manner as required of other candidates filing for the office as provided in RCW 29A.24.091.

Votes cast for write-in candidates who have filed such declarations of candidacy and write-in votes for persons appointed by major political parties pursuant to RCW 29A.28.021 need only specify the name of the candidate in the appropriate location on the ballot in order to be counted. Write-in votes cast for any other candidate, in order to be counted, must designate the office sought and position number or political party, if the manner in which the write-in is done does not make the office or position clear.

No person may file as a write-in candidate where:

(1) At a general election, the person attempting to file either filed as a write-in candidate for the same office at the preceding primary or the person's name appeared on the ballot for the same office at the preceding primary;

(2) The person attempting to file as a write-in candidate has already filed a valid write-in declaration for that primary or election, unless one or the other of the two filings is for the office of precinct committee person;

(3) The name of the person attempting to file already appears on the ballot as a candidate for another office, unless one of the two offices for which he or she is a candidate is precinct committee person.

The declaration of candidacy shall be similar to that required by RCW 29A.24.031. No write-in candidate filing under this section may be included in any voter's pamphlet produced under chapter 29A.32 RCW unless that candidate qualifies to have his or her name printed on the general election ballot. The legislative authority of any jurisdiction producing a local voter's pamphlet under chapter 29A.32 RCW may provide, by ordinance, for the inclusion of write-in candidates in such pamphlets.

[2004 c 271 § 117.]

**RCW 29A.60.021**

**Write-in voting — Declaration of candidacy — Counting of vote.**

(1) For any office at any election or primary, any voter may write in on the ballot the name of any person for an office who has filed as a write-in candidate for the office in the

manner provided by RCW 29A.24.311 and such vote shall be counted the same as if the name had been printed on the ballot and marked by the voter. No write-in vote made for any person who has not filed a declaration of candidacy pursuant to RCW 29A.24.311 is valid if that person filed for the same office, either as a regular candidate or a write-in candidate, at the preceding primary. Any abbreviation used to designate office or position will be accepted if the canvassing board can determine, to its satisfaction, the voter's intent.

(2) The number of write-in votes cast for each office must be recorded and reported with the canvass for the election.

(3) A write-in vote for an individual candidate for an office whose name appears on the ballot for that same office is a valid vote for that candidate as long as the candidate's name is clearly discernible, even if other requirements of RCW 29A.24.311 are not satisfied and even if the voter also marked a vote for that candidate such as to register an overvote. These votes need not be tabulated unless: (a) The difference between the number of votes cast for the candidate apparently qualified to appear on the general election ballot or elected and the candidate receiving the next highest number of votes is less than the sum of the total number of write-in votes cast for the office plus the overvotes and undervotes recorded by the vote tabulating system; or (b) a manual recount is conducted for that office.

(4) Write-in votes cast for an individual candidate for an office whose name does not appear on the ballot need not be tallied unless the total number of write-in votes and undervotes recorded by the vote tabulation system for the office is greater than the number of votes cast for the candidate apparently qualified to appear on the general election ballot or elected.

(5) In the case of write-in votes for a statewide office or any office whose jurisdiction encompasses more than one county, write-in votes for an individual candidate must be tallied when the county auditor is notified by either the secretary of state or another county auditor in the multicounty jurisdiction that it appears that the write-in votes must be tabulated under the terms of this section. In all other cases, the county auditor determines when write-in votes must be tabulated. Any abstract of votes must be modified to reflect the tabulation and certified by the canvassing board. Tabulation of write-in votes may be performed simultaneously with a recount.

[2005 c 243 § 12; 2004 c 271 § 147.]

### **RCW 29A.60.230**

#### **Abstract by election officer — Transmittal to secretary of state.**

(1) Immediately after the official results of a state primary or general election in a county are ascertained, the county auditor or other election officer shall make an abstract of the number of registered voters in each precinct and of all the votes cast in the county at such

state primary or general election for and against state measures and for each candidate for federal, state, and legislative office or for any other office which the secretary of state is required by law to canvass. The cumulative report of the election and a copy of the certificate of the election must be transmitted to the secretary of state immediately, through electronic means and mailed with the abstract of votes no later than the next business day following the certification by the county canvassing board.

(2) After each general election, the county auditor or other election officer shall provide to the secretary of state a report of the number of absentee ballots cast in each precinct for and against state measures and for each candidate for federal, state, and legislative office or for any other office which the secretary of state is required by law to canvass. The report may be included in the abstract required by this section or may be transmitted to the secretary of state separately, but in no event later than March 31st of the year following the election. Absentee ballot results may be incorporated into votes cast at the polls for each precinct or may be reported separately on a precinct-by-precinct basis.

(3) If absentee ballot results are not incorporated into votes cast at the polls, the county auditor or other election official may aggregate results from more than one precinct if the auditor, pursuant to rules adopted by the secretary of state, finds that reporting a single precinct's absentee ballot results would jeopardize the secrecy of a person's ballot. To the extent practicable, precincts for which absentee results are aggregated must be contiguous.

[2003 c 111 § 1523; 2001 c 225 § 2; 1999 c 298 § 21; 1990 c 262 § 1; 1977 ex.s. c 361 § 96; 1965 c 9 §29.62.090 . Prior: (i) 1895 c 156 § 12; Code 1881 § 3101; 1865 p 40 § 12; RRS § 5346. (ii) Code 1881 § 3103; 1865 p 41 § 14; RRS § 5348. Formerly RCW 29.62.090.]

Agency filings affecting this section

## **WAC 434-262-160**

### **Write-in-voting — Voter intent.**

(1) In all cases of write-in votes the canvassing board shall exercise all reasonable efforts to determine the voter's intent. Write-in votes in the general election are not to be counted for any person who filed for the same office as either a regular or write-in candidate at the preceding primary and failed to qualify for the general election. If a write-in declaration of candidacy has been filed, the voter need only write in that candidate's name in order for the vote to be counted; the candidate's party preference does not impact whether the write-in vote shall be counted. If no declaration of write-in candidacy has been filed, the voter must write in the name of the candidate and, if the office or position number cannot be determined by the location of the write-in on the ballot, the office and position number, in order for the write-in vote to be counted.

(2)(a) If a write-in candidate for partisan office does not file a write-in declaration of candidacy but does qualify for the general election ballot, the candidate has not stated a

preference for a political party and therefore shall have "(states no party preference)" printed on the general election ballot.

(b) If a write-in candidate for partisan office files a write-in declaration of candidacy and qualifies for the general election ballot, the party preference stated on the write-in declaration of candidacy, if any, shall be printed on the general election ballot.

[Statutory Authority: RCW 29A.04.611. 08-15-052, § 434-262-160, filed 7/11/08, effective 8/11/08. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-160, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-62-160, filed 6/2/92, effective 7/3/92.]