This document is intended to aid Local Boards of Elections (LBEs) during a canvass of absentee or provisional ballots, a review of write-in votes, a post-election audit or a recount using ballots or ballot images. The examples below are taken from the Code of Maryland Regulations (COMAR) §§ 33.08.02.02 and 33.08.02.03 (attached) and must be used to determine the voter's intent based on what defines a vote under Maryland law.

The following visual examples include votes that *must* be counted, as well as votes that *cannot* be counted. Of course, the range of ways in which a voter can mark a ballot is unlimited and not all possibilities are included here. These examples should be used to inform decision-making regarding voter intent; however, in the event voter intent cannot be determined, assistance should be sought from the LBE's counsel or the State Board of Elections (SBE).

Note that for many of the following examples, duplication of the ballot following the regulations found at COMAR § 33.08.04.05 (attached) would be necessary prior to tabulation on either a DS200 or DS850. Absentee and provisional ballots should be visually examined prior to tabulation and should be referred to duplication teams as necessary. Finally, if a voter does not mark or leaves blank a candidate or question choice, the valid votes for other choices on the same ballot *must* be counted.

Definition of a Vote

The majority of an oval designating a candidate or question choice is filled in.

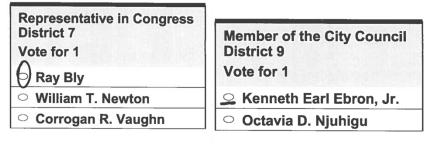
Votes to be counted:

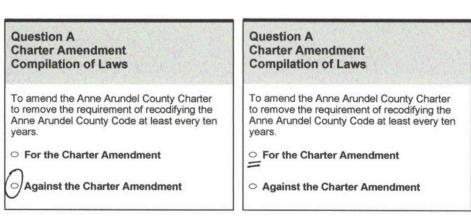
Mayor Vote for 1 Armand F. Girard Chancellor Torbit Brian Charles Vaeth Alan Walden Larry O. Wardlow, Jr.

Question B Charter Amendment Budget Deadline and Budget Amendment Notice This Charter Amendment would amend the Frederick County Charter to extend the time for the County Council to adopt the County Budget until May 31 and would require that the County Council provide at least two days advance public notice on the County website before holding a public hearing on a budget amendment that constitutes a change of substance. For the Charter Amendment Against the Charter Amendment

2) The oval next to the candidate's name or the question choice is circled or underlined.

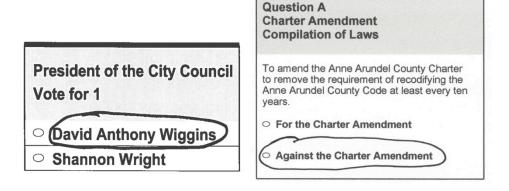
Votes to be counted:

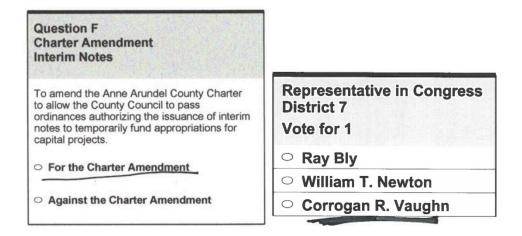




3) The candidate's name or the question choice is circled or underlined.

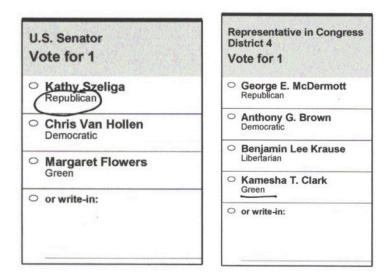
Votes to be counted:





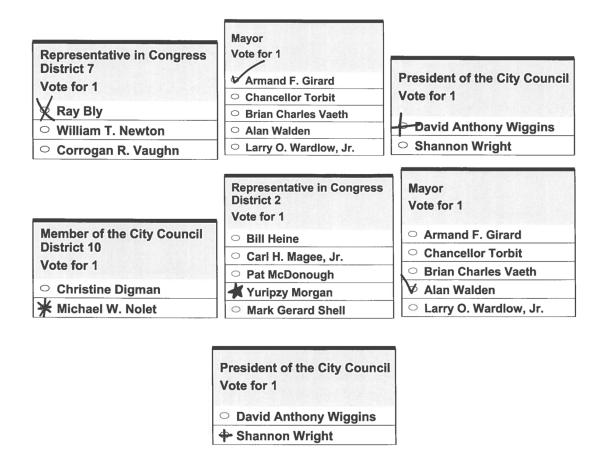
4) The party affiliation associated with the candidate's name is circled or underlined.

Votes to be counted:

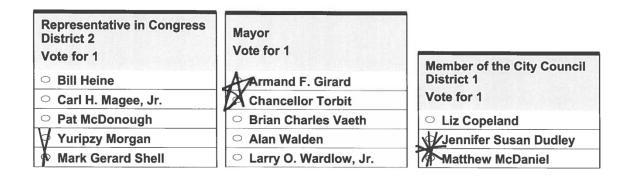


5) There is an "X", a check mark, a plus sign, an asterisk, or a star, any portion of which is contained in a single oval, and <u>no portion of which enters into another oval</u>, next to the candidate's name or question choice.

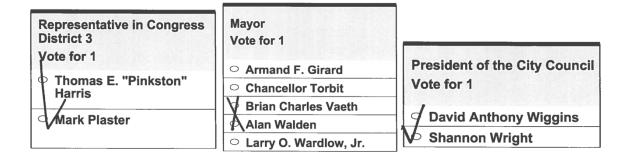
Votes to be counted:



Votes **NOT** to be counted (overvote):

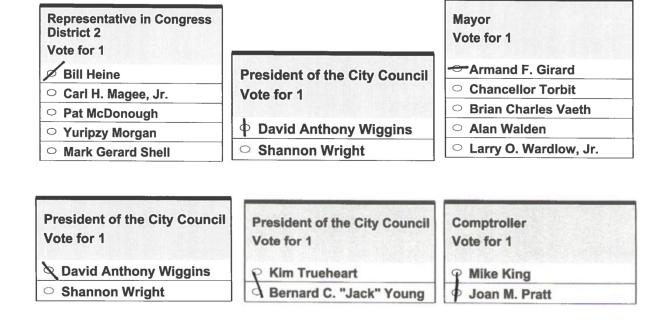


Votes **NOT** to be counted, continued.

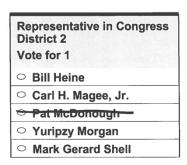


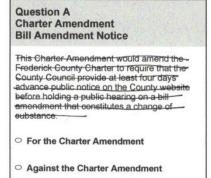
- 6) There is a diagonal, horizontal, or vertical line:
 - a. a portion of which intersects **two** points on the oval next to the candidate's name or the question choice;
 - b. that does not intersect another oval at any **two** points;
 - c. that, if it is a horizontal line, does not strike through the candidate's name or the question choice language.

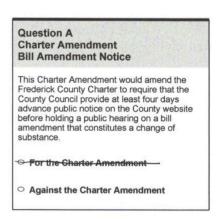
Votes to be counted:

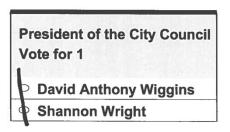


Votes **NOT** to be counted:



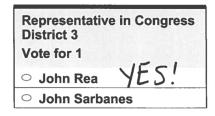


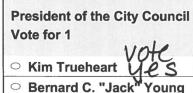


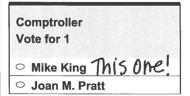


7) There are words of affirmative choice, such as "Vote for Smith" or "vote yes", written in the area for the specific contest.

Votes to be counted:







Representative in Congress
District 3
Vote for 1

O John Rea
O John Sarbanes

President of the City Council
Vote for 1 VIFE FIVE

Kim Trueheart VIVIG

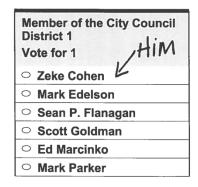
Bernard C. "Jack" Young

Comptroller
Vote for 1

Mike King

Joan M. Pratt

Votes to be counted, continued.



8) Where a valid choice has been made as shown in 1-7, above, and one or more other choices are similarly marked and contain an "X", a cross-out, or another mark obscuring the filled in area, or contain words of error or affirmative choice such as "no," "not this," "ignore this," "don't want," "wrong," "vote for Smith," or "Vote yes," the choices without the additional markings, or in the absence of additional markings, the choices indicated by the written words constitute a valid vote.

Votes to be counted:

Representative in Congress
District 7
Vote for 1
Elijah Cummings
Adrian Petrus

(valid vote for Cummings)

Comptroller
Vote for 1

Mike King

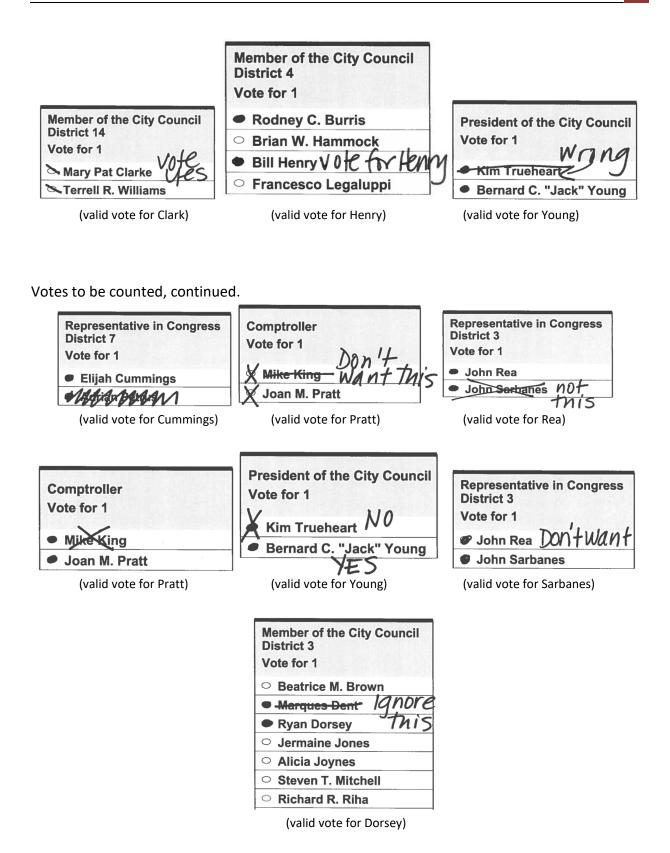
Joan M. Pratt VOIC YES

(valid vote for Pratt)

President of the City Council
Vote for 1

Kim Trueheart This one
Bernard C. "Jack" Young

(valid vote for Young)



State Board of Elections

II. Write-in Voting

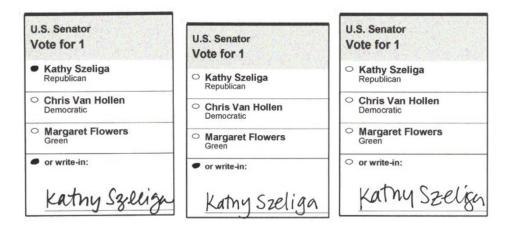
For any printed ballot or ballot image that is to be counted manually (absentee, provisional or write-in canvass, post-election audit or recount), where the voter has voted for a qualified, or filed, write-in candidate, the following guidelines should be used to determine whether a valid vote for the write-in candidate has been cast. These guidelines are developed from C.O.M.A.R 33.08.02.03.

Again, many of the following examples would require duplication pursuant to COMAR § 33.08.04.05 prior to tabulation.

Where the written name of a filed write-in candidate, or the written name of a candidate whose name is on the ballot in the contest is written in the write-in space, whether or not the oval designating the selection of a write-in candidate has been marked, constitutes a valid vote for the candidate.

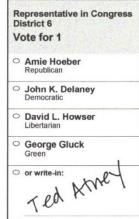
Votes to be counted:

(where Kathy Szeliga is a candidate and Ted Athey, Michael Pearson and Bob Robinson are filed write-in candidates)

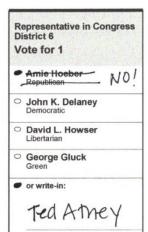


¹ To be a "qualified" write-in candidate, the candidate must file a certificate of candidacy with the appropriate (State or Local) board of elections. Md. Code Ann. Elec. Law § 5-301(e). Write-in votes for any candidate who has not filed a certificate of candidacy and is not on the qualified write-in candidate list will be counted as part of the total votes cast and will be reported in the "other write-in" total.

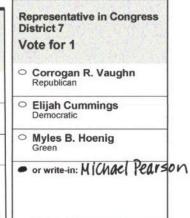


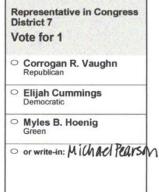


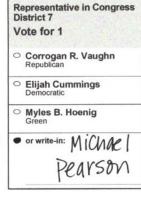












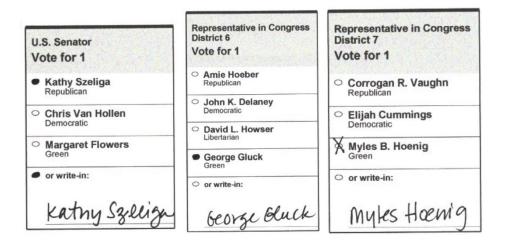




2) If a voter designates a vote for a named candidate on the ballot and also provides for a write-in candidate in the same contest, the vote shall be treated as follows:

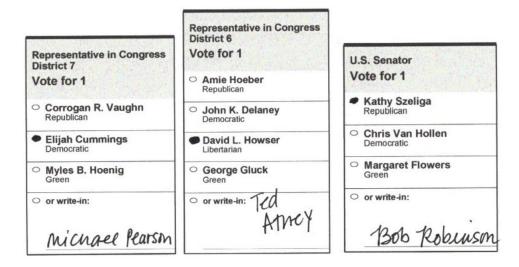
If the voter designates a vote for a named candidate on the ballot and writes in the name of the same candidate, only one vote shall count for the candidate.

Votes to be counted (as one vote for the candidate):

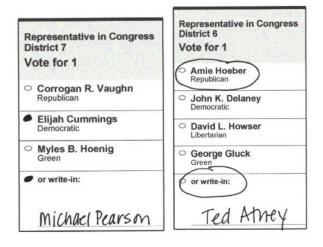


3) If a voter designates a vote for a named candidate on the ballot and writes in the name of a different person, it shall be considered an overvote, with neither candidate receiving credit for the vote.

Votes **NOT** to be counted (overvote):



Votes **NOT** to be counted, continued.



4) Any abbreviations, misspelling, or other minor variations in the form of the name of a filed write-in candidate shall be disregarded in determining the validity of a write-in vote, as long as the intended candidate can be determined.

NOTE: While the examples below show write-in votes written by voters, these examples would also apply to a write-in vote recorded by an ExpressVote ballot marking device.

Votes to be counted:

(where Ann Dalrymple is a filed write-in candidate)





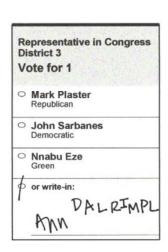


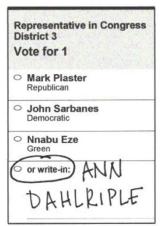




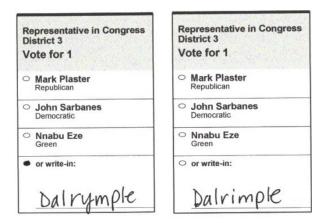








Votes to be counted, continued.

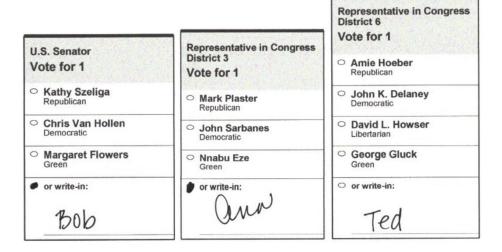


5) Writing in only the first name or initials of a filed write-in candidate constitutes a valid vote, unless there is more than one candidate with the same first name or initials for that office. If there is more than one filed candidate with the same first name or initials for that office, writing in only the first name or initials is not a valid vote.

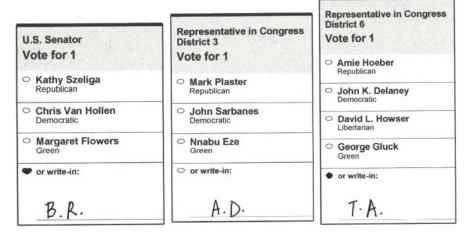
NOTE: While the examples below show write-in votes written by voters, these examples also apply to a write-in vote recorded by an ExpressVote ballot marking device.

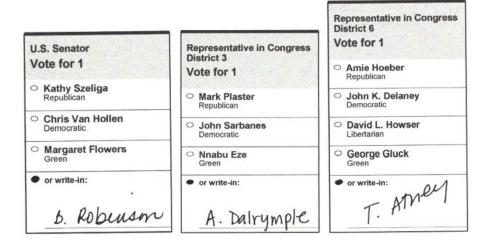
Votes to be counted:

(where Bob Robinson, Ann Dalrymple, and Ted Athey are the only filed write-in candidates with these names and initials)



Votes to be counted, continued:



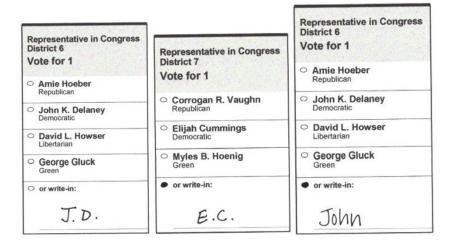


Votes **NOT** to be counted:

(where John Davis, Margaret French and Emily Carter are filed write-in candidates)



Votes **NOT** to be counted, continued:

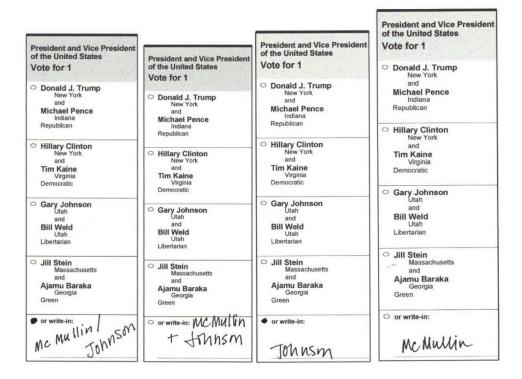


6) Writing in only the last name of the candidate for Governor or the last name of the candidate for Lieutenant Governor is sufficient to cast a write-in vote for the joint office. Writing in only the last name of the candidate for President or the last name of the candidate for Vice President is sufficient to cast a write-in vote for the joint office.

NOTE: While the examples below show write-in votes written by voters, these examples would also apply to a write-in vote recorded by an ExpressVote ballot marking device.

Votes to be counted:

(where Evan McMullin is a filed write-in candidate for President and Nathan Johnson is his filed write-in candidate for Vice-President)



7) Writing in the name of the candidate for President or the name of the candidate for Vice President is sufficient to cast a write-in vote for the joint office (where both Evan McMullin and Nathan Johnson are filed candidates).



