

## Procedure for Handling Ballots Rejected in the Polls

It is improper for an election official or any member of a board of election inspectors to view a voter's marked ballot if the identity of the voter is known. Issues regarding ballot secrecy typically involve the mishandling of ballots that are rejected by the tabulator. To ensure the secrecy of all marked ballots, the election inspector assigned to monitor the tabulator must remain at least *10 feet away* from the tabulator whenever it is in use. This policy is referred to as the "10-foot rule."

In addition, it is important that the instructions and options that are offered to a voter whose ballot is rejected by the tabulator are accurate and consistent. The following scripts are offered to ensure uniformity in the interactions that take place between election inspectors and voters whose ballots have been rejected by the tabulator. The script is designed to be read to any voter who experiences the rejection of his or her ballot due to a voting error. Once the rejected ballot is secure in a secrecy sleeve, the election inspector may approach the tabulator to give the following instructions.

### **STEP I: An election inspector reads one of the following statements to a voter whose ballot has been rejected by the tabulator due to a voting error:**

#### **Overvoted Statement – The voter has overvoted one or more offices or proposals on the ballot:**

- The tabulator has rejected your ballot because it is improperly marked. According to the tabulator, *you have cast more votes* for an office or proposal *than allowed*.
- *If you wish to correct this error*, we will be happy to provide you with a replacement ballot.
- *If you **do not** wish to correct this error*, your ballot may be accepted as presented. Please be aware, however, that *any invalid marks* on your ballot *will not* be counted.

#### **Crossover Statement – The voter has crossover voted in a partisan primary:**

- The tabulator has rejected your ballot because it is improperly marked. According to the tabulator, *you have cast votes for candidates of more than one political party*.
- *If you wish to correct this error*, we will be happy to provide you with a replacement ballot.
- *If you **do not** wish to correct this error*, your ballot may be accepted as presented. Please be aware, however, that any *invalid marks* on your ballot *will not* be counted.

#### **Blank Ballot Statement – The voter has not cast any votes (blank ballot):**

- The tabulator has rejected your ballot because it appears that *you did not cast any votes*.
- *If you wish to re-mark your ballot*, you may return to the voting station. Instructions on the voting process will be provided upon your request.
- *If you **do not** wish to re-mark your ballot*, your ballot may be accepted as presented. Please be aware, however, that *no votes will count*.

#### **Ambiguous Mark Statement – The voter has not made complete marks:**

- The tabulator has rejected your ballot because it *does not fully detect all the votes on the ballot*.
- You must return to the voting station and *fill the ovals in completely*. Instructions on the voting process will be provided upon your request.

### **STEP II: If the voter requests that his or her ballot be accepted as presented (this is not an option for ambiguous marks), the election inspector should re-emphasize that one or more votes will not be counted and offer the voter a second opportunity to obtain a replacement ballot:**

#### **Overvoted Statement – The voter has overvoted one or more offices or proposals on the ballot:**

- *If your ballot is accepted as marked*, no votes cast for any office or proposal that is overvoted will count. *Are you certain* that you do not wish to receive a replacement ballot?

#### **Crossover Statement – The voter has crossover voted (voted for candidates of more than one political party):**

- If your ballot is accepted as marked, no votes which appear in the *partisan section* of your ballot *will count*. *Are you certain* that you do not wish to receive a replacement ballot?

#### **Blank Ballot Statement – The voter has not cast any votes (blank ballot):**

- If your ballot is accepted as marked, *no votes will count for any offices or proposals*. *Are you certain* that you do not wish to return to the voting station?