

Chapter 14.21: Write-In Votes

Sec. 14.21.1: General Guidelines for Determining Write-In Votes

When a voter casts a write-in vote in a manner inconsistent with the ballot instructions for casting a write-in vote, or the write-in vote is deficient to cause the poll workers to question the voter's intent, the vote is described as "irregular." An irregularity can be caused by failure of the voter to follow instructions, less-than-legible handwriting, inadequate erasures, indicating a candidate preference with unconventional or stray marks, etc. *An irregular vote may be counted if the intent of the voter can be determined.*

Count Write-In Votes When

- The name of the person is misspelled, but the intent of the voter can be reasonably determined.
- The name of the person is abbreviated, but the intent of the voter can be reasonably determined.
- A name contains a wrong initial or an initial is omitted.
 - **Example:** The write-in candidate is Jonathan L. Seagull. The voter writes in Jonathan T. Seagull or Jon Seagull.
- Only the last name of a person is written in.
 - Count the vote if:
 - The person is a registered write-in candidate and/or
 - The intent of the voter can be reasonably determined.
 - The voter did not make an X or other mark, fill in a square or oval, or complete an arrow next to the write-in line
- The voter did not make an X or other mark, fill in a square or oval, or complete an arrow next to the write in line.
 - *No mark is required next to the write-in line to cast a write-in vote.*
Wis. Stat. § 7.50(2)(d).

- A sticker containing the name of a registered write-in candidate and the office sought is placed on the face of the ballot, but not in a particular office space.

Best Practice: Some of the examples of write-in vote irregularities refer to write-in stickers. Although 2015 Act 37 removed the language in Wis. Stat. § 7.50 relating to affixing a write-in sticker on a ballot, the Act did not specifically prohibit the use of write-in stickers. If a write-in sticker is affixed to a ballot, the poll workers must treat it the same as any other write-in vote.

Do Not Count Write-In Votes When

- A name is misspelled or abbreviated and the intent of the voter cannot be reasonably determined.
- A write-in sticker is placed on the endorsement (back) side of a paper ballot.
- A write-in sticker is found in the ballot box and is not attached to any ballot.
- The instruction on the ballot is "Vote for 1" and the name of more than one person has been written in for a single office.
 - This is an overvote. No votes are counted for that office.
- The instruction on the ballot is "Vote for 1" and the name of more than one person has been written in for an office and a vote has also been cast for a ballot candidate for the same office.
 - This is an overvote and no votes are counted for that office.