

Opening Return Identification Ballot Envelopes

**NST 7 days
before election**


Begin opening the return identification ballot envelopes

Once signature verification is completed and ballots have been sorted, begin opening the return identification ballot envelopes.


- 1 Process ballots from only one precinct or batch at any one workstation at a time.
- 2 OCVR will keep a record of the number of return identification ballot envelopes accepted.
→ Counts may be automated if sorting equipment is being used.
- 3 Once the ballots have been removed from the return identification envelopes count the ballots.
- 4 May begin scanning ballots if the county has received approval from the Secretary of State as required in OAR 165-007-0310.

Staffing


Election personnel opening envelopes, preparing ballots for counting and tallying votes may not be a candidate who is listed on the ballot or a relative of a candidate on the ballot in that particular election.


 See [Election personnel](#) on page 5 for definition of relative.

- 1 Each board member must sign an oath prior to processing ballots at each election.
- 2 Opening boards must be composed of a minimum of two members, not all of the same political party.
- 3 A record must be maintained of all board members, including each member's:
 - Political party affiliation
 - Oath
 - Board assignments
 - ✓ Consider maintaining a log of which boards process which precincts or batches.

 The county elections official must provide written procedures and training prior to each election to ensure consistent application of state and local policies regarding all aspects of ballot processing – receipt, signature verification, opening/inspecting and tally.

Opening Boards


 There shall be no lead pencils or blue or black pens at any table where election workers are opening ballots or are working with ballots that have been removed from their envelope.

 The only writing devices that are permitted at a table are those with a distinctive marking color that is not commonly used by voters on ballots.

- 1 Process one precinct or batch at a time at any one workstation.
- 2 Open the return identification ballot envelope and remove the secrecy envelope containing the voted ballot.
 - If the return identification ballot envelope was sealed or unsealed and contains a ballot with or without a secrecy envelope, continue processing while maintaining the secrecy of the ballot.
 - If there is another signed return identification ballot envelope inside (with a ballot inside of it), remove and forward inner return envelope to be logged and examined as a separate returned voted ballot.

Opening Return Identification Ballot Envelopes (cont.)

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- 3 Open the secrecy envelope and remove the voted ballot.
 - If there is no ballot enclosed, log as an empty ballot envelope or refer to the election supervisor for instructions.
 - If the ballot is from a different election, reject the ballot.
 - If there are two voted ballots for this election enclosed in one envelope and only one signature on the return identification envelope reject both ballots.
 - 4 Place rejected ballots in the appropriate envelope/container.
-  If other material or notations are included on or with the returned ballot and have a bearing on the vote cast, attach the material to the ballot and send to the duplication board.

Ballot Inspection Process

**NST 7 days
before election**

Ballot inspection board

✓ ORS 254.470(8), 254.505

- ⚠ There shall be no lead pencils or blue or black pens at any table where election workers are opening ballots or are working with ballots that have been removed from their envelope.
- ⚠ The only writing devices that are permitted at a table are those with a distinctive marking color that is not commonly used by voters on ballots.
 - 1 The object of ballot inspection is to ensure:
 - All ballots are machine-readable.
 - Voter's actual vote will be recorded accurately.
 - ✓ If the ballot has damage or defects that would cause problems in tallying, duplicate as directed in this rule.
 - ⓘ In all cases inspection boards must determine whether ballots should be counted, rejected or duplicated.
- 2 Inspect all ballots to determine voter intent.
 - The responsibility for determining voter intent lies with the inspection board, under the supervision of the county elections official.
 - Ensure that a team of at least two board members not of the same political party works together to determine voter intent.
 - ⓘ In counties using digital vote tally systems, ballot inspection and resolution is performed on a computer. A team of at least two board members not of the same political party is still required to work together to determine voter intent.
- 3 Any extraneous marks, such as names, signatures or initials of the voter should be disregarded unless they have a bearing on the vote cast.
 - ⚠ Ballots shall be rejected if a write-in is voted using a rubber stamp, sticker or another marking device, except writing which bears the name of a person and is used to vote for a person whose name is not on the printed ballot.
- 4 If ballots are counted by precinct, process ballots one precinct at a time at any one workstation.
- 5 All rejected ballots must be accounted for on log sheets or as directed by the county elections official and placed in the appropriate envelope/container.
- 🔍 See guidelines for staffing in the [Opening Return Identification Ballot Envelopes](#) section on page 30.

Inspecting


- 1 Check for questionable marks and write-in votes during the same inspection. **Questionable marks are:**
 - Marks that cannot be read by the ballot tally equipment
 - A checkmark or an X in the voting area
 - Voting area completed too lightly
 - Voter's choice not marked in the voting area
 - Extraneous marks made in the header code, clock areas or other scanned areas
 - Marks indicating the voter's change of mind; and/or
 - Comments marked in the voting area


Ballot Inspection Process (cont.)

NST 7 days before election

- 2 Inspect entire ballot and sort into appropriate stacks:
 - Clearly marked machine-readable ballots (they can be placed in the container, ready for tallying)
 - Ballots with questionable marks
 - Ballots with write-ins with oval or box not completed
 - Ballots that must be enhanced
 - Ballots that must be duplicated

Determining voter intent

 ORS 254.505

- 1 If the inspection board agrees on the voter's intent, the ballot should be enhanced or duplicated in the manner reflecting the voter's intent and the enhanced or duplicate ballot tallied.
 - If it is possible to enhance the ballot, use the enhancement process.
 - If enhancement is not possible, duplicate the ballot.
- 2 If the inspection board cannot determine the voter's intent, the ballot should not be duplicated but processed as is.
 -  Voter intent in any single contest may not be determined based upon a pattern of partisan voting on the ballot.
- 3 For digital computer adjudication processes, the board must agree on the voter's intent. The digital choices must be recorded identifying the team.
- 4 Any time a note is utilized to determine voter intent, the ballot must be duplicated or enhanced.
 - All received parts must be assigned a tracking number and kept in the event of a recount.
- 5 Follow instructions for duplicating a ballot to reflect the intent of the voter.
 - Place duplicate number on all associated pieces.
 - Store together in the appropriate envelope/container.
- 6 If a note is included that is not relevant to voter intent, do not retain the note.

Enhancing

Questionable marks may require that the ballot be duplicated/enhanced.

- 1 Election personnel process the ballots to be enhanced making them machine-readable and reflecting the voter's intent by:
 - Placing enhanced mark on the ballot, ensuring that the ballot can be identified as enhanced.
 - Marking the voting area in a manner instructed by the county elections official for questionable marks.
 - Placing enhancement, when appropriate, over questionable marks that affected ballot readability (must be removable for recount purposes).
- 2 Enhanced ballots are added to the ballots in the container ready for ballot counting.

Questionable marks may also be digitally enhanced

- 1 Election personnel process the ballots in the digital format.
 - the original ballot will be left as is; and
 - the digital choices will reflect the voter's intent.

- 2 The system must retain a log of the personnel/team who captures the digital change.

Machine-rejected defective ballot resolution

- 1 Machine-rejected ballots are defective ballots that are not machine-readable, including:
 - Ripped or torn ballot
 - Ballot voted with an instrument that cannot be read by the machine
 - Ballot with extraneous marks within the read head path

- 2 These ballots are out-stacked while the machine is in standard tally mode and may not have been previously caught by inspection boards.


Continued next page.

Ballot Inspection Process (cont.)

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Machine-rejected defective ballot resolution

- 3 Ballots that are not machine-readable must be re-inspected.
 - The inspection process should consist of at least two election board members who are not members of the same political party.
- 4 If the vote tally system requires sorting by precinct at any one workstation, then elections personnel will only inspect one precinct of unread defective ballots at a time.

 See [Enhancing](#) on page 33 and [Duplication](#) on page 34.

Duplication


- 1 Duplication boards, regardless of the vote tally system used, process ballots requiring duplication, making a duplicate machine-readable ballot that reflects the voter's intent.
 - Duplicating and proofing must be done by at least two election personnel who are not members of the same political party.
 - Each worker must initial both ballots.
 - If the county elections official uses duplication teams with unique team identification numbers both the original defective ballot and the duplicated ballot must have the team's identifying number on it.
 - The county elections official must keep a record of each team identifying number and must clearly record the name of each team member.
- 2 Sort by ballot style if there are multiple ballot styles for the precinct.
 - Select the appropriate blank ballot style that matches the ballot to be duplicated.
- 3 Clearly indicate on the ballots which ballot is the defective original ballot and which ballot is the duplicate ballot.
 - Do not place Duplicate stamp in read head path or voting area.
- 4 Assign a matching number to the original and duplicate ballot and to any other material bearing on voter intent.
 - The number can only be used once in a given precinct (unless sorted by batch).
- 6 If other material is included with the ballot or is attached to the secrecy envelope, inspect to determine if it has bearing on voter intent.
 - If the material has bearing, duplicate the ballot as necessary and place original ballot and the material in the appropriate envelope/container for that precinct.
 - If the material has no bearing, discard the material.
- 7 One board member or team duplicates the entire ballot accurately reflecting the voter's intent and initials both ballots.
- 8 The second board member or team proofs the duplicate ballot against the original defective ballot, initials both ballots and places the original defective ballot in the appropriate envelope/container for that precinct or batch processing.
- 9 The duplicate ballot is added to ballots in the carrier for ballot tallying.
- 10 If it is necessary to duplicate a duplicated ballot because the duplicate ballot becomes damaged, duplicate from the original ballot using the same tracking number. Use a control log to track the assigned numbers.

Ballot Inspection Process (cont.)

Examples

Two (or more) voting areas have been marked and one mark has been erased, but enough residue is left that the scanner may read an overvote.


 **Yes**

 **No** (erasure has been done)

Enhance, resolve (white sticker) the erasure so that the scanner only detects one vote. Duplicate the ballot, if necessary, to reflect only the dark vote.

One response is indicated with a heavy line or dark oval and a second response is marked with a narrow line or pale oval, but no erasure has been attempted.

 **Yes**

 **No** (erasure has not been done)

Since there is no attempt to erase either mark, leave as is and allow scanner to tally as an overvote.

The voting area has been completed for one response and a dot or partially completed voting area is marked for the other.

 **Yes**

 **No**

Mark may or may not have some erasure— usually there is none. Enhance, resolve or duplicate the ballot to eliminate the overvote due to the partial mark or dot.

The voting area has not been marked, but the response is circled.

 **Yes**

 **No**

Enhance or duplicate the ballot by completing the voting area beside the circled vote.


Enhancement cannot permanently obscure the original marks of the voter. Sometimes duplication is necessary because the circle overlaps the voting area.

Continued next page.

Ballot Inspection Process (cont.)

Examples

The voting area has not been marked but there is a connective line between the response and the voting area to indicate the vote.

 ---Yes

 Troy McClure

 No

 ---Seymour Skinner

Enhance or resolve the ballot by completing the voting area beside the indicated response.

More than one voting area has been completed, but a word or mark is used to indicate the correct vote.

 Yes

not this  No

Duplicate or enhance the ballot to correct the overvote so that the correct vote can be counted.


A word has been used to indicate the vote instead of completing the voting area.

 Yes

I want this one  No

Duplicate or enhance the ballot, completing the voting area for the indicated vote.

The entire response area for a contest is crossed out.

 Yes

No

Duplicate or enhance the ballot, as voter intent is not clear.

Corrections are made with liquid white-out.

 Yes

 No

Enhance or duplicate the ballot to eliminate the overvote due to the white-out.

Ballot Counting

**NST 7 days
before election**

Early scanning

✓ ORS 254.074, 254.478, 260.705

In accordance with a security plan approved by the Secretary of State, county elections officials may begin scanning ballots into a vote tally system but are prohibited from making public the results of votes from any precinct until after 8 pm Election Day.

Preparatory test

✓ ORS 246.565(3)

- 1 Conduct preparatory test of the vote tally equipment for logic and accuracy to ensure that each ballot style correctly tallies in each precinct for each contest.
- 2 Note in the maintenance log any maintenance performed during the period that occurs after the preparatory test and before the final public certification test.
- 3 Use the current election ballots for the test deck.

Public certification

✓ ORS 254.235

- 1 Conduct a public certification test using a selection of precincts, ballot formats and electoral districts from the preparatory test.
- 2 Send notice of time and place of the test to political parties that have requested notification.
 - One Representative of each party and each nonpartisan candidate or their designated representative is entitled to be present.

**Immediately prior
to scanning any
ballots**

Repeat public certification

✓ ORS 254.485

Repeat public certification test of vote tally equipment before scanning any ballots if you have not started scanning ballots seven days prior to the election.

- Observers may be present.

Counting ballots

- 1 Begin counting ballots.
 - Transport ballots to the count center in a sealed container if located in a separate building.
- 2 Once ballot counting begins, tally all ballots before ending Election Day count.
 - **The Election Day count need not include:**
 - ✓ Machine-rejected ballots
 - ✓ Challenged ballots
 - ✓ Write-ins
 - ✓ Ballots in provisional envelopes
 - ✓ Ballots from other counties
 - ✓ Reissued ballots
 - ✓ Replacement ballots

! The post 8 pm Election Day tally in any county may only be suspended with prior approval of the Secretary of State in an emergency situation.

Ballot Counting (cont.)

Write-in processing

✓ ORS 254.500, 254.505(1)

This section describes the general procedures for processing write-in ballots. Following are examples to illustrate processing write-in votes for all counties and vote tally systems.

- 1 If it can be ascertained from the ballot for whom the vote was intended it should be counted.
 - Election boards shall disregard misspelling or abbreviations of the names of candidates if it can be ascertained from the ballot for which the vote was intended.
 - This does not allow for counting write-in names consisting of initials, as an initial can stand for any number of names. For example, Bob Smith and Robert Smith might be tallied together. R Smith should not be added into either Bob or Robert but should instead be tallied on its own.
- 2 Follow the enhancing and duplicating instructions from the previous pages, when necessary, for all write-in examples.

Examples

No candidate name written-in, but, voting area is marked and no other candidate is selected

Charles Montgomery Burns
 Edna Krabappel
 Luann Van Houten
 _____ write-in

When the write-in line is blank, but the box is marked on the paper ballot or the voting area is marked on the optical scan ballot, the vote is counted as an undervote.

Paper Ballot

- ✓ Ignore write-in marks and tally as an undervote.

Scanning Ballot

- ✓ Enhance, resolve or duplicate the ballot so the vote is counted as undervote.

If a full recount is conducted, any undervotes that made their way into the write-in pool can be identified and recategorized.

A candidate is selected and no name is written-in, but, voting area is marked.

Cecil Terwilliger
 Selma Bouvier
 Kent Brockman
 _____ write-in

When a candidate is selected and the write-in mark is also filled in, the vote is counted for the selected candidate. It is not an overvote because no name is written-in.

Paper Ballot

- ✓ Ignore write-in marks and tally as a vote for the selected candidate.

Scanning Ballot

- ✓ Enhance, resolve or duplicate the ballot so the vote is counted as a vote for the selected candidate.

Ballot Counting (cont.)

Examples

A real or fictitious name is written-in.

Charles Montgomery Burns

Charles Montgomery Burns

Edna Krabappel

Edna Krabappel

Luann Van Houten

Luann Van Houten

Homer J. Simpson write-in

Krusty the Clown write-in

→ When a real or fictitious name is written-in, whether or not the corresponding mark is completed, the vote is counted as a write-in. ORS 254.145(8) states that the elector is not required to place a mark in the voting square corresponding to a name written in a blank space.

→ If the write-in is Mickey Mouse, Thomas Cruz or John Donovan and if the county elections official validates no such active or inactive voter is registered by that name, the write-in may be abstracted as miscellaneous or as a candidate.

→ If a non-registered candidate receives the majority of votes, that name may be certified to the appropriate special district indicating the candidate's status. ORS 255.295(2) states the district will indicate whether the candidate is qualified to hold the office.

Paper Ballot

✓ If the name of a candidate is written-in, count the vote as a write-in.

Scanning Ballot

✓ If the name of a candidate is written-in, enhance or duplicate the ballot so that the vote is counted as a write-in.

A candidate is selected and a name is written-in.

Cecil Terwilliger

Cecil Terwilliger

Selma Bouvier

Selma Bouvier

Kent Brockman

Kent Brockman

Patty Bouvier write-in

Patty Bouvier write-in

When a candidate is selected and a different name is written-in, it is counted as an overvote. The Board may make a different determination only if the voter added instructions clarifying intent.

Paper Ballot

✓ If corresponding write-in mark is not completed, count as an overvote.

Scanning Ballot

✓ If corresponding write-in mark is not completed, enhance vote so it is counted as an overvote.

The write-in line contains a name that is the same as the one that is printed on the ballot for that office.

Barney Gumble

Timothy Lovejoy

Ginger Flanders

Barney Gumble write-in

The vote is counted as a vote for the candidate.

Paper Ballot

✓ Tally as a vote for the selected candidate.

Scanning Ballot

✓ Enhance, resolve or duplicate so the vote is counted as a vote for the selected candidate printed on the ballot.

Ballot Counting (cont.)

Examples

The printed candidate is selected AND the same name is written-in.

- Barney Gumble**
- Timothy Lovejoy**
- Ginger Flanders**
- Barney Gumble write-in

The vote is counted as one vote for the selected candidate. It is NOT an overvote.

Paper Ballot

- ✓ Tally as a vote for the selected candidate.

Scanning Ballot

- ✓ Enhance, resolve or duplicate if the voting area is completed so the vote is counted as a vote for the selected candidate.

Comments written-in, including none of the above and no candidate is selected.

- Gil Gunderson**
- Robert Terwilliger**
- Moe Szyslak**
- None of the above write-in

If the comment does not include a name, the vote is not valid as cast. This vote is counted as an undervote, whether the corresponding mark is completed or not.

Paper Ballot

- ✓ Ignore write-in marks and tally as an undervote.

Scanning Ballot

- ✓ Enhance, resolve or duplicate so vote is counted as undervote.
- or**
- ✓ Allow the ballot to be counted as write-in, but tally as undervote if write-ins are tallied.

The write-in line contains a name that is the same as the one that is printed on the ballot for that office.

- Donald J. Trump/Mike Pence**
- Hillary Clinton/Tim Kaine**
- Jill Stein/Ajamu Baraka**
- Donald J. Trump write-in

Because the write-in candidate is the same as a printed candidate, the vote is counted as a vote for the printed candidate.





Paper Ballot

- ✓ Tally as a vote for the selected candidate printed on the ballot.

Scanning Ballot

- ✓ Enhance, resolve or duplicate so the vote is counted as a vote for the selected candidate printed on the ballot.

The write-in line contains a name that is different than the one that is printed on the ballot for that office.

	Donald J. Trump/Mike Pence
	Hillary Clinton/Tim Kaine
	Jill Stein/Ajamu Baraka
	<i>Tim Kaine</i> write-in

The vote is counted as a vote for the write-in candidate.

Paper Ballot

Tally as a vote for the write-in candidate.

Scanning Ballot

✓ Enhance, resolve or duplicate so the vote is counted as a vote for the write-in candidate.

The write-in line contains a name that is not the same as the one that is printed on the ballot for that office.

	Donald J. Trump/Mike Pence
	Hillary Clinton/Tim Kaine
	Jill Stein/Ajamu Baraka
	<i>Clinton</i> write-in

The vote is counted as a vote for the candidate because you cannot determine who the write-in vote is intended for.

Paper Ballot

Tally as a vote for the selected candidate.

Scanning Ballot

Enhance, resolve or duplicate so the vote is counted as a vote for the selected candidate printed on the ballot.