CITY CLERK DEPARTMENT
Long Beach, California

LARRY HERRERA
City Clerk

ADMINISTRATIVE DIVISION
Monique De La Garza
Administrative Officer

ELECTIONS BUREAU
Poonam Davis
City Clerk Bureau Manager

LEGISLATIVE BUREAU
Merianne Nakagawa
City Clerk Bureau Manager

Date: March 15, 2010

To: All Qualified April 13, 2010 Primary Election Candidates

From: Larry Herrera, City Clerk

Subject: Uniform Vote Count Standards and Regulations

The purpose of this memo is to inform the public, candidates and other interested parties regarding the counting of votes for the April 13, 2010, Primary Nominating Election.

In 2007, the City of Long Beach procured the Ballot Now voting system under license from Hart InterCivic of Austin, Texas. The Ballot Now voting system is fully certified by the California Secretary of State and is operated by City staff on a central tally basis utilizing digital scanners in a non-networked mode.

The Ballot Now voting system will accurately scan, resolve, cast vote record, and tally all ballots that are clearly marked for listed candidates as well as write-in candidates.

Scanning, reconciliation, and cast-vote-records for all precinct and vote-by-mail ballots will be conducted using six scanning and resolution workstations. One workstation will be used for the tally of all cast-vote-records and one workstation used for posting of results to the City's website.

In cases where closer examination of a voting mark is required, the City Clerk Department will determine the counting of votes pursuant to the attached California Administrative Code and the attached Uniform Vote Count Standards as published by the Secretary of State in March 2006.

Attachments

California Administrative Code, Division 7, Article 7
Secretary of State Uniform Vote Count Standards

333 West Ocean Boulevard, Lobby Level, Long Beach, California 90802
Telephone (562) 570-6101 Fax (562) 570-6789 Email: cityclerk@longbeach.gov

§ 20100. Overvotes.

When a voter has selected, by marking the ballot or writing in or a combination thereof, more candidates than there are candidates to be nominated or selected for the office, the vote for that office shall not be counted, regardless of whether the candidate whose name is written in has complied with the requirements of Chapter 8 (commencing with Section 7300) of Division 6 of the Elections Code.

§ 20101. Definitions.

(a) For the purpose of Sections 20102-20105, "qualified write-in candidate" shall refer to candidates who have complied with Chapter 8 of Division 6 of the Elections Code (beginning at Section 7300).

(b) For the purpose of Sections 20102-20105, "ballot" shall include ballot envelope, card, or paper ballot on which write-in votes are authorized to be indicated by Elections Codes 10331.

§ 20102. Write-in Vote; No Office Indicated.

The name of a qualified write-in candidate shall be counted when the name is written in on a voter's ballot and no office is indicated for the candidate, or the office is incompletely indicated (e.g., "Senator" without district number), if:

(a) the candidate is a qualified write-in candidate for an office properly appearing on the voter's ballot; and

(b) no other qualified write-in candidate for any office appearing on the voter's ballot bears a name so similar to the name as written in, considering the voter's misspellings or omission of portions of the name, if any, as to leave a reasonable doubt as to the voter's intention.

§ 20103. Write-in Vote; Misspelled or Incomplete Name.

The misspelled or incomplete name of a qualified write-in candidate written in on a ballot shall be counted for the candidate when the office for which the candidate has qualified is also indicated on the voter's ballot, if:

(a) the name as written bears a reasonable resemblance to the qualified candidate's name; and

(b) no other write-in candidate qualified for the indicated office has a name

that is so similar to the name as written in as to leave a reasonable doubt as to the voter's intention.

§ 20104. Write-in Vote; Misspelled or Incomplete Name, Office Omitted.

The misspelled or incomplete name of a qualified write-in candidate written in on a ballot shall be counted for the candidate even though the office for which the candidate has qualified is omitted or incompletely indicated on the voter's ballot, when:

(a) the name as written bears a reasonable resemblance to the qualified candidate's name; and

(b) no other write-in candidate qualified for any office properly appearing on the voter's ballot has a name that is so similar to the name as written in as to leave a reasonable doubt as to the voter's intention.

§ 20105. Write-in Vote; Wrong Office Indicated.

The name of a write-in candidate qualified for an office appearing on the voter's ballot which is written in the pre-printed column designated for an office other than one for which the write-in candidate is qualified shall not be counted for any purpose.

Secretary of State
Bruce McPherson

STATE OF CALIFORNIA

Uniform Vote Counting Standards

Effective: March 23, 2006

California Secretary of State
Uniform Vote Counting Standards

TABLE OF CONTENTS

SECTION I INTRODUCTION 1

SECTION II DEFINITIONS 1

SECTION III GENERAL STANDARDS 2

SECTION IV MARK SENSE (OPTICAL SCAN) VOTING SYSTEMS 2

SECTION V PUNCH CARD VOTING SYSTEMS 4

SECTION VI OTHER PAPER VOTING SYSTEMS 5

SECTION VII DIRECT RECORDING ELECTRONIC VOTING SYSTEMS 5

SECTION VIII ABSENTEE VOTING SYSTEMS 6

SECTION IX PROVISIONAL BALLOTS 7

California Secretary of State
Uniform Vote Counting Standards

Section I Introduction

Pursuant to Section 301 (a)(6) of the Help America Vote Act (HAVA) of 2002, the Secretary of State has developed these standards to define the circumstances under which "marking" of a ballot constitutes a vote and when a vote will or will not count for each category of voting system certified and in use in California.

Section II Definitions

The following are practical definitions as used herein and are not the definitions provided in the California Elections Code or federal law/HAVA, but are nonetheless consistent with state and federal law.

Blank Ballot	A blank ballot is one on which the voter has made no marks in any voting position target, or one which has been marked with an unreadable marker, or one which has been consistently marked outside of the "read" area of the scanner.
Candidate	A candidate is a person who is seeking nomination or election to a specified office and who either has met the legal requirements to have his/her name printed on the ballot or is eligible to have his/her name written in on the ballot and counted as the voter's choice for the contest.
Damaged Ballot	A damaged ballot is one that has been torn, bent, or otherwise mutilated or rendered unreadable such that it cannot be processed by the ballot tabulating equipment designed for use with the ballot.
Duplicated Ballot	A duplicated ballot is a ballot which is a true copy of the originally cast ballot. It is created when damage, improper marking or some other action/defect prevents the original ballot from being read by a ballot tabulating machine, and is used to properly process and count the votes originally cast by the voter. (Elections Code §15210 provides the method by which a duplicate ballot must be created.)
Listed Candidate	A listed candidate is a candidate whose name appears on the ballot at the time the voter received the ballot, as opposed to a write-in candidate.
Measure	A measure is a ballot proposition, which appears on a ballot and requires voter action in order to enact or reject a proposed law.
Overvote	An overvote occurs when a voter marks more than the maximum number of voting position targets allowed in the contest.
Punch Card Ballot	A punch card ballot is a ballot card that contains voting position targets that a marking device must pierce to form a hole in order to record a voter's choice for a candidate or measure.
Undervote	An undervote occurs when a voter marks less than the maximum number of voting position targets allowed in a contest.
Voting Position Target	A voting position target refers to that area of the ballot adjacent to each candidate or measure, or that area of the ballot, specifically designated to record the voter's choice for that contest. The term applies to all types of voting position targets on ballots, regardless of what form they may take, including, but not limited to, rectangle, oval, circle, square, hole punch, cross punch, slotting and open arrow.

Section III General Standards

The following general standards shall apply in the counting of all ballots and votes, regardless of the voting system used, for both the initial count and for any recount.

A. A ballot that is marked or signed by the voter in such a way that it can be identified from other ballots must be voided and none of its votes counted. Examples of such markings include, but are not limited to: voter signature, initials, voter name and address, voter identification number, social security number or driver's license number, messages or text, or unusual markings not related to indication of the vote choice for a contest. Generic text meant to clarify the voter's choice regarding a contest, such as the word "yes" or "no" next to a candidate's name, shall not be sufficient cause to void a ballot. If there are distinctly identifiable markings on one page of a multiple-page ballot, the entire ballot must be voided. (Elections Code §§13204, 14287, 15154, and 15208.)

B. A vote for any candidate or ballot measure shall not be rejected solely because the voter failed to follow instructions for marking the ballot. If, for any reason, it is impossible to determine the choice of the voter for any candidate or ballot measure, the vote for that candidate or ballot measure shall be considered void. (Elections Code §19001.)

C. A mark is considered valid when it is clear that it represents the voter's choice and is the technique consistently used by the voter to indicate his or her selections. Such marks may include, but are not limited to, properly filled-in voting position targets, checkmarks, X's, circles, completed arrows, or any other clear indication of the voter's choice, such as the word "yes" next to a candidate's name or a voting position target for a ballot measure.

Conversely, a mark crossed out by the voter, or the word "no" next to a candidate's name or a voting position target for a ballot measure shall not be considered to be a valid vote but will, instead, be deemed an indication that the voter did not choose to cast a vote for that candidate or measure.

D. In determining the validity of a partially filled-in voting position target, the consistency of a voter's marks on the entire ballot shall be taken into consideration. A "hesitation mark" such as a dot in the voting position target shall not be considered a valid mark unless it is demonstrated that the voter consistently marked his or her ballot in such a manner.

E. If a contest is marked with more choices than there are offices to be filled or measures that may prevail, the vote shall not be counted for that contest, but shall be counted in all other contests in which there is no overvote and the voter's choice can be clearly determined.

F. If a contest is marked with fewer choices than there are offices to be filled or measures that may prevail, the vote choice(s) for all otherwise properly marked candidates or measures shall be counted.

G. Write-in votes are counted pursuant to the provisions established in Elections Code §§14420 and 15342.

Section IV Mark Sense (Optical Scan) Voting Systems

When optical scan technology is used to count the votes on a ballot, the provisions of this section shall apply.

The following standards shall be used to determine whether there is a clear indication on the ballot that the voter has made a definite choice. The examples used in this section refer to the "voting position target" as defined in Section II of this document. The same principles demonstrated in the examples below shall apply to all types of voting position targets on

optical scan ballots, regardless of what form they may take (e.g. rectangle, oval, circle, square, hole punch, cross punch, slotting, open arrow).

A. Standards Indicating a Valid Vote

A voter's choice shall be considered a valid vote, if the:

1. Voter indicates vote choice by consistently filling inside the entire voting position target.
2. Voter indicates vote choice by consistently filling in less than the entire voting position target for all vote choices on the ballot and the ballot is processed in a manner consistent with the use procedures provided and approved for the voting system.
3. Voter indicates vote choice by consistently placing a distinctive mark, such as (X) or (√) or (←), inside the associated voting position target for a candidate choice or ballot measure.
4. Voter indicates vote choice by consistently placing a distinctive mark, such as (X) or (√) or (←), in the corresponding space directly above, below or beside the associated voting position target for a candidate or ballot measure.
5. Voter marks vote choices by encircling the entire voting position target for a candidate or ballot measure.
6. Voter indicates voting error correction by using correction tape, strikeover, white-out or generic written note of instruction and marks another vote choice for the same contest on the ballot.
7. Voter writes in a qualified write-in candidate's name, or a reasonable facsimile of the spelling of the name, in the designated write-in spaces directly below the list of candidates for that office and marks the associated write-in voting target position.
8. Voter writes in a listed candidate's name in the designated write-in space and marks the associated write-in voting target position. In such cases, the vote shall be counted as a single vote for the listed candidate.
9. Voter marks a voting target position for a listed candidate and also enters the listed candidate's name in the designated candidate write-in space. In such cases, the vote shall be counted as a single vote for the listed candidate.
10. Voter writes in qualified write-in candidate's name, or a reasonable facsimile of the spelling of the name, on the secrecy sleeve envelope or stub and indicates the contest for which the vote is being cast, in the case of voting systems where write-in spaces appear separately from the list of candidates for an office and do not provide voting position targets, .

B. Standards Indicating an Invalid Vote

A voter's choice shall be considered an invalid vote, if the:

1. Voter uses random markings, indentations, punctures or impressions, squiggly/dimpled or crimp marks, pinholes or pinpricks on a ballot, and there is no distinctive and consistent voting pattern to clearly indicate voter choice(s).
2. Voter indicates vote choice by filling in less than the entire voting position target, and the voter has not consistently marked the entire ballot in the same manner, making voter's choice unclear.
3. Voter inconsistently places a mark above, below or beside the associated

voting position target on a ballot, instead of inside the voting position target, and voter's choice cannot be clearly determined.

4. Voter writes in the name of a person who has not qualified as a write-in candidate.

5. Voter writes in a listed candidate's name in the designated write-in space and fills in the associated voting position target for a different listed candidate in the same contest.

6. Voter writes in a candidate name that is unrecognizable/undecipherable and it cannot be determined for whom the vote is intended to be cast..

7. Voter writes in a qualified write-in candidate's name in the designated write-in space and does not fill in the associated voting position target for the write-in candidate.

8. Voter uses pressure-sensitive stickers, rubber stamps, glued stamps, or any other device not provided for in the voting procedures for the voting systems approved by the Secretary of State to indicate the name of the voter's choice for a write-in candidate.

C. Abandoned Ballot

If a voter leaves the voting booth without casting the ballot, the precinct official shall cause the ballot to be cast without examining the ballot.

Section V Punch Card Voting Systems

When a card reader is used to count the votes cast on a punch card ballot, the provisions of this section shall apply. The following standards shall be used to determine whether the voter has made a definite choice.

A. Standards Indicating a Valid Vote

A voter's choice shall be considered a valid vote, if the:

1. Vote cast on a lever-type punch card voting machine (Datavote) is cast by a voter either operating the lever adjacent to the name of the candidate or measure for which the voter chooses to vote or by writing in the name of a qualified write-in candidate in accordance with the ballot instructions and then recording such votes on the machine by the actuation of the main lever.

2. Punch card ballot is initially processed by a card reader and stops the card reader from counting it or proceeding, is able to be inspected and processed in accordance with the standards of Section IV Mark Sense (Optical Scan) Voting Systems.

B. Standards Indicating an Invalid Vote

A voter's choice shall be considered an invalid vote, if the:

1. Voter uses random markings, indentations, punctures or impressions, squiggly/dimpled or crimp marks, pinholes or pinpricks on a ballot, and there is no distinctive and consistent voting pattern to clearly indicate voter's choice.

2. Voter writes in the name of a person who has not qualified as a write-in candidate.

3. Voter writes in a listed candidate's name in the designated write-in space and punches the associated voting position target for a different listed candidate in the same contest.

4. Voter writes in the name of a candidate whose name cannot be deciphered.

This invalidates only the contest for which the name has been written; all remaining valid votes shall be counted.

5. Voter writes in a qualified write-in candidate's name in the designated write-in space and does not punch the associated voting position target for the write-in candidate.

6. Voter uses pressure-sensitive stickers, rubber stamps, glued stamps, or any other device not provided for in the voting procedures for the voting systems approved by the Secretary of State to indicate the name of the voter's choice for a write-in candidate.

C. Abandoned Ballot

If a voter leaves the voting booth without casting the ballot, the precinct official shall cause the ballot to be cast without examining the ballot.

Section VI Other Paper Voting Systems

A paper ballot shall be subject to the standards in the section applicable to the system on which it is processed (e.g., optical scan or punch card voting system).

When paper ballots, or voting responses on paper other than a ballot, are counted by the hand and eye, the provisions of Section IV Optical Scan Voting Systems shall apply.

Section VII Direct Recording Electronic (DRE) Voting Systems

When DRE technology is used to cast and count the votes on a ballot, the provisions of this section shall apply. The following standards shall be used to determine whether the voter has made a definite choice.

A. Standards Indicating a Valid Vote

A voter's choice shall be considered a valid vote, if the:

1. Voter operates the DRE in a manner to cause an "X" or "√" or "highlight" or similar designation to display in the voting target position of the name of the candidate or measure for which the voter chooses to vote, followed by the voter activating the cast vote indicator;

2. Voter operates the DRE in a manner to cause the name of a qualified write-in candidate to be entered in the designated write-in space, followed by the voter activating the cast vote indicator;

3. Voter operates the DRE in a manner to cause the name of a candidate listed on the ballot to be entered in the designated write-in space, followed by the voter activating the cast vote indicator;

4. Voter operates the DRE in a manner to cause the cast ballot indicator to be activated and has not voted for more contests or candidates than the number for which the voter is eligible to vote.

Note: DRE systems prevent the casting of an invalid vote.

B. Abandoned Ballot

If a voter leaves the voting booth without causing the ballot to be cast, the precinct official shall cause the ballot to be cast, without examining how any votes have been recorded on the machine.

Section VIII Absentee Voting Systems

An absentee ballot shall be subject to the standards provided in the approved use procedures for the system on which it is processed and the provisions of the Elections Code. In addition, the following standards shall also apply.

A. Standards for Valid Absentee Ballots

A voter's choice shall be considered a valid vote, if the:

1. Voter's residence address on the returned absentee identification envelope is the same as that on the affidavit of registration pursuant to Elections Code §§3011 and 3019.
2. Damaged, torn or otherwise non-processable ballot can be duplicated to exactly reflect the voter's choices and thereby enable the ballot to be processed on the system provided for that purpose. Standards for duplicating ballots are set forth in Elections Code §15210 and in the voting system use procedures.
3. Voter's signature on the absentee ballot envelope compares with the signature on the affidavit of voter registration. If the elections official has compared the signature of the voter's application with the affidavit pursuant to Elections Code §3009, the application may be used rather than the voter registration affidavit to make the signature comparison.
4. Voter prints name on the signature portion of the absentee ballot envelope, and it compares with the printed signature on the signature portion of the affidavit of voter registration. If the elections official has compared the signature of the voter's application with the affidavit pursuant to Elections Code §3009, the application may be used rather than the affidavit to make the signature comparison.
5. Voter uses a variation of the signature appearing of the affidavit of voter registration caused by the substitution of initials for the first or middle name, or both, and the signature compares with that on the affidavit of voter registration. If the elections official has compared the signature of the voter's application with the affidavit pursuant to Elections Code §3009, the application may be used rather than the affidavit to make the signature comparison.
6. Voter does not sign the absentee ballot envelope in the appropriate space, but the signature does appear elsewhere on the envelope and compares with the signature in the affidavit of voter registration. If the elections official has compared the signature of the voter's application with the affidavit pursuant to Elections Code §3009, the application may be used rather than the affidavit to make the signature comparison.
7. Voter uses a mark on both the absentee ballot envelope and the affidavit of voter registration, and the mark compares.
8. Absentee ballot envelope is not dated, but is otherwise properly executed and is received by the elections official before the close of the polls on Election Day.
9. Voter indicates vote choice(s) by writing the name(s) of the candidate(s) or indicating the vote(s) on the measure(s) in a letter or note, and returns it in an absentee envelope with a valid signature. If the voter's choice(s) can be determined, the ballot shall be duplicated to reflect the voter's choices and processed as if cast by the voter. (Elections Code §15210 provides the method by which a duplicate ballot must be created.)

10. Voter, instead of using his or her official ballot, marks a sample ballot and mails it in the absentee envelope and the signature on the envelope compares with the signature on the affidavit of voter registration. If the elections official has compared the signature of the voter's application with the affidavit pursuant to Elections Code §3009, the application may be used rather than the affidavit to make the signature comparison.

11. Two or more ballots are returned in one absentee ballot envelope, and there are an equal number of distinct signatures on the envelope that can be attributed to eligible absentee voters and each of these signatures compares with the affidavits of voter registration. If the elections official has compared the signature of the voter's application with the affidavit pursuant to Elections Code §3009, the application may be used rather than the affidavit to make the signature comparison.

12. Voter is a special absentee voter who is temporarily living outside of the territorial limits of the United States or the District of Columbia and transmits a voted ballot by facsimile and the ballot is submitted consistent with the provisions of Elections Code §§3103.5 and 3011.

B. Standards for Invalid Absentee Ballots

A voter's choice shall be considered an invalid vote, if the:

1. Absentee ballot envelope is not signed by the voter.
2. Absentee ballot envelope is signed using power of attorney.
3. Absentee ballot envelope is received after the close of the polls on Election Day.
4. Absentee ballot envelope is returned by a third party who is not eligible or authorized to return the voted ballot on behalf of the absent voter.
5. Voter, who is not a special absentee voter, transmits his or her voted ballot by facsimile.
6. Voter's signature on the absentee ballot envelope, when compared to the signature on the affidavit of voter registration, does not appear to be the same, including:
   a. Voter uses a mark on the absentee envelope that it is not properly witnessed, and the affidavit of voter registration has a signature of the voter.
   b. Voter printed his or her name on the signature portion of the absentee ballot envelope but has a written signature on the signature portion of the affidavit of voter registration.
7. Absentee ballot return envelope contains two or more voted absentee ballots but there are less than an equal number of distinct signatures on the absentee envelope.

Section IX Provisional Ballots

A provisional ballot shall be subject to the standards in the section applicable to the system on which it is processed. In addition to those standards, the following standards shall also apply.

A. Standards for Valid Provisional Ballot and Vote

A voter's choice shall be considered a valid vote, if the:

1. Voter casts a provisional ballot and the voter's eligibility can be confirmed

and the voter's choice is clearly marked, the vote shall be counted.

2. Voter casts a provisional ballot for a precinct other than the precinct in which the voter was legally entitled to vote, all votes properly cast in contests for which the voter was legally entitled to vote will be counted. (Elections Code §14310.)

B. Standards for Invalid Provisional Ballot and Vote

A voter's choice shall be considered an invalid vote, if the:

1. Voter casts a provisional ballot and the voter's eligibility cannot be confirmed, the ballot shall not be counted.

2. Voter casts a provisional ballot for a precinct other than the precinct in which the voter was legally entitled to vote, in which case all votes cast in contests for which the voter was not legally entitled to vote will not be counted. (Elections Code §14310.)