

Panel: Election Day Issues

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Procedures for Counting Write-In Votes Pursuant to §17-6-28, Code of Alabama
Prepared by the Elections Division of the Office of the Secretary of State

- I. **Before Election Day**
 - a. Inform poll workers of procedures for counting write-in votes
 - b. Probate Judge determines a central location where the County Canvassing Board will meet the night of the election to determine the number of write-in votes cast for each office on the ballot.
 - i. Probate Judge shall give at least 24-hour notice of where the Canvassing Board will meet to 1) the chair of each local political party, 2) any independent candidate whose name appears on the ballot, and 3) any announced or known write-in candidate.
 - c. The county, at its discretion, may appoint and compensate poll workers who will assist the County Canvassing Board in determining the number of write-in votes cast for each office on the ballot.
- II. **Election Day**
 - a. Write-in votes are no longer counted by precinct polling officials on election day after the closing of the polls.
- III. **County Canvassing Board Makes a Determination of Write-In Votes Cast for Each Office on the Ballot**
 - a. After the closing of the polls, at the central location determined by the Judge of Probate, the County Canvassing Board shall determine the number of write-in votes cast for each office on the ballot.
- IV. **After the County Canvassing Board Makes a Determination of Write-In Votes Cast for Each Office on the Ballot**
 - a. The County Canvassing Board will prepare a written report for the Secretary of State that itemizes:
 - i. the total number of write-in votes cast for each federal and state office on the ballot, and
 - ii. the total number of votes cast for the two candidates receiving the greatest number of votes for each federal and state office in the county.
 - iii. the total number of votes cast for any candidate who was unopposed on the ballot for federal or state office in the county.
 - b. Transmit by email or fax a copy of the written report to the Secretary of State's office not later than 5:00PM on the first Friday after the election

NOTE: This written report may be faxed or emailed to the Secretary of State as early as election night.

- V. **Evaluation of Write-In Votes Cast**
 - a. For each county office on the ballot, the County Canvassing Board shall determine whether the total number of write-in votes cast in a contest is:
 - i. greater than or equal to the difference in votes between the candidates receiving the greatest number of votes for the specific county office, or
 - ii. greater than or equal to the number of votes cast for an unopposed candidate for a specific county office.

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- b. The County Canvassing Board shall post notice on the courthouse door and any other place deemed appropriate by the County Canvassing Board, including but not limited to a county web site, stating:
 - i. the number of write-in votes cast for each office on the ballot
 - ii. whether or not the number of write-in votes cast for each particular office is greater than or equal to the difference between the two candidates receiving the greatest number of votes.
- c. Not later than noon on the first Monday following the election, the Secretary of State shall notify each Judge of Probate for which state or federal offices the County Canvassing Board must count write-in votes.
- d. Any qualified elector who disputes the determination regarding the counting of write-in votes cast for any particular office may file an objection with the County Canvassing Board (for county offices) or the Secretary of State (for state and federal offices) before the date the write-in votes are to be counted. If it is determined that the objection has merit, write-in votes cast for the office in question shall be counted.

VI. Requests to Count Write-In Votes

- a. Any qualified elector who voted in the election may request that the write-in votes cast for any particular office be counted.
- b. The request must be made in writing and be accompanied by a bond or a certified check in an amount sufficient to cover the cost of the count as determined by the Judge of Probate (for county offices) or the Secretary of State (for state or federal offices).
- c. The request to count write-in votes for a particular office must be made no later than 5:00PM on the first Friday following the election.

VII. Counting of Write-In Votes

- a. When the number of write-in votes cast for any specific office is greater than or equal to the difference in votes between the two candidates receiving the greatest number of votes for that office, the write-in votes shall be counted at the same time and in the same manner as provisional ballots are counted.
- b. In the case of contests where there is no named candidate printed on the ballot but in which write-in votes are cast, the County Canvassing Board shall count the write-in votes cast in the contest.