

VIRGINIA'S GUIDE TO HAND-COUNTING BALLOTS

Can this vote count?

A complete guide to
hand-counting printed
ballots for elections
and recounts



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

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Introduction

What is hand-counting?

Hand-counting ballots is the process by which ballots are manually counted rather than read by the voting machine. The majority of ballots for an election will not be hand-counted. Hand-counting ballots should be considered only when the ballot cannot be read by the voting machine.

The purpose of these instructions is to assist you while manually counting ballots. Throughout these instructions you will see examples that discuss how to read a ballot and determine if a vote should be counted.

How to use these guidelines

Use these guidelines when you are looking for an indication that a voter affirmatively chose a candidate or a write-in for their vote. Many times this will be obvious and other times it may not be as clear.

These guidelines are the rules and principles that must be applied to every manually counted ballot.

When a voter's choice is not clear, these instructions can help you make a determination about the vote.

What's in this guide?

The instructions include illustrated scenarios of votes to count and votes not to count. When a rule in the Virginia election code applies to an example, it is included with a citation.

Member
House of Delegates
64th District

Vote for not more than one

Aaron J. Peshkin II (D)

G. Duane Kruse (R)

Davitra Rangel (L)

Jin Chen (I)

P.J. Roe

Vote to count

The voter clearly indicated their voting preference.

No check or other mark shall be required to cast a valid write-in vote
§24.2-644(A)

The vote is counted as a write-in vote for P.J. Roe

Can this example be counted?

Description of the marks

Election code, when applicable

How the vote is counted (or not)

Visual illustration of the example

What to do if...

What if the ballot I am reading is not shown in the examples?

Sometimes the vote you are looking at will not be exemplified in these instructions. Use the principles provided in these instructions to determine if and how a vote should be counted.

What if my team cannot determine who the voter voted for?



In a recount if the teams cannot agree on how to process the ballot, the vote must be challenged and adjudicated by the court.

For other ballots being manually counted, speak with your general registrar.

What if the hand count is for a ranked choice voting election?

Since ballots in ranked choice voting elections require marking ranking selections in a comparable manner to marking candidate selections in traditional elections, the provisions of this guide generally apply to ranked choice voting elections in determining voter intent. See Section 8 for guidance regarding ranked choice voting ballots and example scenarios specific to that method of voting. In the event of a conflict between Section 8 and the remainder of the guide in relation to ranked choice voting, Section 8 shall control.

Abbreviations and symbols

	A vote that can be counted
	A vote that cannot be counted

1. Extra Marks

A voter might accidentally make extra pen marks or smudges on their ballot.

Follow the rule in the elections code

- Any ballot marked so that the intent of the voter is clear shall be counted. (Va. Code §24.2-644)

How to determine voter intent if a ballot contains extra marks

- Count the vote for the mark that stands out and is clearly associated with a candidate.

Vote marking scenarios

**Member
House of Delegates
64th District**

Vote for not more than one

Aaron J. Peshkin II (D)

G. Duane Kruse (R)

Davitra Rangel (L)

Jin Chen (I)

Viviana Montoya (I)

#1a



Vote to count

This example contains two marks, but one stands out because it is bold and complete.

This vote is counted for Davitra Rangel.

Vote marking scenarios: Marks between candidates

**Member
House of Delegates
64th District**

Vote for not more than one

Aaron J. Peshkin II (D)

G. Duane Kruse (R)

Davitra Rangel (L)

Jin Chen (I)

Viviana Montoya (I)

#1b



Vote not to count

The voter marked between two candidate names.

In this instance, the voter did not clearly indicate their choice.

This vote cannot be counted.

**Member
House of Delegates
64th District**

Vote for not more than one

- Aaron J. Peshkin II (D)
- G. Duane Kruse (R)
- Davitra Rangel (L)
- Jin Chen (I)
- Viviana Montoya (I)

#1c



Vote not to count

The mark is between two names and gives no clear indication of the voter's choice.

This vote cannot be counted.

**Member
House of Delegates
64th District**

Vote for not more than one

- Aaron J. Peshkin II (D)
- G. Duane Kruse (R)
- Davitra Rangel (L)
- Jin Chen (I)
- Viviana Montoya (I)

1d



Vote not to count

It is not clear who the voter prefers because the mark is in between two candidates.

This vote cannot be counted.

**Member
House of Delegates
64th District**

Vote for not more than one

- Aaron J. Peshkin II (D)
- G. Duane Kruse (R)
- Davitra Rangel (L)
- Jin Chen (I)
- Viviana Montoya (I)

#1e



Vote not to count

The mark is between—and touches—two names and gives no clear indication of the voter's choice.

This vote cannot be counted.

2. More than one candidate marked

You may encounter a ballot that contains more than one mark for a vote-for-one contest.

Follow the rules in the elections code

- Any ballot marked so that the intent of the voter is clear shall be counted. (Va. Code §24.2-644).
- If a ballot for an office contains a greater number of votes than permitted, no vote for the office can be counted (Va. Code §24.2-663).
- In a recount, voting for more candidates than permitted is considered an overvote and the vote cannot be counted (Va. Code §24.2-802.2).

How to determine voter intent if a ballot contains more than 1 mark for a race

- Count the vote for the mark that stands out and is clearly associated with a candidate.

Vote marking scenarios

Member House of Delegates 64 th District	
Vote for not more than one	
<input checked="" type="radio"/>	Aaron J. Peshkin II (D)
<input checked="" type="radio"/>	G. Duane Kruse (R)
<input type="radio"/>	Davitra Rangel (L)
<input type="radio"/>	Jin Chen (I)
<input type="radio"/>	Viviana Montoya (I)

#2a



Vote to count

This example contains two marks, but one stands out because the box contains an x and is circled.

The vote is counted for Aaron J. Peshkin II.

**Member
House of Delegates
64th District**

Vote for not more than one

- Aaron J. Peshkin II (D)
- G. Duane Kruse (R)
- Davitra Rangel (L)
- Jin Chen (I)
- Viviana Montoya (I)

#2b



Vote not to count

The voter marked each candidate on the ballot. One candidate was marked with a check while the others are marked with an “X”. Each mark has the same weight for choice and there is no clear indication of voter intent.

The voter marked each candidate which is an overvote; thus, the vote cannot be counted.

**Member
House of Delegates
64th District**

Vote for not more than one

- Aaron J. Peshkin II (D)
- G. Duane Kruse (R)
- Davitra Rangel (L)
- Jin Chen (I)

P. J Roe

#2c



Vote not to count

The voter marked a candidate and wrote the name of a write-in candidate. Both are a vote for a candidate.

This vote cannot be counted.

**Member
House of Delegates
64th District**

Vote for not more than one

- Aaron J. Peshkin II (D)
- G. Duane Kruse (R)
- Davitra Rangel (L)
- Jin Chen (I)
- Viviana Montoya (I)

#2d



Vote not to count

The voter marked two candidates, when only one is allowed. It is not clear who the voter prefers because both marks are the same. No mark stands out for a particular candidate. This vote cannot be counted.

3. Strikethroughs

Some voters draw lines (also called strikethroughs) across candidate names instead of marking in the oval or box.

Follow the rule in the elections code

- Any ballot marked so that the intent of the voter is clear shall be counted. (Va. Code §24.2-644)

How to determine voter intent if a ballot contains strikethroughs

- Strikethroughs mean a voter does not favor a candidate. They don't provide information about voter intent. Often, these votes cannot be counted.

Vote marking scenarios

**Member
House of Delegates
64th District**

Vote for not more than one

~~Aaron J. Peshkin II (D)~~

~~G. Duane Kruse (R)~~

~~Davitra Rangel (L)~~

~~Jin Chen (I)~~

Viviana Montoya (I)

#3a



Vote to count

This voter checked the oval for one candidate and marked out the others.

The vote is counted for Viviana Montoya.

**Member
House of Delegates
64th District**

Vote for not more than one

Aaron J. Peshkin II (D)

G. Duane Kruse (R)

Davitra Rangel (L)

Jin Chen (I)

Viviana Montoya (I)

3b



Vote not to count

The voter marked a line in between two names and there is no clear indication of the voter's choice.

This vote cannot be counted.

Member
House of Delegates
64th District

Vote for not more than one

- ~~Aaron J. Peshkin II (D)~~
- ~~G. Duane Kruse (R)~~
- ~~Davitra Rangel (L)~~
- ~~Jim Chen (I)~~
- Viviana Montoya (I)

#3c



Vote not to count

In this example, 4 candidates are struck out. There is no clear mark that indicates who the voter prefers.

This vote cannot be counted.

4. Mark outside the oval

A voter’s mark for a candidate may fall outside the oval or box.

Follow the rule in the elections code

- Any ballot marked so that the intent of the voter is clear shall be counted. (Va. Code §24.2-644)

How to determine voter intent if a ballot contains marks outside the oval

- Consider whether the mark indicates a preference for a candidate. If the mark is unclear, the vote cannot be counted.

Vote marking scenarios

**Member
House of Delegates
64th District**

Vote for not more than one

Aaron J. Peshkin II (D)

G. Duane Kruse (R)

Davitra Rangel (L)

Jin Chen (I)

Viviana Montoya (I)

#4a



Vote to count

In this example, it is clear that the checkmark aligns with a candidate.

The vote is counted for Aaron J. Peshkin II.

**Member
House of Delegates
64th District**

Vote for not more than one

Aaron J. Peshkin II (D)

G. Duane Kruse (R) ←

Davitra Rangel (L)

Jin Chen (I)

Viviana Montoya (I)

#4b



Vote to count

In this example, the arrow clearly points to a candidate.

The vote is counted for G. Duana Kruse.

**Member
House of Delegates
64th District**

Vote for not more than one

- Aaron J. Peshkin II (D)
- G. Duane Kruse (R)
- Davitra Rangel (L)
- Jin Chen (I)
- Viviana Montoya (I)

#4c



Vote not to count

This mark outside of the oval is not clearly associated with any candidate.

This vote cannot be counted.

**Member
House of Delegates
64th District**

Vote for not more than one

- Aaron J. Peshkin II (D)
- G. Duane Kruse (R)
- Davitra Rangel (L)
- Jin Chen (I)
- Viviana Montoya (I)

#4d



Vote not to count

This mark is not clearly associated with a single candidate.

This vote cannot be counted.

5. Circle-like marks

You may encounter a ballot on which a voter has circled a candidate name, rather than filling in an oval or box to specify their vote.

Follow the rule in the elections code

- Any ballot marked so that the intent of the voter is clear shall be counted (Va. Code §24.2-644).

How to determine voter intent if a ballot contains circle-like marks

- Consider whether the mark indicates a preference for a candidate. If it is unclear, the vote cannot be counted.

Vote marking scenarios

**Member
House of Delegates
64th District**

Vote for not more than one

Aaron J. Peshkin II (D)

G. Duane Kruse (R)

Davitra Rangel (L)

Jin Chen (I)

Viviana Montoya (I)



Vote to count

In this example, the circle corresponds to a specific candidate.

The vote is counted for Aaron J. Peshkin II.

**Member
House of Delegates
64th District**

Vote for not more than one

Aaron J. Peshkin II (D)

G. Duane Kruse (R)

Davitra Rangel (L)

Jin Chen (I)

Viviana Montoya (I)

#5b



Vote to count

In this example, the circle line touches more than one candidate. The center of the circle closes on one candidate.

The vote can be counted for Davitra Rangel.

**Member
House of Delegates
64th District**

Vote for not more than one

- Aaron J. Peshkin II (D)
- G. Duane Kruse (R)
- Davitra Rangel (L)
- Jin Chen (I)
- Viviana Montoya (I)

#5c



Vote not to count

The circle closes around two candidates. The voter’s preference cannot be determined.

This vote cannot be counted.

6. Writing words

Voters shall not write words, other than a candidate’s name, to indicate preference. Writing words cannot be used to indicate preference.

Vote marking scenarios

**Member
House of Delegates
64th District**

Vote for not more than one

This one

Aaron J. Peshkin II (D)

G. Duane Kruse (R)

Davitra Rangel (L)

Jin Chen (I)

Viviana Montoya (I)

6a



Vote to count

In this example, the words “this one” cannot be taken as an indication of preference. However, the voter also drew an arrow which can be used to indicate the voter’s preference for 1 candidate.

The vote is counted for G. Duane Kruse.

**Member
House of Delegates
64th District**

Vote for not more than one

Aaron J. Peshkin II (D)

G. Duane Kruse (R) *This one*

Davitra Rangel (L)

Jin Chen (I)

Viviana Montoya (I)



Vote not to count

The voter checked all the boxes and wrote “this one” on the ballot. The words “this one” cannot be used as an indication of preference.

Additionally, voter marked each candidate which is an overvote; thus, the vote cannot be counted

Member
House of Delegates
64th District

Vote for not more than one

- Aashir Peshin (D) **MY GUY**
- G. Duane Kruse (R)
- Davitra Rangel (L)
- Jin Chen (I)
- Viviana Montoya (I)

#6c



Vote not to count

The voter only wrote “My Guy” across a candidate’s name.

This is not a clear indication that the voter was choosing this candidate for their vote.

This vote cannot be counted.

7. Write-in votes

Voters may choose to write in the name of a candidate not listed on the ballot.

Follow the rules in the election code

- At all elections, except primary elections, a voter may vote for any person other than the listed candidates for the office by writing or hand printing the person's name on the official ballot. No check or other mark shall be required to cast a valid write-in vote.
§24.2-644(C)
- No write-in vote shall be counted for an office for any person whose name appears on the ballot as a candidate for that office.
§24.2-644(D)

Voting scenarios

Member House of Delegates 64 th District	
Vote for not more than one	
<input type="radio"/>	Aaron J. Peshkin II (D)
<input type="radio"/>	G. Duane Kruse (R)
<input type="radio"/>	Davitra Rangel (L)
<input checked="" type="radio"/>	Write-In <u>P.J. Roe</u>

#7



Vote to count

The voter wrote the name and filled in the oval to indicate that this is their choice.

The vote is counted as a write-in vote for P.J. Roe.

**Member
House of Delegates
64th District**

Vote for not more than one

Aaron J. Peshkin II (D)

G. Duane Kruse (R)

Davitra Rangel (L)

Jin Chen (I)

X P.J. Roe

#7a



Vote to count

The voter wrote in the name and created a mark to indicate that this is their choice.

The vote is counted as a write-in vote for P.J. Roe.

**Member
House of Delegates
64th District**

Vote for not more than one

Aaron J. Peshkin II (D)

G. Duane Kruse (R)

Davitra Rangel (L)

Jin Chen (I)

P.J. Roe

#7b



Vote to count

The voter clearly indicated their voting preference.

No check or other mark shall be required to cast a valid write-in vote.

§24.2-644(C)

The vote is counted as a write-in vote for P.J. Roe.

**Member
House of Delegates
64th District**

Vote for not more than one

Aaron J. Peshkin II (D)

G. Duane Kruse (R)

Davitra Rangel (L)

Write-In
AARON J PESHKIN II

#7c



Vote not to count

The voter indicated their choice; however, their choice is already printed on the ballot.

No write-in vote shall be counted for an office for any person whose name appears on the ballot as a candidate for that office.

§24.2-644(D)

This vote cannot be counted.

**Member
House of Delegates
64th District**

Vote for not more than one

Aaron J. Peshkin II (D)

G. Duane Kruse (R)

Davitra Rangel (L)

Write-In
Peshkin

#7d



Vote not to count

The voter indicated their choice with the last name of a candidate; however, their choice is already printed on the ballot.

No write-in vote shall be counted for an office for any person whose name appears on the ballot as a candidate for that office.

§24.2-644(D)

This vote cannot be counted.

**Member
House of Delegates
64th District**

Vote for not more than one

Aaron J. Peshkin II (D)

G. Duane Kruse (R)

Davitra Rangel (L)

Write-In
P.J. Roe

#7e



Vote not to count

The voter marked a selection and wrote down a name.

This indicates two choices—more than are permitted for this contest.

If voter indicates a number of choices for a race in which is not permitted they have made an overvote and no vote shall be counted.

§24-802.2

This vote cannot be counted.

8. Ranked Choice Votes

Pursuant to § 24.2-673.1 of the Code of Virginia, the State Board of Elections promulgated 1VAC20-100-40, which sets forth standards for ballot treatment in ranked choice elections for scenarios in which a voter completes their ballot in a manner inconsistent with given instructions. This section provides a visual guide for those scenarios and how they are resolved.

The examples in this section presume the ability to determine the intent for each choice. If there is uncertainty about whether a voter intended to make a choice, the preceding sections will serve as a guide to make determinations of intent. This section shall control for purposes of ranked choice votes in the event of a conflict with the preceding sections.

For completed ballots unreadable by a machine **in ranked choice elections only**, ballot transcription is available pursuant to 1VAC20-100-60, only if voter intent can be determined. Please see the official guidance from ELECT on ballot transcription for ranked choice elections: [Ranked choice Voting \(RCV\) Ballot Transcription Overview & Process](#).

In the following examples, keep in mind that only first-choice rankings may be applied in the first-choice ranking tabulation round. 1VAC20-100-50 A.

Vote marking scenarios:

Ranked choice Overvote: More than one candidate assigned same ranking

MAYOR (4 year term)	Vote 1 st Choice Here	Vote 2 nd Choice Here	Vote 3 rd Choice Here	Vote 4 th Choice Here	Vote 5 th Choice Here
Thomas Jefferson	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Benjamin Franklin	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Alexander Hamilton	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
John Adams	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Write in: _____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

In the case of a ranked choice overvote for a ranking on a ballot, the ranking shall not be counted in any round and the next valid ranking shall be counted in all rounds except the first-choice ranking tabulation. 1VAC20-100-40 A 1.

Votes are invalid for a ranking assigned to multiple candidates. In this example, the first-choice vote would be applied in the first-choice ranking tabulation round. If the first-choice candidate is eliminated in a subsequent round, the second-choice overvotes would be invalid and the third-choice vote would be valid.

Duplicate Ranking: Voter assigned one candidate multiple rankings

MAYOR (4 year term)	Vote 1 st Choice Here	Vote 2 nd Choice Here	Vote 3 rd Choice Here	Vote 4 th Choice Here	Vote 5 th Choice Here
Thomas Jefferson	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Benjamin Franklin	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Alexander Hamilton	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
John Adams	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Write in: _____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

In the case of a duplicate ranking for an active candidate, only the voter’s highest ranking for the candidate shall be counted. Valid rankings after a duplicate ranking shall be counted. 1VAC20-100-40 A 2.

In this example, the voter’s highest ranking for John Adams is valid. The third-choice vote for John Adams is not valid. If the voter’s first- and second-choice candidates are eliminated, the fourth-choice ranking would be applied.


Skipped Ranking #1: One ranking skipped

MAYOR (4 year term)	Vote 1 st Choice Here	Vote 2 nd Choice Here	Vote 3 rd Choice Here	Vote 4 th Choice Here	Vote 5 th Choice Here
Thomas Jefferson	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Benjamin Franklin	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Alexander Hamilton	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
John Adams	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Write in: _____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

In the event of a ballot with a skipped ranking, the next valid ranking shall be counted, except in the first-choice tabulation round. 1VAC20-100-40 B 1.

If only one ranking skipped, next valid vote to count. In this example, first-choice and third-choice votes are valid.

Skipped Ranking #2: More than one ranking skipped

MAYOR (4 year term)	Vote 1 st Choice Here	Vote 2 nd Choice Here	Vote 3 rd Choice Here	Vote 4 th Choice Here	Vote 5 th Choice Here
Thomas Jefferson	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Benjamin Franklin	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Alexander Hamilton	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
John Adams	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> 	<input type="radio"/>	<input type="radio"/>
Write in: _____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

In the event the ballot reaches two consecutive skipped rankings, the ballot will be considered an inactive ballot. 1VAC-20-100-40 B 2.

Vote after two consecutive skipped rankings not to count. In this example, the third-choice vote is not valid.

Please note: Pursuant to 1VAC20-100-10, “skipped ranking” is when a voter has left a ranking unassigned but validly ranks a candidate at a subsequent ranking. A round in which a voter has made a choice deemed invalid is not a “skipped ranking” (e.g., an overvote followed by a skipped ranking does not count as two consecutive skipped rankings).