Resolution Boards

2015 Municipal Elections Certification Training

Presented By: The Mississippi Secretary of State's Office, Elections Division

Delbert Hosemann
Secretary of State

Resolution Board Statutes

- Electronic voting system tabulating equipment:
  Miss. Code Ann. § 23-15-483
- OMR tabulating equipment:
  Miss. Code Ann. § 23-15-523

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Purpose of a Resolution Board

- The Resolution Board manually reviews all damaged, defective, blank or over-voted ballots that have been rejected by tabulating equipment.
- The board also determines the intent of the voter and records the vote intended by the voter.

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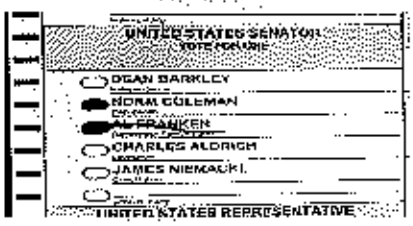

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Composition of a Resolution Board

- Appointed by Election Commissioners
- Qualified electors of the municipality
- An odd number of not less than three (3) members
- Trained in the same manner as election managers
  - *Should be appointed well in advance of an election in order to allow time to attend the required training sessions*

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Composition of a Resolution Board

- Resolution Board judges cannot be:
  - Election Commissioners
  - Candidates who are on the ballot
  - Parents, siblings or children of candidates on the ballot
- If the election is not a primary election, members of the Executive Committees cannot be appointed to the Resolution Board unless members of all of the party Executive Committees who have a candidate on the ballot are appointed.

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Manually Counting Ballots

- The Resolution Board manually counts ballots only when the ballots are:
  - Rejected by tabulating equipment because the ballots appear to be damaged, defective or for any other reason.
  - Rejected due to a malfunction in the tabulating equipment.

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Manually Counting Ballots (cont.):

- Unless the ballot is damaged, defective, blank or over-voted, a Resolution Board does not count:
  - Absentee ballots
  - Affidavit ballots
  - Challenged ballots
  - Emergency ballots
  - Curbside ballots

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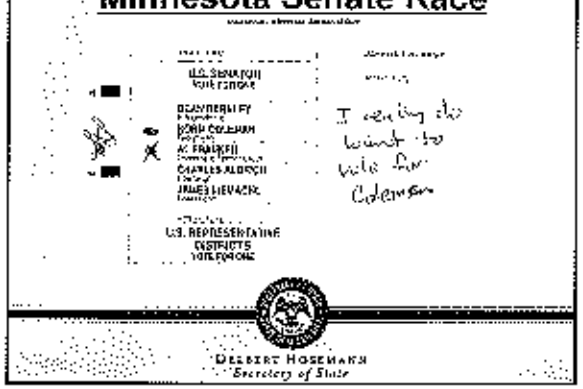

Procedure

- Ballots rejected by a voting machine must be deposited in an envelope marked "Resolution Board."
- The "Resolution Board" envelope is to be handled by the Election Commissioners or the officials in charge of the election.

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Procedure (cont.)

- The Election Commissioners, or the officials in charge of the election, must then deliver the "Resolution Board" envelope to the judges on the resolution board
- The Resolution Board judges manually review the damaged or defective ballots to determine the intent of the voter and record that vote accordingly.

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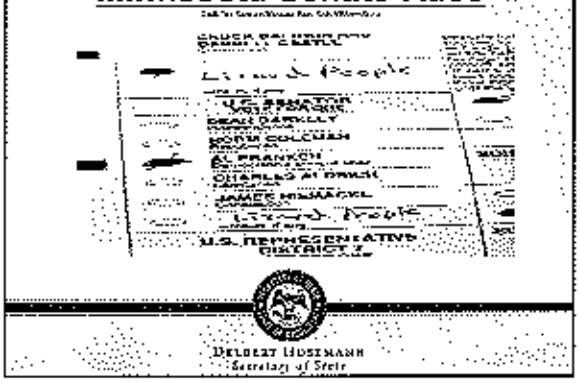

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Alternative Procedure

- The Election Commissioners may instruct the Resolution Board to prepare a duplicate ballot to replace the damaged or defective ballot.
- This duplicate ballot can be processed through the tabulating equipment.

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Preparing a Duplicate Ballot

To prepare a duplicate ballot:

- Make a copy of the original damaged or defective ballot.
- Mark the first original as "Original #1" and the copy as "Duplicate #1."

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Preparing a Duplicate Ballot (cont.)

- Prepare subsequent originals and duplicates the same with sequential numbering.
- The Resolution Board must then insert the duplicate ballot into the voting machine to be counted.

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Problems with Duplicate Ballots

- *Confusing and risky*
- *Room for error*
- *Double counting ballots*

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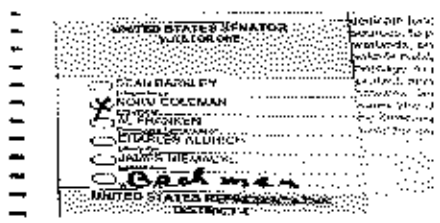

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Blank Ballots

Blank ballots are ballots a voting machine rejects because it does not detect a vote on the ballot.

- The Resolution Board must examine a blank ballot to verify whether it is blank or marked with a "non-detectable" marking device.
- If marked with a "non detectable" marking device, the Resolution Board may mark over the voter's mark with a detectable marking device and then insert it into the voting machine for counting.

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Blank Ballots

- Marking over a non-detentable marking will inevitably lead to fraud or accusations of fraud.
- Secretary of State's Office recommends that you prepare a duplicate ballot, instead of marking over voter's mark.
- Secretary of State's Office also recommends you put this practice in writing and record it in your minutes.

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Overvotes

- Overvotes are ballots containing more votes for a particular race or measure than the voter is entitled to cast.
- All ballots rejected by the voting machines and containing over-votes shall be inspected by the Resolution Board.

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Overvotes (cont.)

- If the voter's intent cannot be determined by the Resolution Board, the officials in charge of the election may use the voting machine to count the votes in the races which are unaffected by the over-vote.
- All other ballots which are over-voted shall be counted manually by the Resolution Board and voter intent shall be determined by following the provisions set forth in statute.

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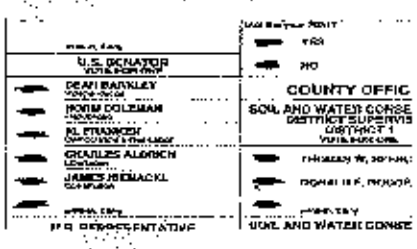

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Evaluation Standards

1. An over-vote for any office or measure results in an invalid vote for that entire office or measure and the voter is deemed to have voted for none. An under-vote for a particular office or measure will be valid but no vote will be counted more than once.

2. If a voter casts more than one vote for the same candidate, the first vote is valid and the other votes for that candidate are invalid.

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Evaluation Standards

3. A write-in vote for a candidate will not be considered to be defective if the name is misspelled or identified by an abbreviation so long as the intent of the voter can be ascertained.

4. When a voter writes in the name of a candidate for President of the United States whose name is printed on the ballot, the failure by the voter to write in the name of a Vice President choice does not invalidate the vote for the slate of electors.

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Evaluation Standards

5. For any ballot measure in which the words "for" or "against" are used, the Resolution Board shall count a vote where a voter marks the ballot by writing the words "for" or "against" so long as it is not written next to the space that is contrary to the preference.

6. For any ballot measure in which the words "yes" or "no" are used, the Resolution Board shall count a vote where a voter marks the ballot by writing the words "yes" or "no" so long as it is not written next to the space that is contrary to the preference.

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OMR Ballot
Acceptable Marks

- In reviewing a ballot that a voter fails to fill in the circle, a Resolution Board shall count the vote if:
  1. The voter marks the circle with an (X) or checkmark and the lines intersect within or on the line of the circle by the ballot measure or candidate.
  2. The voter blackens the circle and the blackened portion extends beyond the boundaries of the circle.
  3. The voter marks the ballot with an (X) or checkmark and the lines that form the mark intersect adjacent to the ballot measure or the name of the candidate.

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OMR Ballot
Acceptable Marks (cont.)

4. The voter underlines the ballot measure or the name of a candidate.
5. The voter draws a line from the circle to a ballot measure or the name of a candidate.
6. The voter draws a circle around the ballot measure or the name of the candidate.
7. The voter draws a circle around the circle adjacent to the ballot measure or the name of the candidate.

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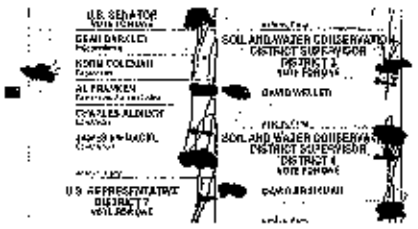

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Voting Equipment

- OMR and automatic tabulating equipment shall be programmed, calibrated, adjusted and set up to reject ballot cards that appear to be damaged or defective.
- Any switch, lever or feature on OMR or automatic tabulating equipment that enables or permits the equipment to override the rejection of damaged or defective ballot cards so that such cards will not be reviewed by the resolution board, shall not be utilized.

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For more information on the 2008 United States Senate Race in Minnesota visit:

http://minnesota.publicradio.org/features/2008/11/19_challenged_ballots/round1/

All ballot images used in this presentation were obtained through the website above

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