

**RULES
OF
STATE ELECTION BOARD**

**CHAPTER 183-1
GEORGIA ELECTION CODE**

**SUBJECT 183-1-15
DEFINITION OF VOTE**

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(1) Lever-type Voting Machines. A vote cast on a lever-type voting machine shall be the choice made by a voter by either operating the lever adjacent to the name of the candidate or answer to a question for which the voter desires to vote or by writing of the name of a qualified write-in candidate on the machine in accordance with the instructions for voting on the voting machine and then recording such votes on the machine by the actuation of the main lever which casts such votes and returns the other levers to their original positions.

(2) Optical Scan Voting Systems. A vote cast on an optical scan ballot shall be detected and tabulated directly from the paper ballot, and not an electronic copy or image of the ballot exported from the certified voting system.

(a) A vote cast on an optical scan ballot marked by hand shall be the choice made by a voter by either:

- 1.** Filling in the oval adjacent to the name of the candidate or answer to a question for which the voter desires to vote; or
- 2.** Filling in the oval adjacent to the appropriate write-in space and writing the name of a qualified write-in candidate in the appropriate space on the ballot as specified in the instructions for voting such ballot.

(b) In reviewing an optical scan ballot marked by hand which has been rejected as containing an overvote in accordance with *O.C.G.A. § 21-2-483(g)(2)*, if the voter filled-in the oval next to the name of a candidate whose name appears on the ballot and filled-in the oval adjacent to the write-in space and wrote the name of the same candidate in the write-in space for the same office, the properly cast vote shall be counted and the write-in vote shall be ignored.

(c) If, in reviewing an optical scan ballot marked by hand which has been rejected as containing an overvote in accordance with *O.C.G.A. § 21-2-483(g)(2)*, it appears that

there is a properly cast vote and what is clearly a stray mark which has caused the ballot scanner to read the vote for such office as an overvote, the properly cast vote shall be counted and the stray mark shall be ignored.

(d) If, in reviewing an optical scan ballot marked by hand which has been rejected as containing an overvote in accordance with *O.C.G.A. § 21-2-483(g)(2)*, a voter marks his or her ballot in a manner other than that specified by law and this rule, the votes shall be counted if, in the opinion of the vote review panel as provided in *O.C.G.A. § 21-2-483(g)(2)(B)*, the voter has clearly and without question indicated the candidate or candidates and answers to questions for which such voter desires to vote.

(e) If, in reviewing an optical scan ballot marked by hand, a discrepancy is found between the voter's mark on the ballot that clearly and without question indicated the voter's intent and the result tabulated by the ballot scanner, the voter's mark shall control and be counted. Nothing herein shall be deemed to disallow the use of ballot scanners for tabulation of ballots.

(f) When an optical scan ballot marked by hand contains stray marks or marks which prevent the ballot scanner from properly recording valid votes as determined under this rule and by law, the ballot shall be duplicated in accordance with law to correct such problems and the duplicate shall then be tabulated.

(g) In lieu of manually duplicating a ballot pursuant to paragraph (e), the manual review of ballots with overvotes by vote review panels pursuant to *O.C.G.A. § 21-2-483(g)* may be done by reviewing a digital image of the ballot and electronically adjudicating the intent of the voter, if such determination is recorded on the digital image of the ballot.

(h) A vote cast on an optical scan ballot marked by an electronic ballot marker shall be the choices indicated by the printed paper ballot.

(i) When an optical scan ballot marked by an electronic ballot marker contains marks added, in addition to what was printed by the electronic ballot marker, the additional marks shall be ignored.

(j) If, in reviewing an optical scan ballot marked by an electronic ballot marker in accordance with *O.C.G.A. §§ 21-2-495 or 21-2-498*, a discrepancy is found between the voter's choice indicated by the printed text on the ballot and the result tabulated by the ballot scanner, the printed text shall control and be counted. Nothing herein shall be deemed to disallow the use of ballot scanners for tabulation of ballots.

(k) Ballot scanners that are used to tabulate optical scan ballots marked by hand shall be set so that:

1. Detection of 20% or more fill-in of the target area surrounded by the oval shall be considered a vote for the selection;

2. Detection of less than 10% fill-in of the target area surrounded by the oval shall not be considered a vote for that selection;

3. Detection of at least 10% but less than 20% fill-in of the target area surrounded by the oval shall flag the ballot for adjudication by a vote review panel as set forth in *O.C.G.A. § 21-2-483(g)*. In reviewing any ballot flagged for adjudication, the votes shall be counted if, in the opinion of the vote review panel, the voter has clearly and without question indicated the candidate or candidates and answers to questions for which such voter desires to vote.

Authority: O.C.G.A. §§ 21-2-2, 21-2-31, 21-2-133, 21-2-439, 21-2-483.