



**COUNTY OF KINGS
GUIDE TO ADJUDICATION**

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THE ADJUDICATION PROCESS

Adjudication is the process of reviewing a ballot that has been flagged during tabulation in an attempt to make a judgement on the intent of the voter. A ballot can be flagged for various reasons. A voter may have voted for a write-in candidate (the machine cannot read handwriting), too many or too few choices were selected for a contest, or there are ambiguous marks etc.

This process of adjudication is conducted by two election officials. The tabulator scans the entire ballot, allowing for complete transparency during ballot intent checking. It will show how the voter marked their ballot, how the scanner interpreted the intent, and in the end, how the ballot was adjudicated. Using what they can see on the ballot, the team will confirm the voter's intention before submitting the ballot for tabulation.

DEFINITIONS OF TERMS USED IN THIS GUIDE

Adjudication

The process of reviewing a voter's intent on flagged ballots.

Blank Ballot

A ballot on which the voter has made no marks in any voting position target, or one which has been marked with unreadable marker, or on which has been consistently marked outside the "read" area of the ballot scanner.

Candidate

A person who is seeking nomination or election to a specified office and who either has met the legal requirements to have their name printed on the ballot or is eligible to have their name written in on the ballot and counted as the voter's choice for the contest.

Damaged Ballot

A ballot 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 ballot which is a true copy of the original 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. A duplicated ballot also is necessary for a ballot cast using the remote accessible vote-by-mail ballot system (RAVBM).

Listed Candidate

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 ballot proposition, which appears on the ballot and requires voter action in order to enact or reject a proposed law.

Overvote

Occurs when a voter marks more than the maximum number of voting position targets allowed in the contest.

Undervote

Occurs when a voter marks less than the maximum number of voting position targets allowed in the contest.

Voting Position Target

The area of the ballot adjacent to each candidate or measure, or that area of the ballot, specifically designed 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.

When optical scan technology is used to count the vote on a ballot, the following provisions shall apply.

The following standards shall be used to determine whether there is clear indication on the ballot that the voter has made a definite choice. The same principles demonstrated in the examples below shall apply to all types of voting position targets on optical ballots, regardless of what form they may take (e.g., rectangle, oval, circle, square, open arrow). In Kings County, the voting position target is an oval.

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

- Indicates their vote choice by consistently filling inside the entire voting position target.
- Indicates their 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 used in the county.
- Indicates their 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.
- Indicates their 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.
- Marks their vote choices by encircling the entire voting position target for a candidate or ballot measure, or the candidate/s name or Yes/No option for a measure.
- Indicates their 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.
- 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.
- Writes in a listed candidate's name in the designated write-in space and marks the associated write-in voting target position. In such case, the vote shall be counted as a single vote for the listed candidate.

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

- Uses random markings, indentation, 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 the voter's choice(s).
- 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 the voter's choice unclear.
- Inconsistently places a mark above, below or beside the associated voting position target on a ballot, instead of inside the voting position target, and the voter's choice cannot be clearly determined.
- Writes in the name of a person who has not qualified as a write-in candidate.
- Writes in a candidate name that is unrecognizable/undecipherable and it cannot be determined for whom the vote is intended to be cast.
- 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. However, in the event of a manual recount, pursuant to Elections Code section 15342.5 if the intent of the voter can be determined, the vote shall be counted regardless of whether the voter has filled in the associated voting position target for the write-in candidate.
- Uses pressure-sensitive stickers, rubber stamps, glued stamps, or any other device not specified in the voting procedures for the approved voting system used by the county to indicate the name of the voter's choice for a write-in candidate.

California Code of Regulation Title 2, Division 7, Chapter 8.3, Article 8, 20983 Optical Scan Systems

Below are some examples that the Elections Department has received over the years.



This voter marked one choice, crossed it out and marked another choice. Its clear by the "X" over one that they want their vote counted for Jose Sigala. Voter intent can be determined.

Therefore, the ballot will be adjudicated in favor of Jose Sigala.

SECRETARY OF STATE SECRETARIO DE ESTADO	
Vote for One / Vote por Uno	
<input type="radio"/>	ROB BERNOSKY Party Preference:Republican Preferencia de partido:Republicano Chief Financial Officer Director de Finanzas
<input type="radio"/>	SHIRLEY N. WEBER Party Preference:Democratic Preferencia de partido:Demócrata Appointed California Secretary of State Secretaria de Estado Designada de California

An example of an undervote. Voter made no mark for either candidate.

INSURANCE COMMISSIONER COMISIONADO DE SEGUROS	
Vote for One / Vote por Uno	
<input checked="" type="radio"/>	ROBERT HOWELL Party Preference:Republican Preferencia de partido:Republicano Cybersecurity Equipment Manufacturer Fabricante de Equipos de Ciberseguridad
<input checked="" type="radio"/>	RICARDO LARA Party Preference:Democratic Preferencia de partido:Demócrata Insurance Commissioner Comisionado de Seguros

This voter started to mark one voting position target for a candidate and then filled the mark in for another. They did not cross out anyone or make any notes to help determine their choice. Therefore, it will be seen as an overvote as voter intent cannot be determined.

TREASURER TESORERO	
Vote for One / Vote por Uno	
<input checked="" type="radio"/>	FIONA MA Party Preference:Democratic Preferencia de partido:Demócrata State Treasurer/CPA Tesorera Estatal/Contadora Pública Certificada
<input checked="" type="radio"/>	JACK M. GUERRERO Party Preference:Republican Preferencia de partido:Republicano Councilmember/CPA/Economist Miembro del Concejo/Contador Público Certificado/Economista

This voter marked more than one contestant in this contest. This is an overvote. Voter intent cannot be determined. No change will be made.

Vote for One / Vote por Uno	
<input type="radio"/>	LUPE SOLIS Incumbent Titular
<input type="radio"/>	TRACY LANDRUS Retired Educator Educador Jubilado
<input checked="" type="radio"/>	Mickey Mouse Write-in / Por Escrito

This voter filled the voting position target for the write-in and wrote their choice. Only certified write-in candidates (those who have filed paperwork with the elections office or the S.O.S., to become a write-in candidate) will be counted. Fictional characters, random names and non-certified candidates for a contest will not be counted. In this case, Mickey Mouse must be rejected as a vote because he is an unofficial write-in candidate.

SUPERVISOR, 1ST DISTRICT SUPERVISOR, DISTRITO 1	
Vote for One / Vote por Uno	
<input type="radio"/>	MARTIN CHAVEZ Farmer Relations Director Director de relaciones agrícolas
<input checked="" type="radio"/>	JOE A. NEVES Incumbent Titular
<input type="radio"/>	Joe Neves Write-in / Por Escrito

A write-in candidate who is on the ballot will be adjudicated in favor of that candidate, if the voting position target is marked for either the candidate's printed name is marked or for the write-in.

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION SUPERINTENDENTE DE INSTRUCCIÓN PÚBLICA	
Vote for One / Vote por Uno	
<input type="radio"/>	LANCE RAY CHRISTENSEN Education Policy Executive Ejecutivo de Políticas Educativas
<input type="radio"/>	TONY K. THURMOND Superintendent Of Public Instruction Superintendente de Instrucción Pública
<input checked="" type="radio"/>	Tony K. Thurmond Write-in / Por Escrito

A write-in of a candidate already on the ballot will be adjudicated for the candidate.

UNITED STATES SENATOR (PARTIAL/UNEXPIRED TERM) SENADOR DE LOS ESTADOS UNIDOS (PLAZO PARCIAL/NO VENCIDO)	
Vote for One / Vote por Uno	
<input checked="" type="checkbox"/>	ALEX PADILLA Party Preference: Democratic Preferencia de partido: Demócrata Appointed United States Senator Senador de los Estados Unidos Designado
<input type="checkbox"/>	MARK P. MEUSER Party Preference: Republican Preferencia de partido: Republicano Constitutional Attorney Abogado Constitucionalista
UNITED STATES REPRESENTATIVE 20TH DISTRICT REPRESENTANTE DE LOS ESTADOS UNIDOS, DISTRITO 20	
Vote for One / Vote por Uno	
<input checked="" type="checkbox"/>	MARISA WOOD Party Preference: Democratic Preferencia de partido: Demócrata Teacher Maestra
<input type="checkbox"/>	KEVIN MCCARTHY Party Preference: Republican Preferencia de partido: Republicano United States Representative Representante de los Estados Unidos

While acceptable to mark the ballot with a check mark, depending on how much of the voting position target is filled with the check, the tabulator may read it or send it to adjudication.

The vote for Alex Padilla is clear.

The mark for Marisa Wood could be an ambiguous mark or a light check mark. Given they consistently used checks to mark all other contests, its safe to say it is a vote for Marisa Wood. Had the voter filled in the voting position target completely throughout the ballot and this was the only mark like this, voter intent could not be determined.

The ballot will be adjudicated in favor of Alex Padilla and Marisa Wood.