

8230.2040 RECORDING VALID WRITE-IN VOTES.

A write-in vote is only valid and able to be counted if the ballot is marked in the oval or other target shape opposite the blank when a voter writes an individual's name on the line provided for write-in votes. If a valid write-in vote exists, the election judges shall determine whether the write-in vote has caused an overvote. If the write-in vote has caused an overvote, the ballot is defective for that office only.

If the write-in vote does not cause an overvote for that office, the election judges shall enter the candidate's name and the office on the write-in vote tally sheet. The ballot must be placed with the other valid ballots for tabulation.

If the write-in vote causes an overvote for that office and the target next to the write-in vote is not completed, the election judges shall place the ballot in the envelope marked "ballots for which duplicates were or are to be made." The manner of duplication is prescribed in part 8230.3850.

At the discretion of the county auditor, the processing of write-in ballots may be done at the central counting center or at the office of the local election official or county auditor rather than at the precinct polling place.

Statutory Authority: *MS s 201.022; 201.061; 201.071; 201.091; 201.121; 201.221; 203B.04; 203B.08; 203B.09; 203B.125; 204B.071; 204B.14; 204B.25; 204B.45; 204D.08; 204D.11; 205.17; 205A.08; 206.57; 206.61; 206.81; 206.82; 206.84; 207A.11*

History: *23 SR 459; 50 SR 971*

NOTE: The amendments to this part made by 50 SR 971 are effective June 1, 2026.

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