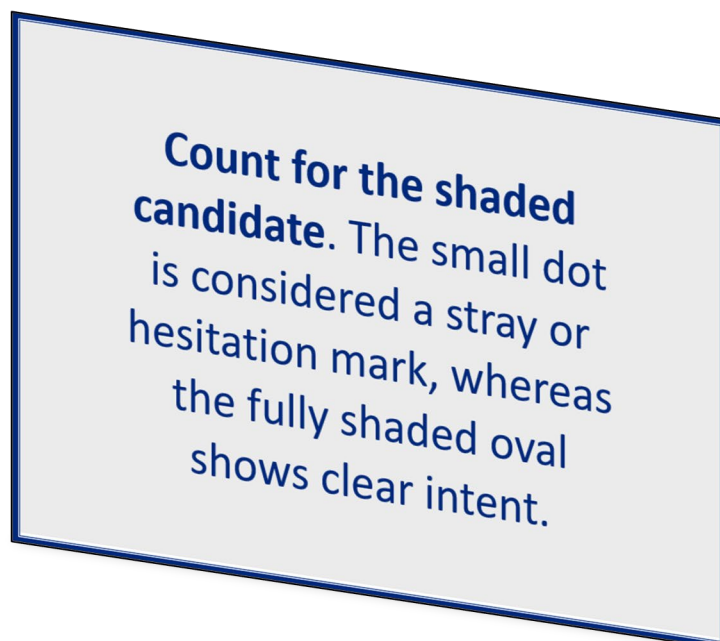




In an Early Voting Ballot Board (EVBB), the presiding judge and board members determine a voter's intent on early voting by mail and provisional ballots. These *Voter Intent Flashcards* can help the EVBB when a ballot is damaged or marked in a way that a scanner cannot read, such as with a checkmark instead of filling in an oval. Using these examples of common and tricky situations ensure every valid vote is counted fairly and consistently. The flashcards are formatted to print on five double-sided sheets of standard 8.5" x 11" copy paper. To print double-sided, open the **Print** menu and enter **2-6** in the dropdown menu for **"Print all pages."** Then, change the setting from **"Print One Sided"** to **"Print on Both Sides,"** ensuring that **"Flip pages on long edge"** is selected before clicking the **Print** button.



COUNT OR NOT COUNTED:

A voter marks a candidate's box with a large "X," a checkmark, or ovals that are not shaded perfectly.



Texas Secretary of State
ELECTIONS DIVISION

EVBB VOTER
INTENT FLASHCARDS

A voter has placed an "X" through the name of Candidate A but has filled in the oval for Candidate B. What should the EVBB do?



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EVBB VOTER
INTENT FLASHCARDS

In a "Vote for One" race, the voter has filled in the oval for Candidate A and circled Candidate A's name. How should the EVBB treat this race?



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EVBB VOTER
INTENT FLASHCARDS

COUNT OR NOT COUNTED:

A voter writes "Anyone but [Candidate B]" across the ballot race.



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EVBB VOTER
INTENT FLASHCARDS

The EVBB must determine if the “X” is a mark of choice or a mark of cancellation. If the EVBB determines the voter was “crossing out” Candidate A to choose Candidate B, the vote **counts for Candidate B.**

Count because the intent of the voter is clearly ascertainable. A voter’s failure to mark their ballot in strict conformity with the law does not invalidate it.

Not Counted. While the voter’s dislike is clear, he or she has not made a positive, definite choice for a specific candidate.

Treat this as a **single vote for Candidate A.** Multiple marks for the same candidate are considered reinforcement of intent and are not an overvote.

A voter accidentally fills in the oval for Candidate A. Instead of crossing it out, they circle Candidate B and draw an arrow pointing to it. How should the EVBB handle this?



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**EVBB VOTER
INTENT FLASHCARDS**

COUNT OR NOT COUNTED:

In a race for one office, the voter fills the oval for Candidate A and also writes Candidate A's name on the write-in line.



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**EVBB VOTER
INTENT FLASHCARDS**

COUNT OR NOT COUNTED:

A voter made a small dot or pen-rest mark in one oval but fully shaded another candidate's oval.



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**EVBB VOTER
INTENT FLASHCARDS**

COUNT OR NOT COUNTED:

The voter fills in the Candidate A oval, crosses it out with a heavy "X," and fills the Candidate B oval instead.



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**EVBB VOTER
INTENT FLASHCARDS**

Count for Candidate A.

While it resembles an overvote, the voter has clearly reinforced their intent for a single candidate.

Count for Candidate B.

Even though the voter did not cross out the first mark, the circle and arrow provide clear intent. The ballot should be duplicated to ensure the vote for Candidate B is recorded.

Count for Candidate B.

Count for the shaded candidate. The small dot is considered a stray or hesitation mark, whereas the fully shaded oval shows clear intent.

COUNT OR NOT COUNTED:

A voter writes a declared candidate's name correctly in the write-in space but fails to mark the "X" or fill the oval next to the name.



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EVBB VOTER
INTENT FLASHCARDS

COUNT OR NOT COUNTED:

A voter marks the ballot using a red felt-tip pen or a pencil instead of the requested blue/black ink.



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EVBB VOTER
INTENT FLASHCARDS

Ink from a heavy marker on the front of the ballot has soaked through to a race on the back. How does the EVBB handle this?



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EVBB VOTER
INTENT FLASHCARDS

COUNT OR NOT COUNTED:

A voter writes "J. Smith" instead of "John Smith" on the write-in line for a candidate who is on the List of Declared Write-in Candidates.



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EVBB VOTER
INTENT FLASHCARDS

Count. The instruction to use blue/black ink is directory, not mandatory. If the intent is clear, the medium does not invalidate the vote.

Count. If the name is written in, the vote counts even if the voter did not mark the square or oval next to the line, provided intent is clear.

Count if the presiding judge can determine the intent and the name is substantially similar to a declared candidate.

The EVBB compares both sides. If the mark on the back is just a mirror image of a mark from the front (bleed-through), it is ignored. **Only intentional marks are counted.**

In a “Vote for 3” race, the voter marks one candidate and leaves the other two spots blank. Is the ballot valid?



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**EVBB VOTER
INTENT FLASHCARDS**

COUNT OR NOT COUNTED:
In a local race, the voter fills in the oval for a Party A candidate and the oval for a Party B candidate.



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**EVBB VOTER
INTENT FLASHCARDS**

COUNT OR NOT COUNTED:
The voter does not mark any ovals but draws an arrow pointing from the candidate's name to the oval.



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**EVBB VOTER
INTENT FLASHCARDS**

COUNT OR NOT COUNTED:
The voter writes the number “1” next to Candidate A and the number “2” next to Candidate B in a “Vote for One” race.



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**EVBB VOTER
INTENT FLASHCARDS**

Not Counted. This is an overvote. No vote is counted for that specific race because the intent is unclear, though the rest of the ballot remains valid.

Yes, a ballot is not invalid just because the voter marked fewer candidates than the number to be elected (undervote).

Count for Candidate A. The voter has indicated a first preference, which clarifies intent for that specific race.

Count. The arrow is a clear indication of a definite choice.

COUNT OR NOT COUNTED:

A ballot is returned with a significant tear through one of the races, but the ovals for the remaining races are intact.



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EVBB VOTER
INTENT FLASHCARDS

A voter does not mark any ovals but writes "My Guy" with a line pointing to Candidate B's name. Should the EVBB count this?



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EVBB VOTER
INTENT FLASHCARDS

COUNT OR NOT COUNTED:

A voter signs his or her name or writes their initials next to a candidate's name on the actual ballot.



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EVBB VOTER
INTENT FLASHCARDS

COUNT OR NOT COUNTED:

A voter uses a sticker or a rubber stamp with a candidate's name on it in the write-in space.



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EVBB VOTER
INTENT FLASHCARDS

Yes, as long as the EVBB can clearly ascertain the candidate intended, the location of the mark does not invalidate the vote.

Count the intact races.

A damaged ballot does not invalidate the whole document. The EVBB should duplicate the ballot so the valid portions can be read by the scanner.

Not Counted. The use of a sticker or rubber stamp for a write-in candidate is explicitly prohibited.

Count the vote, but do not compromise secrecy. While identifying marks are generally prohibited, the priority is to count the vote if intent is clear.