

# **Candidates And Voters**

## **Guide To**



## **WRITE-IN**

### **Filing And Voting**

### **Procedures**

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## BECOMING A WRITE-IN CANDIDATE

### What is a write-in candidate?

A write-in candidate is someone who wants to run for office but does not appear on the ballot along with other candidates. Names of write-in candidates are placed on the ballot by voters according to the type of voting system used. These systems are discussed later in this booklet.

### How do I become a write-in candidate?

Under West Virginia law, you must file as an official write-in candidate for that office. You may do this no later than forty-nine days before the election in which you wish to run. When a ballot vacancy occurs in the last three weeks before the election because of the death or disqualification of a candidate or officeholder, later deadlines apply. Call the Secretary of State for details if this situation occurs. ***Write-in candidates who do not file in this manner will not have their votes counted on election day.***

### When can I run as a write-in candidate?

***In the primary election:*** You may *not* file as a write-in candidate for *nomination* to any office in the primary election. However, you may file as a write-in for Board of Education or any party executive committee. Those officials are *elected* in the primary.

***In the general election:*** You may file as a write-in candidate for any office, but for only *one* office.

### Where do I file my Certificate of Announcement?

- \* With the **Secretary of State** for offices on the ballot in more than one county and Legislature.
- \* With your **county clerk** for offices on the ballot only in your home county.
- \* With the **municipal clerk/recorder** for city or town offices.

## **Any other requirements?**

Write-in candidates are subject to the same ethics, campaign finance laws, and reporting requirements as other candidates. Some common areas to watch for include:

\* If you choose to raise and spend *any* money toward your campaign prior to filing your Certificate of Announcement, you must first file a Precandidacy Registration Form. This form allows you to open your campaign finance account early.

\* File your personal financial disclosure report with the WV Ethics Commission within ten days after you file your Certificate of Announcement.

*Note: This is not required for executive committee candidates and municipal candidates in cities or towns not covered by the Ethics Act.* For more information, contact the Ethics Commission at 1-304-558-0664.

\* To designate a campaign treasurer you must file the Designation of Treasurer form 28 days before the election. If this form is not filed, West Virginia law requires that the candidate must then act as his or her own treasurer. *\*Please note judicial candidates are required to appoint a treasurer per the Judicial Code of Ethics.*

\* From the time you file either a Precandidacy Statement or a Certificate of Announcement you will be responsible to file campaign finance reports. All reports must be filed on time and include *all* information regarding your campaign contributions and expenditures. You must continue to file reports until the election is over and you file a final report with a zero balance. *\*Please contact the office where you file your Certificate of Announcement to obtain the proper reporting schedule for your election.*

\* Any personal money spent on your campaign must be reported as a contribution or loan. A candidate is not limited to the amount of personal money he or she may spend on his or her own campaign.

## HOW TO CAST A WRITE-IN VOTE

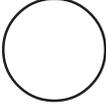
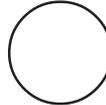
If you wish to cast a write-in vote, you may do so by following the instructions pertaining to the voting system used in your county.

### 1. Paper ballot

- \* “Writing in” the name and office on the ballot or other designated place.
- \* Using a rubber stamp, with the candidate’s name/office printed on it
- \* Using a sticker with the candidate’s name/office printed on it.

When getting stickers or stamps made, make sure they’re no larger than 1/2 inch by 2 inches in size. This will help prevent any problems with defacing the ballot or voting equipment. *\*West Virginia law prohibits the distribution of campaign materials (such as stamps or stickers) within 300 feet of a polling place on election day or on courthouse property during early voting.*

A paper ballot looks something like this:

	
<b>DEMOCRATIC TICKET</b>	<b>REPUBLICAN TICKET</b>
<b>INSTRUCTIONS</b>	
<p><b>“IF YOU MARK A STRAIGHT TICKET:</b> When you mark any individual candidate in a different party, that vote will override your straight party vote for that office.”</p>	
<b>NATIONAL TICKET</b>	<b>NATIONAL TICKET</b>
<p><b>For U.S. House of Representatives Third Congressional District</b> (Vote for One)</p> <p><input type="checkbox"/> JOHN DOE Bluefield (Mercer Co.)</p>	<p><b>For U.S. House of Representatives Third Congressional District</b> (Vote for One)</p> <p><input type="checkbox"/> JANE DOE Beckley (Raleigh Co.)</p>
<b>STATE TICKET</b>	<b>STATE TICKET</b>
<p><b>For State Senate Fifth Senatorial District</b> (Vote for One)</p> <p><input type="checkbox"/> MATTHEW DOE Huntington (Cabell Co.)</p>	<p><b>For State Senate Fifth Senatorial District</b> (Vote for One)</p> <p><input type="checkbox"/> KATHYRN DOE Milton (Cabell Co.)</p>

Let's say you want to cast a vote for Emma Peel who has filed as a write-in candidate for the U.S. House of Representatives. There are different ways you can cast a write-in vote:

NATIONAL TICKET	NATIONAL TICKET
<p data-bbox="245 464 678 562">For U.S. House of Representatives Third Congressional District (Vote for One)</p> <div data-bbox="224 604 727 680"> <input checked="" type="checkbox"/> <del>JOHN DOE</del> <del>EMMA PEEL</del> Bluefield (Mercer Co.)         </div>	<p data-bbox="883 464 1317 562">For U.S. House of Representatives Third Congressional District (Vote for One)</p> <div data-bbox="841 604 1230 680"> <input type="checkbox"/> JANE DOE Beckley (Raleigh Co.)         </div>

As shown above, one way to cast your vote is to cross out the name of one of the candidates printed on the ballot, then enter your write-in candidate's name. In this example, you could cross out *either* candidate's name to cast your write-in vote.

Now, suppose that you've received a sticker from Mrs. Peel that you can use to cast your write-in vote. You can then do this:

NATIONAL TICKET	NATIONAL TICKET
<p data-bbox="261 1094 698 1192">For U.S. House of Representatives Third Congressional District (Vote for One)</p> <div data-bbox="191 1203 760 1350"> <input type="checkbox"/> <div style="border: 2px solid black; padding: 5px; display: inline-block;"> <input checked="" type="checkbox"/> <b>EMMA PEEL</b>  <b>U.S. House of Representatives-3rd District</b> </div> </div>	<p data-bbox="883 1094 1317 1192">For U.S. House of Representatives Third Congressional District (Vote for One)</p> <div data-bbox="812 1234 1174 1304"> <input type="checkbox"/> JANE DOE Beckley (Raleigh Co.)         </div>

You can use a sticker (containing all the necessary candidate information) to cover up another candidate's name on the ballot. The sticker may be placed in other areas, *as long as it is on the front of the ballot*. Stickers placed on the **back** of the ballot *will not be counted*.

Another way to cast a write-in vote is by using a rubber stamp, which is printed with the same information as a sticker. A voter can then "stamp" the front of the ballot with the rubber stamp. Because of the costs involved in making these rubber stamps, candidates don't often use this as a means to cast write-in votes.

## 2. Optical Scan Ballot

A second type of ballot used in West Virginia is the “optical scan” ballot. A sample is shown below:

### INSTRUCTIONS TO VOTER

1. To vote you must blacken the Oval (●) next to the candidate of your choice.
2. Use only the marker provided to mark the ballot.

STRAIGHT TICKET VOTERS: “IF YOU MARKED A STRAIGHT TICKET: When you mark any individual candidate in a different party, that vote will override your straight party vote for that office. When you mark any individual candidate in a different party for an office where more than one will be elected, YOU MUST MARK EACH OF YOUR CHOICES FOR THAT OFFICE because your straight ticket vote will not be counted for that office.”

### STRAIGHT PARTY TICKET (Vote For No More Than ONE Party)

DEMOCRATIC  
TICKET

REPUBLICAN  
TICKET

### STATE TICKET FOR U.S. HOUSE OF REPRESENTATIVES (Vote for ONE)

JOHN DOE (DEM)  
Bluefield (Mercer Co.)

JANE DOE (REP)  
Beckley (Raleigh Co.)

\_\_\_\_\_  
(Write-in, if any)

### FOR STATE SENATOR 5th Senatorial District (Vote for ONE)

MATTHEW DOE (DEM)  
Huntington (Cabell Co.)

KATHRYN DOE (REP)  
Milton (Cabell Co.)

\_\_\_\_\_  
(Write-in, if any)

With the optical scan system, the voter fills in the oval next to the name of the candidate for which a vote is cast. A position is also provided to mark a write-in vote. When casting the write-in vote, fill in the oval and write in the name of the candidate on the blank line next to the oval (See example below). You can also use a sticker or stamp to cast your write-in vote but you still must fill in the oval.

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**STATE TICKET  
FOR U.S. HOUSE OF REPRESENTATIVES  
(Vote for ONE)**

<input type="radio"/>	JOHN DOE Bluefield	(DEM) (Kanawha Co.)
<input type="radio"/>	JANE DOE Beckley	(REP) (Raleigh Co.)
<input checked="" type="radio"/>	<b>EMMA PEEL</b> (Write-in, if any)	



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**3. DRE**

The final type of voting system approved for use in West Virginia is the “Direct Recording Electronic” or DRE. The DRE uses a computer screen to prompt the voter through the ballot.

The touch screen system records votes on the screen with a stylus or by means of touch. To cast a write-in vote, the box designated “write-in” is selected and the name of the official write-in candidate is typed using the keyboard that appears on the screen of the voting device.



## **Common Issues Relating to Write-Ins**

### **Where can I find out who is running as a write-in candidate?**

A list of official write-in candidates that have filed the Certificate of Announcement is posted at the polling place. The list is placed in the same area where voting instructions and sample ballots are posted, which can be inside and outside of the place where voters pass or wait to vote.

### **Why can't pollworkers tell voters about write-in candidates?**

Pollworkers are not permitted to discuss write-in candidates with voters, just as they are not allowed to talk about other candidates or campaign-related matters. This might be considered a form of campaigning by the pollworkers. If a voter asks who the write-in candidates are in an election, the pollworker must direct that voter to the posted list. If a voter needs to know how to cast a write-in vote, they may ask a pollworker to show them what to do.

### **I filed as a write-in candidate, but no one knows about it. Can I get the filing officer to release a statement that I've filed as a write-in?**

After the filing deadline, the filing officer shall post the names of all official write-in candidates for the public to view. The list will also be posted where early voting is conducted and at the precincts on Election Day. Write-in candidates will not be listed on sample ballots or published in the newspaper. **It is the responsibility of the candidate to make voters aware that he or she is running a write-in campaign.**

### **If I want to vote a straight ticket, but my friend is a write-in candidate, can I still cast a write-in vote?**

When voting a straight ticket, you are casting a vote for every office for candidates of the same political party. You can do this by marking the "straight ticket" section of the ballot, and all the votes for your ballot will be automatically counted for the candidates of the party you pick. However, you can write-in a candidate by following the instructions below.

After you mark the straight ticket section of the ballot, just go down to the office for which you want to cast a write-in vote, and write-in the name on the appropriate line. For example, if you chose to vote a Republican ticket for all offices except County Commission, and then cast a write-in vote for that office, all other offices except County Commission would be tabulated as Republican votes. The County Commission seat would then get the write-in vote.

**I ran for office in the primary election and lost. Can I run as a write-in candidate in the general election?**

Yes, as long as you file your Certificate of Announcement by the required deadline.

**If I'm allowed to vote for two people for an office, can one of those be a write-in candidate?**

Yes.

**Do I have to file to be a write-in candidate if no one else is running for that office?**

Yes. All write-in candidates must file.

**What if I spell a write-in candidate's name wrong?**

Misspelling the name won't matter as long as the intent of the voter to vote for the write-in candidate is clear.

**Do I have to know the write-in candidate's full name?**

It depends. If two official write-in candidates do not have the same first or last name, either the first or last name of the candidate(s) alone shall be deemed to express the clear intention of the voter.

**What happens if I don't file as a write-in candidate, but I get a large number of write-in votes anyway?**

Nothing. If you didn't file as an official write-in candidate, none of the votes you received will be counted.

## Counting Write-in Votes

Write-in votes are counted at the same time as all other votes.

When counting write-in votes, election officials are looking for three things:

### ***1.) Is the write-in vote for an official write-in candidate?***

If someone casts a write-in vote for someone who has not filed as an official write-in candidate, that vote will not be counted.

### ***2.) Is the ballot properly filled out for a write-in vote?***

It is important that a write-in vote is cast in accordance with state law. Different voting systems have different requirements.

#### **Paper**

The name and office of the write-in candidate must be placed on the front of the ballot.

#### **Optical Scan**

The name of the write-in candidate must be placed under the proper office on the ballot.

#### **DRE - Touch Screen**

The box designated “write-in” is selected and the name of the official write-in candidate is typed using the keyboard that appears on the screen of the voting device.

### ***3.) Is the intent of the voter clear?***

In addition to making sure the write-in vote is properly cast, election officials must make sure the intent of the voter is clear. This is determined in a number of ways, but basically the election officials look at each write-in vote to determine if it is clear who the voter wishes to vote for. In order to clearly show the intent of the voter, it's important that all the steps outlined in this booklet be followed so that election officials are sure that the voter's write-in vote is properly counted.