

EXHIBIT C

NOTICES

DEPARTMENT OF STATE

What Constitutes a Vote

[33 Pa.B. 3935]

Attached are the standards for what constitutes a vote required pursuant to section 301(a)(6) of the Help America Vote Act (HAVA) of 2002, at 42 U.S.C. § 15481(a)(6), and section 204 of Act No. 2002-150, at 25 P. S. § 2624. Section 301(a)(6) of HAVA provides: "Each state shall adopt uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote *for each category of voting system* used in the State." (Emphasis added.) The Voting Standards Development Board, as constituted by Act 150, based its standards for what constitutes a vote on those contained in the Pennsylvania Election Code. In doing so, the Board recognizes that while standards may vary from one category of voting system to another, the standards within each category are uniform and nondiscriminatory, as required by HAVA and Act 150. The Board completed and adopted these standards on July 1, 2003, in compliance with Act 150.

The following individuals are members of the Voting Standards Development Board:

Kenneth Rapp, Deputy Secretary for Regulatory Programs, and designee for the Secretary of the Commonwealth

Marlene D. Gabriel, Director of Elections and Voter Registration, Lawrence County

Judy Ordiway, Director of Elections, McKean County

Steven G. Chiavetta, Director of Elections, Dauphin County

Fred R. Smith, Director of Elections & Chief Registrar, Cambria County

Mary Jo Headley, Chief Clerk/Voter Registration, Delaware County

Contact Person:

Interested persons may contact L. Lawrence Boyle, Deputy Chief Counsel, Department of State, 302 North Office Building, Harrisburg, PA 17120-0029, lboyl@state.pa.us, (717) 787-6802.

PEDRO A. CORTES,
Secretary of the Commonwealth

Definitions for What Constitutes a Vote

*Ballot card:** A card upon which the voter casts his votes by the process of punching or marking, and which is counted by automatic tabulating equipment.

*Ballot question or question:** The statement of a constitutional amendment or other proposition that is submitted to a popular vote at any election.

Ballot response: The choices available to the voter in a ballot question.

Chad: The small piece of a punch card ballot card that, when removed in the voting process, leaves a hole that is recognizable by automatic tabulating equipment.

Marking device: Any approved device for marking a paper or optical scan ballot with ink or other substances that will enable votes to be tabulated by hand or by means of automatic tabulating equipment. Paper ballots counted by hand shall be marked using black lead pencil, indelible pencil or blue, black or blue-black ink in fountain pen or ballpoint pen. If automatic tabulating equipment is used to count ballots, the marking instrument recommended by the manufacturer of the equipment for proper marking shall be used.

Mark sense mark: A properly cast vote on an optical scan voting system which can include blackening the oval or filling in the blank space in an arrow or line.

*Paper ballot:** A ballot that is marked by the voter with crosses or checks in the target areas, which is always tabulated by hand, not with automatic tabulating equipment.

Properly marked: A paper ballot in which the appropriate target area is marked with a cross or a check or an optical scan ballot on which the oval is blackened, or the incomplete line or arrow is connected. To be considered properly marked, the voter may not cast votes for more than the allowable number of candidates in an office or more than one choice in a ballot question.

Properly punched: A punch card ballot card with chad(s) completely separated or with chad (s) in which two (2) or more corners are broken or separated from the card. To be considered properly punched, the voter may not cast votes for more than the allowable number of candidates in an office or more than one choice in a ballot question.

Target area: The square opposite the candidate's name or ballot response on a paper ballot; the oval, incomplete line, or incomplete arrow opposite the candidate's name or ballot response on an optical scan ballot; or the perforated square opposite the candidate's name or ballot response on a punch card ballot.

* Definitions of these terms are already included in the Election Code at 25 P. S. § 3031.1. However, they are refined here to reflect their specific use in the standards.

**Standards for
What Constitutes a Vote
Paper Ballots**

Paper Ballots

The following standards shall apply in determining whether a ballot has been properly voted and whether a vote should be counted for any office or ballot question.

These standards have been adopted in accordance with the Pennsylvania Election Code, where applicable.

Paper Ballot 1

A ballot that is properly marked, as specified by legally valid ballot instructions, in the target area for an office or ballot question shall be counted as a vote for that candidate or ballot response.

**For Governor
(Vote for one)**

George Washington



Abraham Lincoln



John Adams



Valid Vote for Washington

For Governor
(Vote for one)

- George Washington
- Abraham Lincoln
- John Adams

Valid Vote for Lincoln

Paper Ballot 2

A ballot containing an "X" or a check mark, any portion of which is contained in the target area and which does not enter into another target area, shall be counted as a vote for that candidate or ballot response.

For Governor
(Vote for one)

- George Washington
- Abraham Lincoln
- John Adams

Valid Vote for Lincoln

Paper Ballot 3

A ballot that has any mark in the target area that partially extends into another target area or areas shall not be counted for that office or ballot question.

For Governor (Vote for one)

George Washington



Abraham Lincoln



John Adams



Invalid vote

Paper Ballot 4

A ballot that is properly marked in the target area that partially extends into an area surrounding a candidate or ballot response, other than its target area, shall be counted as a vote for the candidate or ballot response so marked.

For Governor
(Vote for one)

George Washington

Abraham Lincoln

John Adams

Valid Vote for Lincoln

Paper Ballot 5

Any ballot marked by any other mark than a cross or a check in the target areas shall be void and not counted for that office or ballot question, provided, however, that no vote recorded thereon shall be declared void because a cross or a check mark thereon is irregular in form.

For Governor
(Vote for one)

George Washington

Abraham Lincoln

John Adams

Invalid vote

For Governor
(Vote for one)

George Washington

Abraham Lincoln

John Adams

Valid Vote for Adams

For Governor
(Vote for one)

George Washington

Abraham Lincoln

John Adams

Invalid vote

Paper Ballot 6

A ballot marked with black lead pencil, indelible pencil or blue, black or blue-black ink in fountain pen or ballpoint pen shall be counted.

Paper Ballot 7

A ballot marked with more than one type of marking device shall not be counted for any office or ballot question on the ballot.

Paper Ballot 8

A ballot with marks for more candidates in an office or more responses to a ballot question than permitted shall be deemed an over-vote, and no vote shall be counted for that office or question.

For Governor
(Vote for one)

George Washington

Abraham Lincoln

John Adams

Invalid vote

For Governor
(Vote for one)

George Washington

Abraham Lincoln

John Adams

Invalid vote

Paper Ballot 9

A ballot that is properly marked in the straight party target area and with additional marks for candidates or ballot responses elsewhere on the ballot shall be counted for those candidates or ballot responses properly marked outside the straight party area. For the other offices on the ballot, the ballot shall be counted for the candidates of the political party for which the voter cast a straight party vote.

Straight Democrat



Straight Republican



For Governor

(Vote for one)

George Washington (Democrat)



Abraham Lincoln (Republican)



John Adams (Green)



Valid Vote for Lincoln only

For Senator
(Vote for one)

George Washington (Democrat)

Abraham Lincoln (Republican)

John Adams (Green)

Valid Vote for Washington

Paper Ballot 10

A ballot marked for more than one party in the straight party target areas, and with additional marks for candidates or ballot responses elsewhere on the ballot, shall be counted only for those candidates or ballot responses properly marked.

Straight Democrat



Straight Republican



For Governor
(Vote for one)

George Washington (Democrat)

Abraham Lincoln (Republican)

John Adams (Green)

Valid Vote for Adams only

Straight Democrat



Straight Republican



For Governor

(Vote for one)

George Washington (Democrat)



Abraham Lincoln (Republican)



John Adams (Green)



Valid Vote for Lincoln Only

Straight Democrat



Straight Republican



For Governor
(Vote for one)

George Washington (Democrat)

Abraham Lincoln (Republican)

John Adams (Green)

Invalid vote

Paper Ballot 11

A ballot with any writings or remarks regarding one or more candidates or ballot responses shall not be counted as a vote for that office or question, unless clarified by a cross or check in the target area(s) that indicates support for those candidates or ballot responses.

For Governor
(Vote for one)

George Washington

Abraham Lincoln

YES
John Adams

Invalid vote

For Governor
(Vote for one)

George Washington

Abraham Lincoln

YES
John Adams

Valid Vote for Adams

For Governor
(Vote for one)

George Washington **YES**

Abraham Lincoln

John Adams **No Way!**

Valid Vote for Lincoln

For Governor
(Vote for one)

George Washington **YES**

Abraham Lincoln

John Adams

Valid Vote for Adams

Paper Ballot 12

A ballot on which the voter casts a vote on the ballot and marks the write-in target area to cast a vote for a different candidate in the write-in area shall be considered an over-vote for that office if the number of chosen candidates exceeds the number permitted to be voted for in that office and no vote shall be counted, except as provided by Paper Ballot 13.

For Governor (Vote for one)

George Washington	<input checked="" type="checkbox"/>
Abraham Lincoln	<input type="checkbox"/>
John Adams	<input type="checkbox"/>
Write-in <i>Franklin Roosevelt</i>	<input checked="" type="checkbox"/>

Invalid vote

Paper Ballot 13

A ballot on which the voter casts a straight party vote and marks the write-in target area to cast a vote for a write-in candidate shall be counted only for the write-in candidate in that office. For the other offices on the ballot, the ballot shall be counted for the candidates of the political party for which the voter cast a straight party vote.

Straight Democrat



Straight Republican



For Governor
(Vote for one)

George Washington (Democrat)



Abraham Lincoln (Republican)



John Adams (Green)



Write-In Thomas Jefferson



Valid Vote for Jefferson

Paper Ballot 14

All properly cast write-in votes must be counted exactly as they appear on the ballot.

For Governor
(Vote for one)

George Washington

Abraham Lincoln

John Adams

Write-In H. Trueman

Valid Vote for H. Trueman only

For Governor
(Vote for one)

George Washington

Abraham Lincoln

John Adams

Write-In A. Lincoln

Valid Vote for A. Lincoln only

Paper Ballot 15

If a voter designates a vote for a named candidate on the ballot and also marks the write-in target area to cast a vote for the same candidate, no vote shall count for that candidate.

For Governor
(Vote for one)

George Washington

Abraham Lincoln

John Adams

Write-In John Adams

Invalid vote

Paper Ballot 16

If a voter writes in a vote for a named candidate on the ballot, the write-in vote shall not count for that candidate.

For Governor
(Vote for one)

George Washington

Abraham Lincoln

John Adams

Write-In Abraham Lincoln

Invalid vote

Paper Ballot 17

The written name of a write-in candidate in the write-in space shall be counted whether or not the target area designating the selection of a write-in candidate has been marked, provided that the number of candidates chosen does not exceed the number permitted in that office.

For Governor
(Vote for one)

George Washington

Abraham Lincoln

John Adams

Write-In Andrew Jackson

Valid Vote for Jackson
