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Code of Maryland Regulations (Last Updated: July 29, 2016)

- Title 33. State Board of Elections
 - Subtitle 08. CANVASSING
 - Chapter 33.08.02. Uniform Definition of a Vote

Sec. 33.08.02.02. Definition of a Vote — Optical Scan Voting System

Latest version.

A. Automatic Tabulation. If ballots are tabulated electronically, a vote cast on an optical scan voting system is the choice made by a voter by:

- (1) Filling in the oval next to the candidate's name or the question choice;
- (2) Using a ballot marking device to make selections; or
- (3) Writing in the name of a candidate in the designated write-in space and filling in the oval next to the write-in candidate's name.

B. Manual Tabulation. If ballots are tabulated manually, the following marks constitute a vote for a candidate or question choice on an optical scan voting system:

- (1) The majority of an oval designating a candidate or question choice is filled in;
- (2) The oval next to the candidate's name or the question choice is circled or underlined;
- (3) The candidate's name or the question choice is circled or underlined;
- (4) The name or question choice is printed on a ballot marked by a ballot marking device;
- (5) The party abbreviation associated with the candidate's name is circled or underlined;
- (6) There is an "X", a check mark, a plus sign, an asterisk, or a star, any portion of which is contained in a single oval, and no portion of which enters into another oval, next to the candidate's name or question choice;
- (7) There is a diagonal, horizontal, or vertical line:
 - (a) A portion of which intersects two points on the oval next to the candidate's name or the question choice;

(b) That does not intersect another oval at any two points; and

(c) That if it is a horizontal line, does not strike through the candidate's name or the question choice language; or

(8) There are words of affirmative choice, such as "vote for Smith" or "vote yes" in the area for the specific contest.

C. Manual Tabulation - Write-in Voting.

(1) The written name of a qualified write-in candidate, or the written name of a candidate whose name is on the ballot in that contest, in the write-in space, whether or not the oval designating the selection of a write-in candidate has been marked, constitutes a valid vote for the candidate.

(2) If a voter designates a vote for a named candidate on the ballot and also provides for a write-in candidate in the same contest, the vote shall be treated as follows:

(a) If the voter designates a vote for a named candidate on the ballot and writes in the name of the same candidate, only one vote shall count for the candidate; or

(b) If the voter designates a vote for a named candidate on the ballot and writes in the name of a different person, these actions are considered an overvote, with neither candidate receiving credit for the vote.

D. Manual Tabulation - Other Marks or Words. Where a choice is indicated in accordance with §B or C of this regulation and another choice is similarly marked and contains an "X", a cross-out, or another mark obscuring the filled in area, or contains words of error such as "no", "not this", "ignore this", "don't want", or "wrong", the choice without the additional markings or words constitutes the vote.

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