

The Help America Vote Act of 2002 has a specific requirement for overvote notification in systems that tabulate in the polling place.

#### SEC. 301. VOTING SYSTEMS STANDARDS.

(1) In general.--

(A) Except as provided in subparagraph (B), the voting system (including any lever voting system, optical scanning voting system, or direct recording electronic system) shall--

(iii) if the voter selects votes for more than one candidate for a single office--

(I) notify the voter that the voter has selected more than one candidate for a single office on the ballot;

(II) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and

(III) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.

(B) A State or jurisdiction that uses a paper ballot voting system, a punch card voting system, or a central count voting system (including mail-in absentee ballots and mail-in ballots), may meet the requirements of subparagraph (A)(iii) by--

(i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and

(ii) providing the voter with instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error).

(C) The voting system shall ensure that any notification required under this paragraph preserves the privacy of the voter and the confidentiality of the ballot.

There is no provision within HAVA for notification of undervotes or blank ballots.

HAVA also requires each state to develop a plan to adopt the voting system guidelines

#### SEC. 254. STATE PLAN.

(a) In General.--The State plan shall contain a description of each of the following:

(4) How the State will adopt voting system guidelines and processes which are consistent with the requirements of section 301.

Following is a compilation of how the statutes and administrative guidelines of various states have complied with the voting systems guidelines provisions of HAVA. While some states and/or jurisdictions have chosen to use voter education alone to comply with HAVA, the majority of voters in America are voting under the provisions of (A) which requires notification to voters regarding errors in the ballot.

In compiling the list, a strict reading of the statutes and administrative rules is applied. Where the statute can't be read to require notification but could be interpreted to allow for merely detecting the overvote and not counting those votes, overvote detection is noted. Overvote notification is noted where there is clear language within the statute or administrative code. Many states which do not explicitly require notification to voters of overvotes actually do provide the notification in practice. How overvotes, undervotes, and blank ballots are dealt with in practice is held for another report.

In summary, only one other state, New York, has a statutory or administrative requirement for undervote notification as does Illinois. New York has yet to run an election under this provision and will do so for the first time this fall. Four states, (Iowa, South Dakota, Vermont, and Wyoming) have specific prohibitions against undervote notification. Eight states have all Direct Recording Electronic voting machines which have silent undervote notification in the privacy of the booth as part of their normal functions. One state, Oregon, has all mail ballots with obviously no undervote notification.

## Alabama

Alabama has no references to undervotes in state law or in state regulations.

Alabama has no references to blank ballots in state law or in state regulations.

Alabama statutes provide for overvote detection.

### Section 17-7-21

(4) Permits such automatic tabulating equipment to be set to reject all votes for any office or question when the number of votes therefor exceeds the number which the voter is entitled to cast or when the voter is not entitled to cast a vote for the office or question.

Alabama administrative rules provide for overvote notification.

### 307-X-1-.17 Counting Of Votes.

(2)(a) In precincts utilizing precinct ballot counters, the counters shall be programmed to return the ballot to the elector if the elector has marked more names than there are persons to be elected to a particular office. The elector shall be provided the opportunity to review his or her ballot and to correct the ballot.

## Alaska

Alaska has no references to undervotes in state law or in state regulations.

Alaska has no references to blank ballots in state law or in state regulations.

Alaska state law gives the director of elections the discretion to adopt systems that are compliant with HAVA.

### Sec. 15.20.910. Standards for voting machines and vote tally systems.

The director may approve a voting machine or vote tally system for use in an election in the state upon consideration of factors relevant to the administration of state elections, including whether the Federal Election Commission has certified the voting machine or vote tally system to be in compliance with the voting system standards approved by the Federal Election Commission as required by 42 U.S.C. 15481(a)(5) (Help America Vote Act of 2002). The director may only approve a voting machine or vote tally system if the machine or system satisfies the requirements of AS 15.15.032 (c).

Alaska administrative rules have no references to voting systems standards.

## Arizona

Arizona has no references to undervotes in state law or in state regulations.

Arizona has no references to blank ballots in state law or in state regulations.

Arizona statutes provide for overvote notification.

16-446. Specifications of electronic voting system

B. An electronic voting system shall:

2. Permit each elector to vote at any election for any person for any office whether or not nominated as a candidate, to vote for as many persons for an office as he is entitled to vote for and to vote for or against any question on which he is entitled to vote, and the vote tabulating equipment shall reject choices recorded on his ballot card or paper ballot if the number of choices exceeds the number that he is entitled to vote for the office or on the measure.

16-449. Required test of equipment and programs; notice; procedures manual

The test shall be conducted by processing a preaudited group of ballots so punched or marked as to record a predetermined number of valid votes for each candidate and on each measure and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment and programs to reject such votes.

Arizona statute provides for a procedures manual which has the force of administrative rule.

16-452. Rules; instructions and procedures manual; approval of manual; field check and review of systems; violation; classification

A. After consultation with each county board of supervisors or other officer in charge of elections, the secretary of state shall prescribe rules to achieve and maintain the maximum degree of correctness, impartiality, uniformity and efficiency on the procedures for early voting and voting, and of producing, distributing, collecting, counting, tabulating and storing ballots.

Arizona's procedures manual states  
These tests will demonstrate that:

- each candidate and ballot measure receives the proper predetermined number of votes,
- the system reports the proper number of overvotes, as required by A.R.S. § 16-449, and
- the system accepts only the proper ballot styles and rejects improper ones.

## Arkansas

Arkansas has no references to undervotes in state law or in state regulations.

Arkansas has no references to blank ballots in state law or in state regulations.

Arkansas state law provides for overvote notification.

7-5-504. Machine specifications.

No make of voting machine shall be approved for use unless it is so constructed that:

(4) It shall permit the voter to vote for as many persons for an office for whom he or she is lawfully entitled to vote, but no more;

(9) If the voter is legally entitled to select only one (1) candidate for an office but the voter selects more than one (1) candidate for the office, it shall notify the voter before the ballot is cast that he or she has selected more than one (1) candidate for the office on the ballot, notify the voter of the effect of casting multiple votes for the office, and provide the voter with the opportunity to correct the ballot before the ballot is cast;

Arkansas has no administrative rules for overvotes.

## California

California statutes do not reference undervotes.

California defines an undervote in their Uniform Vote Counting Standards but does not require notification to the voter of the undervote.

California has no references to blank ballots in state law or in state regulations.

California statute has no reference to overvotes specifically.

19205. The Secretary of State shall establish the specifications for and the regulations governing voting machines, voting devices, vote tabulating devices,

and any software used for each, including the programs and procedures for vote tabulating and testing. The criteria for establishing the specifications and regulations shall include, but not be limited to, the following:

- (a) The machine or device and its software shall be suitable for the purpose for which it is intended.
- (b) The system shall preserve the secrecy of the ballot.
- (c) The system shall be safe from fraud or manipulation.

The California Secretary of State has promulgated Uniform Vote Counting Standards which provide for overvote detection.

#### Section III General Standards

The following general standards shall apply in the counting of all ballots and votes, regardless of the voting system used, for both the initial count and for any recount.

E. If a contest is marked with more choices than there are offices to be filled or measures that may prevail, the vote shall not be counted for that contest, but shall be counted in all other contests in which there is no overvote and the voter's choice can be clearly determined.

## Colorado

Colorado statutes do not reference undervotes.

Colorado defines undervotes in state regulations but does not require notification to the voter of the undervote.

27.1.7 Undervote. An undervote occurs when the voter does not vote for a any candidate in a race, or for or against a ballot measure, or, when more than one person in a race is available, the voter does not vote for the maximum number of votes allowed. Eff 09/01/2008

Colorado statutes do not reference blank ballots.

Colorado provides for blank ballot notification in state regulations

#### 27. 4 .1 Precinct Optical Scan Procedures

(a) Voters whose ballots are rejected or sorted by the precinct counter as a blank or overvoted ballot shall be given the opportunity to correct their ballot.

Colorado State Statute has detection of overvotes:

1-7-508. Determination of improperly marked ballots.

(2) Votes cast for an office to be filled or a ballot question or ballot issue to be decided shall not be counted if a voter marks more names than there are persons to be elected to an office or if for any reason it is impossible to determine the elector's choice of candidate or vote concerning the ballot question or ballot issue. A defective or an incomplete mark on any ballot in a proper place shall be counted if no other mark is on the ballot indicating an intention to vote for some other candidate or ballot question or ballot issue.

Colorado Administrative Rules provide for voter notification of overvoted ballots.

27.1 Definitions

27.1.6 Overvote. An overvote is a race, or ballot measure which contains votes for more than the maximum number of candidates or responses for a ballot measure allowed.

27.4 Uniform Counting Standards for Optical Scan Ballots

27.4.1 Precinct Optical Scan Procedures

(a) Voters whose ballots are rejected or sorted by the precinct counter as a blank or overvoted ballot shall be given the opportunity to correct their ballot.

## Connecticut

Connecticut has no references to undervotes in state law or in state regulations.

Connecticut statutes do not reference blank ballots.

Connecticut has blank ballot notification in administrative code

Sec. 9-242a-19. Blank ballot

A blank or unreadable ballot is one on which the tabulator cannot read a single vote for any office. If this occurs, the tabulator tender shall review with the elector the instructions and direct the elector to obtain a new ballot. If the elector requests that the ballot be processed when no votes are readable by the tabulator, the voting tabulator tender shall instruct the elector that the ballot will be counted by hand after the polls close, but if the election officials are unable to determine the intent of the elector, some or all of his votes could be lost. If the

elector insists that the ballot be processed, the elector shall then be instructed to deposit the ballot in the auxiliary bin.

Connecticut State Law provides for overvote notification.

Sec. 9-242

(c) Notwithstanding the provisions of subsection (b) of this section, the Secretary of the State may approve a voting machine which requires the elector in the polls to place his ballot into the recording device and which meets the voluntary performance and test standards for voting systems adopted by (1) the Federal Election Commission on January 25, 1990, as amended from time to time, or (2) the Election Assistance Commission pursuant to the Help America Vote Act of 2002, P.L. 107-252, 42 USC 15481-85, as amended from time to time, whichever standards are most current at the time of the Secretary of the State's approval, and regulations which the Secretary of the State may adopt in accordance with the provisions of chapter 54, provided the voting machine shall (A) warn the elector of overvotes, (B) not record overvotes, and (C) not record more than one vote of an elector for the same person for an office.

Connecticut Administrative Rules provide for overvote notification.

Sec. 9-242a-18. Overvote

An overvote occurs when an elector votes for more candidates for an office than he is entitled to. When an overvote message appears on the voting tabulator, the voting tabulator tender shall instruct the elector to recheck the ballot and obtain a new ballot if necessary. If the elector insists that the ballot be processed with the overvote, the voting tabulator tender shall instruct him votes for the overvoted office will not be counted but that the votes for the other offices will be counted. The elector shall be instructed to deposit the ballot in the auxiliary bin.

## **Delaware**

Delaware is all DRE

## **Florida**

Florida has no references to undervotes in state law or in state regulations.

Florida State Law provides for blank ballot notification.

101.5606 Requirements for approval of systems.--No electronic or electromechanical voting system shall be approved by the Department of State

unless it is so constructed that:

(3) It immediately rejects a ballot where the number of votes for an office or measure exceeds the number which the voter is entitled to cast or where the tabulating equipment reads the ballot as a ballot with no votes cast.

Florida administrative code provides for blank ballot notification

Undervotes and Overvotes

Marksense systems shall reject blank ballots and ballots with overvoted races.

Florida statute provides for overvote notification.

101.5606 Requirements for approval of systems.--No electronic or electromechanical voting system shall be approved by the Department of State unless it is so constructed that:

(3) It immediately rejects a ballot where the number of votes for an office or measure exceeds the number which the voter is entitled to cast or where the tabulating equipment reads the ballot as a ballot with no votes cast.

Florida Administrative Code provides for overvote notification.

Undervotes and Overvotes

Marksense systems shall reject blank ballots and ballots with overvoted races.

## **Georgia**

Georgia has all DRE voting.

## **Hawaii**

Hawaii has no references to undervotes in state law or in state regulations.

Hawaii has no references to blank ballots in state law.

Hawaii's state HAVA plan states that voters are notified of blank ballots.

The present system allows a voter to view and correct errors prior to casting a ballot. The system notifies a voter of overvotes, completely blank ballot, and multiparty votes (Hawaii conducts single party primary elections).

Hawaii statute provides for overvote detection.

§16-12 Voting machines; requirements. No voting machine shall be installed for use in any election in the State unless it shall satisfy the following requirements: (1) It shall permit the voter to vote for as many persons for an office as the voter is lawfully entitled to vote for, but no more;

Hawaii's state HAVA plan states that voters are notified of overvotes.

The present system allows a voter to view and correct errors prior to casting a ballot. The system notifies a voter of overvotes, completely blank ballot, and multiparty votes (Hawaii conducts single party primary elections).

## **Idaho**

Idaho has no references to undervotes in state law or in state regulations.

Idaho has no references to blank ballots in state law or in state regulations.

Idaho statute provides for notification of overvotes.

### **34-2410. SPECIFICATIONS FOR VOTING MACHINES OR VOTE TALLY SYSTEMS.**

(1) No voting machine or vote tally system shall be approved by the secretary of state unless it is constructed so that it:

(e) Permits the voter to vote for as many persons for an office as he is lawfully entitled to vote for but no more.

(h) Can be adjusted so that the counting mechanism rejects any vote cast on the tabulating card in excess of the number which the voter is entitled to vote.

(2) A vote tally system shall be:

(b) Capable of ignoring the votes marked for any office or question or issue where more than the allowable number of votes have been marked, but shall correctly count the properly voted portions of the ballot card.

Idaho has no administrative rules regarding overvotes.

## **Indiana**

Indiana has no references to undervotes in state law or in state regulations.

Indiana has no references to blank ballots in state law or in state regulations.

Indiana state law provides for overvote notification.

IC 3-11-15-13.7

Sec. 13.7. (a) If a voting system has any of the following functions, the functions must be operable in the voting system's equipment actually in use in a precinct:

(1) The voting system can demonstrate to the voter that the voter has cast votes for too many candidates for an office.

(2) The voting system can demonstrate to the voter that the voter has cast votes both in favor of and in opposition to a public question.

Indiana has no administrative rules regarding overvotes.

## Iowa

Iowa state law has no references to undervotes.

Iowa administrative code prohibits undervote notification.

721—22.261(52) Election Systems & Software Model 100—preparation and use in elections.

22.261(2) Configuration choices. The following selections are mandatory for all elections:

b. Ballot control. In an official election, the commissioner shall never program the Model 100 for unconditional acceptance of all ballots; shall not divert blank ballots to the write-in bin; and shall always accept undervoted ballots.

Iowa has no references to blank ballots in state law.

Iowa administrative code provides for notification to the voter of a blank ballot.

721—22.261(52) Election Systems & Software Model 100—preparation and use in elections.

22.261(2) Configuration choices. The following selections are mandatory for all elections:

b. Ballot control. In an official election, the commissioner shall never program the Model 100 for unconditional acceptance of all ballots; shall not divert blank ballots to the write-in bin; and shall always accept undervoted ballots. The system shall be programmed to query the voter in each of the following situations:

(2) Blank ballot.

Iowa state law provides for overvote detection.

52.26 Authorized optical scan voting system.

1. Every optical scan voting system approved by the state board of examiners

for voting systems shall:

b. Permit each voter to vote at any election for any candidate for each office and upon each public question with respect to which the voter is entitled by law to vote, while preventing the voter from voting more than once upon any public question or casting more votes for any office than there are persons to be elected to that office.

Iowa Administrative rules provides for overvote notification.

721—22.261(52) Election Systems & Software Model 100—preparation and use in elections.

22.261(2) Configuration choices. The following selections are mandatory for all elections:

a. Maximum number of votes. The following description for each office shall be used: “Vote for no more than xx.” Do not include “vote for” language for public measures or judges.

b. Ballot control. In an official election, the commissioner shall never program the Model 100 for unconditional acceptance of all ballots; shall not divert blank ballots to the write-in bin; and shall always accept undervoted ballots. The system shall be programmed to query the voter in each of the following situations:

(1) Overvoted ballot.

## **Kansas**

Kansas has no references to undervotes in state law or in state regulations.

Kansas has no references to blank ballots in state law or in state regulations.

Kansas state law provides for overvote notification.

Chapter 25.--ELECTIONS

Article 46.--OPTICAL SCANNING SYSTEMS TO COUNT VOTES

25-4613. Specifications for optical scanning systems and equipment. Optical scanning equipment and systems using optical scanning equipment approved by the secretary of state:

(g) shall not count any votes for an office or upon a question submitted when the voter has cast more votes for such office or upon such question than the voter is entitled to cast;

(h) shall provide notification when the voter has cast more votes for such office

or upon such question than the voter is entitled to cast; and

Kansas administrative code has no reference to overvotes.

## **Kentucky**

Kentucky has no references to undervotes in state law or in state regulations.

Kentucky has no references to blank ballots in state law or in state regulations.

Kentucky State law provides for overvote detections

117.125 Specifications and features required for approval.

No make of voting machine shall be approved for use unless it is so constructed that:

(4) It will permit a voter to vote for as many persons for an office as he is lawfully entitled to vote for, and no more.

117.381 Requirements for approval.

No electronic voting system shall, upon any examination or reexamination, be approved by the State Board of Elections unless it shall be established that such system, at the time of examination or reexamination:

(6) If it is of a type that registers the vote electronically, the voting system shall preclude each voter from voting for more persons for any office than he is entitled to vote for or upon any question more than once;

Kentucky Administrative rules provide for overvote detections.

31 KAR 2:010. Electronic voting systems.

Section 5. Preparation of Program.

(10) The vote tabulation portion of the program shall be written:

(d) So as not to count votes cast by a voter for an office or question if the number of votes cast by a voter exceeds the number which the voter is entitled to vote for on that office or question.

## **Louisiana**

Louisiana is all DRE.

## **Maine**

Maine has no references to undervotes in state law or in state regulations.

Maine has no references to blank ballots in state law or in state regulations.

Maine law provides for detection of overvotes.

#### §812. Requirements for machines

A voting machine used in the conduct of state elections must meet the following requirements. [2003, c. 651, §5 (AMD).]

2. Voting limited. It must permit a voter to vote once and only once for each candidate and each question for whom or on which he is entitled to vote. It must prevent a voter from voting for more persons for an office than there are offices to be filled.

#### §843. Requirements for devices

An electronic tabulating system purchased or rented by a municipality must meet the following requirements. [1995, c. 459, §95 (AMD).]

2. Voting limited. It must permit each voter to vote at any election for all persons and offices for whom and for which the voter is entitled to vote; to vote for as many persons for an office as the voter is entitled to vote for; to vote for or against any question upon which the voter is entitled to vote; and the electronic tabulating equipment must reject choices recorded on the voter's ballot, if the number of choices exceeds the number for which the voter is entitled to vote for the office or on the measure.

Maine administrative code has no reference to overvotes.

## **Maryland**

All voting in Maryland is on touch screen systems.

## **Massachusetts**

Massachusetts has no references to undervotes in state law or in state regulations.

Massachusetts has no references to blank ballots in state law or in state regulations.

Massachusetts statute has no reference to overvotes.

### CHAPTER 54. ELECTIONS

#### BALLOT BOXES, VOTING MACHINES, COUNTING APPARATUS AND BLANKS

Chapter 54: Section 33. Requirements and use of voting machines, electronic voting systems, and ballots

Section 33. Voting machines shall furnish convenient, simple and satisfactory means of voting at primaries and elections and of ascertaining and recording the true result thereof with facility and accuracy, special regard being given to the prevention and detection of double voting at primaries and elections and of voting for candidates of more than one political party at a primary; but no machine shall be approved which does not secure to the voter as much secrecy in voting as is afforded by the use of the official ballot. Ballot boxes shall have sufficient locks and keys or seal fastenings, and shall contain mechanical devices for receiving, registering and cancelling every ballot deposited therein; but no such box shall record any distinguishing number or mark upon a ballot. No machine, ballot box or counting apparatus, not approved in accordance with this and the preceding section, shall be used at any election, primary or caucus; nor shall any such machines, ballot boxes or counting apparatus be used except in accordance with the laws relating to primaries and elections.

On voting machines which provide adequate mechanical safeguards, the names of candidates and the questions to be submitted to the voters may be arranged in the same manner as on the official paper ballot. On all other voting machines to be used at state elections the names of the candidates for each office shall be arranged in a horizontal row or vertical column under or opposite to the titles of the offices, to be determined in accordance with the type of mechanical safeguard against over-voting used in the particular machine. At state primaries separate voting machines may be used for the listing of names of candidates of each of the political parties; provided, that the number of machines to be used for each such party in each polling place shall be determined by the city or town clerk or election commissioners and notice of such determination shall be sent to the state secretary not later than one hundred and twenty days preceding the date of the primary.

Massachusetts Administrative Rules provide for overvote notification.

950 CMR 50.02

(1) Equipment actually used to vote shall be simple and convenient to use:

(C) Safeguards such as indicator devices or markings must be employed so as to allow the voter examine the choices he has made and ensure that the correct choices have been indicated. The voter shall have the ability to change a vote either by resetting the device or by obtaining as many as two new ballots until the time when the final vote has been registered either by pulling a lever or other device or by casting the ballot

## Michigan

Michigan has no references to undervotes in state law or in state regulations.

Michigan has no references to blank ballots in state law.

Michigan Secretary of State's Preparation of Voting Equipment guidelines provide for blank ballot notification.

To ensure an accurate vote count, all tabulators must be programmed to reject blank ballots, ballots containing "overvotes" and partisan primary ballots which are invalid due to "crossover" voting.

Michigan state law provides for overvote detection.

168.772 Voting machines; construction and operation.

Sec. 772.

A voting machine to be purchased as provided in section 771 of this act must be so constructed as to provide facilities for voting for the candidates of at least 7 different parties or organizations, and must permit all voters to vote for any person for any office, whether or not nominated as a candidate by any party or organization, and must permit voting in secrecy. It shall also be so constructed that votes may be cast thereon for constitutional amendments or any other public measure; it must also be so constructed as to provide for at least 30 candidates for each party organization at any and all elections, and said machine must be constructed of good and durable material in a workmanlike manner, and also so constructed that it can be easily and conveniently operated by inspectors of election and the voters; it must also be so constructed as to prevent voting for more than 1 person for the same office, except where the voter is entitled to vote for more than 1 person for that office, and it must afford him an opportunity to vote for any and all persons for that office as he is by law entitled to vote for and no more, at the same time preventing his voting for the same person twice: Provided, That at any time when the polls are open, any voter finding in his use of the machine that same does not operate in exact accordance with the provisions of this section shall be entitled to notify the chairman or any member of the board thereof, whereupon the member so notified and the other members of the board present shall inspect said machine and determine whether or not the alleged irregularity of operation is a fact. If it is determined that the machine is not operating in accordance with this section, no further voting thereon shall be permitted until the machine is adjusted and the number of votes recorded thereon shall not be changed during the process of adjustment. If the machine

cannot be properly adjusted, it shall be locked and no further voting permitted thereon. Any person charged with the duty of setting, adjusting or operating voting machines shall perform that duty in such a manner that the machines will enable voters to use same in accordance with the provisions of this section. Any person wilfully failing to carry out the provisions of this section shall, upon conviction thereof, be fined not more than \$500.00, or imprisoned for not more than 90 days, or both such fine and imprisonment, in the discretion of the court.

Michigan Secretary of State's Preparation of Voting Equipment guidelines provide for overvote notification.

To ensure an accurate vote count, all tabulators must be programmed to reject blank ballots, ballots containing "overvotes" and partisan primary ballots which are invalid due to "crossover" voting.

## **Minnesota**

Minnesota has no references to undervotes in state law or in state regulations.

Minnesota has no references to blank ballots in state law or in state regulations.

Minnesota state law provides for overvote notification

### **206.80 ELECTRONIC VOTING SYSTEMS.**

(a) An electronic voting system may not be employed unless it:

(4) automatically rejects, except as provided in section 206.84 with respect to write-in votes, all votes for an office or question when the number of votes cast on it exceeds the number which the voter is entitled to cast;

(7) provides every voter an opportunity to verify votes recorded on the permanent paper ballot, either visually or using assistive voting technology, and to change votes or correct any error before the voter's ballot is cast and counted, produces an individual, discrete, permanent, paper ballot cast by the voter, and preserves the paper ballot as an official record available for use in any recount.

Minnesota Administrative Rules provide for overvote notification.

### **8230.4365 PRECINCT COUNT VOTING SYSTEM EQUIPMENT AND PROCEDURES.**

Subp. 3.

Procedures during voting hours.

Ballot counters must be programmed to return to the voter a ballot having an overvote or votes for candidates of more than one political party in a partisan primary election. Ballot counters must be programmed to print a message describing the error on a paper tape or to display the error message electronically. If the voting system is capable of emitting an audible signal while electronically displaying the error message, it must do so. Election judges monitoring the depositing of ballots into the ballot counters must be stationed no closer than six feet from the ballot counter. The election judges shall read the error message to the voter and may explain the conditions that cause a ballot to be rejected, but the judges shall not examine the voted ballot unless the voter requests assistance or it is necessary to determine what style of replacement ballot must be given to the voter.

Subp. 4.  
Error messages.

The following messages are sufficient for optical scan voting systems to print or display for the described errors or actions:

- A. overvote for (voting system will supply and print the name of the overvoted office);
- B. overvote for multiple offices;
- C. crossover vote; and
- D. ballot overridden.

## **Mississippi**

Mississippi has no references to undervotes in state law or in state regulations.

Mississippi has no references to blank ballots in state law or in state regulations.

Mississippi statute provides for overvote detection.

§ 23-15-507. Construction of optical mark reading system.

No optical mark reading system shall be acquired or used in accordance with this chapter unless it shall:

- (b) The OMR tabulating equipment shall be capable of rejecting choices recorded on the ballot if the number of choices exceeds the number which the voter is entitled to vote for the office or on the measure;

Mississippi administrative rules do not reference overvotes.

## Missouri

Missouri has no references to undervotes in state law or in state regulations.

Missouri state law provides for blank ballot notification.

Chapter 115  
Election Authorities and Conduct of Elections  
Section 115.456

Responsibilities of election authority, counting punch card ballots--counting optical scan ballots--counting paper ballots--write-in stickers--marks indicating political party preference, how construed.

2. The election authority shall be responsible for ensuring that the standards provided for in this subsection are followed when counting ballots cast using optical scan voting systems.

(1) Prior to tabulating ballots, all machines shall be programmed to reject blank ballots where no votes are recorded or where an overvote is registered in any race.

Missouri Administrative Rules do not reference blank ballots.

Missouri state law provides for overvote notification.

Chapter 115  
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(1) Prior to tabulating ballots, all machines shall be programmed to reject blank ballots where no votes are recorded or where an overvote is registered in any race.

Missouri Administrative Rules provide for overvote detection.

## 15 CSR 30-10.020 Certification Statements for New or Modified Electronic Voting Systems

(5) Manufacturer's certification statement shall be completed substantially as the example which follows:

3. The automatic tabulating equipment to be set to reject all votes for any office or on any measure except write-in votes when the number of votes exceeds the number the voter is entitled to cast;

## Montana

Montana has no references to undervotes in state law or in state regulations.

Montana has no references to blank ballots in state law or in state regulations.

Montana law references the administrative rules regarding voting systems certification.

13-17-103. Required specifications for voting systems. (1) A voting system may not be approved under 13-17-101 unless the voting system:  
(f) allows each valid vote cast to be registered and recorded within the performance standards adopted pursuant to subsection (2);  
(2) To implement the provisions of subsection (1)(f), the secretary of state shall adopt rules setting a benchmark performance standard that must be met in tests by each voting system prior to approval under 13-17-101. The standard must be based on commonly accepted industry standards for readily available technologies.

Montana Rules require overvote notification.

### 44.3.1703 CRITERIA OF CONSTRUCTION

(1) Voting machines or devices shall meet the following requirements:

(6) Automatic tabulating equipment shall provide a visible or audible signal to the operator thereof in the following cases.

(b) If a ballot or part thereof has been overvoted because the elector has recorded vote intentions for a number of persons for an office in excess of the number he is entitled to vote for, the ballot tabulation program and hardware shall have the ability to so record and display a summary of the ballot overvote conditions.

## Nebraska

Nebraska has no references to undervotes in state law or in state regulations.

Nebraska has no references to blank ballots in state law or in state regulations.

Nebraska state law references administrative rules.

32-1041 Voting and counting methods and locations authorized; approval required; when. The election commissioner or county clerk may use optical-scan ballots or voting systems approved by the Secretary of State to allow registered voters to cast their votes at any election. The election commissioner or county clerk may use vote counting devices and voting systems approved by the Secretary of State for tabulating the votes cast at any election. Vote counting devices shall include electronic counting devices such as optical scanners. Any new voting or counting system shall be approved by the Secretary of State prior to use by an election commissioner or county clerk. Notwithstanding any other provision of the Election Act, the Secretary of State may adopt and promulgate rules and regulations to establish different procedures and locations for voting and counting votes pursuant to the use of any new voting or counting system. The procedures shall be designed to preserve the safety and confidentiality of each vote cast and the secrecy and security of the counting process, to establish security provisions for the prevention of fraud, and to ensure that the election is conducted in a fair manner.

Nebraska administrative rules do not reference overvotes.

## **Nevada**

Nevada is all touch screen.

## **New Hampshire**

New Hampshire has no references to undervotes in state law or in state regulations.

New Hampshire has no references to blank ballots in state law or in state regulations.

New Hampshire has no references to overvotes in state law or in state regulations.

## **New Jersey**

New Jersey is all touch screen.

## **New Mexico**

New Mexico has no references to undervotes in state law or in state regulations.

New Mexico has no references to blank ballots in state law or in state regulations.

New Mexico statute provides for overvote notification

1-9-16. Electronic voting systems; vote tabulating systems; standards.

(14) the system shall recognize all errors and be able to reject or return a ballot that contains an error. The tabulator shall automatically be able to detect an overvoted ballot;

There are no New Mexico administrative rules regarding overvotes.

## **New York**

New York statute does not reference undervotes.

New York administrative rules provide for undervote notification

6209.2.A.08

In a paper-based voting system, the system must indicate to the voter specific contests or ballot issues for which an overvote or undervote is detected.

New York statute does not reference blank ballots.

New York administrative code provides for blank ballot notification.

6209.2.A.08

In a paper-based voting system, the system must indicate to the voter specific contests or ballot issues for which an overvote or undervote is detected.

New York statute provides for overvote notification.

7-202 is added to read as follows:

§ 7-202. Voting machine or system; requirements of.

1. A voting machine or system to be approved by the state board of elections shall:

d. if the voter selects votes for more than one candidate for a single office, except

where a voter is lawfully entitled to vote for more than one person for that office, notify the voter that the voter has selected more than one candidate for a single office on the ballot, notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office, and provide the voter with the opportunity to correct the ballot before the ballot is cast and counted;

New York Administrative Code provides for overvote notification.

6209.2.A.08

In a paper-based voting system, the system must indicate to the voter specific contests or ballot issues for which an overvote or undervote is detected.

## **North Carolina**

North Carolina has no references to undervotes in state law or in state regulations.

North Carolina has no references to blank ballots in state law or in state regulations.

North Carolina state law has no reference to overvotes.

North Carolina Administrative Rules provide for overvote detection.

08 NCAC 04 .0301                      REQUIREMENTS OF VOTING SYSTEMS

Any voting system used in any election in North Carolina shall be constructed to fulfill the following requirements:

(6)            It shall permit the voter to vote for only as many persons for an office as the voter chooses and is lawfully entitled to vote for;

## **North Dakota**

North Dakota has no references to undervotes in state law or in state regulations.

North Dakota has no references to blank ballots in state law or in state regulations.

North Dakota state law requires detection of overvotes.

16.1-06-14. Requirements for electronic voting systems. Any electronic voting system used in an election in this state must:

2. Permit each voter to vote for as many persons for any office as the voter is entitled to vote for, and must allow each voter to vote in primary elections for candidates for nomination by the political party of the voter's choice, but it must preclude each voter from voting for more persons for any office than the voter is entitled to vote for, from voting more than once for the same candidate or upon the same measure or question submitted to the voters, or voting the ballot of more than one political party in any primary election.

North Dakota Administrative rules do not reference overvotes.

## Ohio

Ohio has no references to undervotes in state law or in state regulations.

Ohio has no references to blank ballots in state law or in state regulations.

Ohio state law provides for overvote detection.

3506.10 Requirements for approval or certification of voting machines.

No voting machine shall be approved by the board of voting machine examiners or certified by the secretary of state, or be purchased, rented, or otherwise acquired, or used, except when specifically allowed for experimental use, as provided in section 3506.04 of the Revised Code, unless it fulfills the following requirements:

(C) It shall preclude each elector from voting for any candidate or upon any question for whom or upon which the elector is not entitled to vote; from voting for more persons for any office than the elector is entitled to vote for, and from voting for any candidates for the same office or upon any question more than once.

Ohio Administrative Code provides for overvote detection.

Chapter 111:3-3 Certification of Equipment  
111:3-3-01 Certification; mandatory requirements.

(C) No voting machine shall be approved by the board of voting machine examiners or certified by the secretary of state, or be purchased, rented, or otherwise acquired, or used, except when specifically allowed for experimental use, unless it fulfills the following requirements:

(3) The equipment shall preclude each elector from voting for any candidate or upon any question for whom or upon which the elector is not entitled to vote, from voting for more persons for any office than the elector is entitled to vote for, and from voting for any candidates for the same office or upon any question more than once;

## **Oklahoma**

Oklahoma has not yet adopted rules and regulations regarding voting equipment. They currently use Optech Eagles throughout the state.

## **Oregon**

Oregon elections are all by mail.

## **Pennsylvania**

Pennsylvania has no references to undervotes in state law or in state regulations.

Pennsylvania has no references to blank ballots in state law or in state regulations.

Pennsylvania statute provides for notification of overvotes

Purdon's Pennsylvania Statutes and Consolidated Statutes Currentness  
Title 25 P.S. Elections & Electoral Districts (Refs & Annos)

Chapter 14. Election Code (Refs & Annos)

Article XI-A. Electronic Voting Systems

§ 3031.7. Requirements of electronic voting systems

No electronic voting system shall, upon any examination or reexamination, be approved by the Secretary of the Commonwealth, or by any examiner appointed by him, unless it shall be established that such system, at the time of such examination or reexamination:

(16) If the voting system is of a type which provides for the computation and tabulation of votes at the district level, the district component of the automatic tabulating equipment shall include the following mechanisms or capabilities:

(iv) If the number of choices recorded for any office or on any question exceeds the number for which the voter is entitled to vote, it shall reject all choices recorded on the ballot for that office or question, provided, that if used during the period of voting it may also have the capacity to indicate to a voter that he has improperly voted for more candidates for any office than he is entitled to vote for, and in such case it shall have the capacity to permit the voter to mark a new ballot or to forego his opportunity to make such correction.

Pennsylvania administrative rules do not reference overvotes.

## **Rhode Island**

Rhode Island has no references to undervotes in state law or in state regulations.

Rhode Island has no references to blank ballots in state law or in state regulations.

Rhode Island statutes provide for overvote detection.

§ 17-19-3 Voting equipment and services – Specifications. – (a) The office of secretary of state and the state board of elections shall submit specifications to the department of administration, which the department of administration shall consult in developing a request for a proposal, as set forth in § 17-19-2.1. These specifications must be submitted to the department of administration within thirty (30) days of the passage of this bill. These specifications and the request for a proposal for the options of purchasing, leasing to own or renting an optical scan precinct count voting system, and for a full service contract for an optical scan precinct count voting system, shall propose an optical scan precinct count system that shall be constructed and shall operate in a manner that meets the following minimum requirements:

(1) It shall enable the voter to:

(iv) Vote for as many persons for an office as the voter is lawfully entitled to vote for, but no more; and

Rhode Island Administrative rules do not reference overvotes.

## **South Carolina**

South Carolina is all touch screen voting.

## **South Dakota**

South Dakota statute prohibits notification of an undervoted ballot.

12-17B-13.1. Operation of automatic tabulating equipment--Return of ballots--Out-stacking of ballots. If automatic tabulating equipment is located at a polling place for processing ballots while the polls are open, the equipment may not be operated in a manner which returns an over-voted or partially under-voted ballot to the voter. The equipment shall be operated in a manner which returns any ballot that appears to the tabulating equipment to be blank or has any possible mark which the tabulating equipment cannot determine. If the ballot is returned to the voter, the voter may choose to remark the ballot, obtain a new ballot, or resubmit the ballot.

South Dakota rules do not reference undervoted ballots.

South Dakota statutes provide for notification on blank ballots.

12-17B-13.1. Operation of automatic tabulating equipment--Return of ballots--Out-stacking of ballots. If automatic tabulating equipment is located at a polling place for processing ballots while the polls are open, the equipment may not be operated in a manner which returns an over-voted or partially under-voted ballot to the voter. The equipment shall be operated in a manner which returns any ballot that appears to the tabulating equipment to be blank or has any possible mark which the tabulating equipment cannot determine. If the ballot is returned to the voter, the voter may choose to remark the ballot, obtain a new ballot, or resubmit the ballot.

South Dakota rules do not reference blank ballots.

South Dakota statutes prohibit notification of overvotes but also provide for the Secretary of State to adopt standards

12-17B-2. Capabilities required of automatic tabulating, direct recording electronic, or electronic ballot marking systems--Approval of changes or modifications. Any automatic tabulating, direct recording electronic, or electronic ballot marking system used in an election shall enable the voter to cast a vote for all offices and on all measures on which the voter is entitled to vote. Each system shall fulfill the requirements for election assistance commission standards certification and be approved by the State Board of Elections prior to distribution and use in this state. No system may be approved unless the system fulfills the requirements as established by the State Board of Elections. Any changes or modifications to an approved system shall be approved by the State Board of Elections prior to distribution and use.

12-17B-13.1. Operation of automatic tabulating equipment--Return of ballots--Out-stacking of ballots. If automatic tabulating equipment is located at a

polling place for processing ballots while the polls are open, the equipment may not be operated in a manner which returns an over-voted or partially under-voted ballot to the voter. The equipment shall be operated in a manner which returns any ballot that appears to the tabulating equipment to be blank or has any possible mark which the tabulating equipment cannot determine. If the ballot is returned to the voter, the voter may choose to remark the ballot, obtain a new ballot, or resubmit the ballot.

South Dakota rules provide for overvote detection

5:02:09:02.01. Criteria for approving automatic tabulating systems. Before the State Board of Elections grants a certificate of approval, the following automatic tabulating equipment capabilities of an electronic voting system must be demonstrated to the board or its designee. The board shall deny a certificate of approval for automatic tabulating equipment which as demonstrated does not fulfill the following requirements:

(3) It rejects all of a voter's votes for any office or on any measure if the voter has cast more votes for the office or the measure than the voter is entitled to;

## **Tennessee**

Tennessee has no references to undervotes in state law or in state regulations.

Tennessee has no references to blank ballots in state law or in state regulations.

Tennessee state statutes provide for overvote detection.

2-9-101. Specifications — Contract for modification. —

(a) A voting machine to be used in Tennessee must provide facilities for voting for candidates at both primary and general elections, at nonpartisan elections or at a combination of a nonpartisan and partisan primary or general election. It must permit a voter to vote for any person for any office, whether or not nominated as a candidate by a political party. It must ensure voting in absolute secrecy. It must permit a voter to vote for any candidate or on any special measure for whom or on which the voter is lawfully entitled to vote but none other. It must permit a voter to vote for the proper number of candidates for an office but no more. It must be provided with a lock or locks by which immediately after the polls are closed any movement of the voting or registering mechanism can be absolutely prevented. It may be either manually or electrically operated. An electric machine must convert to manual operation, and the alternate type of operation must be a standard function of the machine and not be designed as an

emergency or temporary device only. Each voting machine shall have not less than eight (8) columns and shall be equipped with interlocks in the following manner: for the basic lever type machine, interlocks on columns 1, 4, and 7; for the 2.5 lever type machine, interlocks on columns 1, 4, and 7 and an additional main interlock adjacent to column 10; on the 3.2 eight column machine, interlocks on columns 1, 4, and 7 and an additional main interlock adjacent to column 8; on the 3.2-10.25 lever type machine, interlocks on columns 1, 4, and 7 and an additional main interlock adjacent to column 10.

Tennessee Administrative Code provides for overvote notification.

1360-2-12-.04 REQUIREMENTS OF ELECTRONIC VOTE COUNTING SYSTEMS. No electronic vote counting system consisting of a marking or voting device in combination with automatic vote counting or tabulating equipment shall be acquired or used in accordance with these regulations unless it shall:  
(3) Use automatic vote counting equipment which shall reject choices recorded on the voted ballots if the number of choices exceeds the number which the voter is entitled to vote for in each office and on each measure question;

## Texas

Texas has no references to undervotes in state law or in state regulations.

Texas has no references to blank ballots in state law

Texas Administrative Code provide for blank ballot notification.

TITLE 1        ADMINISTRATION  
PART 4        OFFICE OF THE SECRETARY OF STATE  
CHAPTER 81    ELECTIONS  
SUBCHAPTER C VOTING SYSTEMS  
RULE §81.52    Precinct Ballot Counters

(1) The voter may deposit a ballot directly into a precinct counter. If the machine returns the ballot to the voter because the ballot is blank, mismarked, damaged, or otherwise spoiled, the voter may either attempt to correct the ballot, request another ballot once the spoiled ballot is returned to the election officer, or request the election official to override the rejection so that the precinct counter accepts the ballot, and outstacks the write-in, if necessary.

Texas statute provides for overvote detection.

## TITLE 8. VOTING SYSTEMS

### CHAPTER 122. STATE SUPERVISION OVER VOTING SYSTEMS

#### SUBCHAPTER A. VOTING SYSTEM STANDARDS

Sec. 122.001. VOTING SYSTEM STANDARDS. (a) A voting system may not be used in an election unless the system:

(7) prevents counting votes by the same voter for more than one candidate for the same office or, in elections in which a voter is entitled to vote for more than one candidate for the same office, prevents counting votes for more than the number of candidates for which the voter is entitled to vote;

Texas Administrative Code provides for overvote notification.

TITLE 1        ADMINISTRATION  
PART 4        OFFICE OF THE SECRETARY OF STATE  
CHAPTER 81    ELECTIONS  
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(1) The voter may deposit a ballot directly into a precinct counter. If the machine returns the ballot to the voter because the ballot is blank, mismarked, damaged, or otherwise spoiled, the voter may either attempt to correct the ballot, request another ballot once the spoiled ballot is returned to the election officer, or request the election official to override the rejection so that the precinct counter accepts the ballot, and outstacks the write-in, if necessary.

## Utah

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## Vermont

Vermont statutes prohibit undervote notification.

§ 2493. Rules for use of voting machines

(a) The secretary of state shall adopt rules governing the use and the selection of any voting machine in the state. These rules shall include requirements that:

(4) All voting machines shall be set not to reject undervotes.

Vermont administrative rules do not reference undervotes.

Vermont has no references to blank ballots in state law or administrative rules.

Vermont statute provides for overvote notification.

§ 2493. Rules for use of voting machines

(a) The secretary of state shall adopt rules governing the use and the selection of any voting machine in the state. These rules shall include requirements that:

(3) All voting machines shall be set to reject a ballot that contains an overvote and provide the voter the opportunity to correct the overvote, have the ballot declared spoiled, and obtain another ballot. If an early voter absentee ballot contains an overvote, the elections official shall override the voting machine and count all races except any race that contains an overvote.

Vermont administrative rules provide for overvotes notification.

II. What Constitutes a Vote for a name printed on the ballot:

D. On a machine ballot, if a voter has marked in the oval opposite more candidate(s) than there are candidates to be voted in that race, the optic scan tabulator machine shall be set to reject the ballot, and an election official shall instruct the voter that he or she has overvoted in a race, and shall offer the voter the opportunity to void that ballot, and to take another ballot into the voting booth in order to properly mark the number of candidates to be voted for in each race.

## Virginia

Virginia has no references to undervotes in state law or in state regulations.

Virginia has no references to blank ballots in state law or in state regulations.

Virginia statutes provide for overvote detection.

§ 24.2-628. Authorized use of mechanical voting devices.

B. Any kind of mechanical voting device may be approved by the Board which meets the following requirements:

1. It shall provide facilities for voting for all candidates of as many political parties as may make nominations at any election; on as many questions as may be submitted at any election; and at all general or special elections, permit the voter to vote for all of the candidates of one party or in part for the candidates of one or more parties. It shall enable the voter to vote for as many persons for an office as lawfully permitted, but no more; prevent the voter from voting for the same person more than once for the same office; and enable the voter to vote on any question he is lawfully permitted to vote on, but no other.

Virginia state rules do not reference overvotes.

## **Washington**

Washington has no references to undervotes in state law or in state regulations.

Washington has no references to blank ballots in state law or in state regulations.

Washington statutes provide for overvote detection.

RCW 29A.12.101  
Requirements of tallying systems for approval.

The secretary of state shall not approve a vote tallying system unless it:

(2) Ignores votes marked for any office or issue where more than the allowable number of votes have been marked, but correctly counts the properly voted portions of the ballot;

Washington Administrative Code provides for overvote detection.

WAC 434-335-040  
Agency filings affecting this section  
Voting system requirements.

(2) No vote tabulating system may be certified by the secretary of state unless it:

(b) Ignores votes marked for any office or issue where more than the allowable number of votes have been marked, but correctly counts the properly voted portions of the ballot;

## **West Virginia**

West Virginia has no references to undervotes in state law or in state regulations.

West Virginia has no references to blank ballots in state law or in state regulations.

West Virginia statutes provide for overvote detection.

§3-4-8. Minimum requirements of voting machines.

A voting machine of particular make and design shall not be approved by the state election commission or be purchased, leased, or used, by any county court unless it shall fulfill the following requirements:

(4) It shall preclude each voter from voting for any person or office or upon any question for whom or which and upon which he is not lawfully entitled to vote and from voting for more persons for any office than he is lawfully entitled to vote for, and from voting for any candidate for the same office and upon any question more than once;

West Virginia administrative rules do not reference overvotes.

## **Wisconsin**

Wisconsin has no references to undervotes in state law or in state regulations.

Wisconsin has no references to blank ballots in state law or in state regulations.

Wisconsin statutes provide for overvote notification.

5.91 Requisites for approval of ballots, devices and equipment. No ballot, voting device, automatic tabulating equipment or related equipment and materials to be used in an electronic voting system may be utilized in this state unless it is approved by the board. The board may revoke its approval of any ballot, device, equipment or materials at any time for cause. No such ballot, voting device, automatic tabulating equipment or related equipment or material may be approved unless it fulfills the following requirements:

(7) It permits an elector to vote at an election for all persons and offices for whom and for which the elector is lawfully entitled to vote; to vote for as many persons for an office as the elector is entitled to vote for; to vote for or against any question upon which the elector is entitled to vote; and it rejects all choices recorded on a ballot for an office or a measure if the number of choices exceeds the number which an elector is entitled to vote for on such office or on such measure, except where an elector casts excess write-in votes upon a ballot that is distributed to the elector.

(12) It minimizes the possibility of disenfranchisement of electors as the result of

failure to understand the method of operation or utilization or malfunction of the ballot, voting device, automatic tabulating equipment or related equipment or materials.

(16) It provides an elector with the opportunity to change his or her votes and to correct any error or to obtain a replacement for a spoiled ballot prior to casting his or her ballot.

(17) Unless the ballot is counted at a central counting location, it includes a mechanism for notifying an elector who attempts to cast an excess number of votes for a single office that his or her votes for that office will not be counted, and provides the elector with an opportunity to correct his or her ballot or to receive and cast a replacement ballot.

Wisconsin administrative rules do not reference overvotes.

## Wyoming

Wyoming statutes do not reference undervoted ballots.

Wyoming Administrative Law provides that undervoted ballots be automatically accepted.

Section 6. Preparation, Testing and Sealing of Optical Scan Voting Machines.

(a) Testing and sealing of the optical scan machines may begin after the official ballots are received from the printer.

(i) Preparation.

(A) The memory cards will be programmed so the machines will function as follows:

(III) If the voter under voted a race or races, the ballot will not be returned to the voter, but will be automatically accepted by the machine.

Wyoming statutes do not reference blank ballots.

Wyoming Administrative Law provides that blank ballots be returned to the voter.

Section 6. Preparation, Testing and Sealing of Optical Scan Voting Machines.

(a) Testing and sealing of the optical scan machines may begin after the official ballots are received from the printer.

(i) Preparation.

(A) The memory cards will be programmed so the machines will function as follows:

(I) Blank ballots are returned to the voter for action.

Wyoming statutes provide for overvote detection.

22-10-101.1 Criteria for approval.

(a) To be approved for use in Wyoming a voting machine shall:

(iii) Preclude an elector from casting any vote he is not entitled to cast at any election or to cast more votes for a candidate, office or ballot proposition than are allowed by law;cha

Wyoming Administrative Code provides for overvote notification.

Section 6. Preparation, Testing and Sealing of Optical Scan Voting Machines.

(a) Testing and sealing of the optical scan machines may begin after the official ballots are received from the printer.

(i) Preparation.

(A) The memory cards will be programmed so the machines will function as follows:

(II) Over voted ballots are returned to the voter for action.