Exhibit II

Vote Counting Standards for City of Los Angeles Elections

Office of the City Clerk

City of Los Angeles

October 2006

Section I. Introduction

The City of Los Angeles has developed these vote counting standards to establish when a marked voting position constitutes a vote in elections conducted by the Los Angeles City Clerk. The following principles guided the development of these vote counting standards:

- The vote counting standards are based upon the Uniform Vote Counting Standards (UVCS) issued by the California Secretary of State on March 23, 2006 (see attached).
- When inspecting ballots prior to counting, or when ballots are reviewed during a manual count or recount, these standards are to be used to determine whether marked voting positions constitute valid votes.
- The standards are to be applied in a uniform and consistent manner for all voted ballots.
- Consistent with UVCS Section III – General Standards, B. "A vote for any candidate or ballot measure shall not be rejected solely because the voter failed to follow instructions for marking the ballot." Accordingly, these vote counting standards include procedures that shall be followed to ensure that the voters' choices are properly tallied when the voter utilized an alternative method (i.e. did not follow the voting instructions) to indicate their vote choice. These remedial procedures are also consistent with the InkaVote Ballot Card Vote Counting Procedures (Count/Don't Count Guidelines) referenced in Section 4.0 of the State approved InkaVote Use Procedures.

Section II. References and Definitions

A. References to other documents are enclosed in brackets and abbreviated as follows:

UVCS	California Secretary of State Uniform Vote Counting Standards (March 23, 2006)
LACE	Los Angeles City Election Code

B. The definitions set forth in the UVCS, Section II are incorporated herein by reference.

C. Exhibits

Exhibit I - UVCS

Exhibit II - Case Studies/Examples

Exhibit III – InkaVote Ballot Card Vote Counting Procedures (Count/Don't Count Guidelines)

Section III. General Vote Counting Standards

A. Identifying Marks

A ballot that is marked or signed by the voter in such a way that it can be identified from other ballots (i.e. the voter can be identified) must be voided and none of its votes counted. Examples

of such markings include, but are not limited to: voter signature, initials, voter name and address, voter identification number, social security number or driver's license number, messages or text, or unusual markings not related to indication of the vote choice for a contest. Generic text meant to clarify the voter's choice regarding a contest, such as the word "yes" or "no" next to a candidate's name, shall not be sufficient cause to void a ballot. If there are distinctly identifiable markings on one page of a multiple-page ballot, the entire ballot must be voided. (see UVCS §III.A)

B. Failure to Follow Voting Instructions

A vote for any candidate or ballot measure shall not be rejected solely because the voter failed to follow instructions for marking the ballot. If, for any reason, it is impossible to determine the choice of the voter for any candidate or ballot measure, the vote for that candidate or ballot measure shall be considered void. (see UVCS §III.B and LACE §862, 1217 (b) .)

C. Consistent Voting Method

A mark is considered valid when it is clear that it represents the voter's choice and is the technique consistently used by the voter to indicate his or her selections. Such marks may include, but are not limited to, properly filled-in voting position targets, checkmarks, X's, circles, completed arrows, or any other clear indication of the voter's choice, such as the word "yes" next to a candidate's name or a voting position target for a ballot measure. (see UVCS $III.C, 1st paragraph)

When a voter marks a ballot using an official vote recording device in substantial compliance with the voting instructions, and the marks vary within the operating parameters of the recording device, such marks shall be considered consistent for purposes of compliance with these vote counting standards.

Conversely, a mark crossed out by the voter, or the word "no" next to a candidate's name or a voting position target for a ballot measure shall not be considered to be a valid vote but will, instead, be deemed an indication that the voter did not choose to cast a vote for that candidate or measure (see UVCS III. C, 2nd paragraph). Following a written/alternatively marked direction from the voter that clearly identifies the voter's choice is also consistent with the UVCS, which states that one standard indicating a valid vote is "voter indicates voting error correction by using correction tape, strikeover, white-out or generic written note of instruction and marks another vote choice for the same contest on the ballot" (see UVCS IV.A.6).

D. Partially Marked Voting Positions

In determining the validity of a partially filled-in voting position target, the consistency of a voter's marks on the entire ballot shall be taken into consideration. A "hesitation mark" such as a dot in the voting position target shall not be considered a valid mark unless it is demonstrated that the voter consistently marked his or her ballot in such a manner. (see UVCS §III.D)

E. Overvotes

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. (see as UVCS §III.E)

F. Undervotes

If a contest is marked with fewer choices than there are offices to be filled or measures that may prevail, the vote choice(s) for all otherwise properly marked candidates or measures shall be counted. (see UVCS §III.F)

G. Write-in Votes

Write-in votes are counted pursuant to the provisions established in Los Angeles City Election Code. (see LACE § 506, 1231-1235)

Section IV. Vote Counting Standards For Optical Scan Ballots

When optical scan technology is used to count the votes on a ballot, the following vote counting standards provisions shall apply.

The following standards shall be used to determine whether there is a clear indication on the ballot that the voter has made a choice. The examples used in this section refer to the "voting position target" as defined in UVCS II – Definitions, which has been incorporated herein by reference. The same principles demonstrated in the examples shall apply to all types of voting position targets on optical scan ballots, regardless of what form they may take (e.g. rectangle, oval, circle, square, hole punch, cross punch, slotting, open arrow).

A. Standards Indicating a Valid Vote

A voter's choice shall be considered a valid vote, if the:

1. Voter indicates vote choice by consistently filling inside the entire voting position target. (see UVCS §IV.A.1)
2. Voter indicates vote choices by consistently filling in less than the entire voting position target for all vote choices on the ballot and the ballot is processed in a manner consistent with the use procedures provided and approved for the voting system (see UVCS IV.A.2). When a voter marks a ballot using an official vote recording device in substantial compliance with the voting instructions, and the marks vary within the operating parameters of the recording device, such marks shall be considered consistent for purposes of compliance with these vote counting standards.
3. Voter indicates vote choice by consistently placing a distinctive mark, such as (X) or (√) or (←), inside the associated voting position target for a candidate choice or ballot measure. (see as UVCS §IV.A.3)
4. Voter indicates vote choice by consistently placing a distinctive mark, such as (X) or (√) or (←), in the corresponding space directly above, below or beside the associated voting position target for a candidate or ballot measure. (see as UVCS §IV.A.4)

5. Voter marks vote choices by encircling the entire voting position target for a candidate or ballot measure. (see as UVCS §IV.A.5)
6. Voter indicates voting error correction by using correction tape, strikeover, white-out or generic written note of instruction and marks another vote choice for the same contest on the ballot. (see as UVCS §IV.A.6)
7. Voter writes in a qualified write-in candidate's name, or a reasonable facsimile of the spelling of the name, in the space provided for write-in names for that office and, if required by the voting system, marks the associated write-in voting target position. (see generally UVCS IV.A.7)
8. Voter writes in a listed candidate's name in the designated write-in space and marks the associated write-in voting target position. In such cases, the vote shall be counted as a single vote for the listed candidate. (see as UVCS §IV.A.8)
9. Voter marks a voting target position for a listed candidate and also enters the listed candidate's name in the designated candidate write-in space. In such cases, the vote shall be counted as a single vote for the listed candidate. (see as UVCS §IV.A.9)
10. Voter writes in qualified write-in candidate's name, or a reasonable facsimile of the spelling of the name, on the secrecy sleeve envelope or stub and indicates the contest for which the vote is being cast, in the case of voting systems where write-in spaces appear separately from the list of candidates for an office and do not provide voting position targets. (see as UVCS §IV.A.10)

B. Standards Indicating an Invalid Vote

A voter's choice shall be considered an invalid vote, if the:

1. Voter uses random markings, indentations, punctures or impressions, squiggly/dimpled or crimp marks, pinholes or pinpricks on a ballot, and there is no distinctive and consistent voting pattern to clearly indicate voter choice(s) (see UVCS IV.B.1). A determination that a vote choice is invalid according to this paragraph shall not affect the determinations of other vote choices on the same ballot. The validity of each vote choice on a ballot shall be established independently.
2. Voter indicates vote choice by filling in less than the entire voting position target, and the voter has not consistently marked the entire ballot in the same manner, making the voter's choice unclear (see UVCS IV.B.2). A determination that a vote choice is invalid according to this paragraph shall not affect the determinations of other vote choices on the same ballot. The validity of each vote choice on a ballot shall be established independently.
3. Voter inconsistently places a mark above, below or beside the associated voting position target on a ballot, instead of inside the voting position target, and voter's choice cannot be clearly determined (see UVCS IV.B.3). A determination that a vote choice is invalid according to this paragraph shall not affect the determinations of other vote choices on the same ballot. The validity of each vote choice on a ballot shall be established independently.

4. Voter writes in the name of a person who has not qualified as a write-in candidate. (see UVCS §IV.B.4)
5. Voter writes in a listed candidate's name in the designated write-in space and fills in the associated voting position target for a different listed candidate in the same contest. (see UVCS §IV.B.5)
6. Voter writes in a candidate name that is unrecognizable/undecipherable and it cannot be determined for whom the vote is intended to be cast. (see UVCS §IV.B.6)
7. Voter writes in a qualified write-in candidate's name in the designated write-in space and does not fill in the associated voting position target for the write-in candidate. (see UVCS §IV.B.7)
8. Voter uses pressure-sensitive stickers, rubber stamps, glued stamps, or any other device not provided for in the voting procedures for the voting systems approved by the Secretary of State to indicate the name of the voter's choice for a write-in candidate. (see UVCS §IV.B.8)

Section V. Implementation of Vote Counting Standards – Optical Scan Ballots

Due to the operational characteristics of optical scan vote counting systems, a vote that is clearly defined as valid by both these Vote Counting Standards and the UVCS may fail to be counted when it is not marked according to the voting instructions. Conversely, a vote that is clearly defined as invalid by both these Vote Counting Standards and the UVCS may be recorded as a vote where none was intended, or may invalidate a vote for an office by creating an overvote situation. To ensure that the voters' choices are accurately tallied by the vote counting system, pursuant to both these Vote Counting Standards and the UVCS, the City inspects ballots manually to detect these problem conditions and applies corrective action when necessary prior to processing the ballots through the vote counting system.

This section discusses the principles and procedures used when inspecting ballots, including the application of any corrective action measures required. Exhibit II provides examples of how to apply the standards to common problems.

A. Optical Scan Ballots in City Elections

The City currently uses a centralized vote tally system to count optical scan ballots that are delivered from the polling places or received by mail from the voters. Three types of ballots are used in this system:

- The Type I ballot has 312 voting positions, indicated by numbered circles printed in red ink. The ballot is used in conjunction with a separate vote recorder device, which describes the offices, candidates and measures, and which has a specially designed marking pen to record the voter's choices.
- The Type II ballot is used by Vote-By-Mail voters, who receive a separate pamphlet describing the offices, candidates and measures, along with the corresponding voting

position numbers. The Type II ballot has 312 voting positions indicated by numbered ovals printed in red ink. Voters are instructed to mark their choices with a pen using black or dark blue ink.

- The Type III ballot has 26 voting positions indicated by ovals printed in red ink. This ballot is used for elections with few offices and measures, and the candidate and measure information is printed directly on the ballot. In these elections the same ballot is used for at-polls and Vote-By-Mail voters. At-polls voters are supplied with a felt tip pen containing black ink. Vote-By-Mail voters are instructed to mark their choices with a pen using black or dark blue ink.

In all cases voters are instructed to ensure that each marked position has been completely filled in before returning their ballot to the poll worker, or mailing it back in the case of Vote-By-Mail voters.

B. Vote Tally System

The City's current core Vote Tally System consists of the Votec Precounter II tally module, LRC ballot card readers and the Inkavote optical scan ballots described above. This system relies on the sensing of light and dark areas to determine whether a voting position has been marked. The system has a small aperture through which it views voting positions, and vote marks must be visible within the aperture to be detected. Vote marks that are clearly defined as valid votes by both these Vote Counting Standards and the UVCS may fail to be accurately counted if the marks are made in such a manner that they will not be detected in the machine readable area and thus will not trigger the ballot reader sensor. Conversely, vote type marks that are clearly defined as invalid by both these Vote Counting Standards and the UVCS may register as votes if those marks stray into the machine readable area and thus trigger the ballot reader sensor.

This necessitates manual inspection of ballots for marks that are not made according to the voting instructions.

C. Ballot Inspection

Vote By Mail ballots and ballots received from polling places during the election night canvass are inspected before being processed on the Vote Tally System. The inspection takes place in three stages. The inspection of most ballots is completed during the first stage wherein those ballots containing vote marks that will be accurately tallied based on these Vote Counting Standards are routed directly to the vote tally system for counting. Ballots that are damaged or contain vote marks that may not be accurately tallied based on these Vote Counting Standards are sent to the second stage and/or third stage, if necessary, for final review and determination.

1. First Stage

- Ballots are examined for obvious damage or foreign material (such as adhesive tape) that might interfere with the processing of the ballot through the ballot card reading machines; any such ballots are set aside to be duplicated (see below).
- Ballots with writing on the front or reverse side are set aside and reviewed during the Write-In Canvass.

- Ballot inspectors then review remaining ballots for marked voting positions that, based on these Vote Counting Standards, may not be accurately tallied by the Vote Tally System or that create doubt as to the voter's choice. Any ballots with these conditions are set aside and routed to second stage review.
- Ballots that pass first stage inspection are routed to the Vote Tally System for counting.

2. Second Stage

Ballots set aside during the first stage are re-inspected by a Snag Resolution Team (SRT), which is composed of a small team (generally 3 to 5 members) of experienced, trained staff. This organizational structure minimizes the number of decision makers, and the small size of this group, along with their specialized training, contributes to uniform application of the ballot inspection procedures and these Vote Counting Standards.

The SRT reviews the ballots and decides how to further process them as follows.

- Ballots that do not require remediation are routed to the Vote Tally System for counting.
- Ballots that are damaged such that they cannot be processed through the card readers or contain stray marks that may, based on these Vote Counting Standards, be tallied inaccurately as votes are set aside to be duplicated by the Remake Board (see below). Upon completion of the duplication process the ballots are routed to the Vote Tally System for counting.
- Ballots that contain vote marks that, based on these Vote Counting Standards, leave no doubt as to the voter's choice but are marked in a manner that they may not be accurately tallied by the Vote Tally System (e.g. not solid, partially marked, marked outside the read area) are overmarked with a light colored highlighter (see below). Upon completion of the overmark process the ballots are routed to the Vote Tally System for counting;
- Ballots that have marks where the voter's choice is not clear are routed to the third stage of review

3. Third Stage

The final review stage is performed by Election Division management. Ballots reaching this stage are the most difficult to determine, and may require careful analysis. Only a few ballots fall into this category.

The management review team makes the final decision on any questionable marks, and indicates for each ballot whether it should be duplicated, overmarked, challenged (and thus not counted), or counted as-is.

D. Corrective Action

Corrective action is necessary when a ballot is: 1) damaged physically such that it cannot be processed through the Vote Tally System's ballot card readers; or 2) based on these Vote Counting Standards it is likely that a voter's choice will be tallied incorrectly, or that a stray