

For: State and County Offices, Except PR, AK, NH, NJ, NM, VT, WV

**Pork Referendum - Procedures for Counting Ballots Previously Declared Invalid**

Approved by: Associate Administrator for Operations and Management



**1 Overview**

**A  
Background**

AMS has determined that the criteria provided to County Offices to use in determining whether a ballot was invalid were too strict. Therefore, AMS has requested that invalid ballots received in the pork referendum be reviewed using new criteria.

**B  
Purpose**

This notice:

- provides new criteria for determining whether a ballot is invalid
- obsoletes Notice AO-1238.

**2 Criteria for Determining a Ballot Valid or Invalid**

**A  
Ballot Criteria**

If the voter's name was on the registration and certification form, and the form was properly signed, and the ballot is not invalid for any other reason according to Notice AO-1236, such as received late or duplicate ballots filed, the ballot will now be declared valid and shall be counted according to Notice AO-1236.

Use the following criteria for considering a ballot valid.

- In-person and absentee certification and registration forms need only the voter's name and signature in the applicable blocks.
- Voter's name must be listed on the In-Person Voter Registration List (LS-75) or the Absentee Voter Request List (LS-74).
- Absentee and in-person ballots must have been filed on time.
- Absentee and in-person ballots must meet all other requirements according to Notice AO-1236.

<b>Disposal Date</b>	<b>Distribution</b>
December 1, 2001	State Offices; State Offices relay to County Offices

Notice AO-1239

3 Processing and Counting Invalid Ballots

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A  
Processing  
Invalid Ballots

Open election boxes or files and remove invalid ballots and process them according to the following table.

Step	Procedure
1	<p>Separate the invalid unopened ballots into 3 stacks:</p> <ul style="list-style-type: none"><li>• in-person ballots</li><li>• absentee ballots that have names and addresses on LS-73-1 that match the names and addresses on LS-74</li><li>• absentee ballots that have no name and address on LS-73-1 or have names and addresses on LS-73-1 that do not match the names and addresses on LS-74.</li></ul>
2	<p>For the invalid <b>in-person ballots</b>, compare each LS-72-2 to LS-75, In-Person Voter Registration List. Check to ensure that the voter’s name and signature are on LS-72-2. If the name of the voter (the “individual”, “legal entity”, or “group of individuals with a joint ownership”) written on the in-person registration form does not appear on LS-75, mark each LS-72-2 “INVALID” boldly in red. Do not open these LS-72-2’s. Such ballots will remain invalid.</p> <p><b>Note:</b> It is not required that LS-72-2 have a telephone number or that the address be complete or correct.</p> <p>Open the remaining LS-72-2’s and separate LS-72-2 from their enclosed LS-72-1. Open LS-72-1. Remove LS-72.</p> <p><b>Note:</b> Follow Notice AO-1236 for spoiled ballots.</p> <p>Count the number of valid in-person ballots:</p> <ul style="list-style-type: none"><li>• and enter the amount on Exhibit 1, subparagraph 2 A</li><li>• favoring continuation of the checkoff and enter amount on Exhibit 1, subparagraph 3 A</li><li>• favoring termination of the checkoff and enter amount on Exhibit 1, subparagraph 4 A.</li></ul> <p><b>Note:</b> Enter on Exhibit 1, paragraph 1, the total number of invalid ballots previously reported according to Notice AO-1236.</p>

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**Notice AO-1239**

**3 Processing and Counting Invalid Ballots (Continued)**

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**A  
Processing  
Invalid Ballots  
(Continued)**

Step	Procedure
3	<p>For the invalid <b>absentee ballots where the names match</b>, compare the matching stack of those LS-73-1's with names on LS-74, Absentee Voter Request List.</p> <p>Open LS-73-1's and compare the enclosed absentee Registration and Certification Statement form to LS-74, Absentee Voter Request List. Check to ensure that the voter's name and signature are on the registration and certification. If any of the following conditions apply, staple LS-73-1 to any other enclosed documents and set aside. Such ballots will remain invalid.</p> <ul style="list-style-type: none"> <li>• The name of the voter (the "individual", "legal entity", or "group of individuals with a joint ownership" ) written on the absentee Registration and Certification Statement form does not appear on the Absentee Voter Request List form.</li> <li>• The absentee Pork Referendum envelope contains more than 1 registration form.</li> <li>• The absentee voter fails to separate the absentee Registration and Certification Statement form from the absentee ballot.</li> <li>• The absentee voter did not enclose the Registration and Certification Statement form in LS-73-1</li> <li>• Ballot was returned by mail but not postmarked on or before September 21, 2000.</li> <li>• Ballot was returned by mail and postmarked on or before September 21, 2000, but not received by COB September 28, 2000.</li> <li>• The LS-73-1 envelope contains more than one LS-72-1, Pork Ballot envelope.</li> </ul> <p><b>Note:</b> It is not required that the Registration and Certification Statement have a telephone number or that the addresses be complete or correct.</p> <p>Remove LS-72-1's from LS-73-1's, and open LS-72-1 and remove LS-73.</p> <p>Follow Notice AO-1236 for processing spoiled ballots.</p> <p>Count the number of valid, matching absentee ballots:</p> <ul style="list-style-type: none"> <li>• and enter the amount on Exhibit 1, subparagraph 2 B</li> <li>• favoring continuation of the checkoff and enter amount on Exhibit 1, subparagraph 3 B</li> <li>• favoring termination of the checkoff and enter amount on Exhibit 1, subparagraph 4 B.</li> </ul>

**Notice AO-1239**

**3 Processing and Counting Invalid Ballots (Continued)**

**A  
Processing  
Invalid Ballots  
(Continued)**

Step	Procedure
4	<p>For the invalid <b>absentee ballots where the names do not match</b> names on LS-74, Absentee Voter Request List, use the following procedure.</p> <p>Open LS-73-1's and compare the enclosed absentee Registration and Certification Statement form to LS-74, Absentee Voter Request List. Check to ensure that the voter's name and signature are on the registration and certification. If any of the following conditions apply, staple LS-73-1 to any other enclosed documents and set aside. Such ballots will remain invalid.</p> <ul style="list-style-type: none"> <li>• The name of the voter (the "individual", "legal entity", or "group of individuals with a joint ownership" ) written on the absentee Registration and Certification Statement form does not appear on the Absentee Voter Request List form.</li> <li>• The absentee Pork Referendum envelope contains more than 1 registration form.</li> <li>• The absentee voter fails to separate the absentee Registration and Certification Statement form from the absentee ballot.</li> <li>• The absentee voter does not enclose the Registration and Certification Statement form in LS-73-1</li> <li>• Returned by mail but not postmarked on or before September 21, 2000.</li> <li>• Returned by mail and postmarked on or before September 21, 2000, but not received by COB September 28, 2000.</li> <li>• The LS-73-1 envelope contains more than one LS-72-1, Pork Ballot envelope.</li> </ul> <p><b>Note:</b> It is not required that the Registration and Certification Statement have a telephone number or that the addresses be complete and correct.</p> <p>Remove LS-72-1's from LS-73-1's, and open LS-72-1 and remove LS-73.</p> <p>Follow Notice AO-1236 for processing spoiled ballots.</p> <p>Count the number of valid, nonmatching ballots:</p> <ul style="list-style-type: none"> <li>• and enter the amount on Exhibit 1, subparagraph 2 C</li> <li>• favoring continuation of the checkoff and enter amount on Exhibit 1, subparagraph 3 C</li> <li>• favoring termination of the checkoff and enter amount on Exhibit 1, subparagraph 4 C.</li> </ul> <p><b>Note:</b> Enter in Exhibit 1:</p> <ul style="list-style-type: none"> <li>• paragraph 2, the total of subparagraphs 2 A through C</li> <li>• paragraph 3, the total of subparagraphs 3 A through C</li> <li>• paragraph 4, the total of subparagraphs 4 A through C.</li> </ul>

## Notice AO-1239

### 4 Results of the Pork Referendum

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#### A

#### County Office

#### Action

County Offices shall FAX referendum results to the State Office by COB December 21, 2000.

**Note:** Submit a negative report using Exhibit 1 if no invalid ballots are processed.

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#### B

#### State Office

#### Reporting

State Offices shall:

- review all County Office data for accuracy
  - summarize the results of the referendum received from all County Offices within the State and record the data on Exhibit 2
  - FAX completed Exhibit 2 to the Director, ORAS at 202-690-3354 no later than COB December 22, 2000.
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County Office Pork Referendum Report

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Name of State: \_\_\_\_\_

Name of County: \_\_\_\_\_

Is the **County** submitting a negative report?

**Yes or No** (Circle one)

1. Number of invalid ballots previously reported according to Notice AO-1236 \_\_\_\_\_

2. Number of invalid ballots in item 1 now determined valid \_\_\_\_\_

A Number of In-Person ballots determined valid \_\_\_\_\_

B Number of Absentee ballots where the LS-73-1 matches the LS-74 now determined valid \_\_\_\_\_

C Number of Absentee ballots where the LS-73-1 does **not** match the LS-74 now determined valid \_\_\_\_\_

**Note:** The sum of 2 A plus 2 B plus 2 C must equal 2.

3. Number of invalid ballots in item 1 now determined valid favoring continuation of the Pork Checkoff \_\_\_\_\_

A Number of In-Person ballots determined valid \_\_\_\_\_

B Number of Absentee ballots where the LS-73-1 matches the LS-74 now determined valid \_\_\_\_\_

C Number of Absentee ballots where the LS-73-1 does **not** match the LS-74 now determined valid \_\_\_\_\_

**Note:** The sum of 3 A plus 3 B plus 3 C must equal 3.

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State Office Pork Referendum Report

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Name of State: \_\_\_\_\_

1. Number of invalid ballots previously reported according to Notice AO-1236. \_\_\_\_\_

2. Number of invalid ballots in item 1 now determined valid: \_\_\_\_\_

A Number of In-Person ballots determined valid. \_\_\_\_\_

B Number of Absentee ballots where the LS-73-1 matches the LS-74 now determined valid. \_\_\_\_\_

C Number of Absentee ballots where the LS-73-1 does **not** match the LS-74 now determined valid. \_\_\_\_\_

**Note:** The sum of 2 A plus 2 B plus 2 C must equal 2.

3. Number of invalid ballots in item 1 now determined valid favoring continuation of the Pork Checkoff \_\_\_\_\_

A Number of In-Person ballots determined valid \_\_\_\_\_

B Number of Absentee ballots where the LS-73-1 matches the LS-74 now determined valid. \_\_\_\_\_

C Number of Absentee ballots where the LS-73-1 does **not** match the LS-74 now determined valid. \_\_\_\_\_

**Note:** The sum of 3 A plus 3 B plus 3 C must equal 3.

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State Office Pork Referendum Report (Continued)

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- 4. Number of invalid ballots in item 1 now determined valid favoring termination of the Pork Checkoff \_\_\_\_\_
  - A Number of In-Person ballots determined valid \_\_\_\_\_
  - B Number of Absentee ballots where the LS-73-1 matches the LS-74 now determined valid \_\_\_\_\_
  - C Number of Absentee ballots where the LS-73-1 does **not** match the LS-74 now determined valid \_\_\_\_\_
  
- 5. Number of remaining invalid ballots \_\_\_\_\_
  
- 6. Number of invalid ballots now determined to be spoiled \_\_\_\_\_

**Note:** The sum of 4 A plus 4 B plus 4 C must equal 4.

**Prepared By:** \_\_\_\_\_  
Name Title Date

I hereby certify that I have reviewed the information on this form, and that it is true, complete and correct to the best of my knowledge and belief.

\_\_\_\_\_  
**State Executive Director**      **Date**

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