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**TESTIMONY IN OPPOSITION TO 18-H 7729,
RELATING TO WRITE-IN CANDIDATES
May 4, 2018**

This bill would eliminate the counting of write-in votes for persons who have not filed in advance a “declaration of intent.” The ACLU opposes this change. We believe that this bill inappropriately minimizes the value of write-in votes. Voters should have the right to have their votes tallied, even if it is for an obviously losing cause. A voter is making a statement by deciding to cast a write-in vote, regardless of whom that vote is for. It should be respected and counted.

We understand that many of these votes may seem silly, but they nonetheless remain a valid exercise of a person’s individual right to vote. People using this option are attempting to make a point, and while the time spent tallying them may seem wasteful, it should be considered part of the process of recognizing the role of the franchise. If we truly believe that each vote counts in a democracy, write-ins should not be ignored or uniformly treated as frivolous.

To the extent that the Board feels some need to address the number of write-in votes cast and the need to tally thousands of them, we would offer one suggestion, without necessarily endorsing it. That would be to require the individual tallying of particular write-in candidates only if a request for tallying that candidate is made by the time the polls close, as long as the request can come from either a write-in candidate or voter.