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## MAIN MENU



# Election Complaint alleges miscounting of Osage County write-in votes

Posted Wednesday, May 22, 2024 12:00 am

**By Elise Brochu, UD Staff Writer**

LINN — Linda Rantz, of Linn, filed an election complaint April 17 with the Missouri Secretary of State's office, alleging invalid write-in votes had been counted for the Osage County municipal election held on April 2.

Rantz has been a vocal advocate for hand-counting ballots in lieu of using a tabulating machine.

Rantz cited RSMo 115.456, which requires three criteria be met for a write-in vote on a paper ballot to be counted, the first of which is, "A distinguishing mark in the square immediately preceding the name of the candidate." Rantz also pointed to a handwritten note, allegedly written by Osage County Clerk Nicci Kammerich, at the bottom of the Maries-Osage Ambulance District Question 1 results, which states "24 total write-ins that were casted, but oval next to write-in name was not filled in per instructions on ballot. When oval is not filled in, the tabulator will not calculate the write-in. Write-ins had to be manually added to results."

Per Rantz's complaint, "The Clerk clearly states in the handwritten note that 24 write-in votes did not contain a mark in the oval. This means those votes, per statute, may not be counted. However, as stated by the Clerk, the 24 write-in votes not counted by the tabulators were manually counted by the clerk and those votes were subsequently added to the vote totals for certain races."

Rantz's complaint goes on to allege, "There were 13 invalid write-in votes cast for the (Chamois) mayor race, but it does not appear that counting those votes affected the result of this candidate race."

She did, however, believe it may have affected the Chamois aldermen. "In the race for Alderman 2-year Term," the complaint states, "13 invalid write-in votes were counted. It is mathematically possible that the addition of 13 invalid write-in votes changed the results of this election."

Rantz made a similar statement concerning the five allegedly invalid write-in votes counted in the race for a one-year term as an alderman.

Her complaint further stated, "(The) fact that the alleged violation of counting invalid write-in votes was not reported would give indication that the members of the Verification Board, including the Clerk, did not understand the law regarding the counting of write-in votes. Another possibility is that the Board members did not notice the handwritten note on page 6 of the results, as there are no initials by Board members on that page."

The complaint goes on to ask the Secretary of State's office how to cure the counting of invalid write-in votes, continuing, "This is posed as a question because I would like to know how this would be handled. Given that Statute 115.493 does not permit the Clerk (nor anyone) to open and inspect ballots or write-in forms without order of a legislative body trying an election contest, a court or a grand jury, how are potentially invalid election results corrected?"

Kammerich, however, said elections are governed by multiple, contradictory statutes, citing RSMo 115.453, which states "The judges shall count votes marked substantially in accordance with this section and section 115.456 when the intent of the voter seems clear" and "No ballot containing any proper votes shall be rejected for containing fewer marks than are authorized by law", but also "This subdivision shall not apply to elections wherein candidates are being elected to an office for which no candidate has filed."

Where the confusion comes in, she said, is because well-meaning poll workers misunderstood the tabulation process for write-in votes.

"I don't want to throw poll workers under the bus," Kammerich said, "because they do have a lot to remember for one day."

"Statutes keep changing for these poll workers," Kammerich continued, noting that there were something like 11 changes in 2018 and 18 more in 2022.

The tabulator has two sections inside, Kammerich explained. If it notices handwriting and an oval filled out, it drops the ballots in to one section, to be hand-counted later. If no ovals are marked, it drops the ballot in to the section with the votes that were counted by the machine, to be sealed without being counted.

Kammerich said that after the polls closed, when workers were packaging the votes to deliver to the clerk's office, they apparently noticed that many write-in votes had fallen into the section where they would not be counted. Fearing they'd made a mistake setting up the machine, the poll workers pulled the ballots with no ovals marked (which the machine had correctly ignored) and put them with the ones that were marked correctly, to be hand-counted.

The ballots which had already been counted by the tabulator were then sealed in a box, per normal procedure. Since the incorrectly marked ballots were not sealed with them, Kammerich said the question became what to do with them.

"So, when the bipartisan (committee) came," Kammerich said, "that's when one of the poll workers was like, oh, yeah, don't forget (that they added those ballots). And I'm like, no wonder the numbers aren't matching. What am I supposed to do here? We started going through statutes, and we all had to just agree on something, between the four of them and me, and this is (what) it was."

Kammerich said she counted votes both including and excluding the ones without the ovals marked, and the winners of the election were the same either way. She and the board chose to include the votes in question, because they felt voter intent was clear even though the ballot was not filled out properly.

"I posted everything on the county's website, because I'm trying to be as transparent as possible," Kammerich said. "That's why those notes are on there."

Secretary of State Director of Communications JoDonn Chaney said last week that his office has 30 days to respond to election complaints, and they anticipate having that response ready in a few days.

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## NEWS



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### **Chamois PTO Carnival (/stories/chamois-pto-carnival,122368)**

Chamois kids enjoyed the carnival put on by the Chamois PTO last Saturday. Osage County Sheriff's Office Captain Travis Shaffer's time in the dunk tank was a particular favorite, as was ...

### **Fatima School Board adds one day to next year's school calendar (/stories/fatima-school-board-adds-one-day-to-next-years-school-calendar,122366)**

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### **Graduation time (/stories/graduation-time,121640)**

Fatima and Osage R-2 graduates celebrate receiving their diplomas.

### **Linn aldermen anticipate deficit spending in 2024-25 budget (/stories/linn-aldermen-anticipate-deficit-spending-in-2024-25-budget,121639)**

The Linn Board of Aldermen on April 30 approved a deficit budget for the 2024-25 fiscal year. The new budget shows \$173,032 in spending over what the city will receive in revenues for the fiscal ...

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