

Election Observers & Troubleshooting the February Primary

Wednesday, March 2, 2016

10:00 a.m. – 11:00 a.m.

Program Presenters

Wisconsin Government Accountability Board Staff

Agenda

- Election Observers
- February Primary Issues
- Senate Bill 295, relating to electronic voter registration, changes in certain registrations, proof of residence for voting in an election, election registration officials...

Please note that the G.A.B. and local election officials are currently enforcing a draft revision of **GAB 4**, which has not been approved by the Legislature. The draft revision is the Board's most recent interpretation of the Statutes and is the guidance that Board staff provides about the rights of election observers and rules governing their conduct.

Election Observation at Other

Locations:

Municipal Clerk's Office

Observers may be present during absentee voting in the clerk's office (if it's in a public location). The municipal clerk is in charge, and observers shall follow the clerk's directives. Video and still cameras are not allowed.

Residential Care Facilities & Nursing Homes

Only observers appointed by the two major political parties may be present during absentee voting in residential care facilities and nursing homes. The special voting deputies are in charge, and observers shall follow the deputies' directives. Video and still cameras are not allowed.

Absentee Ballot Canvass or Central Count

Observers may be present during absentee voting in the clerk's office (if it's in a public location), an absentee ballot canvass, or centralized vote counting. The municipal clerk is in charge, and observers shall follow the clerk's directives. Video and still cameras are allowed if their use is not disruptive or show how an elector has voted.

Recounts

Observers may be present during election recounts, including candidates and their counsel. The board of canvassers is in charge, and observers shall follow the board's directives. Video and still cameras are allowed if their use is not disruptive or show how an elector has voted.

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Wisconsin Government
Accountability Board

Wisconsin Election Observers

Rules-at-a-Glance

Wisconsin Administrative Rule GAB Chapter 4 Election Observers

The State of Wisconsin permits individuals to observe voting and the election administration process at polling places on Election Day. It also permits observers to view the absentee voting process in the municipal clerk's office, the absentee vote canvass, central count processes, recounts, and voting in residential care facilities and nursing homes.

These **Rules-at-a-Glance** should be viewed in conjunction with Wisconsin Administrative Rule GAB Chapter 4.

October 2014

At the Polling Place, an

Election Observer must:

- ✓ Notify the chief election inspector she/he is at the polling place to observe
- ✓ Follow the directives of the chief election inspector or designee
- ✓ Provide photo identification
- ✓ Complete and sign an election observer log
- ✓ Wear an Election Observer tag or badge



Remember:

- The chief election inspector is in charge of the polling place. All inquiries should be made of the chief election inspector or designee
- Challenges to voters must be filed with the chief election inspector or designee. Follow the process outlined by Wisconsin Administrative Rule GAB Chapter 9
- Candidates are allowed in the polling place only after it has closed at 8:00 p.m.
- Polling places in Wisconsin are open from 7:00 a.m. until 8:00 p.m.

Viewing documents

Observers are not entitled to view registration forms, proof of residence documents or the observer log on Election Day. Observers may ask the chief inspector or designee to view other documents, such as the poll list, that are available when doing so will not delay or disrupt the process, but this may not be possible when polls are busy, and they may not view confidential information. The chief inspector or designee has sole discretion to determine whether such documents may be viewed during voting hours.

Election Observers may not:



- Engage in electioneering*
- Video and still cameras are not allowed
- Handle official election documents
- Have conversations about candidates, parties or ballot questions
- Make calls / use cell phones for voice calls inside the polling area (texting or other silent usage is acceptable if it is not disruptive)
- Wear clothing or buttons related to candidates, parties or referenda that is intended to influence the election



- Interact with voters, except when requested
- View confidential information on the poll list, or take photos or make photocopies of the poll list on Election Day
- Enter vehicles of curbside voters

* *Electioneering is defined in Wisconsin law as any activity which is intended to influence voting at an Election. § 12.03 Stats.*

Communications Media:

Observers from communications media organizations shall identify themselves and the organization they represent to the chief inspector upon arriving at the polling place. The inspector shall record the information on the GAB-104, Inspectors Statement. Video and still cameras are allowed if their use is not disruptive or show how an elector has voted.

Polling Place Accessibility

Assessments:

- Individuals may assess accessibility requirements in Wisconsin polling places if the following rules are observed:
- Assessors should notify the municipal clerk at least 24 hours in advance
 - Assessors may wear identifying name tags or shirts
 - Assessors may work outside the observers' area unless their work is judged to be disruptive
 - Assessors may take still photos or videotape for documentation if their use is not disruptive
 - Election officials - clerks, chief election inspectors and poll workers -should facilitate the work of accessibility assessors

Wisconsin Election Observer Log

Today's Date: _____ Election Date: _____ Municipality: _____ Page Number: _____
 Site: Polling place, ward # _____ Clerk's office Central count location Residential Care Facility or Retirement Home Other (specify) _____

With their signatures below, the signees attest to the following statement:

“I understand Wisconsin’s rules for election observers, as set out in *Wisconsin Election Observers Rules-at-a-Glance*, and agree to abide by those rules while observing this election or election administration event.”

Printed Name	Signature	Street Address	Municipality, State	Representing	Photo ID Verified
					<input type="checkbox"/>
					<input type="checkbox"/>
					<input type="checkbox"/>
					<input type="checkbox"/>
					<input type="checkbox"/>
					<input type="checkbox"/>
					<input type="checkbox"/>
					<input type="checkbox"/>
					<input type="checkbox"/>
					<input type="checkbox"/>

Date and time

Name of location

Street address

_____, WI
Municipality name
(Indicate Town, Village or City, i.e., "Town of Leeds")

Order to Leave Polling Place, Clerk's Office, or Alternate Absentee Ballot Site

name of observer

organization, if any

The observer listed above, is hereby ordered, pursuant to Wis. Stat. § 7.41(3), to leave the polling place, clerk's office, or alternate absentee ballot site immediately for the reason(s) described below:

Signature of chief inspector

Signature of inspector

Printed name of chief inspector

Printed name of inspector

A copy of this document is required to be filed with the Government Accountability Board within 7 days of the incident.

State of Wisconsin \ Government Accountability Board

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JUDGE THOMAS H. BARLAND
Chair

KEVIN J. KENNEDY
Director and General Counsel

Delivered by email only

October 16, 2014

Dear Election Observer Organization:

We are providing this reminder regarding the rules which govern the conduct of election observers for the 2014 General Election. The Government Accountability Board (G.A.B.) encourages citizens to observe the election process because such activity promotes fair and transparent elections, and assists in detecting issues which require attention at an early stage in the process. Once again, the Board is emphasizing that election observers are welcome at locations where voting and ballot counting occurs, but that observers must take care to ensure that they do not disrupt with or interfere with the election.

The rules for election observers will be the same as those used at the August 12, 2014 Partisan Primary. This correspondence highlights provisions that were first in effect for the Partisan Primary, serves as a reminder of the code of conduct that applies to election observers, and seeks your assistance in ensuring that observers comply with Wisconsin Statutes governing their conduct.

Attached to this correspondence is a copy of the observer regulations which the G.A.B. has advised clerks to apply and enforce at the General Election, which may also be located on our website at <http://gab.wi.gov/publications/rules/gab004>. Also attached is a tri-fold brochure summarizing the observer rules which we encourage you to share with representatives of your organization who will serve as observers, and which may also be found at <http://gab.wi.gov/publications/brochures/observer-rules>. The rules are marked as a draft because they have not yet received final approval from the Legislature but no legislative action on the rules will occur prior to the November General Election.

Key provisions of the rules for election observers include the following (provisions that are new for 2014 are underlined):

1. Election observers must notify the chief inspector upon arriving at the polling place, and present photo identification. Observers must sign in with their full name, address, and the name of the organization or candidate the observer represents, if any, and must also legibly list their name on the Observer Log. The Observer Log is not available for inspection by observers or the public until after the election.
2. The chief inspector may reasonably limit the number of observers representing a particular organization or candidate if necessary due to physical limitations.

3. The chief inspector shall provide the observer with a tag or badge which reads “Election Observer.” An observer shall wear this tag or badge at all times when inside the polling place.
4. Observers shall remain in the areas designated as the observation areas by the chief inspector. The observation areas must be situated to enable observers to observe all public aspects of the voting process without disrupting the voting process. The observation areas shall be from three to eight feet from the table at which electors announce their name and address and from the registration table. Election officials must note any deviation from the three-to-eight-foot standard on the Inspectors’ Statement and notify the Board within seven days following an election. Election inspectors shall repeat the voter’s name and address if observers are unable to hear the voter.
5. All of the observers’ questions and challenges shall be directed to the chief election inspector or the chief inspector’s designee, except that an observer may ask other inspectors to repeat a voter’s name and address if it cannot be heard by the observer. **Observers shall not have direct contact with electors in the polling area, unless requested by a voter to assist with casting a ballot.**
6. **Observers do not have a right to view an individual’s proof of residence document displayed for purposes of voter registration.** However, subsequent to the voter’s registration, the chief inspector may permit observers to view a voter’s registration application and any proof of residence document the voter leaves with election officials if time permits and if doing so does not delay or disrupt the voting process. Observers may not view confidential aspects of the documents, including date of birth, driver’s license or state ID number, social security numbers, account numbers and information regarding the voter’s financial transactions or medical history, or the address of a confidential voter.
7. Observer conversations shall be kept to a minimum. Observers shall not engage in electioneering, which includes wearing any clothing or buttons intended to influence an election, regardless of whether a candidate is mentioned or portrayed. Observers shall not use cell phones to make voice calls but may use them for text messaging or other non-audible uses. Observers also may not use any video or still cameras inside the polling place while polls are open, but may do so after the polls close provided that such use is not disruptive or interferes with the administration of the election. Observers shall not handle an original version of any election document, including ballots, poll books, registration applications or proof of residence documents.
8. Observers who are qualified electors of the State may challenge for cause any person whom the challenger knows or suspects is not a qualified elector, subject to the provisions of Wis. Stats. §§ 6.92 – 6.95 and Wis. Admin. Code GAB 9. Challenges are limited to the categories noted in Wis. Admin. Code GAB 9.02 related to voter qualifications (except that the residency requirement is 28 days rather than 10 days). Challenges must be supported by specific evidence related to the individual voter. Any individual who abuses the right to challenge may be subject to a lawful order of an election inspector to cease making challenges and removal from the polling place if the individual refuses to obey such an order.

9. As required by Wis. Stat. § 6.875, any individual wishing to observe voting at a location served by special voting deputies must notify the municipal clerk at least 24 hours in advance of the voting. The observation area at a nursing home or adult-care facility must not be located to permit an observer to hear conversations between a voter and an individual providing assistance to the voter. Please note that voters have a constitutional right to a private ballot, and observers must not be permitted close enough to a voter to hear how an elector instructs an assistor to mark their ballot.
10. Observers may accompany election inspectors who conduct curbside voting and may observe that process, but are not permitted to enter the vehicle transporting the curbside voter.
11. Observers shall comply with lawful commands of the chief inspector or shall be subject to removal from the polling place. Observers shall not engage in loud, boisterous or disruptive behavior, or interfere with voting or the conduct of the election. The chief inspector shall warn any offending observer, and if the conduct continues, law enforcement may be summoned to remove the observer. In that case the individual will not be permitted to act as an observer at the same or another polling place for the duration of the election.
12. If an observer is ordered to leave a voting location, the chief inspector is to provide the observer with a written document summarizing the reason for the order, signed by the chief inspector and an inspector of the opposite political party, if applicable. The chief inspector has the sole authority to decide to remove an observer and the other inspector may note their concurrence or disagreement with the decision on the Inspectors' Statement. Municipal clerks are also required to provide the G.A.B. with documentation regarding the removal of any election observer within seven days of an election.

The G.A.B. encourages the responsible exercise of the right to observe the election process. If an observer believes an issue or irregularity has occurred, and is not satisfied with the response of the chief inspector or the municipal clerk, your organization or the individual observer is welcome to contact our staff to determine whether it is appropriate for the G.A.B. to intervene. However, behavior that is disruptive, including conversing with or intimidating voters, or causing undue delays in the registration or voting procedures, will not be tolerated.

We appreciate your organization reminding your observers of the code of conduct which they are required to follow at upcoming elections. For questions regarding this correspondence, please contact the G.A.B. Help Desk at (608) 261-2028, or gabhelpdesk@wi.gov, or contact me at (608) 266-0136 or michael.haas@wi.gov.

Sincerely,



Michael Haas
Elections Division Administrator
Government Accountability Board