

State of Wisconsin\Government Accountability Board

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ATTACHMENT D

TO: Wisconsin County Clerks
Wisconsin Municipal Clerks
City of Milwaukee Election Commission
Milwaukee County Election Commission

FROM: Diane Lowe, Lead Elections Specialist

DATE: March 11, 2016

SUBJECT: Hand-Count Presidential Preference Ballots Without Endorsement Section

Background

Municipal clerks were required to send Presidential Preference-Only (PPO) ballots to their military and permanent overseas voters. These PPO ballots were provided to the municipal clerks by the county clerk, either in hard-copy format or by email. It has come to our attention that some ballots provided to municipal clerks did not include an "endorsement" section. For a hand-count paper ballot, this is generally the reverse side of the ballot. The reverse side of a paper ballot, much like the endorsement section of an optical scan ballot, displays the title and date of the election and the municipality and ward(s) for which the ballot pertains. It also provides a place for election inspectors to initial (or the clerk or deputy clerk to initial in the case of absentee ballots) before issuing a ballot, as well as a Certification of Voter Assistance.

The absence of the reverse side of the ballot means that a ballot returned by the voter will not contain the clerk's initials and there will be no reference to the municipality and reporting unit in which the elector is voting.

Review of Instructions for Processing "Full" and PPO Ballots

Municipal clerks have been instructed to label the certificate envelope sent to military voters with the full official ballot so that it can be distinguished from a certificate envelope containing the PPO ballot. If both ballots are received by Election Day, the inspectors process the full ballot and reject the envelope containing the PPO ballot. If only the PPO ballot is received by Election Day, the municipal clerk holds the ballot for processing by the MBOC until after 4 p.m. on the Friday after the election. If the full ballot is received after the close of the polls and on or before the 4 p.m. Friday deadline, the MBOC processes the full ballot and rejects the PPO ballot. The PPO ballot is processed only if the full ballot has not been returned by the 4 p.m. Friday deadline.

Instructions for Municipal Clerks

- 1) Wis. Stat. § 6.88(3)(a) provides that "...the inspectors shall verify that the ballot has been endorsed by the issuing clerk..." The statute does not direct the inspectors to reject a ballot without initials.

Government Accountability Board staff's guidance has been to process an un-initialed ballot but note the omission on the Inspectors' Statement. An un-initialed ballot is at risk of being drawn out if a drawn down becomes necessary due to an unexplained excess of ballots. Wis. Stat. §7.51(2)(c). The ballots may not be initialed after the fact.

- If the municipal clerk knows that ballots were mailed or transmitted without an endorsement section or reverse side of the ballot, a statement to that effect should be included on the absentee log and also on the Inspectors' Statement.
 - Alert your inspectors to this issue and instruct them to process un-initialed ballots.
- 2) Even though all eligible voters in your municipality are entitled to vote in the Presidential Preference Vote, each ballot must reflect the reporting unit in which the elector is voting.
- Instruct your inspectors and MBOC to mark the back of a voted PPO ballot with the municipality name and the voter's ward or reporting unit.

Examples: Village of Smith, Ward 1
City of Jones, Wards 1-4

If you have questions regarding this memo, please contact the Government Accountability Board Help Desk at 608-261-2028 or gabhhelpdesk@wi.gov.