

State of Wisconsin\Government Accountability Board

212 East Washington Avenue, 3rd Floor
Post Office Box 7984
Madison, WI 53707-7984
Voice (608) 266-8005
Fax (608) 267-0500
E-mail: gab@wisconsin.gov
<http://gab.wi.gov>



JUDGE THOMAS H. BARLAND
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

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

FROM: Michael Haas
Elections Division Administrator

David Buerger
Elections Specialist

DATE: October 20, 2014

SUBJECT: Curbside Voting Guidance

The Government Accountability Board is issuing this guidance to elaborate on the use of curbside voting procedures to allow voters with disabilities to register and vote curbside at the clerk's office (or alternate absentee voting site) during the in-person absentee voting period as well as at the polling place on Election Day. The Board has consistently advised that curbside voting may be used during absentee voting as well as on Election Day, so that all voters are permitted the same opportunity, but curbside voting is limited to voters who are unable to enter the voting location.

Curbside Voting Generally

Any elector who, as a result of disability, is unable to enter the polling place may elect to receive a ballot at the entrance of the polling place. [Wis. Stat. § 6.82\(1\)](#). The elector may receive assistance in marking the ballot, if required, from an election inspector, or from any other person of the voter's choice (except the elector's employer or an agent of the elector's labor union). An unregistered elector may also register to vote curbside.

In-Person Absentee at the Clerk's Office or Alternate Absentee Voting Site

In this section, the term "clerk" should be read to refer to two election inspectors when in-person absentee voting takes place at an alternate absentee voting site.

Once the clerk becomes aware that an elector who wishes to vote curbside is outside the clerk should use the following procedure:

1. If anyone else is present, the clerk announces that an elector has requested a curbside ballot, and the clerk is going to the vehicle to speak with the elector.

- A. If stepping out of the office would leave absentee ballots unattended, those ballots must be secured before the clerk may go outside to administer the curbside vote.
2. The clerk goes to the vehicle to speak to the elector.
 - A. If election observers wish to observe this process, the clerk shall designate an observation area at least 3 – 8 feet from the elector’s vehicle.
 - B. The clerk asks the elector if he or she is unable to enter the clerk’s office.
 - i. If the elector indicates he or she is able to enter the clerk’s office, curbside voting may not be used.
 - C. The clerk asks the elector to state his or her name and address.
3. The clerk returns to his or her office to check the elector’s registration status and the Ineligible Voter List.
 - A. If the elector is not registered to vote:
 - i. The clerk checks the Ineligible Voter List to determine if the voter is still serving a felony sentence. See the Electors section of the Election Administration Manual for details.
 - ii. The clerk returns to the vehicle to complete a voter registration application and view and record the elector’s proof of residence (POR).
 - iii. The clerk issues the elector a Certificate of Registration (GAB-133).
 - B. If the elector is registered to vote:
 - i. The clerk checks the Ineligible Voter List to determine if the voter is still serving a felony sentence. See the Electors section of the Election Administration Manual for details.
4. If anyone else is present, the clerk announces: “I am issuing a ballot to [curbside elector’s name] residing at [curbside elector’s address], an elector who is unable to enter the clerk’s office without assistance.”
5. The clerk initials a ballot, prepares an [Absentee Certificate Envelope \(GAB-122\)](#) for use by the elector, and delivers these materials to the curbside elector.
6. The curbside elector marks the ballot or requests an assistor to mark the ballot at his or her direction.
 - A. If the elector requests assistance, the clerk or any individual other than the elector’s employer or an agent of his or her labor union may provide assistance in marking the ballot.

- i. The assistor must sign the back of the ballot in the “Certification of Voter Assistance” section.
7. The ballot is then placed into the [Absentee Certificate Envelope \(GAB-122\)](#) and the envelope is sealed.
8. The voter signs the certificate envelope or has an assistant sign on their behalf.
 - A. If assisted in signing the Absentee Certificate Envelope, the assistant must sign the “Certification of Assistant” section.
9. The clerk signs the certificate envelope as a witness and lists their office address as the Address of Witness.
10. The clerk returns with the sealed certificate envelope to their office, and if anyone else is present, announces: “I have a ballot offered by [elector’s name], an elector who, as the result of a disability, is unable to enter the clerk’s office without assistance.”
11. The sealed absentee certificate envelope is deposited in the appropriate secured storage like any other received absentee ballots.
12. The clerk notes on the absentee ballot log that the absentee was issued “Curbside”.
 - A. If the clerk tracks their absentee ballots in SVRS, a separate log of curbside voters should be maintained.

At the Polling Place

Once the election inspectors become aware that an elector who wishes to vote curbside is outside they should use the following procedure:

1. The election inspectors announce in the polling place that an elector has requested a curbside ballot, and the inspectors are going to the vehicle to speak with the elector.
 - A. If having two election inspectors leave the polling area would result in fewer than three election inspectors in the polling area, voting must stop until the election inspectors return.
 - B. If voting must stop, let all electors in the polling place who are voting complete the process before leaving to assist the curbside elector.
2. Two election inspectors go to the vehicle and speak to the elector.
 - A. If election observers wish to observe this process, the Chief Inspector shall designate an observation area at least 3 – 8 feet from the elector’s vehicle.
 - B. The inspectors ask the elector if he or she is unable to enter the polling place.
 - i. If the elector indicates he or she is able to enter the polling place, curbside voting may not be used.

- C. The inspectors ask the elector to state his or her name and address.
3. The election inspectors return to the polling area to check the elector's registration status.
 - A. If the elector is not registered to vote:
 - i. The inspectors check the Ineligible Voter List to determine if the voter is still serving a felony sentence. See the Electors section of the Election Day Manual.
 - ii. The inspectors should confirm that he or she is in the correct polling location for his or her residential address.
 1. If the elector is in the correct location, the inspectors shall return to the vehicle to complete a voter registration application and view proof of residence.
 - a. The elector's name, address, POR type, and POR issuing entity should be entered on the supplemental section of the voter registration list.
 - b. It is possible that a provisional ballot may need to be offered if the elector has been issued a Wisconsin driver license or state identification card that is current and valid, but the elector is unable or unwilling to provide the number as part of the voter registration process.
 2. If the elector is not in the correct location, the inspectors shall return to the vehicle to inform the voter of the correct polling location for their address.
 - B. If the elector is registered to vote, proceed to issue the elector a ballot.
 4. The election inspectors announce: "We are issuing a ballot to [curbside elector's name] residing at [curbside elector's address], an elector who is unable to enter the polling place without assistance. Does anyone object to the issuance of this ballot?"
 - A. If a challenge is made, the election inspectors should ask the challenger to follow them to the elector's vehicle to complete the challenge process with the elector present. The election inspectors should bring a copy of the [Challenge Documentation \(GAB-104c\)](#) to the elector's vehicle. Do NOT issue a voter number or ballot until the challenge is concluded.
 - B. The elector is issued the next sequential voter number (or provisional voter number, if applicable).
 - C. The notation "Ballot Received at Poll Entrance" should be recorded in the notes section of the elector's line of the supplemental section of the voter registration list.

- D. The voter is not required to sign the poll list. The notation “Ballot received at poll entrance - Exempt” is made in the signature line of the elector on the voter registration list.
5. Two inspectors initial the ballot and deliver the ballot to the curbside voter in a security sleeve.
6. The curbside elector marks the ballot or requests an assistor to mark the ballot at his or her direction.
 - A. If the elector requests assistance, an election inspector or any individual other than the elector’s employer or an agent of his or her labor union may provide assistance in marking the ballot.
 - i. The assistor must sign the back of the ballot in the Certification of Voter Assistance” section.
 - ii. The assistor must also provide his or her name and address to the election inspectors to be recorded on the voter list.
 - B. The elector should be told to wait to receive confirmation that their ballot was counted.
 - C. The ballot is then placed into a security sleeve and brought back to the voting area.
7. The inspectors return to the voting area and announce: “I have a ballot offered by [elector’s name], an elector who, as the result of a disability, is unable to enter the polling place without assistance.”
8. The ballot is deposited in the appropriate ballot box or tabulating equipment.
9. An election inspector should return to the elector’s vehicle to inform him or her that the ballot was accepted and the elector is free to go.
10. The incident should be recorded on the [Inspectors’ Statement \(GAB-104\)](#).

Contact Information

If you have any further questions regarding the above information or other issues that arise, please contact the G.A.B. Help Desk at (608) 261-2028, or gabhhelpdesk@wi.gov.

Thank you.

cc:

Kevin J. Kennedy
Director and General Counsel

Ross Hein
Elections Supervisor