

**Elections Administration Webinar Training Series
Back to Basics**

PREPARING FOR THE AUGUST PARTISAN PRIMARY

This session will address counting votes at the August partisan primary, acceptable forms of proof of residence and requirements to sign the poll list.

Monday, July 30, 2012

1:00 p.m. – 2:00 p.m.

Program Presenters

Wisconsin Government Accountability Board Staff

Agenda

- **General Information**

- **Counting Votes at the August Partisan Primary**

- **Proof of Residence**

- **Signing the Poll List**

Partisan Primary Overview

- ❖ The Partisan Primary is a Party Activity.
- ❖ It is the method by which the parties' candidates are nominated for the November general election.
- ❖ Before the implementation of the Partisan Primary, party candidates were determined by the party, behind closed doors, with no participation by the public.
- ❖ Wisconsin took the lead in implementing the Partisan Primary to enable voter participation in determining party nominees.
- ❖ The Partisan Primary method has been in effect since the early 1900s.
- ❖ An elector receives all party ballots and chooses the party in which he or she will vote in the privacy of the voting booth (open primary).
- ❖ An elector may vote in the primary of only ONE party.
- ❖ Crossover voting (voting in more than one party) is not allowed.
- ❖ Each party primary is treated as a separate, individual election.
 - This year the Republican, Democratic, Constitution and Americans Elect Parties will conduct primaries in August.
- ❖ Tally Sheets and Canvass Statements must be separated by party.



Counting Votes at the August Partisan Primary

A guide to counting votes for ballot candidates,
write-in votes, and assistance in determining
how to count irregular votes.

This manual sets out uniform standards that
define what constitutes a vote in compliance
with the Help America Vote Act of 2002.

COUNTING VOTES AT THE AUGUST PARTISAN PRIMARY

Public Counting

Counting votes is always done publicly after the polls close at 8:00 p.m. Counting is done by the election inspectors. The governing body of a municipality may also appoint tabulators to assist election inspectors with counting votes. Any person, including candidates at the election, may observe the counting of votes.

Voter Intent

When counting votes, voter intent is the controlling factor in determining if and how a vote should be counted. When there is a question of how a vote should be counted because the vote is not clearly marked as the instructions on the ballot indicates, the decision is made by a majority of the election inspectors. Even though tabulators may be used to assist in counting, the decision on how to treat a questionable ballot is made by the election inspectors. One common example of when a determination of voter intent must be made is when an elector has overvoted a particular office on the ballot. This ballot should be treated as an overvote for that office only. A record is made on the Inspectors' Statement (GAB-104) that a vote was not counted for that office because of an overvote. All other offices on that ballot must be counted as the voter intended.

Counting Paper Ballots

Accuracy is very essential when counting votes. The voter identifies their party preference when they choose the **one** party ballot on which they will cast their vote. Election inspectors should familiarize themselves with the proper procedures for counting votes on paper ballots. See the *Ballots* chapter of the Election Day Manual. To alleviate fatigue and ensure accuracy, all election inspectors and tabulators should count votes. The duties should be rotated among all inspectors and tabulators for each different type of ballot or for each office to be counted.

Whenever a ballot is found to be defective, is objected to, or is rejected, a notation must be made on the Inspectors' Statement (GAB-104).

Counting Write-In Votes

Determining the proper way to count write-in votes raises several questions. It is important to remember that if the voter's intent can be determined, the write-in vote must be counted to reflect that intent. Another important point is that, in most cases, a write-in vote will take precedence over a vote for a person whose name is printed on the ballot for the same office.

Where optical scan voting systems are used, care must be taken to ensure that write-in votes are counted when the elector fails to make a mark or connect the arrow next to the write-in line. Because the optical scan equipment will not pick up a write-in vote where there is no mark or the arrow is not connected, inspectors must inspect **each** ballot to determine if a write-in vote has been cast.

Following are several examples of *when* and *when not* to count write-in votes. Inspectors must also remember that all write-in votes cast for any person at the election must be listed on the tally sheet, regardless of whether or not the person is a registered write-in candidate.

The examples of when and when not to count write-in votes set out below include, but are not limited to, general situations for all elections. In addition to the general situations, there are special considerations where electronic voting systems are used, and when counting votes at partisan primaries and general elections.

GENERAL SITUATIONS

Count Write-in Votes When:

1. The name of the person is misspelled, but the intent of the voter can be reasonably determined.
2. The name of the person is abbreviated, but the intent of the voter can be reasonably determined.
3. The name of the person contains a wrong initial or an initial is omitted.
4. Only the last name of a person is written in. If th e person is a registered write-in candidate, and/or the intent of the voter can be reasonably determined.
5. An X or other mark is omitted. An X or any other mark is not required in order to cast a write-in vote.
6. A sticker contains only the name of a person and is placed on a ballot. The vote is counted for the person named for the office listed in the space where the sticker is placed.
7. A sticker contains only the name of a person and is placed in the margin. Voter intent must be determined. If the person named on the sticker has filed a campaign registration statement indicating the office sought, the vote should be counted for the person named on the sticker for the office.
8. A sticker contains the name, the political party and the office the person is seeking and is placed on the face of the ballot other than in a particular office space. This vote is counted for the person for the political party and office listed on the sticker.
9. The instructions to voters are "Vote for one," and the voter selects a name that is printed on the ballot and also writes in another person's name for the same office, only the write-in vote is counted. This is not an overvote.
10. The name of write-in candidate, who has filed a campaign registration statement indicating the party and office sought, is written in under an office other than the one indicated on the campaign registration statement but in the same party as indicated on the campaign registration statement. The vote counts for the person for the office where the name is written.
11. A sticker containing the name of a candidate and the office sought is placed under a different office than the one indicated on the sticker. The vote counts for the person named on the sticker for the office under which the sticker is placed.

Do Not Count Write-in Votes When:

1. A name is misspelled or abbreviated and the intent of the voter can not be reasonably determined.
2. A write-in sticker is placed on a side of the ballot with no printed offices or contests.
3. A write-in sticker is found in the ballot box and is not attached to any ballot.
4. The instructions on the ballot are "Vote for one," and the name of more than one person has been written in for a single office. This is an overvote and no votes are counted for that office.
5. The instructions on the ballot are "Vote for One, " and the name of more than one person has been written in and a vote has also been cast for a candidate whose name is printed on the ballot for the same office. This is an overvote and no votes are counted for that office.
6. The name of a write-in candidate, who has filed a campaign registration statement indicating the party and office sought, is written in under a party other than the one indicated on the campaign registration statement.

HAND COUNT PAPER BALLOTS

At an August partisan primary, an elector may vote for candidates of only one political party. Voters using paper (hand-count) ballots are given a packet of ballots, stapled together at the bottom. Each packet contains a ballot for each ballot status party in Wisconsin. The voter indicates their party preference by removing a party ballot from the packet and voting that ballot. The voted ballot is placed in the ballot box and the remaining un-voted ballots are placed in a locked “discarded” box. Please refer to the *Counting Ballots* section of the Election Day Manual (October 2011).

OPTICAL SCAN VOTING SYSTEMS

At an August partisan primary, an elector may vote for candidates of only one political party. For this reason, electors casting votes on a consolidated optical scan ballot may select a party preference. Selecting the party preference will not prevent crossover voting, but it is a safe guard so that a voter will not lose all votes if he or she does crossover.

Count Write-in Votes at a Partisan Primary When:

1. A sticker contains the name, political party and office the person is seeking and is placed anywhere on the face of a ballot other than in a particular office space. This vote is counted for the person, party and office listed on the sticker.
2. The voter has written in the name of a person for an office, and has also voted for a person whose name is printed on the ballot for the same office. This is not treated as an overvoted ballot. In this case, the name written in must be counted and the vote for the person whose name is printed on the ballot is not counted.
3. A candidate's name is printed on the ballot for one office and the voter writes in that candidate's name for another office for the same party.

Do Not Count Write-in Votes at a Partisan Primary When:

1. The voter has selected a party preference choice, and then writes in the name of a person whose name appears on the ballot in a different political party. This creates a crossover vote for that office only, and the write-in is not counted.
2. The voter has not selected a party preference, but has cast votes in one political party, and then writes in the name of a person whose name appears in a different party creating a crossover vote. In this case, the entire ballot is not counted.

This information was prepared by the staff of the Government Accountability Board, and represents the staff's view of the application of the law set out in §7.50(2), Wis. Stats., to the general situations described. Election inspectors and candidates should review the law or consult an attorney about any specific application of the law. Any questions should be directed to the G.A.B. Help Desk: gab@wi.gov or (608) 261-2028.

Proof of Residence

When a registrant presents a valid form of proof of residence, the election official must view the proof of residence and record the type (i.e. license, tax bill, etc.) and any unique number (such as an account or a license number) on the bottom of the Voter Registration Application (GAB-131). The registrant's name, address and type of proof of residence shall then be recorded on the supplemental poll list, and the registrant shall then be issued a ballot like every other voter.

Originals and copies of the following constitute acceptable proof of residence if the document contains the elector's current and complete name and current and complete residential address:

1. A current and valid Wisconsin driver license.
2. A current and valid Wisconsin identification card.
3. Any other official identification card or license issued by a Wisconsin governmental body or unit.
4. Any identification card or license issued by an employer in the normal course of business that contains a photo of the cardholder or license holder, but not including a business card.
5. A real estate tax bill or receipt for the current year or the year preceding the date of the election.
6. A residential lease which is effective for a period that includes Election Day (Not for first-time voters registering by mail).
7. A university, college or technical college identification card (must include photo) ONLY valid if the voter provides a fee receipt dated within the last 9 months.
8. A university, college or technical college identification card (must include photo) ONLY valid if the institution provides a certified housing list to the municipal clerk that indicates citizenship.
9. A utility bill (gas, electric, phone, etc.) for the period commencing not earlier than 90 days before Election Day. Statements printed from the internet are acceptable.
10. A bank statement. Statements printed from the internet are acceptable.
11. A paycheck.
12. A check or other document issued by a unit of government.
13. An affidavit on public or private social service agency letterhead identifying a homeless voter and describing the individual's residence for voting purposes.

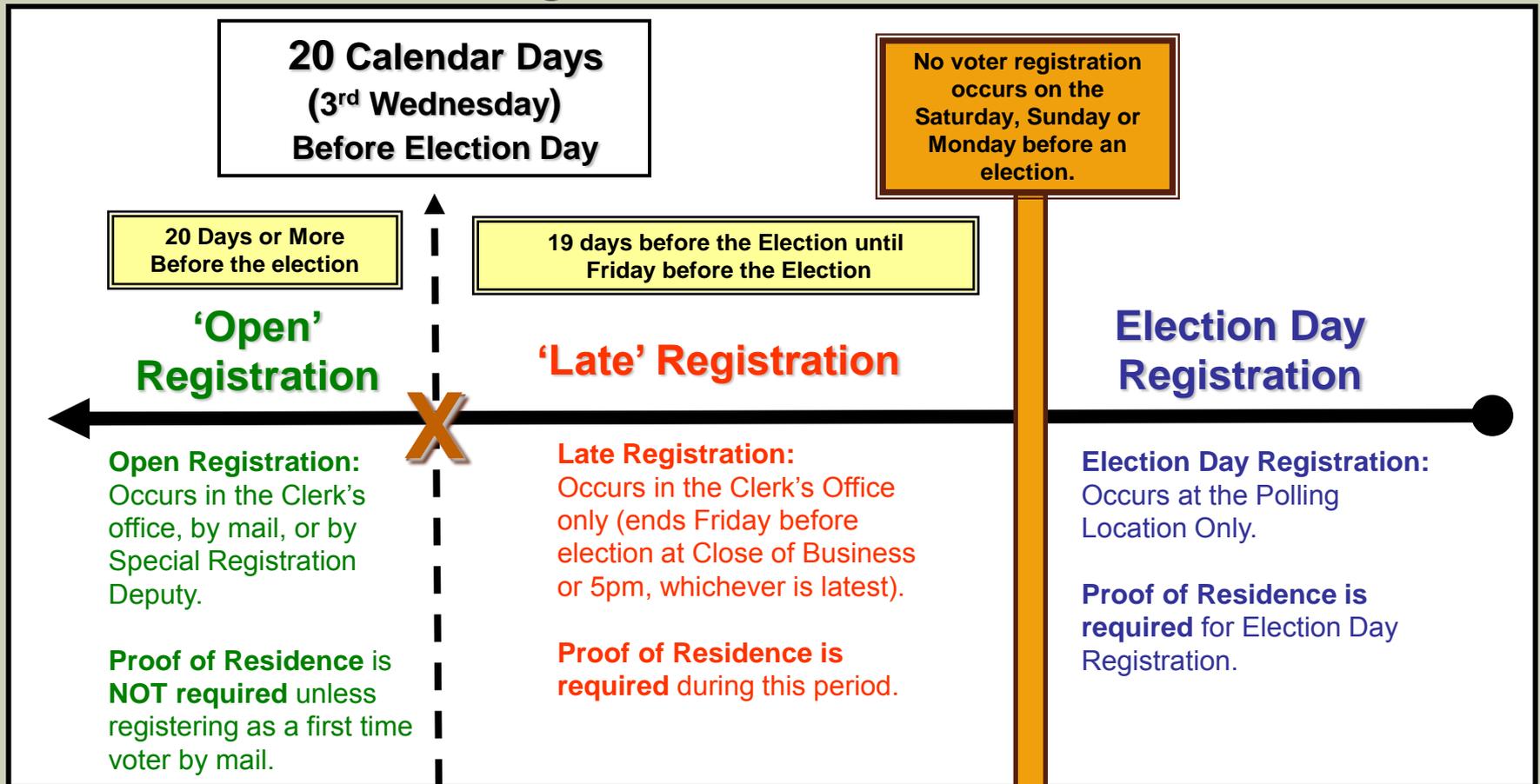


ACCEPTABLE PROOF OF RESIDENCE



Acceptable Proof of Residence

Registration Timelines



Acceptable Proof of Residence

The following types of documents are acceptable Proof of Residence if they contain*:

- ✓ Current name
- ✓ Current residential address (exception – Student IDs)

If the document contains an expiration date, that date must be on or after Election Day.

*Except for real estate tax bills and receipts, utility bills, and leases, no date is required on the document.

Acceptable Proof of Residence

- **Proof of Residence is not used to confirm the 28-day residency requirement is met.**
- **The voter's sworn statement on the registration application should be taken at face value unless an inspector or challenger has direct evidence to the contrary.**

Acceptable Proof of Residence

1. A current & valid Wisconsin driver license.
2. A current & valid Wisconsin ID card.



* These accepted IDs must be current & valid.

Acceptable Proof of Residence

3. Any other official identification card or license issued by a Wisconsin governmental body or unit.



Acceptable Proof of Residence

4. Any identification card issued by an employer in the normal course of business and bearing a photo of the card holder, but not including a business card.



Acceptable Proof of Residence

6. A residential lease which is effective for a period that includes election day (NOT for first-time voters registering by mail).

APARTMENT LEASE

PARTIES
This lease of the apartment identified as 1142 W Harvey St, Upper, Green Bay, Wisconsin, is entered into by and between Michael Mack, Landlord, and **David & Teresa Woods** Tenants, on the following conditions:

TERMS
Lease term: One year beginning **March 1** 20 **12**

Rent payments: \$ **875.00** plus \$25.00 per month to be applied to the last month's rent.
The additional payment toward the last month's rent will end once the last month's rent has accumulated.

Due date: Rent to be paid by the 1st of each month.

Payable to: Michael P. Mack

Payable at: c/o Michael Mack
2452 Longtail Beach Lane
Suamico, WI 54179

Pet clause: An additional pet security deposit of \$200.00 is required before any pet is allowed. Any pet must first be approved by the landlord.

UTILITIES
Call WPS immediately at 1-800-450-7260 and have utilities put into your name.
All utility charges, except water, are the responsibility of the Tenant. Water is paid by the Landlord. Tenant is responsible to pay utility charges promptly when due.

Acceptable Proof of Residence

7. A university, college or technical institute identification card (must include photo), ONLY valid if the voter provides a fee receipt dated within the last nine months.



PERSONNEL ACTION	
APPOINTMENT NO.	DATE
8-48-0901	101 2 1371 3,675.00 1,633.33 50 816.67
8-48-0902	101 2 1371 3,675.00 1,633.33 50 816.67

Acceptable Proof of Residence

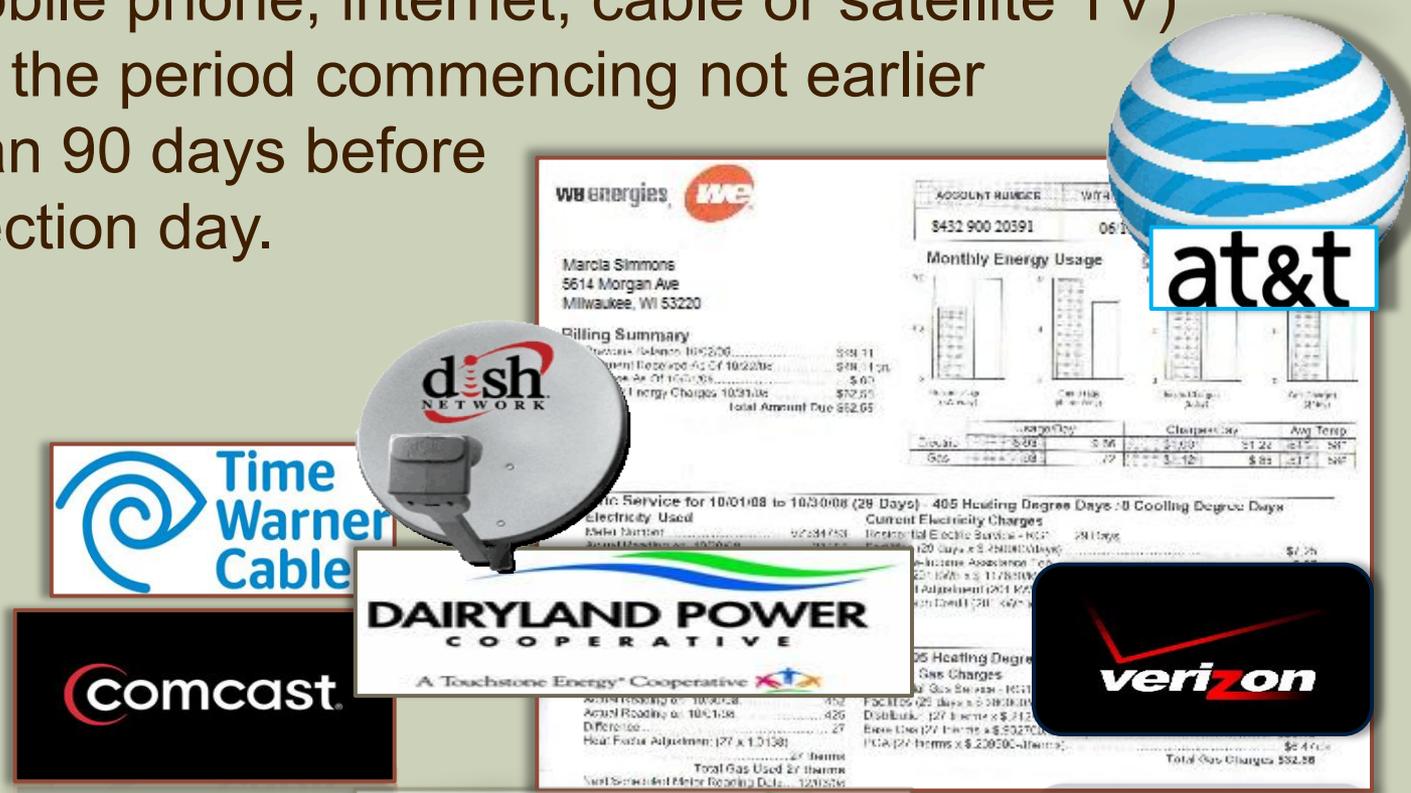
8. A university, college or technical institute identification card (must include photo), ONLY valid if the institution provides a certified housing list to the municipal clerk that indicates citizenship.

A sample non-doctoral project assistant personnel action form. The form is titled "SAMPLE NON-DOCTORAL PROJECT ASSISTANT" and includes fields for employee name, position, salary, and other details. A red text overlay reads "Housing list w/ proof of citizenship". The form also includes a "PERSONNEL ACTION" section.

EMPLOYEE	POSITION	SALARY	GRADE	CLASSIFICATION	DEPARTMENT	LOCATION	DATE
Victoria E Panther	Project Assistant	Y430K	50	LS/81a/Sci			
300-30-30							
01-05-201							

Acceptable Proof of Residence

9. A utility statement (gas, electric, telephone, mobile phone, internet, cable or satellite TV) for the period commencing not earlier than 90 days before election day.



Acceptable Proof of Residence

10. Bank Statement.



State Bank of Drummond
Since 1921



HSBC		JULY 10, 2012		
Account Type :	BANK A/C			
Account Name :	Amy Kindly			
Account number :	A124700 3443 122243			
Account number :	N/A			
Account number :	X21990			
Balance brought forward				6450.06
22 Jun	VIS	The Cookie Store	11.46	6438.60
23 Jun	VIS	You Get A Pony.com	2000.00	4438.60
01 Jul	DD	Dollar Store	10.00	
01 Jul	SO	Illinois Tollway	5.00	4423.60
		Target		39.00
			100.00	4362.60
			780.00	
				3567.30



Acceptable Proof of Residence

13. An affidavit on public or private social service agency letterhead identifying a homeless voter and describing the individual's residence for voting purposes.



State of Wisconsin \ Government Accountability Board

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JUDGE DAVID G. DEININGER
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: July 26, 2012

TO: Interested Parties

FROM: Nathaniel E. Robinson
Elections Division Administrator
Government Accountability Board

SUBJECT: Voting Residence of University and College Students

The Government Accountability Board has received a number of inquiries from students, municipal clerks, and university and college representatives regarding the proper location for college students to cast votes, particularly regarding elections that occur in the summer months, such as the August Partisan Primary. This document provides guidance regarding the application of Wisconsin's residency laws, in general and specifically as they apply to college students.

General Rules and Principles for Determining Residency

The determination of voting residency often depends on specific facts, especially for transient persons such as students, but the Statutes spell out several general principles and rules to guide that determination:

1. Every U.S. citizen age 18 or older who has resided in an election district or ward for 28 consecutive days before any election where the citizen offers to vote is an eligible elector. *Wis. Stat. §6.02(1).*
2. Any eligible elector who moves within Wisconsin later than 28 days before an election shall vote at his or her previous ward until meeting the 28-day requirement at the new location. *Wis. Stat. §§6.02(2), 6.10(3).*
3. The residence of a person is the place where their habitation is fixed, without any present intent to move, and to which, when absent, the person intends to return. *Wis. Stat. §6.10(1).*
4. The residence of an unmarried person in a transient vocation, a teacher or a student who boards at different places for part of the week, month, or year, if one of the places is the residence of the person's parents, is the parents' residence unless through registration or some similar act the person elects to establish a residence elsewhere. *Wis. Stat. §6.10(4).*
5. A person shall not lose residence when they leave home and go to another location for temporary purposes with the intent to return home, and no person gains residency in any ward while there for temporary purposes only. *Wis. Stat. §6.10(5),(8).*

6. If a person moves to another state with the intent to make a permanent residence there, or, votes as a citizen of that state, the person loses Wisconsin residence for voting purposes. *Wis. Stat. §6.10(10)*.
7. Neither an intent to acquire a new residence without removal, nor a removal without intent, shall affect residence. *Wis. Stat. §6.10(11)*.
8. Student status shall not be a consideration in determining residence for the purpose of establishing voter eligibility. *Wis. Stat. §6.10(12)*.

Considering these statutory provisions together, several points can be made regarding voter residency in general. While recent legislation changed the residency requirement from 10 days to 28 consecutive days, the rules did not change with regard to a temporary absence (regardless of the length) not affecting voting residence. In addition, once a physical presence is established with the required intent, the 28 consecutive days requirement does not mean that a voter must sleep at or remain at that location for 28 consecutive days before being eligible to vote there. For instance, a voter may move to a location on a weekend 30 days before an election with the intent to make it their voting residence, spend time travelling or at the previous residence on a temporary basis for part or all of the next 28 days, and still vote from the new location. In that case the voter has established a physical presence at the new ward with the requisite intent, and the residency is not lost when they are away from home for temporary purposes only.

In addition, it is important to keep in mind that the purpose of the identifying document used by voters registering during late registration or on election day for proof of residency pursuant to Wis. Stat. §6.34 is to establish the location of the residence, not the duration. The proof of residency document does not need to be dated more than 28 days prior to the date of the election. Except for a residential lease, the proof of residency document is only a snapshot in time and does not (and is not required to) establish that the elector resided at the location for 28 consecutive days. The only proof of residency documents with date restrictions are a lease, which must be effective for a period that includes election day; a property tax bill, which must be for the current or preceding year; and a utility bill, which must be for a period commencing within 90 days before the date the voter registers. *Wis. Stats. §6.34(3)(a)4, 8*.

Voter Intent

The concept of a voter's intent is an essential element interwoven into the qualifications for residency. Determining what is in a voter's mind can be a challenging and elusive task, which was addressed in an Attorney General opinion issued in 1971. *60 Atty. Gen. 214*. While Wisconsin's election laws have undergone some significant changes since 1971, the following general principles outlined in the opinion remain and are useful reminders when evaluating residency questions:

1. "The Wisconsin Statutes regulating absentee voting are to be liberally construed in aid of the right of suffrage, and one should look to the whole and every part of the election laws, the intent of the entire plan, the reasons and spirit for their adoption, and try to give effect to every portion thereof. However, the legislature may determine that fraud and violation of the sanctity of the ballot can much more readily be perpetrated by use of an absentee ballot than under the safeguards provided at a regular polling place." *60 Atty. Gen. 217*.

2. When a person has established a residence, it is generally held that such residence is presumed to continue until a new one is established, and the law of this State places the burden on the person who asserts the nonresidence of a voter to prove such assertion. *60 Atty. Gen. 219.*
3. “As a practical matter, it must be accepted at the outset that there is no absolute criterion or guideline which will at once determine the question of residence in every case.” *60 Atty. Gen. 219.*
4. A voter’s statements and actions can establish intent. “The intention to be considered is that which is manifested by the voter’s acts. If there exists a discrepancy between declarations of intent and acts, the declarations yield to the conclusion to be drawn from the acts.” *60 Atty. Gen. 220.*
5. It is not necessary that there be an intention to remain permanently at the voting residence. It is sufficient that the place is for the time being the home of the voter to the exclusion of other places. *60 Atty. Gen. 221.*

Voting Residency of College Students

In applying the residency rules to university and college students, it is important to keep in mind the language in Wis. Stat. §6.10(4) cited above. The residence of a student who boards at different places for part of the week, month, or year, if one of the places is the residence of the person’s parents, is the parents’ residence unless through registration or some similar act the person elects to establish a residence elsewhere. Throughout a college career, a student may continue to vote at their parents’ residence even when residing at the school until the student registers to vote at a campus address.

Once a student registers at a specific campus address, the student must vote at that address until reestablishing residency elsewhere, either at home or another campus address. Residency for voting purposes may be reestablished at home during the school year if the student maintains a physical presence there (e.g., stays at home during a school break or weekend) and has the intent to make the home address the permanent residence for voting purposes, even if the student returns to campus until the date of an election. Residency can be established with the required intent, and is not lost due to a temporary absence such as attending school.

If a student moves from one campus address to another, the voting residence depends upon whether the student registers at the new campus address. If so, the student must vote at the new campus address until reestablishing residency at their parents’ home or elsewhere. However, if a student lives at a new campus address for over 28 days and is therefore no longer eligible to vote from the prior campus address, the student again has the option to vote from either the new campus address or their home address.

Because voter intent is part of determining residency each case must be evaluated on an individual basis, in light of whatever intent is evidenced by the voter’s sworn statement on the voter registration form. The following questions and responses attempt to summarize and apply the voter residency rules to situations involving university and college students. In this document, “campus address” refers to the student’s residence at the university or college, regardless of whether it is university-sponsored housing or located “off campus.”

1. What are the requirements for voting residency in Wisconsin?

Under Wisconsin Statutes, an individual must reside in an election ward for at least 28 consecutive days and have no present intent to move. A person does not lose residency for voting purposes by leaving an established residence for temporary purposes with intent to return to the residence. Student status is not a consideration in determining residence for the purpose of establishing voter residency.

2. If I am living at my campus address during the summer, where may I vote?

A student who has registered to vote at a campus address and continues to live there during the summer must vote from that location. A student who has registered to vote at a home address and lives on campus during the summer may vote from the home address or may register and vote from the campus address.

3. If I have resided at my campus address for 28 consecutive days, will live at my parents' home or elsewhere during the summer, and intend to return to a campus address in the fall, where may I vote?

Once a student has established residency at a campus address, the student may register to vote and may vote using the student's campus address until the student establishes a new voting residence. This is the case even if the student is temporarily away from campus and does not know their campus address for the following school year. If the student has previously registered to vote at the campus address, the student may not register to vote at a home or different address until re-establishing residency for 28 consecutive days prior to the election.

Alternatively, a student may register to vote from a home address if the student has not yet registered to vote from a campus address. In that case the student's home address is considered the permanent address for voting purposes and the student is only temporarily away from that address during the school year.

4. If I have graduated or have left school, am moving from my campus address and do not intend to return in the fall, where may I vote?

An individual who is registered to vote at a Wisconsin campus or home address, leaves that address permanently, and moves to another Wisconsin residence may continue to vote using the prior address until establishing residency for 28 consecutive days at the new location.

An individual who leaves their Wisconsin campus or home address and moves to an out-of-State residence, and who has no intent to return to the ward in which the prior address is located, may not vote in an election from the prior address.

5. If I registered to vote at my school address and move to another address where I do not register to vote, can I vote from my parents' residence?

When a student has moved from one campus address so they can no longer vote at that address, they regain the option to vote at their parents' address. The Wisconsin Statutes recognize that students may continue to use their parents' residence as a voting residence

unless they terminate that option by registration or some similar act. For an individual who is no longer lawfully registered at one campus address, their election to establish a voting residence separate from their parents' residence under Wis. Stat. §6.10(4), has essentially expired. For example, a student may have voted in 2008, moved several times since then, and has not registered to vote at a new campus location since 2008. In that case the student may vote from their home address or register to vote at the new campus address.

6. May a student establish residency at home and vote from that location after previously having voted on campus?

A student could have re-established residency at the home address during summer break, another school break, or even a weekend, if the student had the requisite intent to establish that residency as their voting address. If the student intends to make the home address their residency for voting purposes, and begins to establish or re-establish a physical presence there at least 28 days before the election, the student is permitted to vote at the home address.

7. Does the 28 consecutive day residency requirement to vote from an address have to immediately precede the election?

The statutory mandate to establish residency for 28 consecutive days does not necessarily mean that a voter has to be at the location every day during 28 consecutive days. Under Wis. Stat. §6.10(5), a person does not lose residence by leaving home and going somewhere else for temporary purposes.

For example, an individual may start to establish a new residency for voting purposes on the day they begin moving to a new house and the 28 days continue to accrue even if the individual continues to temporarily reside in the previous location for a month. Similarly, an individual may start to establish a new residency when they move into a new location and are there for a short period of time before having to leave for work or some other temporary purpose. A truck driver who is only home on the weekend continues to accrue days for the 28-day requirement throughout an entire month even though the individual may not be physically present at the home more than 2 consecutive days.

8. What if I voted from my home address in the June 5, 2012 recall election and want to vote from my school residence for the August 14, 2012 partisan primary?

If the student intends to make the campus address their residency for voting purposes, and begins to establish or re-establish a physical presence there at least 28 days before the election, the student is permitted to vote at the campus address.

The following scenario is possible: A student voted at home at the June 5th recall election. During the summer, the student stays at the campus address and re-establishes residency there with the intent to make it their permanent residence for voting in the August 14th partisan primary. As long as the student has re-established a physical presence for at least 28 days before the August 14th election, the student is permitted to vote at their campus address.

9. How and when may I obtain an absentee ballot for an election?

Municipal clerks must make ballots available to absentee voters, at least 21 days before a primary or election and 47 days before the presidential preference primary, partisan primary, and general election. Absentee ballots may be obtained by submitting a request to the municipal clerk (or the Election Commission in the City of Milwaukee) by mail, fax, email, or in person. Clerks may email or fax ballots only to military electors (and overseas voters for federal elections).

Most requests for an absentee ballot to be mailed to the voter must be submitted to the municipal clerk (or Election Commission) by 5:00 p.m. the Thursday before the election. Indefinitely confined voters and military voters must submit requests by 5:00 p.m. the Friday before the election. Sequestered jurors and hospitalized electors must submit absentee ballot requests by 5:00 p.m. on the day of the election. For federal elections, absentee ballot requests for military voters must be submitted by 5:00 p.m. on the day of the election. Completed absentee ballots returned by mail must be postmarked by Election Day and must be received by 4:00 p.m. on the Friday after the election. Absentee ballots delivered in person must be returned by 8:00 p.m. on Election Day.

In-person absentee voting begins the 3rd Monday before an election and continues until 5:00 p.m. or the close of business, whichever is later, the Friday before an election.

Individuals with questions regarding the information contained in this document may contact Michael Haas at (608) 266-0136 or Michael.Haas@wisconsin.gov or Meagan Wolfe at (608) 266-8175 or Meagan.Wolfe@wisconsin.gov. Media inquiries should be directed to Reid Magney at 608-267-7887 or Reid.Magney@wisconsin.gov.

VOTERS ARE REQUIRED TO SIGN THE POLL LIST

2011 Wisconsin Act 23 (the "Photo ID" legislation) requires a voter to sign the poll list, unless a disability prevents the voter from doing so.

"...each eligible elector...shall state his or her full name and address...The officials shall then **require the elector to enter his or her signature** on the poll list., unless the elector is exempt from the signature requirement due to a disability..."
(*paraphrased*). §6.79(2)(a), Wis. Stats.

THEREFORE:

- ❖ If you are not prevented from signing because of a disability, and you refuse to sign, you will not be issued a ballot.
- ❖ If the inspectors do not believe your claim that a disability prevents you from signing, you may be required to vote a challenged ballot.

Issuing Ballots and Voting

Providing the correct ballot to the voter and enabling the elector to mark a ballot privately and independently are two of the most important tasks for election inspectors on Election Day. It is essential that you are familiar with the correct procedure for issuing ballots and facilitating voting.

Procedure

When a registered elector (or an Election Day registrant upon completing his or her Election Day registration) appears at the polling place:

1. The elector announces his or her name and address to the election inspectors maintaining the poll lists.
2. The elector signs the poll list.
 - a. The elector only signs one poll list.
 - b. Election inspectors must ensure that all voters are signing the same poll list which is later provided to the county clerk.
 - c. If another person signed the voter's registration form because the voter was unable to sign due to disability, the inspector writes the word "Exempt" on the signature line.
 - d. If voter claims to be unable to sign due to physical disability, and both inspectors concur, the inspectors shall enter the words "exempt by order of inspectors" on the signature line.
 - e. If both inspectors do not waive the signature requirement, the voter shall be allowed to cast a ballot and the inspector or inspectors who did not waive the requirement shall challenge the ballot and document the situation on the Inspectors' Statement (GAB-104).
3. A voter number is assigned to each elector beginning with the number "1" and recorded simultaneously on two identical poll lists prepared by two different election inspectors.

Note: There are several methods used by different municipalities across the state for tracking the voter number. Some municipalities give the voters a voter slip with the assigned voter number, some municipalities use a check-off sheet with a list of numbers, or some

municipalities may use a different method. There is no wrong way, so long as the voter numbers are accurately assigned.

4. Once an elector's voter number has been recorded on both poll lists, he or she is given their ballot, which has been initialed by two election inspectors. Please verify the elector is given the correct ballot style for their address.

Note: Prevent the possibility of fraud by keeping unvoted ballots where voters do not have access to them and by not initialing ballots in advance.

5. Direct the voter to the voting area.
 - a. Be sure to ask the voter if he or she has any questions about how to correctly cast his or her ballot.
 - b. Be prepared to answer questions on how to use equipment, mark a ballot, or place a ballot in the ballot box.
 - c. If an elector is using direct recording electronic (DRE) equipment, remind him or her to check the paper roll before casting his or her ballot. The paper roll serves as the elector's official ballot.

6. The voter should go directly to the voting booth to mark his or her ballot.

Note: A voter may take any person of their choosing, except a representative of their labor union or employer, with them into the voting booth to provide assistance in marking the voter's ballot. The assistor must sign in the space provided on the back of the ballot. Assistors may include minor children and election inspectors. If receiving assistance, the name and address of the individual providing assistance must be recorded on the voter lists.

7. The voter then places his or her voted ballot into the tabulating device or appropriate ballot box. Or, if using direct recording electronic equipment (DRE), the voter casts his or her ballot and closes out the voting session.
8. The voter should then leave the polling place unless he or she intends to stay as an observer.

Curbside Voting

An 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).

Procedure

1. The election inspectors announce in the polling place, "The elector, (*state the elector's name*), who is unable to enter this room has asked to receive a curbside ballot. Does anyone object to the issuance of this ballot?"
2. If no objection is made, the elector is issued a voter number, and the number is recorded on the poll lists. (If an objection is made, follow the challenge procedure detailed in "Challenging Electors" in this section.
3. Two election inspectors initial the ballot and take it to the elector.
4. The voter is not required to sign the poll list. A notation "ballot received at poll entrance - exempt" is made in the signature line of the elector on the poll list.
5. When the voter has completed the ballot, the election inspectors return to the polling place and announce, "We have a ballot offered by (*stating the elector's name*), an elector who, as a result of disability, is unable to enter the polling place without assistance."
6. The ballot is deposited in the appropriate ballot box or tabulating equipment.
7. If assistance was provided, "assisted" is also noted on the poll list along with the name and address of the person providing assistance.
8. This incident should be recorded on the Inspectors' Statement (GAB-104).

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DATE: September 26, 2011

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

FROM: Nathaniel E. Robinson
Elections Division Administrator
Government Accountability Board

SUBJECT: Guidance for Signing Poll Lists

Questions have arisen regarding the form of the voter's signature on the poll list. The purpose of the signature requirement is to assist in identification of the voter, and therefore, the G.A.B. has advised that voters should use their normal or customary signature. However, election officials are not required or expected to serve as handwriting experts or to conduct a thorough analysis of the voter's signature. Election officials should verify that the voter has signed their own name or mark, and not signed the name of another person or fictional character, or simply written some other message other than a signature. We are providing the following guidance:

Background:

Sections 6.79(2) (a) and (am), as amended by 2011 Act 23, "Voting procedure," read as follows (relevant language in bold):

(2)(a) Unless information on the poll list is entered electronically, the municipal clerk shall supply the inspectors with 2 copies of the most current official registration list or lists prepared under s. 6.36 (2) (a) for use as poll lists at the polling place. Except as provided in subs. (6) and (7), each eligible elector, before receiving a serial number, shall state his or her full name and address and present to the officials proof of identification. The officials shall verify that the name on the proof of identification presented by the elector conforms to the name on the poll list or separate list and shall verify that any photograph appearing on that document reasonably resembles the elector. **The officials shall then require the elector to enter his or her signature on the poll list, supplemental list, or separate list maintained under par. (c) unless the elector is exempt from the signature requirement under s. 6.36 (2) (a).** The officials shall verify that the name and address stated by the elector conform to the elector's name and address on the poll list.

(2)(Am) If an elector previously signed his or her registration form or is exempt from a registration requirement and is unable, due to physical disability, to enter his or her signature at the election, the officials shall waive the signature requirement if the officials determine that the elector is unable, due to physical disability, to enter his or her signature. In this case, the officials shall enter next to the name and address of the elector on the poll, supplemental, or separate list the words "exempt by order of inspectors". If both officials do not waive the signature requirement and the elector wishes to vote, the official or officials who do not waive the requirement shall require the elector to vote by

ballot and shall challenge the elector's ballot as provided in s. 6.92 and treat the ballot in the manner provided in s. 6.95. The challenged elector may then provide evidence of his or her physical disability to the board of canvassers charged with initially canvassing the returns prior to the completion of the initial canvass.

Reoccurring Questions and Guidance on How Voters Should Sign Poll Lists:

- 1) Is there a legal standard for the voter's signature?

Response: The G.A.B. has advised that voters should enter their normal signature on the poll list. There is no statutory or Administrative Code Rule defining a normal signature. We believe a plain-language definition of normal is whatever is "usual," "regular" or "typical," a "standard" that one consistently and repeatedly conforms to. Therefore, however a voter "usually," "regularly" or "typically" signs their name, is the same way and manner in which the voter should sign the poll list.

- 2) Does normal mean "legal" or the signature on their ID?

Response: The Voter Photo ID Law does not specifically require the name signed on the poll list to be "legal" or otherwise. G.A.B. is interpreting the law to mean that voters should sign the polls list in the same manner they would "usually," "regularly" or "typically" sign their name in any other usual, regular or typical circumstance, such as how they sign checks, credit and debit card receipts, and everyday correspondence.

The Photo ID Law also does not require poll workers to become deciders or enforcers of whether a voter's signature is the exact same name as appears on their statutory ID for voting purposes or on the poll list. Note the exception below regarding a voter signing a fictitious name or a phrase as their "usual," "regular" or "typical" signature.

- 3) Is a mark or a line acceptable if the voter states that that is his/her "normal" signature?

Response: If a voter signs with an "X" or a "straight line" and that is the voter's "normal," "usual," "regular" or "typical" signature, the election inspector should accept the signature and issue a ballot. However, if a voter signs "Mickey Mouse" or some other fictional or obviously erroneous name, or slogan, protest statement, or other inscription that obviously does not represent their name, the poll worker should not give a ballot to the voter under these very specific and clear circumstances.

- 4) On an absentee ballot certification envelope, is a mark or line acceptable as a signature if the voter's signature is on the absentee application form?

Response: During G.A.B.'s public education, information and outreach campaign, we are instructing voters to sign their "normal," "usual," "regular" or "typical" signature on any and all voting documents. If a voter signs the absentee application form as she/he "normally," "usually," "regularly" or "typically" does, but makes a "mark or line" on the absentee ballot certification envelope, the absentee ballot should be issued. Absentee voters are exempt from the requirement to sign the poll list.

Should you have questions, please contact our Help Desk at GABHelpDesk@wi.gov, or (608) 261-2028.

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