

2014 Legislative Updates

Wednesday, July 9, 2014

9:00 a.m. – 11:00 a.m.

Program Presenters

Wisconsin Government Accountability Board Staff

Agenda

- Status of Voter Photo ID
- GAB-131: Voter Registration Application
- Proof of Residence
- Ineligible Voter Procedures
- Election Officials: Residency, Duties and Party Representation
- Remaking Ballots
- Counting Votes for Write-in Candidates
- Election Observers
- Absentee Voting Hours
- Absentee Voting in Residential Care Facilities

TABLE OF CONTENTS

	<u>Page Number</u>
General Information	
Table of Contents	1
Elections Directory	3-4
Status of Voter Photo ID	5
GAB-131: Voter Registration Application	7-8
Proof of Residence	
Overview	9
Guidance Memo	11-15
POR Types	16
Sample Missing POR Letter (GAB-132)	17
Ineligible Voter Procedures (draft manual excerpt)	19-23
Election Officials: Residency, Duties and Party Representation	25-26
Remaking Ballots (draft manual excerpt)	27-28
Counting Votes for Write-In Candidates	
Overview	29
Counting Write-In Votes at a Partisan Primary	30-31
Examples	32
Election Observers	
Overview	33
Observers (draft manual excerpt)	34-42
Rules-at-a-Glance (draft brochure)	43-44
Observer Log (GAB-109) (draft log)	45
Order to Leave Polling Place (GAB-110) (draft form)	46
Absentee Voting Hours	
Overview	47
Type E Notice for Absentee Voting	48
Absentee Voting at Residential Care Facilities	
Overview	49
Guidance Memo	51-52
Absentee Voting in Nursing Homes, Retirement Homes and Adult Care Facilities (manual excerpt)	53-68
Other Legislation	69-70

ELECTIONS DIVISION DIRECTORY



Government Accountability Board
Elections Division
212 East Washington Avenue, 3rd Floor
P.O. Box 7984
Madison, WI 53707-7984
Phone: 608-261-2028
FAX: 608-267-0500
Website: <http://gab.wi.gov>
Email: gab@wi.gov

WISCONSIN ELECTIONS DIVISION

Agency General Number..... 608-266-8005
FAX..... 608-267-0500
email: gab@wisconsin.gov
Agency Help Desk Number..... 608-261-2028

Administration

Kevin J. Kennedy
Director and General Counsel.....608-266-8005
email: kevin.kennedy@wisconsin.gov
Michael Haas
Elections Division Administrator608-266-0136
email: michael.haas@wisconsin.gov
Sharrie Hauge
Chief Administrative Officer..... 608-266-0404
email: sharrie.hauge@wisconsin.gov
Ross Hein
Elections Supervisor 608-267-3666
email: ross.hein@wisconsin.gov
Shane Falk
Staff Counsel..... 608-266-2094
email: shane.falk@wisconsin.gov
Nathan Judnic
Staff Counsel.....608-267-0953
email: nathan.judnic@wi.gov

Election Administration

Diane Lowe
Lead Elections Specialist..... 608-266-3276
email: diane.lowe@wisconsin.gov
David Buerger
Elections Specialist..... 608-267-0951
email: david.buerger@wisconsin.gov
Jason Fischer
Elections Specialist..... 608-261-2030
email: jasonv2.fischer@wisconsin.gov

G.A.B. Help Desk

Steve Rossman
Help Desk Lead..... 608-261-2028
email: steven.rossman@wisconsin.gov
John Hoeth
Help Desk..... 608-261-2028
email: john.hoeth@wisconsin.gov

Public Information

Reid Magney
Public Information Officer..... 608-267-7887
email: reid.magney@wisconsin.gov

Election Services

Richard Rydecki
Elections Specialist--Accessibility.....608-261-2015
email: richard.rydecki@wisconsin.gov
Meagan Wolfe
Elections Specialist-Voter Information.....608-266-8175
email: meagan.wolfe@wisconsin.gov

Training

Allison Coakley
Training Officer -Coordinator..... 608-261-2033
email: allison.coakley@wisconsin.gov
Juanita Borton
Training Officer..... 608-261-2004
email: juanita.borton@wisconsin.gov
Christopher Doffing
Training Officer-Multi-Media..... 608-261-2007
email: christopher.doffing@wisconsin.gov
Michael Nelson
Training Officer..... 608-261-2006
email: michael.nelson@wisconsin.gov
Michael Kukula
Office Operations Associate-Training..... 608-261-2003
email: michael.kukula@wisconsin.gov

Statewide Voter Registration System (SVRS)

Sarah Whitt
Functional Lead..... 608-261-2034
email: sarah.whitt@wisconsin.gov
Ann Oberle
Testing Lead..... 608-264-6764
email: ann.oberle@wisconsin.gov
Jodi Kitts
SVRS Specialist.....608-261-2011
email: jodi.kitts@wisconsin.gov
Kyle Kundert
SVRS Specialist.....608-267-7890
email: kyle.kundert@wisconsin.gov
Lila Walsh
SVRS Specialist..... 608-267-7891
email: lila.walsh@wisconsin.gov
Zachary Robinson
GIS Specialist..... 608-261-2032
email: zach.robinson@wisconsin.gov

FEDERAL INFORMATION - ELECTIONS ADMINISTRATION

Military & Overseas Voting

Federal Voting Assistance Program
Department of Defense
1777 North Kent Street
Suite #14003
Washington, DC 22209
Phone: 800-438-VOTE (8683)
email: vote@fvap.gov
Website: <http://www.fvap.gov>

Help American Vote Act (HAVA) and Other Federal Election Law

United States Election Assistance Commission
1201 New York Avenue, N.W.
Suite 300
Washington, DC 20005
Phone 866-747-1471 or 202-566-3100
FAX 202-566-3127
Website: <http://www.eac.gov>

Election Fraud

US Dept of Justice
Bond Building, 1400 New York Avenue NW, 12th Floor
Washington, DC 20005
Phone: 202-514-1421
FAX: 202-514-3003
email: AskDOJ@usdoj.gov

Voting Rights Act

Voting Section, Civil Rights Division
Room 7254 - NWB
Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530
Phone: 800-253-3931 or 202-307-2767
Email: Voting.Section@usdoj.gov
Website: <http://www.usdoj.gov>

ACCESSIBILITY SUPPLIES & CONTACTS

Wisconsin Coalition of Independent Living Centers
3810 Milwaukee Street
Madison, WI 53714
Voice and Text: 608-444-3842
TTY: 800-362-9877
Fax: 608-242-0383
Website: <http://www.il-wisconsin.net/coalition>

Disability Rights Wisconsin
131 W. Wilson Street, Suite 700
Madison, WI 53703
Phone: 800-928-8778 or 608-267-0214
TTY: 888-758-6049
FAX: 608-267-0368
Website: <http://www.disabilityrightswi.org/index.php>

Wisconsin Board for People with Developmental
Disabilities (BPDD)
201 West Washington Ave., Suite 110
Madison, WI 53703
Phone: 608-266-7826 or 888-332-1677
Fax: 608-267-3906
bpddhelp@wi-bpdd.org

Coalition of Wisconsin Aging Groups
2850 Dairy Drive, Suite 100
Madison, WI 53718
Phone: (800) 366-2990 or (608) 224-0606
Fax: 608-224-0607
Email: namato@cwag.org
Website: <http://cwagwisconsin.org/>

VOTING EQUIPMENT VENDORS

Dominion Voting (servicing Premier systems)
221 Hopkins Avenue
Jamestown, NY 14701
Phone: 866-654-8683
Email: contact@DominionVoting.com
Website: <http://www.dominionvoting.com>

Command Central (*Programming/Supplies*)
P.O. Box 7306
St. Cloud, MN 56302
Phone: 320-259-7027
FAX: 320-259-7028

Election Systems & Software, Inc. (ES&S)
(also servicing Premier systems)
11208 John Galt Blvd.
Omaha, NE 68137
Phone: 800-247-8683 or 877-377-8683 (option 4 for tech support)
FAX: 402-593-8107
email: info@essvote.com
Website: <http://www.essvote.com/>

Populex
420 B Airport Road
Elgin, IL 60123
Phone: 877-767-8539
Website: <http://www.populex.com/>

Sequoia Voting Systems
7677 Oakport St, Suite 800
Oakland, CA 94621
Phone: 510-875-1200
FAX: 510-875-1226
Website: <http://www.sequoiavote.com/>

COMMERCIAL PRINTERS OF ELECTION FORMS

Bear Graphics
P.O. Box 3290
Sioux City, IA 51101
Phone: 800-325-8094

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
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

DATE: May 1, 2014

TO: Wisconsin County Clerks
Wisconsin Municipal Clerks
Milwaukee County Board of Election Commissioners
City of Milwaukee Board of Election Commissioners

FROM: Michael Haas
Elections Division Administrator

SUBJECT: Federal Court Decision and Status of Voter Photo ID Law

This memorandum provides an update regarding the status of the requirement that most Wisconsin voters provide an acceptable form of photo identification before receiving a ballot. The photo ID requirement was established as part of 2011 Act 23 but its implementation has been enjoined by a state court injunction since the 2012 Spring Primary. Two federal court cases have also been pending. On April 29, 2014, U.S. District Court Judge Lynn Adelman issued a decision in the two federal court cases which found that the photo ID requirement of Act 23 violates the U.S. Constitution as well as the federal Voting Rights Act.

The federal court decision orders a permanent injunction against implementation of the photo ID requirement. The decision states that all Wisconsin election officials, including local election officials “are hereby permanently enjoined from conditioning a person’s access to the ballot, either in-person or absentee, on that person’s presenting a form of photo identification.” The G.A.B. is communicating this decision to local election officials so that they are aware of the federal court injunction and ensure that their staffs and election inspectors abide by it until further notice.

Attorney General J.B. Van Hollen has stated that the Department of Justice will appeal Judge Adelman’s decision to the Seventh Circuit Court of Appeals, which may affirm or reverse the ruling. Subject to any change in the legal proceedings, however, the voter photo ID requirement of Act 23 is permanently enjoined. Local election officials must continue to refrain from implementing that provision, and G.A.B. staff will keep local election officials apprised of any further developments that might change the status of Act 23.

If you have any questions regarding this information, please contact the G.A.B. Help Desk at GABHelpDesk@wi.gov or (608) 261-2028.



Wisconsin Voter Registration Application

Submitted by Mail
(Official Use Only)

Confidential Elector ID#
(HINDI - sequential #) (Official Use Only)

SVRS ID #
(Official Use Only)

Instructions

Instructions for completion are on the back of this form. Return this form to your municipal clerk, unless directed otherwise.
• Please use uppercase (**CAPITAL**) letters only. Fill in circles as appropriate.
• If you are not a military or permanent overseas elector, you must provide a copy of your proof of residence (see reverse) with this application.
• NOTE: If this is a change of address, then upon completion of this application your voting rights will be cancelled at your previous residence.

1	<input type="radio"/> New WI Voter	Municipality	<input type="radio"/> Town
	<input type="radio"/> Name Change		<input type="radio"/> Village
	<input type="radio"/> Address Change	County	<input type="radio"/> City

2	WI Driver License or WI DOT-issued ID (Required if current and valid)	Expiration Date	<input type="radio"/> I have neither a WI Driver License/ ID nor a Social Security Number.
	Social Security Number - Last Four Digits (if driver license or state ID not issued or not current and valid)	X X X - X X -	

3	Current	Last Name	First Name	
		Middle Name	Suffix (e.g. Jr, II, etc.)	Phone #
		Date of Birth (M/D/YYYY)	Email Address	
		If you are a military or permanent overseas elector, fill in the appropriate circle (see instructions for definitions): <input type="radio"/> Military <input type="radio"/> Permanent Overseas		

4	Current	Residence Address: Street Number & Name
		Apt. Number City State & ZIP

5	Current	Mailing Address: Street Number & Name
		Apt. Number City State & ZIP

6	Previous	Last Name	First Name
		Middle Name	Suffix (e.g. Jr, II, etc.)

7	Previous	Previous Address: Street Number & Name
		Apt. Number City State & ZIP

8	Accommodation needed at poll location (e.g. wheelchair access):	If you do not have a street number or address, use the map to show where you live. • Mark crossroads • 'X' where you live • Use dots for landmarks	
	<input type="radio"/> I am interested in being a poll worker.		

9	Please answer the following questions by filling in "Yes" or "No":		<input type="radio"/> Yes <input type="radio"/> No If you filled in "No" in response to EITHER of these questions, do <u>not</u> complete this form.
	1. Are you a citizen of the United States of America?	<input type="radio"/> Yes <input type="radio"/> No	
	2. Will you be 18 years of age or older on or before election day?	<input type="radio"/> Yes <input type="radio"/> No	

10 I hereby certify, to the best of my knowledge, that I am a qualified elector, a U.S. citizen, at least 18 years old or will be at least 18 years old at the time of the next election, having resided at the above residential address for at least 28 consecutive days immediately preceding this election, with no present intent to move. I am not currently serving a sentence including incarceration, parole, probation, or extended supervision for a felony conviction, and not otherwise disqualified from voting. I certify that all statements on this form are true and correct. If I have provided false information I may be subject to fine or imprisonment under State and Federal laws. **If completed on Election Day:** I further certify that I have not voted in this election. **Please sign below to acknowledge that you have read and understand the above.**

11	Elector Signature: X	Today's Date (M/D/YYYY) / /	Proof of Residence type <small>(Official use only)</small>	Proof of Residence Issuing Entity <small>(Official use only)</small>
			Proof of Residence # <small>(Official use only)</small>	Election Day Voter # <small>(Official use only)</small>

Falsification of information on this form is punishable under Wisconsin law as a Class I felony.

12	Assistant Signature:	Assistant Address:
----	----------------------	--------------------

Official Signature:	Date complete & POR received: / /	SRDs printed name and SRD#:
---------------------	---	-----------------------------

Ward	Sch. Dist.	Alder	Cty. Supr.	Ct. of App.	Assembly	St. Senate	Congress
------	------------	-------	------------	-------------	----------	------------	----------



Wisconsin Voter Registration Application Instructions

Each section on the front side of this document corresponds to the sections below (1-12)

These documents constitute proof of residence if they:

Contain the voter's current and complete first and last name and residential address, and are valid on the day used to register to vote.

Electronic versions are also acceptable.

- A current and valid WI Driver License / ID Card
- Any other official identification card or license issued by a Wisconsin governmental body or unit
- An employee ID card with a photograph, but not a business card
- A real property tax bill or receipt for the current year or the year preceding the date of the election
- A residential lease (Does not count as proof of residence if elector submits form by mail)
- A picture ID from a university, college or technical college coupled with a fee receipt
- A picture ID from a university, college or technical college coupled with an on-campus housing listing provided by the university, college or technical college to the municipality that denotes US Citizenship
- A utility bill for the period commencing not earlier than 90 days before the day registration is made
- (Homeless voters only) A letter from an organization that provides services to the homeless that identifies the voter and describes the location designated as the person's residence for voting purposes
- A bank statement • A paycheck • A check or other document issued by a unit of government

1

- Fill in the circle (New WI Voter, Name Change, Address Change) describing why you are completing this form.
- A "New WI Voter" is anyone who is not currently registered to vote in Wisconsin. You can check your voter registration status at MyVote Wisconsin website (<https://myvote.wi.gov>)
- Indicate your county and municipality of residence (e.g. Village of Cambridge, Dane County).

2

- If you have been issued a WI driver license or WI DOT-issued ID that is current and valid, you must provide the number and expiration date. If you are unsure of the number, please call DMV at (608) 266-2353.
- If you have been issued a WI driver license that is currently revoked, suspended, or expired; or have been issued a WI DOT-issued ID that is expired, please provide the number and the last 4 digits of your Social Security number.
- If you have not been issued a WI driver license or WI DOT-issued ID, you must provide the last 4 digits of your Social Security number.
- If you have not been issued a WI driver license, a WI DOT-issued ID, or a Social Security number, indicate that fact by filling in the appropriate circle.
- If you are registering to vote on Election Day and have been issued a WI driver license or ID, but are unable or unwilling to provide the number, your vote will not be counted unless you provide the number to the election inspectors by 8:00 p.m. on Election Day or to your municipal clerk by 4:00 p.m. the Friday following Election Day.

3

- Provide your current and complete name including your last name, first name, middle name, and suffix (Jr., Sr., etc.), if any. Please verify you have provided your name as it appears on the document, the number of which you provided in Box 2, if the name on that document is still your current and complete name.
- Provide your month, day, and year of birth.
- Providing your phone number and/or email address is optional and is subject to open records requests.
- A "military elector" is a person, or the spouse or dependent of a person who is a member of a uniformed service or merchant marine, a civilian officially attached to a uniformed service and serving outside the United States, or a Peace Corp volunteer. Military electors are not required to register as a prerequisite to voting at any election.
- A "permanent overseas elector" is a US citizen, at least 18 years old, who does not qualify as a resident of this state, but who was last domiciled in this state, or whose parent was last domiciled in this state immediately prior to the parent's departure from the United States, and who is not registered to vote in any other state.

4

- Provide your home address (legal voting residence) in Wisconsin.
- Provide your full street name, including the type (St, Ave, etc.) and any pre- and/or post-directional (N, S, etc.).
- Provide the city name and ZIP code that appears on mail delivered to your home address.
- You may not enter a PO Box as a residential address. A rural route box without a number should not be used.

5

- If your mailing address is different from your home address, provide it here. A PO Box is acceptable as a mailing address. Overseas electors should provide their complete overseas address here.

6

- Provide your previous first, last, and middle names, along with a suffix, if any.

7

- Provide the most recent address where you were previously registered to vote, if any.

8

- If you need assistance when voting, you may describe the assistance required (e.g. curbside voting, braille materials).
- If you are interested in being a poll worker for your municipality, you may fill in the circle to indicate your interest.
- If you do not have a street address, use the map to show where you live.

9

- If you answer "No" to either question in this section, you are not eligible to vote in Wisconsin.
- Please note, for question 2, you must either be at least 18 years old, or will be at least 18 years old at the time of the next election to be eligible to vote. If you are completing on election day you must be 18 years old today.

12

- **Assistant:** If you are unable to sign this form due to a physical disability, you may have an assistant do so on your behalf. That assistant must provide his or her signature and address in the space provided. By signing, the assistant certifies that he or she signed the form at your request.

2013 Wisconsin Act 182: recording the type of identifying document provided by an elector as proof of residence

- Election officials shall record the type proof of residence document, the entity or institution that issued the document, and a number that applies to the individual, if such a number exists.
- Election officials shall record the last four digits of the number if the full number contains more than six digits, or the last two digits if the full number is six or fewer digits.
- The requirement to record the identifying number on the poll list is eliminated
- G.A.B. will add space on the voter registration form to enter this information and add these as required fields in SVRS.
- The law also eliminates the exemption from the proof of residence requirement for those electors who register prior to the close of registration.
 - Military and permanently overseas voters are always exempt from the proof of residence requirement.
 - All other voters must always provide proof of residence to register to vote.

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
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

DATE: April 11, 2014

TO: Wisconsin County Clerks
Wisconsin Municipal Clerks
Milwaukee County Election Commission
City of Milwaukee Election Commission
Special Registration Deputies

FROM: Michael Haas
Elections Division Administrator

SUBJECT: **Revised Guidance** -- Proof of Residence Now Required for All
Voter Registrations

Introduction

As an introduction to the guidance below it bears repeating a message the G.A.B. has delivered to local election officials and partners in recent years. Once again, we appreciate the hard work and diligence of municipal and county clerks, and offer our sincere thanks for your patience and attention to detail as all of us implement the enactment of new state legislation affecting election administration. These legislative changes will continue to cause increased responsibilities for all of us. They may strain limited resources in your offices and our agency, and will result in more frequent communications from the G.A.B., new or revised procedures, forms, manuals, training, teleconferences, and webinars in an effort to support all of the implementation efforts.

We all proudly share an honorable profession -- the administration of elections in a fair and transparent manner with the highest degree of pride and integrity. Change has become a constant in the election world. The policy makers have made their decisions and we need to, and will continue to, work together as a committed and dedicated team to carry out our additional and new responsibilities in the same professional manner that we always have.

We value our relationship as partners with you and will continue our primary mission to support you. As the recent report of the Presidential Commission on Election Administration noted, all stages of election administration ultimately affect the individual voter, positively or negatively, which is a worthwhile point to keep in mind as we incorporate new procedures into our routines. We appreciate your attention to this new guidance.

2013 Wisconsin Act 182 – New Voter Registration Requirements

2013 Wisconsin Act 182, which was passed as Senate Bill 267, is effective as of April 4, 2014. Act 182 requires that voters provide a document establishing their proof of residence (POR) as part of the voter registration application. The requirement applies to

all electors who are not military or permanent overseas electors. Prior to Act 182's enactment, proof of residence was not required for electors that registered during the open registration period in the clerk's office or through a special registration deputy (SRD).

The new law will require changes in procedures for voters, clerks and special registration deputies. It also requires the G.A.B. to make changes in the Statewide Voter Registration System and MyVote Wisconsin, and additional information about those changes will be provided when they are further developed. Due to its immediate effective date, however, the G.A.B. provides the following guidance and directives to voters and local election officials regarding the implementation of Act 182.

- 1. Effective Date and Applicability:** Act 182 applies to voter registration applications which are received by clerks starting April 4, 2014, regardless of the date on the application or the date of any postmark. Registrations received prior to April 4, 2014 are not subject to Act 182, even if they were not processed by that date. Registration applications received on or after April 4, 2014, whether by mail or in-person, or through a voter registration drive, an SRD, or MyVote Wisconsin, are not complete unless a valid proof of residence document (POR) has been provided, and the required information is recorded on the Voter Registration Application (GAB-131). This includes applications submitted as a result of a change in the elector's name or address.

While new provisions in Act 182 related to recording the POR information on the GAB-131 do not apply to Election Day Registrations submitted at the Spring Election on April 1, 2014, those registrants were required to provide POR under existing law. The POR requirement does not apply to military or permanently overseas voters but proof of residence is always required of all other registering electors under the new law, including indefinitely confined voters in adult-care facilities.

- 2. Electors Registering in Person with an Election Official:** Any elector wishing to register in person must display a paper or electronic POR document to the election official (clerk, SRD, or election inspector), who must list on the GAB-131 the type of POR, the entity issuing it, and a specific portion of the identifying number. Clerks, SRD's, and election inspectors are not required to retain the POR document of electors registering before them. Applications submitted in person must not be processed if the elector has not shown the POR document and the clerk, SRD, or election inspector has not recorded the POR information on the GAB-131. In-person applications include those entered into MyVote Wisconsin and delivered in person to a clerk.
- 3. Electors Registering by Mail:** "By mail" registrations include those created using the Click and Mail function on MyVote Wisconsin and submitted by mail. Registration applications submitted through a registration drive

volunteer who is not an SRD are also considered mail registrations. Mailed registration forms must include a copy of the POR document with the GAB-131. By mail applications that are not accompanied by a POR document shall not be processed and the elector shall not be entered into or approved in SVRS until a POR document is submitted and the POR information has been recorded on the GAB-131.

- 4. Registrations Lacking a POR Document or Required POR Document Information:** When a GAB-131 is not accompanied by the POR document or does not include the required POR document information, the clerk shall contact the elector in writing and require the elector to provide a copy of the POR document to the clerk. If provided in-person, the elector may present the POR document to the clerk who can record the information without retaining the document.

Clerks should advise the elector that, after the open registration period, the POR document can no longer be provided by mail and must be submitted in person. In the event that an elector submits a POR document after the end of open registration for a GAB-131 that was previously submitted without POR, the elector must again sign and date the GAB-131 because that is the date the registration process was completed. A sample letter to electors containing these instructions is attached to this memorandum.

- 5. Retention of POR Documents:** Clerks must retain copies of POR documents that accompanied a registration form submitted by mail or through a non-SRD registration drive. However, the retention period is shorter than voter registration forms. Voter registration forms must be retained for four years after the elector's status is changed to ineligible under Wis. Stat. §7.23. POR documents are considered "other records" under the statutory retention schedule and may be destroyed 22 months after the next election following the processing of the application if that is a federal election, or else 90 days after the next election if it is not a federal election. *Wis. Stat. §7.23(1)(g) and (k).*

For example, POR documents which accompany registration forms submitted prior to the August Partisan Primary may be destroyed 22 months after that election because it includes federal offices. POR documents which accompany registration forms submitted after the General Election until the next Spring Primary may be destroyed 90 days after the Spring Election because that election does not include a federal office. After processing "mailed" GAB-131 forms, the clerk may store the POR documents separately from the GAB-131 forms so that they may be properly destroyed after the required retention period. The destruction dates described above may be extended if required under any local retention schedule or if the POR documents are related to pending litigation or public records requests.

- 6. Abbreviated POR Identifying Number:** Act 182 requires that the identifying number recorded on the GAB-131 be restricted to the last four digits if the full number contains more than six digits, or the last two digits if

the full number is six or fewer digits. This provision was intended to withhold the initial digits in an identifying number which may be the same for issuing institutions, to make it more difficult to obtain a complete number of an elector's financial or other account.

Voters may cross off or redact the extraneous digits before submitting their POR document. If extraneous digits are included on the POR document to be retained by a clerk, those digits should be redacted when the GAB-131 is processed, and clerks should ensure that they are not displayed in response to a public records request. The extraneous digits should be redacted in such a way as to prevent them from being viewed.

- 7. Recording POR Identifying Number:** The GAB-131 will be revised in the future to accommodate Act 182. In the meantime, the POR information should continue to be recorded on line 12, including the type of POR, the identifying number, and the entity issuing it. The identifying document number that is recorded must be only the last four digits if the full number contains more than six digits, or the last two digits if the full number is six or fewer digits. Similarly, only the last four or last two digits should be entered into SVRS. The current GAB-131 does not indicate a space to record the entity issuing the POR document, but that information should be recorded where space is available elsewhere on line 12 of the GAB-131.
- 8. Sunset of "POR Required" Designation:** New voter registration applications should no longer be processed and entered in SVRS as "POR Required," which will also eliminate one reason for provisional ballots in Wisconsin. If POR is not submitted, the application cannot be processed. However, "POR Required" registrants that were processed prior to April 4, 2012 will remain designated as such and will be required to provide POR at the time of voting. Further instructions regarding changes to SVRS and the GAB-131 will be provided in the future. In the meantime, the second bullet point in the instructions at the top of the GAB-131 regarding first-time Wisconsin voters applying by mail should be disregarded because proof of residence is now required of voters who register at any time, except for military and permanent overseas voters.
- 9. Updating SRD Training:** Municipal clerks who have appointed special registration deputies (SRD) must contact all SRD's as soon as possible regarding the requirements of Act 182. The clerk must provide each SRD with a paper or electronic copy of this memorandum and remind SRD's that they must verify that each registrant possesses a valid form of POR, and must record the POR information on the GAB-131. Clerks should instruct SRD's that they should not submit registration applications to clerks without the POR information as those applications are incomplete.
- 10. Acceptable POR Documents:** Valid forms of proof of residence must include the voter's name and current address, and are any of the following:

- a. A current and valid Wisconsin driver license or identification card.
- b. Any other official identification card or license issued by a Wisconsin governmental body or unit.
- c. 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.
- d. A real estate tax bill or receipt for the current year or the year preceding the date of the election.
- e. A university, college, or technical college identification card (must include photo) ONLY if the voter provides a fee receipt dated within the last 9 months or the institution provides a certified housing list to the municipal clerk.
- f. A gas, electric, or telephone service statement (utility bill) for the period commencing no earlier than 90 days before Election Day.
- g. Bank statement.
- h. Paycheck.
- i. A check or other document issued by a unit of government.
- j. An affidavit on public or private social service agency letterhead identifying a homeless voter and describing the individual's residence for voting purposes.
- k. Residential lease that is effective on date of registration (not valid if registering by mail or through a non-SRD voter registration drive).

Documents that do not qualify under these categories are not valid POR for voter registration and shall not be accepted as such by clerks, SRD's, registration drive workers, or election inspectors. The G.A.B. has provided further examples of documents that qualify as POR within the above categories at [Proof of Residence Examples](#), which clerks shall also provide to SRD's.

11. Review of SRD and Registration Drive Applications: Upon receiving registration applications from SRD's and registration drives, clerks shall take care to review the POR information to verify that it is a valid form of POR and that the issuing entity, document type, and identifying number information is provided. If not, the clerk may not process the application and must contact the voter to obtain the POR document as described in paragraph 4 above. Clerks should emphasize the new POR requirements to SRD's and may require additional training for current SRD's regarding Act 182. An SRD that repeatedly fails to verify the validity of POR documents or record the required POR information on the GAB-131 is subject to revocation under Section GAB 3.13, Wis. Adm. Code.

The G.A.B. will update its SRD and other training materials, the GAB-131 Voter Registration Form, as well as SVRS and MyVote Wisconsin, and will communicate those changes to local election officials. In the meantime, if you have any questions about these new requirements and procedures, please contact the G.A.B. Help Desk at GAB@wi.gov or (608) 261-2028.

List of Possible Proof of Residence Documents

Information is provided by the Wisconsin Government Accountability Board

<p>What are examples of government agencies who can issue Proof of Residence documents?</p>	<p>THIS IS NOT A COMPREHENSIVE LIST. THESE ARE ONLY EXAMPLES OF UNITS OF GOVERNMENT.</p> <p>Government agencies can include local, state, or federal units of government.</p> <ul style="list-style-type: none"> ➤ Local units of government include: city, town or village clerk or treasurer’s office, your county clerk or treasurer, and many others. ➤ State units of government include: Division of Motor Vehicles (DMV or DOT), Department of Natural Resources (DNR), Department of Workforce Development (DWD), Department of Human Services, and many others. ➤ Federal units of government include: Internal Revenue Service (IRS), Medicare (not second party vendors), Social Security, and many others.
<p>What are examples of Proof of Residence documents issues by a government agency?</p>	<p>THIS IS NOT A COMPREHENSIVE LIST. THESE ARE ONLY EXAMPLES OF PROOF OF RESIDENCE DOCUMENTS.</p> <ul style="list-style-type: none"> ➤ Fishing and hunting licenses ➤ Vehicle registrations ➤ Food stamps, Wisconsin Works, Wisconsin Shares, and BadgerCare notices and correspondence ➤ Medicare notices and Medicare Explanation of Benefits (not from 2nd party providers or other health insurance providers) ➤ Social Security and SSI notices and benefits statements ➤ Public high school, technical college, and public university correspondence and documents, including: admissions correspondence, financial aid notices, report cards, and schedules ➤ Federal student loan correspondence and notices ➤ Billing statements and collection notices from a governmental entity ➤ Correspondence from a federally recognized Native American Tribe living in Wisconsin.
<p>What if I am unsure if my document will qualify?</p>	<ul style="list-style-type: none"> ➤ If you are unsure if your document will qualify as acceptable proof of residence, please call: <ul style="list-style-type: none"> • Your municipal clerk, contact information can be found at http://myvote.wi.gov • The Government Accountability Board: 1-866-VOTE-WIS or gab@wi.gov

REMEMBER: Acceptable Proof of Residence documents must always include the voter’s name and current address.

Voter Information: <http://myvote.wi.gov>

For more information, please visit the Government Accountability Board website: <http://gab.wi.gov> or call 1-866-VOTE-WIS or contact the G.A.B. HelpDesk at 608-261-2028 or TTY 1-800-947-3529.

Insert your municipal letterhead here

Date

Dear (voter name and address):

This letter contains important information about your voter registration application.

Wisconsin Statutes require that voters provide a valid document establishing their proof of residence as part of the voter registration application. This requirement applies to all voters who are not military or permanent overseas voters.

You did not submit an acceptable form of proof of residence with your voter registration application. Failure to submit a valid form of proof of residence will result in the exclusion of your name from the voter poll list. Your application cannot be processed and you will not have an effective registration until you submit a valid proof of residence document to the municipal clerk's office. An effective registration will result in the inclusion of your name on the voter poll list.

Valid forms of proof of residence must include the voter's name and current address, and may be any of the following:

1. A current and valid Wisconsin driver license or identification card.
2. Any other official identification card or license issued by a Wisconsin governmental body or unit.
3. 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.
4. A real estate tax bill or receipt for the current year of the year preceding the date of the election.
5. A university, college or technical college identification card (must include photo) ONLY if the voter provides a fee receipt dated within the last 9 months or the institution provides a certified housing list to the municipal clerk.
6. A gas, electric, or telephone service statement (utility bill) for the period commencing no earlier than 90 days before the day registration is made.
7. Bank statement.
8. Paycheck.
9. A check or other document issued by a unit of government.
10. An affidavit on public or private social service agency letterhead identifying a homeless voter and describing the individual's residence for voting purposes.
11. Residential lease that is effective on the date of registration (not valid if you are registering by mail).

This information can be submitted by mail, if postmarked by (insert date for end of open registration). After that date, proof of residence must be delivered in-person to the municipal clerk's office by 5:00 p.m. (insert date for end of in-person registration), and you will also need to again sign and date your voter registration application in the presence of the clerk. If you are unable to submit proof of residence by these deadlines, you will need to re-register with acceptable proof of residence at your polling location on Election Day.

If you have any questions about your voter registration application or acceptable forms of proof of residence, please visit MyVote Wisconsin: myvote.wi.gov or contact me using the information listed below.

Sincerely,
Clerk's name
Contact information

Ineligible Voter Procedures

In-Person Voter Registration

- a. For all registrations in the clerk's office after the 20th day before the election, the clerk or deputy must review the Ineligible Voter List to confirm that the elector will not be ineligible to vote on the day of the election.
 - i. If the name of the elector appears on the list, the clerk shall inform the elector that the elector is ineligible to register to vote per Department of Corrections.
 - ii. If the elector agrees that they are ineligible, the registration should be rejected.
 - iii. If the elector maintains that he or she is eligible to vote in the election, the clerk shall make a reasonable effort to contact the G.A.B. to verify the elector's felony status.
 1. If G.A.B. confirms the elector is eligible to vote, the clerk should document on the Voter Registration Application (GAB-131) that they confirmed the voter's status with G.A.B. and then allow the elector to proceed to register to vote.
 2. If G.A.B. confirms that the elector is NOT eligible to vote or if the clerk is unable to contact the G.A.B., the clerk should:
 - a. Give the elector the Ineligible Voter Information Sheet that explains to the elector what they need to do to resolve the issue with the Department of Corrections.
 - b. Permit the elector to register to vote, but mark the Voter Registration Application (GAB-131) and Certificate of Registration (GAB-133) as "ineligible to vote per Department of Corrections."

Election Day Registration

- a. The election official must review the Ineligible Voter List to confirm that the elector is eligible to vote on the day of the election.
 - i. If the name of the elector appears on the list, the election official shall inform the elector that the elector is ineligible to register to vote per Department of Corrections.
 - ii. If the elector agrees that they are ineligible, the registration should be rejected.
 - iii. If the elector maintains that he or she is eligible to vote in the election, the election official shall make a reasonable effort to contact the G.A.B. to verify the elector's felony status.
 1. If G.A.B. confirms the elector is eligible to vote, the election official should document on the Voter Registration Application (GAB-131) that they confirmed the voter's status with G.A.B. and then allow the elector to proceed to register to vote.
 2. If G.A.B. confirms that the elector is NOT eligible to vote or if the election official is unable to contact the G.A.B., the election official should:
 - a. Give the elector the Ineligible Voter Information Sheet that explains to the elector what they need to do to resolve the issue with the Department of Corrections.
 - b. Permit the elector to register to vote, but mark the Voter Registration Application (GAB-131) as "ineligible to vote per Department of Corrections."
- iv. If the elector wishes to vote, the inspectors shall challenge the ballot (see Election Day Issues, Challenging Voters.)

In-Person Absentee

1. Before issuing the ballot the clerk must review the Ineligible Voter List to confirm that the elector is eligible to vote on the day of the election.
 - a. If the name of the elector appears on the list, the clerk shall inform the elector that the elector is ineligible to vote per Department of Corrections.
 - b. If the elector agrees that they are ineligible, the absentee application should be rejected and the voter registration inactivated.
 - c. If the elector maintains that he or she is eligible to vote in the election, the clerk shall make a reasonable effort to contact the G.A.B. to verify the elector's felony status.
 - i. If G.A.B. confirms the elector is eligible to vote, the clerk should document on the Absentee Ballot Log (GAB-124) that they confirmed the voter's status with G.A.B. and then allow the elector to proceed to vote.
 - ii. If G.A.B. confirms that the elector is NOT eligible to vote or if the clerk is unable to contact the G.A.B., the clerk should:
 1. Give the elector the Ineligible Voter Information Sheet that explains to the elector what they need to do to resolve the issue with the Department of Corrections.
 2. Permit the elector to vote, but mark the Absentee Certificate Envelope (GAB-122) as "ineligible to vote per Department of Corrections."
 - d. On Election Day, the inspectors shall review the Ineligible Voter List and challenge the ballot if the name of the elector appears on the list and the clerk provides no contrary information (see Election Day Issues, Challenging Voters.)

Absentee by Mail

- a. Before issuing an absentee ballot the clerk must review the Ineligible Voter List to confirm that the elector is eligible to vote on the day of the election.
 - i. If the name of the elector appears on the list, the clerk shall:
 1. Make a reasonable effort to verify the elector's felony status with the G.A.B. If the G.A.B. cannot be contacted or the G.A.B. confirms the elector is not eligible, continue below.
 2. Cancel the elector's absentee application.
 3. Cancel the elector's registration.
 4. Send the elector written notice that the elector is ineligible to vote per Department of Corrections (Felon Notice from SVRS) and that if the elector believes this action was taken in error, they must contact the clerk immediately.
 - c. With the written notice, the clerk should include a copy of the GAB's Ineligible Voter Information Sheet explaining what the elector needs to do to resolve the issue with the Department of Corrections.
 - ii. If the elector maintains that he or she is eligible to vote in the election, the clerk shall:
 1. Restore the elector's registration, but mark it as "ineligible to vote per Department of Corrections."
 2. Restore the elector's absentee application, but mark it as "ineligible to vote per Department of Corrections."

3. Issue an absentee ballot to the voter, but mark the certificate envelope as “ineligible to vote per Department of Corrections.”
- iii. On Election Day, the inspectors shall review the Ineligible Voter List and challenge the ballot if the name of the elector appears on the list (see Election Day Issues, Challenging Voters) and there is no contrary instruction from the clerk.
 1. The election inspectors shall make a reasonable effort to contact the G.A.B. to confirm an elector’s felon status before challenging the absentee ballot.

DRAFT

Election Officials: Residency, Duties and Party Representation

2013 Wisconsin Act 147: residency of election officials

- Election inspectors serving at a polling place must be an elector of the county where the person serves.
- Chief inspectors must still be a qualified elector of the municipality.
- High school students must continue to meet the previous requirements.
- If the political parties do not submit a list of nominees, election inspectors from within the municipality shall have priority.
- The political parties may submit the list of nominees in any of three ways:
 - to the mayor, president, or chairperson of a municipality (previous law)
 - to the clerk or the clerk's agent
 - or they may deliver or mail the list to the office of the municipality.
- The clerk must then forward the list to the mayor, president, or chairperson of the municipality.
- County party chairpersons may submit lists of election inspector nominees within the City of Milwaukee.
- The county party chairperson shall sign the lists of nominees for the appointment of election inspectors.

2013 Wisconsin Act 179: labeling of duplicate ballots.

- Election officials shall uniformly identify and number duplicate ballots in the portion of the ballot for official endorsement, in the manner prescribed by the G.A.B.

2013 Wisconsin Act 180: securing the ballot container.

- Only the chief inspector and one other inspector, whose party affiliation is different from the chief inspector's party affiliation, if available, may secure the ballot container.

2013 Wisconsin Act 181: party representation for election officials serving at polling places

- Whenever two or more inspectors are required to perform a function within a polling place and both parties that are entitled to submit nominees have done so, the chief inspector must assign, insofar as practicable, an equal number of inspectors from the nominees of each party.
- The law does not specify how chief inspectors shall assign responsibilities when only one party or no party submits a list of nominees.
- The person who submits a list of election inspector nominees shall certify on that list that they contacted each nominee, and that each nominee agreed to serve as an election official.

Remaking Ballots

In order to be counted by electronic voting equipment, ballots may need to be “remade” by election inspectors at the polls on Election Day for various reasons, such as the voter used red pen, the voter circled names on the ballot rather than marking the arrows, the ballot was mutilated by postal equipment, the ballot was emailed or faxed to a military or overseas elector, a military or overseas elector accessed and completed their ballot using MyVote Wisconsin, among others.

State law specifically requires all overvoted ballots to either be spoiled by the voter and to have the voter vote a new ballot or the ballot must be remade, regardless of the type of electronic voting equipment used by the municipality. Election inspectors no longer have the option to “override the ballot” on the voting equipment or hand count these ballots. A voter may be issued up to three ballots.

At least two election inspectors must participate in this process.

Procedure

To remake a ballot, the following procedure should be followed:

1. Election inspectors shall announce to observers, if present, that a ballot is being remade and the reason for doing so.

For Official Use Only
<i>Inspectors: Identify ballots required to be remade.</i>
Reason for remaking ballot:
<input type="checkbox"/> Overvoted
<input type="checkbox"/> Damaged
<input type="checkbox"/> Other
Original Ballot No. or Duplicate Ballot No.
_____ _____

2. Note and select a reason for remaking the ballot in the endorsement section of the ballot.

3. These ballots are labeled “Original Ballot # (serial number)” and “Duplicate Ballot # (same serial number)” in the endorsement section of the ballot. Remade ballots should be issued a sequential number regardless of the reason the ballot was remade.

4. Describe on the Inspectors’ Statement (GAB-104) why the ballot had to be remade.

Use a code of “OV” to identify overvoted ballots.

Use a code of “DM” to identify damaged ballots.

Use a code of “OT” to identify ballots remade for other reasons.

5. The “remade” ballots are inserted into the tabulating device.
6. The “defective” ballots are bundled together, marked and placed in the **Original Ballots Envelope**.
7. The **Original Ballots Envelope** is placed in the ballot container.

DRAFT

2013 Wisconsin Act 178: counting votes for write-in candidates

- Generally, election officials will count write-in votes only if there are no candidates certified to appear on the ballot.
- If there are certified candidates, election officials will only count write-ins for registered write-in candidates.
- Election officials shall count all write-in votes if a certified candidate dies or withdraws before the election (no process exists to withdraw except for death).

Counting Write-in Votes at a Partisan Primary

The following is an excerpt from the current Counting Votes Manual. In general, all of the statements are correct. However, once it is determined that a write-in vote can be counted, the provisions of 2013 Act 178 must be addressed. We will discuss Act 178 following this brief review of general practices for counting write-in votes.

Count Write-in Votes When:

1. *A sticker contains only the name of a person and is placed under an office on the ballot:*
 - The vote is counted for the person named on the sticker, for the office where the sticker is placed.
2. *The name-only sticker is placed in the margin or any place other than under an office:*
 - 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.
 - If the person has not filed a campaign registration statement, the vote cannot be counted.
3. *A sticker contains the write-in candidate's name, political party and office. It is placed in the margin or any place other than under an office:*
 - The vote is counted for the person for the political party and office listed on the sticker.
4. *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:*
 - The vote is counted for the candidate for the office where the name is written.
5. *The name of a registered write-in candidate is written in under the same party but in a different office than indicated on the campaign registration statement:*
 - The vote is counted for the candidate for the office where the name is written.

Looks like an overvote, but it isn't...

6. *The instructions to voters are "Vote for 1." 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.
7. *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 registered write-in candidate is written in under a party other than the one indicated on the campaign registration statement:*
 - This is a crossover vote and cannot be counted.
2. *The voter 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.

3. *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:*

- This creates a crossover vote. In this case, the entire ballot is not counted.

Looks like an overvote, and it is...

4. *"Vote for 1." 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. *"Vote for 1." 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.

Application of 2013 Act 178

Basics of Act 178:

- If there is at least one ballot candidate for a given office—
 - Only tally votes for registered write-in candidates
- If there are no ballot candidates for a given office—
 - Tally all write-in votes
- If there are one or more ballot candidates for a given office, and one or more pass away—
 - Tally all write-in votes

Note: If a ballot candidate's name is marked and an unregistered write-in candidate is written in, the ballot candidate's vote is not tallied, even if the name written is ineligible and can't be tallied either. In this case, no votes count for the office. The ballot candidate does not get a vote just because the write-in vote is not eligible to be tallied.

See examples on back:

Application of 2013 Act 178

1	2	3	4	5
<p style="text-align: center;">Governor Vote for 1</p> <ul style="list-style-type: none"> <input checked="" type="radio"/> Mary Burke <input checked="" type="radio"/> Brett Hulsey <input checked="" type="radio"/> <u>Johnny Maestro</u> <p>Not an overvote. (3 votes, but only 1 is a write-in.) Johnny is not a registered write-in candidate.</p>	<p style="text-align: center;">Governor Vote for 1</p> <ul style="list-style-type: none"> <input checked="" type="radio"/> Scott Walker <input checked="" type="radio"/> <u>Johnny Maestro</u> & Steve Evans <p>Overvote (3 votes-2 are write-ins) Johnny is not registered, Steve is registered.</p>	<p style="text-align: center;">Governor Vote for 1</p> <ul style="list-style-type: none"> <input checked="" type="radio"/> Scott Walker <input checked="" type="radio"/> <u>Mason Proffitt</u> <p>Not an overvote. (2 votes; 1 is a write-in) Mason is not registered.</p>	<p style="text-align: center;">Governor Vote for 1</p> <ul style="list-style-type: none"> <input type="radio"/> Mary Burke <input checked="" type="radio"/> Brett Hulsey <input checked="" type="radio"/> <u>Johnny Maestro</u> <p>Not an overvote. (2 votes; 1 is a write-in) Johnny is not registered.</p>	<p style="text-align: center;">Governor Vote for 1</p> <ul style="list-style-type: none"> <input checked="" type="radio"/> Scott Walker <input checked="" type="radio"/> <u>Steve Evans</u> <p>Not an overvote. (2 votes; 1 is a registered write-in)</p>
6	7	8	9	10
<p style="text-align: center;">Coroner Vote for 1</p> <ul style="list-style-type: none"> <input type="radio"/> <u>Annie Lennox</u> <p>Registered write-in</p>	<p style="text-align: center;">Coroner Vote for 1</p> <ul style="list-style-type: none"> <input checked="" type="radio"/> <u>Diana Ross</u> <p>Unregistered write-in</p>	<p style="text-align: center;">Governor Vote for 1</p> <ul style="list-style-type: none"> <input type="radio"/> Mary Burke <input checked="" type="radio"/> Brett Hulsey <input checked="" type="radio"/> <u>Bruce Hornsby</u> <p>Registered write-in</p>	<p style="text-align: center;">Governor Vote for 1</p> <ul style="list-style-type: none"> <input checked="" type="radio"/> Mary Burke <input type="radio"/> Brett Hulsey <input type="radio"/> <u>Todd Rundgren</u> <p>Unregistered write-in</p>	<p style="text-align: center;">Sheriff Vote for 1</p> <ul style="list-style-type: none"> <input type="radio"/> Andy Griffith <input checked="" type="radio"/> <u>Barney Fife</u> <p>Andy is deceased. Barney is an un-Registered write-in</p>

Example 1: The voter has cast votes for both ballot candidates and has written in a name. The presence of a write-in vote in a “vote for 1” situation means no ballot candidate votes can be counted. Since there is more than one oval filled in, no vote is recorded by the voting equipment. This is not an overvote because there is only one write-in, and if the write-in were registered, the vote would be tallied for the write-in. However, Johnny Maestro is not a registered write-in candidate. The write in vote is not tallied.

Example 2: There is a vote for a ballot candidate and 2 votes for write-in candidates. The presence of a write-in vote in a “vote for 1” situation means a vote for a ballot candidate cannot be counted. Since there is more than one oval filled in, no vote is recorded by the voting equipment. There are two write-in candidates. One write-in candidate is registered, and the other is not, but there is no way to determine which write-in the voter really intended to vote for. This is an example of an overvote. No votes have been recorded and no write-in vote are tallied.

Examples 3 and 4: In both examples, there is 1 vote for a ballot candidate and 1 vote for a write in candidate. The presence of a write-in vote in a “vote for 1” situation means a vote for a ballot candidate cannot be counted, so neither Scott Walker nor Brett Hulsey will have a vote tallied for them. The voting equipment sees this as an overvote and no votes have been recorded. Neither Mason nor Johnny is registered, so no write-in votes may be tallied.

Example 5: There is 1 vote for a ballot candidate and 1 vote for a registered write in candidate. The presence of a write-in vote in a “vote for 1” situation means a vote for a ballot candidate cannot be counted. The voting equipment sees this as an overvote and no votes have been recorded. The write-in is registered, so the write-in vote is tallied.

Example 6 and 7: In both cases write-in votes have been cast in offices with no ballot candidates. The oval has not been completed in number 6, so this write-in will be discovered when the inspectors leaf through the ballots in the large bin of the voting equipment. In number 7, the write-in vote is recorded by the voting equipment. In both cases, the write-in votes are tallied.

Examples 8 and 9: In both cases, the voting equipment has recorded a vote for the ballot candidate, and in both cases the tape must be adjusted to subtract a vote for the ballot candidate. In number 8 the write-in must be tallied. In number 9, the write-in is not tallied.

Example 10: The ballot candidate is deceased. The write-in candidate is not registered. The write-in vote is tallied.

2013 Wisconsin Act 177: certification of election observers

- Clerks and chief inspectors must designate observer areas at each polling place.
- There must be an observer area between three and eight feet of the table at which electors state their name and address to receive a voter number.
- There must be an observer area between three and eight feet of the registration table.
- Observers must print their name, sign, and date a log for that polling place.

Observers

Anyone, other than a candidate up for election, has the right to be present to observe the conduct of the election and/or an election administration event. Observers may be present at a facility served by special voting deputies, a municipal clerk's office during in-person absentee voting, at a polling place on Election Day, at a central counting location, at an absentee ballot canvass, and at a recount.

The Government Accountability Board has established Administrative Rule GAB Chapter 4, establishing a set of rules for observers at polling place or other location where votes are being cast, counted, canvassed, or recounted. A summary of the rules shall be provided to each observer. There is a brochure on the agency website, which may be used to meet this requirement.

There is no requirement for observers to obtain a permit. However, if the two dominant political parties wish to have an observer accompany special voting deputies, the name of the observer must be submitted to the municipal clerk or board of election commissioners no later than the close of the business on the last business day prior to the residential care facility. All observers shall be accorded the same respect.

A designated observation area at the polling place or other location where votes are being cast, counted, canvassed, or recounted should permit observers to hear instructions and to readily observe all public aspects of the process without disrupting the activities.

If observers are unable to hear the election inspectors and voters, they may ask for the instructions or information to be repeated. However, there is no requirement the instructions or information be broadcast at a specific volume. If space permits, observers may move within the designated observer area to better view and/or hear the interactions.

To ensure the orderly conduct of the election and/or election administration event, and if necessary due to physical limitations of the host location, an election official may reasonably limit the number of observers representing the same organization or candidate.

Management of Observers

Observers should check-in and follow directions from the election official in charge of the polling place or other location where votes are being cast, counted, canvassed, or recounted.

Location	Manager
Facility served by special voting deputies	Special voting deputies
In-person absentee voting	Municipal clerk
Polling place	Chief inspector or his/her designee
Central count	Municipal clerk
Absentee ballot canvass	Designated member of board
Recount	Recount board

Election Observer Log (GAB-109)

An observer shall legibly list his/her full name, street address and municipality, and the name of the organization or candidate the observer represents, if any, on the Election Observer Log (GAB-109). The observer shall also sign this form acknowledging the observer understands the rules and will abide by them. Additionally, an observer must present photo identification to an election inspector. Any type of photo identification is acceptable so long as it features a photo of the observer and the observer's name. An election official shall verify by marking on the GAB-109 that the observer's name listed on the GAB-109 matches the photo identification. If the information on the photo identification does not match the information on the observer log, the individual shall not be permitted to serve as an observer.

An observer must wear a name tag which reads "Election Observer." This name tag should be worn at all times the observer is inside of the polling place or other location where votes are being cast, counted, canvassed, or recounted.

Observer Area – Facility Served by Special Voting Deputies

One observer from each of the two political parties whose candidate for governor or president received the greatest number of votes in the municipality, in the last general election, may accompany special voting deputies (SVDs) to residential care facilities.

Ballot Marking Area: There must be an observer area between three and eight feet of the location at which electors are making their ballots. However, this area shall not be situated to permit observers to hear any conversations between the elector and an individual who is assisting the elector in marking the ballot.

If space constraints prevent the facility from accommodating an observation area within three to eight feet of the ballot marking area, the special voting deputies shall document the actual location of the observation area and the reasons why it could not be located within three to eight feet distance.

Observers should direct questions and concerns to the special voting deputies

The SVDs shall attach the GAB-109 to the Special Voting Deputy Log of Absentee Voting Activity (GAB-104SVD). The GAB-109 may not be viewed by members of the public, including other election observers, during the voting day at the facility. After Election Day, a copy of the GAB-109 may be obtained from the municipal clerk or board of election commissioners through a public records request.

Observer Area – In-Person Absentee Voting

Observers are allowed at the municipal clerk's office on any day of in-person absentee voting provided the office is located in a public building. No observer is allowed behind the counter in the municipal clerk's office.

Check-In Area: There must be an observer area between three and eight feet of the table/counter at which electors state their name and address to receive a voter number.

Voter Registration Area: There must be an observer area between three and eight feet of the voter registration table/counter.

If space constraints prevent the municipal clerk's office from accommodating an observation area within three to eight feet of the areas listed here, the municipal clerk shall document the actual location of the observation area and the reasons why it could not be located within the three to eight feet distance.

Observers should direct questions and concerns to the municipal clerk.

The GAB-109 may not be viewed by members of the public, including other election observers, during this period. It may be obtained through a public records request after the election.

Observer Area – Central Counting Location

Observers are allowed at a central counting location under Wis. Stat. § 5.86.

Counting Area: There must be an observer area between three and eight feet of the table at which the counting is taking place.

If space constraints prevent the central counting location from accommodating an observation area within three to eight feet of the areas listed here, the municipal clerk shall document the actual location of the observation area and the reasons why it could not be located within the three to eight feet distance.

The GAB-109 may not be viewed by members of the public, including other election observers. It may be obtained through a public records request after the election.

Observer Area – Polling Place

An observation area should always be established when setting up the polling place on Election Day.

Check-In Area: There must be an observer area between three and eight feet of the table at which electors state their name and address to receive a voter number.

Voter Registration Area: There must be an observer area between three and eight feet of the voter registration table.

If space constraints prevent the polling place from accommodating an observation area within three to eight feet of the areas listed here, the municipal clerk and chief inspector shall record on the Inspectors' Statement (GAB-104) the actual location of the observation area and the reasons why it could not be located within the three to eight feet distance.

Observers should direct questions and concerns to the chief inspector or his/her designee.

Election inspectors should attach the GAB-109 to the Inspectors' Statement (GAB-104). The GAB-109 may not be viewed by members of the public, including other election observers, during polling hours. After Election Day, a copy of the GAB-109 may be obtained through a public records request.

Observer Area – Absentee Ballot Canvass

Observers are allowed at a central count absentee location under Wis. Stat. § 7.52.

Canvassing Area: There must be an observer area between three and eight feet of the table at which the canvassing is taking place.

If space constraints prevent the location from accommodating an observation area within three to eight feet of the areas listed here, the municipal clerk shall document the actual location of the observation area and the reasons why it could not be located within the three to eight feet distance.

Observers should direct questions and concerns to a designated member of the absentee board of canvassers.

The GAB-109 may not be viewed by members of the public, including other election observers, during this process. It may be obtained from the municipal clerk or board of election commissioners through a public records request after the election.

Observer Area – Recount

The recount of any election is open to any interested member of the public, including candidates and their counsel. The recount board of canvassers may limit observers to a designated area, but the observers shall be positioned so that they can see the poll lists and each individual ballot as it is counted. If there is not enough room for all observers to view the ballots as they are being counted, visual preference shall be given to the candidates or their representatives. Questions should be directed to the member of the recount board of canvassers designated to receive questions.

The GAB-109 is not open to public inspection during the recount. It may be obtained through a public records request after the recount.

Conduct of Observers

While observers are present, they are prohibited from electioneering or interfering with the orderly conduct of the election and/or election administration event. Any observer who engages in loud, boisterous, or otherwise disruptive behavior that the election official believes threatens the orderly conduct of the activity or interferes with voting shall receive a warning from the election official. If a warning has been issued, and the offending observer continues the disorderly behavior, the election official shall order the offending observer to depart the location. If the offending observer declines or otherwise fails to comply with the election official's order to depart, the election official shall summon local law enforcement to remove the offending observer.

In the event that an election official orders an observer to leave a location, the election official shall provide a written order to the observer (GAB-110) which includes the reason for the order and the signatures of the local election official as well as another local election official representing the opposite political party, if available. The local election official shall have sole authority to order the removal of an observer, but the other local election inspector may note his or her concurrence or disagreement with the decision on the Inspectors' Statement (GAB-104).

When a GAB-110 is completed, the municipal clerk or board of election commissioners shall notify the G.A.B. of the incident within seven days. This notification should include a copy of the GAB-110, if available, and the portion of the Inspectors' Statement which documents the incident. G.A.B. staff will use this information to provide a summary to the Board after each election of all reported incidents.

Viewing Documents

Observers may examine the poll list so long as they do not interfere with election official responsibilities.

1. The election official determines whether it is an appropriate time to allow an observer to examine the poll list.

If voters are standing in line to have their names recorded and to receive a ballot, it is not an appropriate time to allow observers to view the poll lists.

2. The poll list must remain under the control of election officials at all times.
3. The poll list may not be handed to the observers.
4. Observers do not have the right to view the confidential portion of the poll list.
5. Observers shall not be permitted to make a photocopy of or take photographs or video of proof of residence documents, the poll list, and voted ballots.
6. All observers, regardless of affiliation, should be accorded the same treatment with respect to examining the poll lists.

Observers shall not be permitted to handle an original version of any official election document, including voter registration forms and/or proof of residence documents while voters are registering.

Prohibited Activities

Observers may not conduct any of the following disorderly activities while monitoring the conduct of the election and/or election administration event.

1. Wear clothing or buttons related to candidates, parties or referenda that are intended to influence voting at the election.
2. Interact with voters, except when asked by an elector to provide assistance in marking their ballot
3. Watch voters mark their ballots.
4. Have conversations about candidates, parties or ballot questions.
5. Use cell phones for voice calls inside the polling area.
 - a. Text messaging is allowed.

- b. Cell phone applications may be accessed and used.
- c. Use of a cell phone's still or video camera is allowed provided the usage is not disruptive.

Media

Members of the media may be present at public location hosting an election and/or election administration event but cannot interfere with the activities. Members of the media should check-in with the election official in charge of the location. This election official should document the name and affiliation of each member of the media on the Inspectors' Statement (GAB-104).

Conduct of Media

1. Video or still cameras may not be used to record how any voter has voted.
2. Contact with electors in the voting area should be limited. This includes interacting with voters who are waiting in line to check-in and/or cast their ballots.
3. Interviews should be held outside of the voting area to ensure doors and entrances are not blocked and the voting process is not disrupted.

The municipal clerk should make sure that media is briefed about acceptable conduct. Members of the media are strongly encouraged to conduct the majority of their activities outside of the room where the election is being conducted. It is the responsibility of the election official to deal directly with any media person who is harassing voters.

Polling Place Accessibility Assessments

Individuals may assess accessibility requirements in Wisconsin polling places. When practical, these individuals should notify the municipal clerk or board of election commissioners at least 24 hours in advance of their intent to audit a polling place. These individuals may work outside of the designated observer area so long as their work does not disrupt or interfere with the election. Identifying names tags and/or shirts are permitted.

Photography/Videography

The use of cameras and/or video recording equipment at a polling place or other location where votes are being cast, counted, canvassed, or recounted is permitted as long as the activity is not disruptive. Photographs and video recordings of the poll book and voted ballots are prohibited. All types of still and video cameras may be used, including those in cell phones or other mobile devices such as tablet computers.

DRAFT

Election Observation

at Other Locations:

Municipal Clerk's Office, 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 a viewer how an elector has voted.

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 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.

Contact Information Government Accountability Board

TELEPHONE/FAX

G.A.B. Help Desk: 608-261-2028
Fax: 608-267-0500

STREET ADDRESS

212 East Washington Avenue, Third Floor
Madison, Wisconsin 53703

MAILING ADDRESS

Government Accountability Board
Post Office Box 7984
Madison, Wisconsin 53707-7984

INTERNET ADDRESS

<http://gab.wi.gov>

EMAIL ADDRESS

gab@wi.gov

MEMBERS OF THE BOARD

Judge Thomas Barland, Chair
Judge Harold V. Froehlich, Vice Chair
Judge John Franke
Judge Elsa Lamelas
Judge Gerald C. Nichol
Judge Timothy Vocke

DIRECTOR & GENERAL COUNSEL

Kevin J. Kennedy

-43-

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 the companion Wisconsin Administrative Rule GAB Chapter 4 brochure.

July 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 a name tag



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 during voting hours. 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*
- 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



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

Communications Media:

Members of the communications media should notify the chief election inspector at each polling place where they intend to observe an election. The chief election inspector will keep a list of members of the 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.

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 Administrative Rule Chapter GAB 4, 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 5 days of the incident.

**2013 Wisconsin Act 146: limiting the times for voting
by absentee ballot in person**

- This law limits in-person absentee voting during the in-person absentee ballot period to between the hours of 8 a.m. and 7 p.m., Monday through Friday.
- In-person absentee voting on weekends, holidays, or by appointment is prohibited.
- This law first applies May 27, 2014.

SAMPLE TYPE E NOTICE - VOTING BY ABSENTEE BALLOT

VOTING BY ABSENTEE BALLOT

Any qualified elector who is unable or unwilling to appear at the polling place on Election Day may request to vote an absentee ballot. A qualified elector is any U.S. citizen, who will be 18 years of age or older on Election Day, who has resided in the ward or municipality where he or she wishes to vote for at least 28 consecutive days before the election. The elector must also be registered in order to receive an absentee ballot.

You must make a request for absentee ballot in writing.

Contact your municipal clerk and request that an application for an absentee ballot be sent to you for the primary or election or both. You may also submit a written request in the form of a letter. Your written request must list your voting address within the municipality where you wish to vote, the address where the absentee ballot should be sent, if different, and your signature. You may make application for an absentee ballot by mail or in person.

Making application to receive an absentee ballot by mail

The deadline for making application to receive an absentee by mail is:
5 pm on the fifth day before the election, (*insert actual date of deadline*).

Note: Special absentee voting application provisions apply to electors who are indefinitely confined to home or a care facility, in the military, hospitalized, or serving as a sequestered juror. If this applies to you, contact the municipal clerk regarding deadlines for requesting and submitting an absentee ballot.

Voting an absentee ballot in person

You may also request and vote an absentee ballot in the clerk's office or other specified location during the days and hours specified for casting an absentee ballot in person.

(*Name of municipal clerk*) (*telephone number*)
(*address of clerk's office or alternate location for applying for and casting absentee ballots*)
(*clerk's hours of availability for receiving absentee ballot applications*)

The first day to vote an absentee ballot in the clerk's office is:
(Insert date which is the third Monday before the election.)

The last day to vote an absentee ballot in the clerk's office:
(Insert date which is the Friday before the election.)

No in-person absentee voting may occur on a weekend or legal holiday.

The municipal clerk will deliver voted ballots returned on or before Election Day to the proper polling place or counting location before the polls close on (*insert date of primary or election*). Any ballots received after the polls close will be counted by the board of canvassers if postmarked by Election Day and received no later than 4:00 p.m. on the Friday following the election.

(Note: The Type E Notice is published by the municipal clerk on the 4th* Tuesday before each primary and each election held in the municipality. If a weekly paper is used for publication, the notice is published in the closest preceding issue to the 4th* Tuesday before each primary and each election. If a municipality chooses to post this notice in lieu of publication, the notice must be posted no later than the 4th* Tuesday before the primary or the election.)

* The Type E Notice for a special primary or election for national state, county or municipal or special district office, not held concurrently with the spring or general election, is published on the 3rd Tuesday preceding the primary or election. Wis. Stat. §§ 10.01(2)(e), 10.06(3)(f).

2013 Wisconsin Act 159: absentee voting at residential care facilities

- Clerks shall send two special voting deputies (SVDs) to each community-based residential care facility, adult family home, and residential care apartment complex located in the municipality to conduct in-person absentee voting for occupants upon application by one or more qualified electors who are occupants of the facility, home, or complex, and there are at least five registered electors who are occupants.
- Clerks must post a notice of the visit from at least five working days in advance.
- Clerks must also provide the public notice to a local news medium and to those news media who have filed a written request to receive such notices, at least five working days in advance.
- Municipalities that maintain a website must also post the notice online.
- SVDs must deliver ballot bags or containers of voted absentee ballots to the municipal clerk as soon as possible after visiting the facility and not later than 18 hours after the visit.
- When a retirement home not served by SVDs is on the same grounds as a facility that is, the clerk must obtain the names and addresses of the retirement home occupants and provide these names and addresses to the SVDs to verify which residents are eligible to cast their ballots with the SVDs.
- This law first applies to elections held after May 1, 2014.

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 BARLAND
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

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

FROM: Michael Haas
Elections Division Administrator

Allison Coakley
Training Coordinator

DATE: June 26, 2014

SUBJECT: Absentee Voting in Residential Care Facilities and Retirement Homes

The State Legislature approved 2013 Wisconsin Act 159 relating to absentee voting in residential care facilities and retirement homes. Absentee voting in residential care facilities and retirement homes utilizing Special Voting Deputies (SVDs) begins on July 21, 2014 for the August Primary. We will be conducting a 2014 Legislative Updates webinar on July 9, 2014 from 9:00 a.m. to 11:00 a.m. and will cover this topic in more depth: <http://gab.wi.gov/node/3206>. In the meantime, municipal clerks can perform several tasks to determine if they need to send SVDs to these facilities for absentee voting purposes.

Clerks who have not had to train and appoint SVDs to conduct absentee voting in the past because they did not have any nursing homes in their municipality (clerks were previously required to use SVDs to conduct absentee voting in nursing homes if a request was on file in their offices) may now be required to use SVDs depending on the number of registered voters in these facilities and if there is an absentee ballot request on file in the clerk's office. To assist municipal clerks in their preparations, the G.A.B. is providing the following brief pointers:

Where do I send Special Voting Deputies?

- The definition of "Residential Care Facilities" has not changed. It still includes licensed adult family homes, community-based residential facilities, nursing homes, residential care apartment complexes, and qualified retirement homes. (NOTE: A qualified retirement home is a retirement home for which you have adopted SVD procedures for absentee voting.)
- Review the absentee ballot requests you have on file in your office; were any submitted by a resident in a residential care facility? If yes, you must conduct absentee voting using SVDs if there are at least five registered voters in the care facility.
- Determine whether there are five registered voters in one of the care facilities in your municipality. If yes, you must conduct absentee voting using SVDs if there is at least one absentee ballot request on file in your office.

- The clerk is not required to send SVDs to retirement homes even if five residents are registered voters and an absentee ballot request is on file in the clerk's office. In the case of retirement homes and other care facilities where SVDs are not required, the clerk may send SVDs if a significant number of residents lack adequate transportation to the polls, need assistance in voting, are elderly or indefinitely confined electors. If SVD procedures are adopted for the retirement home, it becomes a qualified retirement home.
- If a retirement home (*not a qualified retirement home-see NOTE above*) is located on the same grounds as a care facility which is being visited by SVDs, contact the administrator of the retirement home to get a list of residents. Determine who is a registered voter and give the list to the SVDs prior to their visit, in the event the retirement home residents wish to vote absentee at the care facility through the SVDs.
- If you have determined the facility must be served by SVDs, do not send an absentee ballot to a resident of the facility who has requested it by mail.

Public Notice Requirements:

- The clerk is required to post a notice of the SVD visit at least five working days in advance.
- The public notice must be posted on the municipality's website at least five working days in advance.
- Clerks must provide the public notice to their local official newspaper, if any. If none, the clerk must provide the public notice to a local news medium likely to give to give notice in the area at least five working days in advance. Clerks may, but are not required to, publish the notice.
- Clerks must provide the public notice to any news media who have filed a written request for the notice at least five working days in advance.

Absentee Voting in Nursing Homes, Retirement Homes and Adult Care Facilities

May 2013



**Wisconsin Government
Accountability Board**
P.O. Box 7984
Madison, WI 53707-7984

Phone: (608) 261-2028
FAX: (608) 267-0500
Email: gab@wi.gov
<http://gab.wi.gov>

Introduction

The Wisconsin Legislature has determined that the vigorous exercise of our constitutional right to vote should be strongly encouraged. The Legislature also recognizes that it is difficult for some individuals to get to their polling place on Election Day. This is particularly true for individuals residing in nursing homes, community-based residential facilities, retirement homes, residential care apartment complexes, and adult family homes. Wis. Stats. §§6.84(1), 6.875.

In order to meet this need, the Legislature has established the privilege of absentee voting as an extension of the right to vote on Election Day. The Legislature recognizes that the privilege of voting absentee is exercised wholly outside the traditional safeguards of the polling place. The privilege of absentee voting must be carefully regulated to prevent the potential for fraud or abuse, overzealous solicitation of absent electors who may prefer not to participate in an election, and undue influence on an absentee elector to vote for or against a candidate or referendum. Wis. Stat. §6.84(1). The procedures described in this manual are the exclusive means of absentee voting for voters who are occupants of nursing homes and other care facilities that are designated by the municipal clerk to be served by Special Voting Deputies (SVDs).

The purpose of this manual is to describe the procedures for absentee voting in Wisconsin nursing homes, qualified community-based residential facilities, qualified retirement homes, qualified residential care apartment complexes, and qualified adult family homes. These procedures have been developed in order to encourage occupants of these facilities to participate in the process of choosing their elected representatives.

Definitions

Facility – an area or location that is defined by the license which governs its operations as described below. There may be several facilities within a single building or complex located, for instance, on separate floors or in separate wings.

Nursing Home – a facility occupied by 10 or more unrelated individuals for the primary purpose of obtaining full-time personal or nursing care which is necessitated by their physical or mental conditions, but does not include a hospital. Wis. Stat. §6.875(am).

Qualified Adult Family Home – a facility that is certified or licensed to operate as an adult family home under Wis. Stat. §§50.032 or 50.033, and it is determined by the municipal clerk or board of election commissioners that a significant number of the occupants lack adequate transportation to the appropriate polling place, need assistance in voting, are aged 60 or over, or are declared as indefinitely confined electors. Wis. Stat. §6.875(1)(ap) and (2)(d).

Qualified Community-Based Residential Facility (CBRF) – a facility licensed under Wis. Stat. §50.01(lg), except that it must be occupied by at least 10 unrelated adults, and it is determined by the municipal clerk or board of election commissioners that a significant number of the occupants lack adequate transportation to the appropriate polling place,

need assistance in voting, are aged 60 or over, or are declared as indefinitely confined electors. Wis. Stat. §6.875(1)(a), (as), and (2)(b).

Qualified Residential Care Apartment Complex – a facility that is certified or registered to operate as an adult family home under Wis. Stat. §50.034, and it is determined by the municipal clerk or board of election commissioners that a significant number of the occupants lack adequate transportation to the appropriate polling place, need assistance in voting, are aged 60 or over, or are declared as indefinitely confined electors. Wis. Stat. §6.875(1)(asm) and (2)(d).

Qualified Retirement Home – a facility occupied as a primary place of abode by 10 or more unrelated individuals, where it is determined by the municipal clerk or board of election commissioners that a significant number of the occupants lack adequate transportation to the appropriate polling place, need assistance in voting, are aged 60 or over, or are declared as indefinitely confined electors. Wis. Stat. §6.875(1)(at), (c), and (2)(b).

Special Voting Deputies (SVDs) – individuals appointed by a municipal clerk or board of elections to conduct absentee voting at certain care facilities. SVDs are the exclusive method by which absentee voting may be conducted in nursing homes. The municipal clerk may choose to utilize SVDs in other qualified care facilities. A person who is appointed an SVD:

1. Must be a qualified elector of the municipality.
2. Must attend training.
3. May not currently be employed by the facility.
4. May not have been employed by the facility within two years of the appointment.
5. May not be an immediate family member of anyone currently employed by the facility or employed by the facility with two years of the appointment.

If you are uncertain if there are any such facilities in your municipality or whether a certain facility fits into one of the above definitions, a full list of licensed facilities by county can be found on the Wisconsin Department of Health Services website:

<http://www.dhs.wisconsin.gov/bqaconsumer/directories.htm> .

Designation of Qualified Care Facilities Served by SVDs

Municipal clerks are only required to use SVDs for nursing homes. Other care facilities may be served by SVDs if the municipal clerk determines that a significant number of the occupants lack adequate transportation to the appropriate polling place, need assistance in voting, are aged 60 or over, or are declared as indefinitely confined electors. However, once the clerk has made this determination, the facility will be designated for SVD service for all elections until the clerk makes a contrary formal determination as to the facility's eligibility for future SVD service.

Clerks should NOT switch a facility's SVD eligibility in the period between a primary election and a general or spring election, or between a special primary and a special election. Clerks are also strongly recommended to inform the administrator of any facility of the clerk's determination so that the administrator can properly inform the facility's occupants regarding the change in status.

Occupants who live in facilities visited by SVDs are no longer eligible to request a traditional by-mail absentee ballot, but instead must vote absentee via SVDs and follow the procedures included in this manual. Occupants may still vote at the polls on Election Day.

Prior to Voting Day

Special Voting Deputies (SVDs) are appointed by the municipal clerk to bring absentee ballots to qualified care facilities. The two major political parties may submit a list of potential SVDs to the municipal clerk. If lists are submitted, then SVDs who represent each of the political parties must be selected from the lists. No person who is or was in the last two years employed or retained at a qualified facility, or is a member of the immediate family of such an individual, may serve as an SVD. Wis. Stat. §6.875(4). Once SVDs are appointed, they will take the Oath of Special Voting Deputy (GAB-155). Wis. Stat. §6.875(5). Special Voting Deputies may not deputize other individuals to administer the voting process.

The municipal clerk or Election Commission shall determine which facilities, in addition to nursing homes, are to be designated as qualified facilities based upon the above definitions. In such designated facilities, voting by SVDs is the exclusive means of absentee voting by occupants. Occupants may not receive their absentee ballot in the mail or in-person in the municipal clerk's office, unless they were unavailable during the SVDs' scheduled visits. Voters in other facilities which are not designated by the municipal clerk to be served by SVDs may cast an absentee ballot by mail or in-person in their municipal clerk's office.

Prior to sending SVDs to a facility, the municipal clerk should compile a list of occupants at the facility who have absentee ballot requests on file. This list should be shared with the facility administrator. The social worker for the facility may be consulted if there is a question of voter competency. The administrator should survey the occupants on the list to inform them of the date and time of the SVDs' visit. The administrator should also note on the list which individuals will be able to meet the SVDs for voting and which are unable or unwilling to meet the SVDs at the designated time. The municipal clerk must check with the facility administrator to verify which individuals will be served by SVDs in a multi-facility complex.

Special Voting Deputies shall arrange one or more convenient times with the administrator of the facility to conduct absentee voting for the election. The SVDs shall contact the administrator of the facility as soon as possible, but no later than 5:00 p.m. on the Friday before an election. Absentee voting may be conducted no earlier than the

fourth Monday before the election and no later than 5:00 p.m. on the Monday before the election. As soon as possible after arrangements are made for the visit, but not less than 24 hours before the visit, the municipal clerk shall post a notice at the facility indicating the date and time that absentee voting will take place at that facility (see Sample Notice, page 20). Arrangements for multiple visits to a facility may be made and posted at the same time.

Upon the request of a relative of an occupant of a facility, the administrator of the facility may notify the relative of the time or times at which SVDs will conduct absentee voting and permit the relative to be present in the room where the voting is conducted. Wis. Stat. §6.875(6)(c)2.

Who May Vote Absentee

Any qualified elector who for any reason is unable or unwilling to appear at the polling place on Election Day may vote absentee. Wis. Stat. §6.85. A qualified elector is a United States citizen, age 18 or older on Election Day, who has resided in an election district 28 consecutive days before any election where the person offers to vote, and is not currently serving a felony sentence (including any term of extended supervision) or has not been adjudicated incompetent to vote. Wis. Stats. §§6.02(1), 6.03. If an individual has been adjudicated incompetent to vote, that information is provided to the Government Accountability Board, which cancels his or her registration to vote.

Voter Registration

If a person is voting for the first time in Wisconsin, or has changed his or her name or address since the last time they voted, they are required to complete a Voter Registration Application (GAB-131) before they vote. Before receiving an absentee ballot, an elector must be registered. Wis. Stat. §6.86(1).

- Special Registration Deputies (SRDs) are appointed by the municipal clerk to register individuals outside of the clerk's office until the third Wednesday before an election. Wis. Stat. §6.28.
- A qualified elector may also register to vote by mail no later than the third Wednesday before an election. Wis. Stat. §6.30(4). First-time voters registering to vote by mail, must provide "proof of residence." Registration forms may be obtained by request from the municipal clerk or from the Government Accountability Board's website, <http://gab.wi.gov>.
- An elector may also register at the municipal clerk's office until the Friday before the election. Wis. Stat. §6.29(2). When registering in the clerk's office *after* the third Wednesday before an election, the elector must provide "proof of residence." An elector registering in the clerk's office *before* the third Wednesday before an election is not required to provide "proof of residence."

- Electors who vote at the polls may register at the polling place on Election Day. Wis. Stat. §6.55(2). Electors registering at the polling place on Election Day must provide “proof of residence.”

A list of acceptable forms of “proof of residence” can be found on the G.A.B. website.

NOTE: If the SVDs are also trained and appointed as Special Registration Deputies and are conducting absentee voting at a care facility on or before the third Wednesday before the election, they may register eligible electors to vote. If the SVDs are conducting absentee voting at a facility after the third Wednesday before the election, all prospective voters must already be registered to vote. After the third Wednesday before an election, registration may only occur in the office of the municipal clerk or at the polling place on Election Day.

How to Obtain an Absentee Ballot

Any elector wishing to vote absentee at an election must make a written application to the municipal clerk or board of election commissioners. Wis. Stat. §6.86(1). If made by mail, this written application must be received no later than 5:00 p.m. on the Thursday preceding the election. Applications from indefinitely confined electors must be received no later than 5:00 p.m. on the Friday preceding the election. The clerk will not accept absentee ballot applications received after 5:00 p.m. or the close of business (whichever is later) the Friday preceding the election. However, if SVDs are visiting a care facility, they may accept an application for absentee ballot from a qualified voter and offer an absentee ballot while at the facility. Wis. Stat. §6.875(6).

The application must be signed by the absentee elector. It cannot be signed by anyone else on behalf of the elector unless the absentee elector needs assistance in signing his or her name. If someone else signs the application for the elector, that person must certify that the individual is unable to sign his or her name. However, a Power of Attorney may request an absentee ballot for his or her principal without signing the certification of assistance. (See Power of Attorney section below for more information.)

The Government Accountability Board has developed an Application for Absentee Ballot (GAB-121), which is available on the agency website, under the “Forms” link. An elector may also apply for an absentee ballot by delivering or sending a written request to the municipal clerk in person, by regular mail, fax or email. Absentee ballots may NOT be requested by telephone. Any elector may request an absentee ballot for a single election or all elections in a calendar year with a single application. Indefinitely confined voters may also make a single request to receive absentee ballots automatically for each election.

Application by an Indefinitely Confined Elector

Many occupants of the facilities covered in this manual are indefinitely confined. This means they are confined to the facility and are unable to travel to the polling place on Election Day, due to age, physical illness, infirmity, or because they are otherwise

disabled for an indefinite period. These electors may make a single absentee ballot request and will receive absentee ballots automatically for each election. Wis. Stat. §6.86(2). Electors must certify in writing with their request that they are indefinitely confined. See Section 6 of the Application for Absentee Ballot (GAB-121).

The municipal clerk keeps a list of indefinitely confined electors and automatically sends or arranges for delivery of an absentee ballot to the indefinitely confined elector for each primary and election. Indefinitely confined electors residing in a facility served by SVDs must receive their absentee ballot from the SVDs rather than by mail. If an elector does not return a ballot for a spring, general or special election sent under this provision, the clerk shall notify the elector that he or she must reapply within 30 days of receiving the notice in order to automatically receive an absentee ballot for the next election. This process does not apply to voters who do not return a ballot for a primary election.

If the clerk receives reliable information that an indefinitely confined elector is no longer eligible for this service, he or she shall remove the elector from the indefinitely confined voter list. The clerk shall send the voter a notice within five days, if possible. Wis. Stat. §6.86(2)(b). The voter must reapply for indefinitely confined status.

Residence of Absentee Voter

In Wisconsin an elector can maintain a voting residence, even if temporarily absent, so long as he or she continues to have an intent to return to his or her residence. Wis. Stat. §6.10(5). Electors temporarily residing in a nursing home or other qualified care facility located in a municipality other than the municipality in which they were last registered to vote may continue to vote from their former residence, rather than voting in the municipality where the facility is located. Alternatively, any person living in a nursing home or a qualified care facility for at least 28 consecutive days before any election, who is registered to vote, and who also meets the other qualifications of an elector may vote in the municipality in which the facility is located. Wis. Stats. §§6.02(1), 6.03.

If a clerk receives an absentee ballot application from a resident who lives in a nursing home or qualified care facility served by SVDs located in another municipality, the absentee ballot is sent to the municipal clerk where the facility is located for delivery to the voter by the SVDs of the municipality where the facility is located. If a clerk receives an absentee ballot application from a voter living in a nursing home or qualified care facility located in the municipality, but who is a registered voter of another municipality, the clerk must, as soon as possible, notify the clerk of the municipality in which the elector is registered, and request that an absentee ballot be issued to the voter living in the facility and sent to the municipal clerk for the facility for delivery by the SVDs of the municipality where the facility is located. Wis. Stat. §6.875(3).

Family Members

Some family members of voters residing in care facilities served by SVDs may express concerns that the relative must vote absentee in this manner. In such cases, clerks, facility administrators and SVDs should explain to the relative that this method of voting

is required by law. Family members should be informed that they may be present when the SVDs conduct absentee voting at the facility, and that they may assist the voter if the voter so requests.

Rules for Observers

One election observer from each of the two recognized political parties whose candidate for governor or president received the greatest number of votes in the municipality at the most recent general election may accompany the SVDs to each facility where absentee voting will take place. Each party wishing to have an observer present shall submit the name of the observer to the municipal clerk no later than the close of business on the last business day prior to the visit. Wis. Stat. §6.875(7). No other observers may be present during absentee voting conducted by SVDs.

The observers may view the public aspects of the process in the common areas of the facility. The SVDs may exercise the authority granted to the chief inspector under Wis. Stat. §7.41 to regulate the conduct of observers. For the purposes of the application of Wis. Stat. §7.41, the facility shall be treated as a polling place. Wis. Admin. Code GAB 4.05(2). However, challenges to the voter's eligibility may not be made at the facility, but must be made at the municipal clerk's office or at the polling place on Election Day. Wis. Stats. §§6.48, 6.93.

The SVDs shall establish observer areas in the common room where absentee voting is to occur that allow observers to view all public aspects of the process. Wis. Admin. Code GAB 4.05(3). If the SVDs go to an occupant's private room to offer the occupant an opportunity to vote, the SVDs shall establish an observation area in the nearest common area, for example, the hallway, but observers may not enter an occupant's private room. When practical, observer areas should be 6 – 12 feet from where voting takes place.

Observers may not use still or video cameras inside the facility during the hours that absentee voting is being administered. Wis. Admin. Code GAB 4.05(5). Observers shall direct any questions to the SVDs. Wis. Admin. Code GAB 4.05(6). Election observers are prohibited from engaging in electioneering. An observer who engages in any loud, boisterous, or otherwise disruptive behavior, that in the opinion of the SVDs, threatens the orderly conduct of the absentee voting process shall be issued a warning, and if the observer does not cease the offending conduct, be ordered to leave the facility. Wis. Admin. Code GAB 4.05(5).

Delivery of Ballots and Voting

Absentee ballots are brought to the care facility by the SVDs. The municipal clerk or board of election commissioners shall issue a supply of ballots sufficient to provide for the proper applications received, and also an additional number of ballots and application forms.

The municipal clerk or board of election commissioners is required to keep a careful record of all ballots issued to the SVDs and require the SVDs to return every ballot. Wis. Stat. §6.875(6)(b). SVDs should complete the GAB-104SVD, a diary of voting activity at the facility. (See GAB-104SVD, pages 21-22).

The municipal clerk or board of election commissioners shall issue all ballots to be used by the SVDs in a ballot container or envelope that is secured with a tamper-evident serialized tag or seal. The municipal clerk or board of election commissioners should record the number of the serialized tag or seal on the GAB-104SVD. The SVDs should also be issued another tamper-evident serialized tag or seal to secure the container after the facility visit is complete. The number of this second serialized tag or seal should also be recorded on the GAB-104SVD by the SVDs after the facility visit is complete.

Both SVDs should verify the seal or tag number and that the seal or tag is intact before opening the ballot container. The SVDs should indicate that this verification was completed by initialing the respective section of the GAB-104SVD. Upon opening the ballot container, the SVDs should confirm the total number of issued ballots is the same as the number indicated on the GAB-104SVD and that they have the correct ballot styles. During the facility visit, both SVDs shall keep the opened ballot container in their presence at all times and are jointly responsible for the security of the ballots issued to them.

Two SVDs shall visit the facility at the time designated in the posted notice. Wis. Stat. §6.875(6)(a). The SVDs shall conduct absentee voting as a team. Both SVDs, together, shall personally offer each absentee elector who has filed the proper application an opportunity to cast his or her ballot. **Facility staff may not handle ballots.**

Voting shall be conducted in a common area of the facility. Also, SVDs shall visit the room of each occupant with an absentee ballot request on file who is unable or unwilling to meet in the common area to offer the elector a ballot or to confirm the elector does not wish to vote in the election. This includes visiting the rooms of occupants who already have informed the administrator (or staff member) of the facility of their intent not to vote. The SVDs should also visit the rooms of any occupants who have informed facility staff of their intent to vote, but whose names do not appear on the absentee ballot log.

Special Voting Deputies, election observers, family members and facility staff should afford the voter privacy to vote his or her ballot. After marking the ballot in the presence of the SVDs, the voter places the marked ballot(s) in the certificate envelope (GAB-122) and seals the envelope. The voter completes and signs the certification on the envelope. **Both** of the SVDs must sign as witnesses on the certificate envelope. Wis. Stat. §6.875(6)(c)1.

An indefinitely confined elector whose name appears on the absentee ballot log may not wish to vote an absentee ballot, but may want to maintain his or her status as an indefinitely confined voter. In that case, the SVDs should ask the elector to enclose a blank ballot in the certificate envelope and sign the certificate.

The clerk must arrange for a second visit if an occupant is unable to vote at the time scheduled for the facility due to any reason, including a quarantine, or if the clerk receives a new absentee application after the first visit. If the requesting occupant is still unable to vote after the second SVD visit, the municipal clerk may mail the absentee ballot to the occupant of the facility in the same manner as other absentee ballots are mailed. Completed absentee ballots issued and returned by mail must be postmarked by Election Day and received by 4:00 p.m. the Friday following the election. Wis. Stats. §§6.87(6), 7.515(3).

NOTE: The SVDs may accept a written request for an absentee ballot from a registered, qualified voter and offer an absentee ballot while at the qualified care facility. Wis. Stat. §6.875(6)(c)1. However, completing the certificate envelope (GAB-122) is not sufficient because the voting is taking place outside of the municipal clerk’s office.

Persons Assisting Voters with Physical Disabilities

A voter may request assistance in reading and/or marking his or her ballot and completing the absentee certificate envelope. Generally, a voter may select any person (except his or her employer or officer/agent of a labor union who represents the voter) to assist them with the voting process. However, when voting by SVD, assistance with these two tasks is limited to an SVD or a relative of the voter. The term “relative” refers to a spouse or individual related within the 1st, 2nd or 3rd degree of kinship.

Kinship	Relative
1 st degree	The voter’s children or parents
2 nd degree	The voter’s grandparents, grandchildren, brothers and sisters
3 rd degree	The voter’s great-grandparents, great grandchildren, uncles, aunts, nephews, nieces

Absentee ballots must be voted only by the absentee elector, unless the voter requests assistance. The SVDs shall assist the elector if requested. No one other than an SVD or relative of an elector may assist the elector in reading and/or marking the absentee ballot and completing the Absentee Certificate Envelope. Wis. Stat. §6.875(6)(c)1. An assistor must always act under the direction of the voter. The SVD or relative providing the assistance must certify in the space provided on the ballot that it was completed with his or her assistance. If assistance is required to complete the Absentee Certificate Envelope, the SVD or relative providing the assistance must certify in the space provided on the envelope that it was completed with his or her assistance. Wis. Stats. §§6.82(2), 6.875(6)(c)1.

There are other types of assistance that any person (except his or her employer or officer/agent of a labor union who represents the voter) may provide to a voter with a physical disability upon request. This person may assist a voter in completing election forms, such as the Voter Registration Application (GAB-131), Application for Absentee

Ballot (GAB-121) or letter requesting an absentee ballot. If the voter is unable to sign any document necessary for voting, the voter may direct the assistor to sign the voter's name to the document. Unless acting as a Power of Attorney, the assistor must sign the certificate of assistance.

The following table summarizes the rules related to assisting voters served by SVDs.

Who May Undertake the Following Actions for Electors Voting
by Special Voting Deputy?

Action	Anybody	Family Member	SVD	Power of Attorney or Guardian
Assist a voter in completing a Voter Registration Application. +	Yes	Yes	Yes	Yes
Assist the voter by signing the voter's name on the Voter Registration Application.+	Yes	Yes	Yes	Yes
Assist a voter in completing a request for absentee ballot.	Yes	Yes	Yes	Yes
Assist the voter by signing the voter's name on an absentee ballot request.	Yes	Yes	Yes	Yes
Assist a voter in marking a ballot at the direction of a voter.	No	Yes	Yes	No
Assist the voter by completing the Absentee Certificate Envelope.	No	Yes	Yes	No
Assist the voter by signing the voter's name on the Absentee Cert Envelope.	No	Yes	Yes	No
Assist a voter by requesting an absentee ballot for the voter.	No	No	No	Yes

+ Before the open registration cut off only.

Power of Attorney and Guardianship

The basic difference between a power of attorney and guardianship is that the power of attorney is a private, pre-planned arrangement between the principal and the agent where the court is involved only if there is a dispute. A guardianship is not planned in advance by the ward, but is ordered by a court, usually after a medical evaluation of competency.

Power of Attorney

A "Power of Attorney (POA)" is a contract in which one person (the principal) transfers certain rights to act on behalf of the principal to another person (the agent). The agent is able to make certain decisions and perform certain actions for his or her principal. However, voting is not a transferable right. The two basic types of POA are financial and health care.

A POA designation is not indicative of the principal's mental capacity, nor is the agent able to declare the principal to be incompetent without court intervention. A POA may file a guardianship action in probate court seeking a court determination of incompetency, but the POA acting alone without court intervention does not have the ability to conclude that the principal is incompetent.

The actions that an agent may take on behalf of his or her principal with respect to the electoral process are limited. A POA may not register his or her principal to vote. A POA may not vote a ballot for his or her principal; this includes completing the Absentee Certificate Envelope for his or her principal. However, the agent may request an absentee ballot for his or her principal. Also, a relative of an elector in a facility may act as an assistor, at the elector's request, whether or not the relative is the elector's POA.

Guardianship

A "guardianship" is a legal relationship created by a court which authorizes the guardian to make decisions for another person (the ward). Guardianships are usually created only after an evaluation of competency. The court's appointment of a guardian includes a finding regarding competency. However, appointment of a guardian, even with a general finding of incompetency, does not automatically mean that the ward is not competent to vote.

The format used currently for court guardianship orders indicates that a ward is competent to retain all rights unless a specific right has been indicated as forfeited. The format of older guardianship orders finds the ward incompetent to retain any rights unless specific rights are indicated as retained.

Return of Ballots

Upon completion of absentee voting at the facility, the SVDs shall count the number of voted and unvoted ballots, record those numbers on the GAB-104SVD, and confirm all ballots are accounted for. Voted ballots, unvoted ballots and any other voting materials, except for the GAB-104SVD, are placed in the ballot container. The SVDs should then re-secure the ballot container with a new tamper-evident serialized tag or seal, recording the number of the tag or seal on the GAB-104SVD before signing the certification section.

Upon completion of voting, the deputies shall promptly deliver, either personally or by first class mail, any absentee ballot applications and the sealed certificate envelopes containing each ballot to the municipal clerk of the municipality in which the elector casting the ballot resides within such time as to permit delivery to the polling place by Election Day. An SVD must personally deliver the ballots to the municipality at which the voter resides no later than noon on Election Day. Wis. Stat. §6.875(6)(d).

Special Precautions

In order to ensure the integrity of the absentee voting process, the Government Accountability Board recommends that the personnel in care facilities familiarize

themselves with the absentee voting process. Administrators of these facilities should communicate regularly with the municipal clerk concerning the status of absentee voters at their facility. The administrator should also make an effort to ensure that any occupant who desires to vote is properly registered. Persons who are found by a court to be incapable of understanding the electoral process are not permitted to vote. Wis. Stat. §6.03(1)(a), (3). The facility should have a social worker available who may be consulted regarding any competency determinations made by a court for an occupant.

Facility administrators and personnel, election observers, and occupants of care facilities should be aware that failure to comply with these requirements may result in invalidation of the votes of occupants. Wis. Stat. §6.84(2). It is also a misdemeanor to interrupt or disturb the voting process. Wis. Stat. §12.13(3)(x).

Candidates may visit care facilities to present their positions to occupants of these facilities, subject to any rules or regulations of the facility. Additionally, candidate literature may be distributed to occupants. However, the same restrictions on electioneering apply to the facility while SVDs are conducting absentee voting as a polling place on Election Day. Candidates are not allowed in the voting area. Additionally, there should be no campaign activity in the facility or within 100 feet of any entrance to the facility while voting is taking place.

Any questions concerning any aspect of voting in Wisconsin should be directed to the municipal clerk or the Government Accountability Board. (See contact information below).

NOTICE OF PUBLIC MEETING

Absentee Voting to be Administered at [insert facility]

[insert start time]

[insert date]

[insert location]

Special Voting Deputies appointed by the [City/Village/Town of XXX] will be administering absentee voting for the residents of this facility for the [insert election] at the above time and place. Any qualified elector who is unable or unwilling to appear at the polling place on Election Day may request to vote an absentee ballot. A qualified elector is any U.S. citizen, who will be 18 years of age or older on Election Day, who has resided in the ward or municipality where he or she wishes to vote for at least 28 consecutive days before the election. The elector must also be registered in order to receive an absentee ballot.

Only observers from each of the two recognized political parties whose candidates for governor or president received the greatest number of votes in the municipality at the most recent general election may accompany the deputies to each facility where absentee voting will take place. The observers may observe the process of absentee ballot distribution in the common areas of the home, facility, or complex. Each party wishing to have an observer present shall submit the name of the observer to the clerk or board of election commissioners no later than the close of business on the last business day prior to the visit.

Family members of residents may be present at the time of voting.

If you have further questions, please contact:

[clerk name]

[clerk address]

[clerk telephone]

[clerk email]

Special Voting Deputy Log of Absentee Voting Activity at

(insert name of care facility)

TO BE COMPLETED BY MUNICIPAL CLERK

Primary or Election Date: _____

Date of Special Voting Deputy Visit to this Care Facility: _____

Names of Special Voting Deputies:

Number of absentee ballots issued to the Special Voting Deputies? _____

Tamper-Evident Seal Serial Number _____

TO BE COMPLETED BY SPECIAL VOTING DEPUTY

Tamper-evident seal number verified by Special Voting Deputies (SVDs): _____
(SVD #1 initials) (SVD #2 initials)

Number of voted ballots returned to clerk? _____

Number of un-voted absentee ballots returned to clerk? + _____

Total: = _____

(Total should equal number of ballots issued by clerk.)

Upon sealing the ballot bag or container to which this Inspectors' Statement pertains, **record the number of the tamper-evident seal used for this purpose here** _____.

CERTIFICATION OF SPECIAL VOTING DEPUTIES

We, the undersigned Special Voting Deputies, certify that we conducted absentee voting at the above-listed care facility on the date listed above. We further certify that the information contained in this document is a true and correct record of activity and incidents occurring at this care facility during the conduct of absentee voting.

(signature of Special Voting Deputy)

(date)

(signature of Special Voting Deputy)

(date)

Other Legislation

2013 Wisconsin Act 148: reporting registration and voting statistics.

- Clerks must report information regarding same-day voter registration audit postcards to the county clerk and to GAB at the earliest practicable time after, but no later than 90 days after, an election at which a state or national office is filled or a statewide referendum is held
- Clerks must report the number of audit postcards mailed, the number returned because the elector did not reside at the address given, the number of electors whose status changed from eligible to ineligible on the registration list because of the audit, and the number of individuals referred to the district attorney.
- Clerks must update the information on a monthly basis and submit the updated information to the county clerk and G.A.B.
- Municipal clerks must report election related statistics via an electronic report to the county clerk and directly to the G.A.B. (e.g., SVRS, WEDCS, or CRM – similar to the Four-Year Maintenance postcard process).
- Municipal clerks must report suspected election frauds, irregularities, or violations of which the clerk has knowledge to the District Attorney for the county where the suspected activity occurred, and to the G.A.B, in the manner prescribed by the board.
- The G.A.B. must submit an annual report to the Legislature regarding these reports in accordance with Wis. Stat. §13.172.
- Clerks must report the information regarding EDR verification postcards to the board within 90 days of the 2014 General Election, and the G.A.B. must publish this information on its website.
- All other provisions of this law take effect January 1, 2016.

2013 Wisconsin Act 149: transferring responsibility over biennial updating of voter registration list to the Government Accountability Board.

- The G.A.B. is responsible for mailing the Notice of Suspension of Registration forms to conduct voter list maintenance each biennium.
- Municipal clerks are responsible for changing the registration status of electors request to continue their voter registration, and for processing undeliverable postcards.
- The G.A.B. will mail Notices of Suspension of Registration no later than June 15 following each general election.

2013 Wisconsin Act 155: the method of reporting election returns by municipalities.

- Municipalities of 35,000 or more may combine election returns of a ward with an adjacent ward if:
 - the ward has a population of 20 or less
 - the total population of the combined wards would not exceed that municipality's population range for wards

2013 Wisconsin Act 160: providing a printed name for signers of nomination papers and petitions.

- Nomination papers or petitions must now include the signer's legible printed name next to their signature.
- The law first applies to nomination papers for which the initial circulation date is on or after the date of publication.

2013 Wisconsin Act 174: the number of nomination paper signatures required for citywide offices in second class and third class cities.

- The number nomination paper signatures required for a candidate for a citywide aldermanic district in second and third class cities is now not less than 100 nor more than 200 electors.
- The signature requirement for all other citywide offices in second and third class cities remains at not less than 200 nor more than 400 electors.

2013 Wisconsin Act 176: the method of recounting votes cast with automatic tabulating equipment.

- Board of canvassers may decide to conduct the recount of selected wards or election districts by hand or by automatic tabulating equipment, unless a court order specifies the recount method.