

BALLOTS

Absentee Ballots

Any registered elector in the state of Wisconsin has the right to cast an absentee ballot. Absentee voting provides an opportunity for a voter who is unable or unwilling to appear at the polling place to cast his or her ballot. For this reason, special procedures are in place to protect the elector and the integrity of the process.

On Election Day, the municipal clerk delivers absentee ballots to the polling place or alternate absentee canvassing site. The ballots are delivered in a sealed envelope or container that bears the name and official title of the clerk and the language found in Wis. Stat. § 6.88(1). (GAB-125 Absentee Ballot Carrier). Alternate absentee canvassing sites (also known as Central Count Absentee) require approval by the municipalities governing body and the Elections Division of the Government Accountability Board.

All absentee ballots must be processed in the same room votes are cast or at an alternate absentee canvassing location so that any interested observer is able to hear the public announcement of the names of the absentee electors.

Any observer who is a qualified elector of Wisconsin, including an election inspector can challenge an absentee elector's ballot the same as if the elector were voting in person. The procedures for challenging an elector's ballot are the same as the challenge procedure in person. See the "Challenging Electors" section of this manual for the complete challenge procedure.

Procedure

The election inspectors may process absentee ballots at any time between the opening and closing hours of the polling place, except absentee certificate envelopes marked "To Be Rejected." "To Be Rejected" absentee certificate envelopes feature one or more of the following errors: no voter signature, no witness signature, both special voting deputies failed to sign, or no certification language. Set these aside and process them after 8 p.m. on Election Day to give the voter an opportunity to correct these errors.

Absentee ballots may not be counted until after the polls close.

Processed absentee ballots are placed in the ballot box or optical scan equipment and are counted when all the other ballots are counted. It is considered counting once the polls have closed and all ballots are tabulated, either by equipment or by a hand tally. Election inspectors do not need to stand in the voter line to process absentee ballots.

If the election inspectors have reliable proof that an elector has died before Election Day, the absentee ballot should be rejected.

To process absentee ballots, the following procedure should be followed:

1. Open the large carrier envelopes or containers (GAB-125) containing the absentee ballots.
2. Remove an Absentee Certificate Envelope (GAB-122) and announce the absentee elector's name and address.
3. Check the Ineligible Voter List to determine if the elector is ineligible to vote due to a felony conviction.
 - a. If the elector's name matches a name on the Ineligible Voter List, continue processing the absentee ballot as described below, but issue a challenge prior to placing the ballot in the ballot box. (See the "Challenging Electors" section.)
 - b. If the certificate envelope is marked "ineligible to vote per Department of Corrections," but the elector's name no longer appears on the Ineligible Voter List, issue a challenge anyway and document the incident on the Inspectors' Statement (GAB-104).
 - c. The election inspectors shall make a reasonable effort to contact the G.A.B. to confirm an elector's felon status before processing the absentee ballot.
4. Carefully review the certificate envelope to determine that:
 - a. The envelope is not open.
 - b. The envelope has not been opened and then resealed.
 - c. The signature of the elector appears on the certificate.

- d. The certificate contains the signature of one witness who is an adult US citizen.

Note: If the envelope has been opened or resealed, or the signature of either the elector or the witness is missing, the absentee ballot certificate envelope is insufficient and the absentee ballot must be rejected. If there are no clerk initials do not reject the ballot, but note the omission on the GAB-104 and process normally.

5. If the Absentee Certificate Envelope (GAB-122) is found to be **insufficient**:
 - a. Do not open the envelope.
 - b. Mark the envelope “Rejected ballot #_” (beginning with the number 1). Write the reason for rejection on the envelope.
 - c. List the elector’s name, identifying serial number of the rejected ballot (see “b.” above), and the reason for rejection on the Inspectors' Statement (GAB-104).
 - d. Record the reason for rejection next to the elector’s name on the Absentee Ballot Log.
 - e. Place the unopened certificate envelope in the Certificate of Rejected Absentee Ballots (GAB-102) brown carrier envelope.
 - f. Record the fact that the ballot was not counted on the Absentee Ballot Log.
6. If the voter list or Absentee Certificate Envelope have the notation from the municipal clerk “POR Required” it is the responsibility of the election inspector to ensure that the elector included proof of residence along with the absentee ballot before the ballot may be counted. Follow these procedures:
 - a. Open the Absentee Certificate Envelope to check if the missing documentation is included in the envelope. (Acceptable forms of proof of residence may be found in the “Electors” section of this manual.)

- i. If the missing documentation is in the envelope, the election inspector continues to process the absentee ballot.

OR

- ii. If the missing documentation is NOT in the envelope, the absentee ballot is considered a provisional ballot.
 1. Make a notation on the voter list and the Inspectors' Statement (GAB-104) indicating that voter did not provide the required documentation, indicate "PR" and issue a provisional voter number for the voter: "PV#_" (beginning with the number 1).
 2. Mark the back of the ballot and the outside of the Absentee Certificate Envelope (GAB-122) with the PV# and "Section 6.97." Place the ballot back into the Absentee Certificate Envelope (GAB-122).
 3. Put the Absentee Certificate Envelope (GAB-122) into a Provisional Certificate Envelope (GAB-123). Write the PV# and "Section 6.97" on the outside of Provisional Certificate Envelope (GAB-123, and check the box indicating the reason for issuance. Complete the information on the Provisional Certificate Envelope, sign it, and write 'Absentee' on the line for "Signature of Voter." Seal the envelope, and place it inside the Provisional Ballot Carrier Envelope (GAB-108).
7. If the Absentee Certificate Envelope indicates that proof of identification or the Certification of Authorized Care Facility Representative is required, it is the responsibility of the election inspector to ensure that the elector included proof of identification along with the absentee ballot or completed the appropriate certification section before the ballot may be counted. Follow these procedures:
 - a. Determine if the Certification of Authorized Care Facility Representative is completed. If complete, continue to process the absentee ballot as normal.
 - i. Name of Facility

- ii. Signature of Representative (may be the same person as the witness)
- b. If the certification section is not completed, open the Absentee Certificate Envelope to check if the missing documentation is included in the envelope. (Acceptable forms of proof of identification may be found in the “Electors” section of this manual.)
- i. If the missing documentation is in the envelope, the election inspector continues to process the absentee ballot.

OR

- ii. If the missing documentation is NOT in the envelope, the absentee ballot is considered a provisional ballot.
 - 1. Make a notation on the voter list and the Inspectors’ Statement (GAB-104) indicating that voter did not provide the required documentation, indicate “PR” and issue a provisional voter number for the voter: “PV#_” (beginning with the number 1).
 - 2. Mark the back of the ballot and the outside of the Absentee Certificate Envelope (GAB-122) with the PV# and “Section 6.97.” Place the ballot back into the Absentee Certificate Envelope (GAB-122).
 - 3. Put the Absentee Certificate Envelope (GAB-122) into a Provisional Certificate Envelope (GAB-123). Write the PV# and “Section 6.97” on the outside of the Provisional Certificate Envelope (GAB-123), and check the box indicating the reason for issuance. Complete the information on the Provisional Certificate Envelope, sign it, and write ‘Absentee’ on the line for “Signature of Voter.” Seal the envelope, and place it inside the Provisional Ballot Carrier Envelope (GAB-108).

8. If the Absentee Certificate Envelope (GAB-122) is found to be **sufficient**:
- a. Carefully remove the ballot from the certificate envelope.

b. Examine the contents of the envelope to assure that:

i. No more than the proper number of ballots is enclosed.

If more than one of the same type of ballot is marked in a single envelope, both ballots must be rejected.

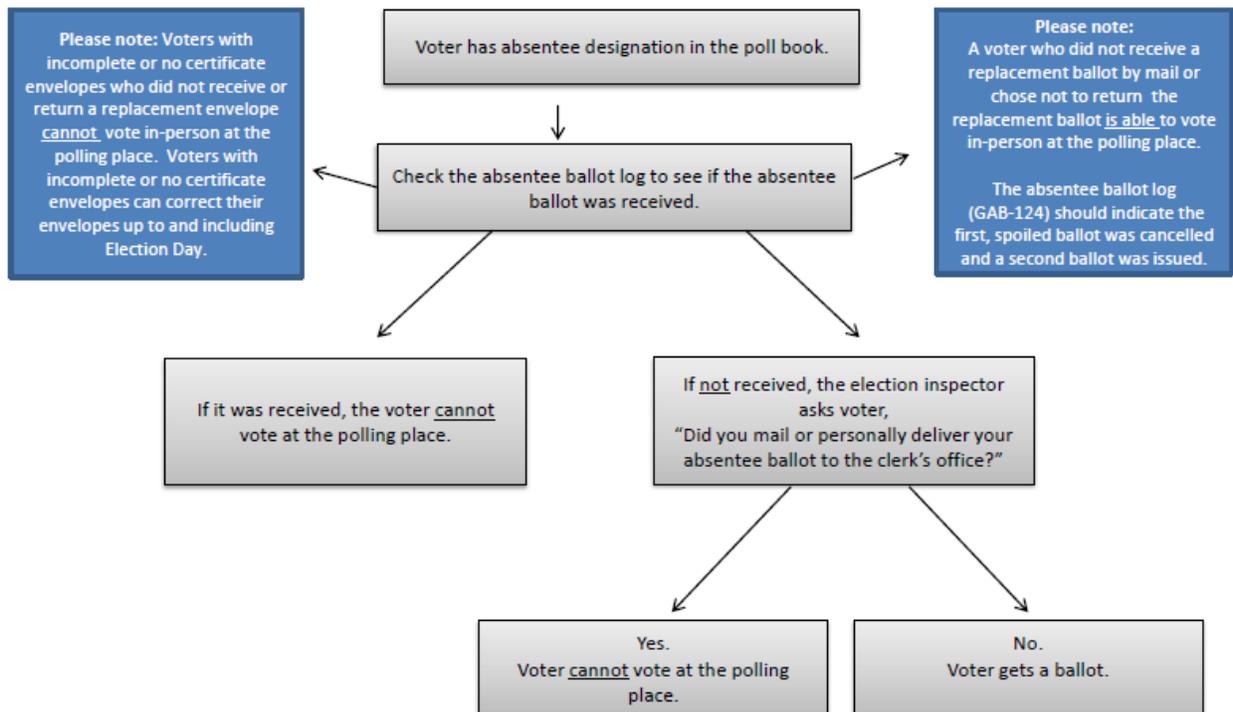
1. Mark each of those same type ballots “rejected.”
2. Return the rejected ballots to the absentee voter’s certificate envelope and mark it “Rejected Ballot #__” (beginning with ‘1’) and list the reason.
3. Note on the Inspectors' Statement (GAB-104) that these ballots were rejected because the absentee voter marked more than one ballot. If hand-count, paper ballots are used, indicate the type of ballot (i.e. state & county, municipal, school district).
4. Place the rejected certificate envelope in the Certificate of Rejected Absentee Ballots (GAB-102) brown carrier envelope.

ii. If only one marked type of ballot is in the envelope (i.e. the other ballot is blank), the marked ballot CAN be accepted.

1. Place the marked ballot in the ballot box.
2. Write “Unused ballot #__” (beginning with ‘1’) on the unmarked ballot and place it in the absentee voter’s certificate envelope.
3. Note on the Inspectors’ Statement (GAB-104) that there was more than one ballot of the same kind, but only one of the “same type” ballots was marked. Indicate the serial number (see “b.” above) issued for the unused ballot.
4. Place the Absentee Certificate Envelope (GAB-122) in the Used Certificate Envelopes of Absentee Electors (GAB-103) white carrier envelope.

- iii. The ballot contains the initials of the issuing clerk.
 1. If the ballot does not contain the initials of the clerk or deputy clerk, do NOT reject the ballot. Make a note on the Inspectors' Statement (GAB-104) to remind the clerk to be more careful when issuing absentee ballots.
 - c. Record the voter number on the voter list. Document that this was an absentee ballot (red "A" next to voter number). Also, record the fact that the ballot was counted on the Absentee Ballot Log.
 - d. Place the ballots in the appropriate ballot box or voting equipment. Elections inspectors do not need to stand in line.
 - e. Place the used certificate envelope in the Used Certificate Envelopes of Absentee Electors GAB-103 white carrier envelope.
9. If the Absentee Certificate Envelope (GAB-122) is found "to be rejected," because the signature of elector or witness is missing or if the envelope is open or appears to have been resealed, a voter may correct the certificate envelope at the polling place/central count absentee site. If a voter appears to correct their absentee certificate envelope:
- a. The election inspectors shall issue a new certificate envelope to the voter.
 - b. The voter must open the original certificate envelope, verify their ballot, and seal the ballot in the new certificate envelope.
 - i. The voter may NOT remove the ballot from the voting area.
 - ii. The original witness must be present.
 - iii. An election inspector may NOT serve as the witness.
 - c. The original certificate envelope is then destroyed.
 - d. The election inspector should document that a correction was made and the ballot accepted on the Absentee Ballot Log (GAB-124).

Absentee Voters at the Polling Place



Election inspectors should follow these procedures if a voter with an absentee designation in the poll book comes to the polling place to vote on Election Day, in addition to the procedures outlined in the Electors section.

Municipalities must track absentee ballots on the pre-printed poll list. The clerk shall also provide each polling place an Absentee Ballot Log (GAB-124).

The absentee notation indicates that an absentee ballot was issued to the voter. This does not indicate that the absentee ballot was returned.

1. If an individual noted as “absentee” appears at the polling place, the inspectors should check the Absentee Ballot Log (GAB-124) to determine if the ballot has been returned.
 - a. If it has been returned and there are no errors that would cause the ballot to be rejected, the voter may not vote at the polling place.
 - b. If it has been returned and there are errors that would cause the ballot to be rejected, the voter may only correct the error. The voter may NOT vote a new ballot at the polling place.

- i. The election inspectors shall issue a new certificate envelope to the voter.
 - ii. The voter must open the original certificate envelope, verify their ballot, and seal the ballot in the new certificate envelope.
 - iii. The voter may NOT remove the ballot from the voting area.
 - iv. The election inspectors may NOT serve as the witness (the original witness must be present).
 - v. The original certificate envelope is then destroyed.
 - vi. The election inspector should document that a correction was made and the ballot accepted on the Absentee Ballot Log (GAB-124).
- c. If it has not been returned, the election inspectors ask the voter “Did you mail or personally deliver your absentee ballot to the clerk’s office?”
- i. If “yes,” the voter cannot vote at the polling place.
 - ii. If “no,” the voter is issued a ballot if otherwise qualified.
 1. If an absentee ballot is later received for that voter, the elector’s absentee ballot would be processed as a rejected absentee ballot and the clerk contacted immediately.

Missing Proof of Residence/Identification Procedure

If the voter list or the Absentee Certificate Envelope have the notation from the municipal clerk “POR Required” it is the responsibility of the election inspector to ensure that the elector included proof of residence along with the absentee ballot before the ballot may be counted.

Note: This will apply only to voters who registered by mail prior to April 4, 2014 and did not provide acceptable proof of residence.

If the box in the lower right hand corner of the Absentee Certificate Envelope was checked, verify that proof of identification has been provided

or the Certification of Care Facility Authorized Representative section of the envelope has been completed.

Note: Completion of the Certification of Care Facility Authorized Representation section satisfies the proof of identification requirement.

1. Open the Absentee Certificate Envelope to check if the missing documentation is included in the envelope. (Acceptable forms of proof of identification/residence may be found in the “Electors” section of this manual.)
2. If the missing documentation is in the envelope, the election inspector should note on the Absentee Ballot Log that proof of identification was provided and continues to process the absentee ballot. The proof of identification should remain with the Absentee Certificate Envelope and returned to the municipal clerk with the election materials.
3. If the missing documentation is NOT in the envelope, the absentee ballot is considered a provisional ballot.
 - a. Make a notation on the voter list and the Inspectors’ Statement (GAB-104) indicating that voter did not provide the required documentation, indicate “PR” or “PI” and issue a provisional voter number for the voter: “PV#_” (beginning with the number 1).
 - b. Mark the back of the ballot and the outside of the Absentee Certificate Envelope (GAB-122) with the PV# and “Section 6.97.” Place the ballot back into the Absentee Certificate Envelope (GAB-122).

Put the Absentee Certificate Envelope (GAB-122) into a Provisional Certificate Envelope (GAB-123). Write the PV# and “Section 6.97” on the outside of Provisional Certificate Envelope (GAB-123), and check the box indicating the reason for issuance. Complete the information on the Provisional Certificate Envelope, sign it, and write ‘Absentee’ on the line for “Signature of Voter.” Seal the envelope, and place it inside the Provisional Ballot Carrier Envelope (GAB-108).

Remaking Ballots

In order to be scanned and counted by an electronic tabulator, ballots may need to be “remade” by election inspectors at the polls on Election Day.

This guidance only applies to municipalities that use electronic tabulation equipment. This information does not apply to municipalities that use hand count paper ballots. Hand counted paper ballots do not need to be remade as there is no electronic tabulator making the call on how to count it.

Ballots with Overvotes

Election inspectors are required to remake ballots with overvotes. These are ballots with at least one instance in which the elector has voted for more than the maximum number of selections allowed in a contest.

For Election Day voters, election inspectors should instruct the elector of the overvote error and provide them the opportunity to spoil their ballot and be issued a new ballot. A voter may be issued up to three ballots. If the voter refuses to vote a new ballot, election inspectors must remake the ballot so the electronic tabulator will accept it. On a new ballot, election inspectors transfer all votes from the overvoted ballot in which the voter's intent can be determined. No votes are transferred for the overvoted contest, unless voter intent can be determined. This process is also employed for absentee ballots that contain an overvoted office.

Ballots with Crossover Votes

At a partisan primary, election inspectors may be required to remake ballots with crossover votes. These are ballots with votes in more than one political party column.

Voters who select a party preference and then vote in more than one political party will not receive a warning or other prompt from the electronic tabulator regarding crossover votes. In this situation, only votes cast within the party column selected in the party preference section will be tabulated. If the voter fails to select a party preference and then votes in more than one party, the electronic tabulator should notify the voter of a crossover vote.

1. Municipalities with DS200 or M100 electronic tabulators

For Election Day voters, election inspectors should instruct the elector of the crossover vote error and provide them the opportunity to spoil their ballot and be issued a new ballot. A voter may be issued up to three ballots. If the voter refuses to vote a new ballot, election inspectors must remake the ballot to a blank ballot with no candidates selected as voter intent cannot be determined. This blank ballot then is sent through the electronic tabulator. This process also is employed for

absentee voters who failed to select a party preference and voted for candidates in more than one party. Again, the ballot is remade to a blank ballot and then scanned by the DS200 or M100.

2. Municipalities with other electronic tabulators

Election inspectors may override the crossover ballot for Election Day voters who refuse to vote a new ballot or an absentee ballot where the voter failed to select a party preference and voted for candidates in more than one party. By overriding the ballot, none of the voter's selections are tabulated and the tabulator processes these ballots as blank ballots.

Procedure

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

1. At least two election inspectors (if party-affiliated inspectors are present, use one of each party) must participate in this process.
2. Election inspectors shall announce to observers, if present, that a ballot is being remade and the reason for doing so.
3. Note and select a reason for remaking the ballot in the endorsement section of the ballot.

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.	
_____	_____

- a. "Overvoted" ballots are ballots with at least one instance in which the elector has voted for more than the maximum number of selections allowed in a contest.
- b. "Damaged" ballots include ballots in which the voter circled names on the ballot rather than marking the arrows or ovals and ballots mutilated by postal equipment.
- c. "Other" ballots include ballots emailed or faxed to a military or overseas elector and ballots accessed and completed by a military or overseas elector through MyVote Wisconsin.

4. 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.
5. Transfer votes based on voter intent from the original ballot to the duplicate ballot so the electronic tabulator will accept the ballot. An overvoted contest on the original ballot is left blank on the duplicate ballot, unless voter intent can be determined. The duplicate ballot for a crossover voted original ballot is a blank ballot for municipalities with a DS200 or M100 electronic tabulator.
6. 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.
7. The “remade” ballots are inserted into the tabulating device.
8. The original ballots are bundled together, marked and placed in the “Original Ballots Envelope.”
9. The “Original Ballots Envelope” is placed in the ballot container.

Counting Ballots

While counting votes occurs after the polls close, the process of counting is a public activity. Any interested person, including a candidate, may be present and observe the counting as long he or she does not interfere with the process. Election inspectors must pay careful attention to the detail of counting votes and recording vote totals.

Hand-Counted Paper Ballots

The procedure for counting paper ballots is as follows:

1. If there are multiple ballot boxes, open boxes one at a time.

2. Count the ballots in each box (without examining them) to determine the total number.
3. Determine if the number of ballots is equal to the number of voters.
 - a. Check to see that two or more ballots are not folded together.
 - i. If two or more ballots are folded together, set them aside until the count is completed.
 - ii. Compare the total voter count and the number of ballots including the ballots that were set aside. To determine the total number of voters, see the “Reconciling the Poll List” section of this manual.
 - iii. If a majority of election inspectors agree that the ballots folded together were voted by the same person, the ballots are removed, marked with the reason for removal, set aside, and preserved.
 - b. When the number of ballots is equal to or less than the number of voters, proceed with counting the ballots.
 - c. If the number of ballots is greater than the number of voters, proceed as follows:
 - i. Before drawing down ballots, be certain that no alternative reasons, such as the issuance of the same voter number to two or more individuals, can explain why the number of ballots exceed the number of voters. Ballots cast by challenged electors should have been issued a voter number and are included in the total number of voters.
 - ii. Place all ballots face up to check for blank ballots (blank ballots are ballots on which no votes were cast for any office or question). Blank ballots are marked, set aside, but preserved.
 - iii. If the number of ballots still exceeds the number of voters, place the ballots face down and proceed to check initialing. Mark, set aside, but preserve any ballot not bearing the initials of two election inspectors, or any absentee ballot not bearing the initials of the municipal or a deputy clerk.

- iv. If the number of ballots still exceeds the total number of voters recorded on the voter lists, separate the absentee ballots from the election-day ballots. Absentee ballots can be identified because they contain only one set of initials, either the municipal clerk's or a deputy clerk's.
 - v. If there are more absentee ballots than absentee voters, the absentee ballots are placed in the ballot box and one of the election inspectors publicly and without examination draws by chance the number of ballots equal to the excess number of ballots. Mark these ballots as "removed due to an excess number of absentee ballots." Set aside and preserve all ballots removed.
 - vi. If there are more non-absentee ballots than voters, those ballots are placed in the ballot box and one of the election inspectors publicly and without examination draws by chance the number of ballots equal to the excess number of ballots. Mark these ballots as "removed due to an excess number of ballots." Set aside and preserve all ballots removed.
 - vii. When the total number of ballots and the total number of electors shown on the voter lists agree, return the ballots, except for those that were removed and set aside, to the ballot box and mix.
 - viii. Re-open the ballot box and count the ballots one at a time.
4. Count and record the votes on two separate Tally Sheets (GAB-105). Reconcile the tally sheets when the counting for each office is complete.
- a. State statutes do not specify the manner for actually counting ballots. Here is the method recommended by the Elections Division:
 - i. One election official reads each ballot while a second election official observes and two other election officials mark the votes using hash marks (/) on the Tally Sheets (GAB-105).
 - ii. It is advisable to rotate these tabulation jobs among election officials after each office or separate ballot-type is counted. All election officials and tabulators should participate in the

counting of ballots (unless a greeter was appointed, who may not participate). High school students serving as election inspectors may participate in the counting.

- b. Determine if any of the ballots are “Defective.”
 - i. A “Defective ballot” is a ballot for which a majority of the election inspectors agree that voter intent cannot reasonably be determined.
 - ii. These ballots are marked, set aside and preserved in an envelope marked “Original Ballots.”
 - iii. A defective ballot is labeled “Defective Ballot #__” (beginning with ‘1’) near or within the endorsement section of ballot.

Note: A ballot can be defective for some offices and valid for others. Only valid votes on each ballot are counted. The reason for the defect should be recorded on the Inspectors’ Statement (GAB-104).

- c. Determine if any of the ballots are “Objected To.”
 - i. An “Objected To” ballot is a ballot for which a majority of the election inspectors agree that voter intent can be determined, but at least one election inspector disagrees.
 - ii. These ballots are counted, marked, set aside and preserved in the Original Ballots envelope.
 - iii. An objected to ballot is labeled “Objected to Ballot #__” (beginning with ‘1’) near or within the endorsement section of the ballot. The reason for the objection is recorded on the Inspectors’ Statement (GAB-104).
5. Announce the results of the votes cast at the polling place and prepare all election materials for delivery to the municipal clerk (see the “Documentation” section of this manual.) Do not seal the completed Tally Sheets in the ballot bag.
- a. All ballot bags or containers should be sealed or secured by the chief inspector and another inspector.

- b. When inspector appointments are by party affiliation, the inspector's affiliation must be different than that of the chief inspector.
- c. The chief inspector and the inspector seal or secure the ballot bags or containers in such a manner that it is not possible to insert or remove a ballot from the bag or container.
- d. The unique identifying number of any tag should be recorded on the Ballot Container Certificate (GAB-101) and on the Inspectors' Statement (GAB-104).

Optical Scan Ballots

1. Open the optical scan tabulating unit to remove any ballots from the auxiliary ballot box that were not entered into the tabulating unit. Enter them into the optical scan unit.
2. Ballots from the auxiliary ballot box which were rejected when entered into the optical scan unit should be examined by two election officials (one representing each political party, if affiliated) to determine the cause for rejection. The two election officials make a duplicate ballot to correct the problem (see the "Remaking Ballots" section). The duplicate ballot is entered into the machine. The original ballot is preserved in the Original Ballots envelope.
3. Remove all write-in ballots from the write-in compartment.
 - a. Tally write-in votes on duplicate Tally Sheets (GAB-105).
 - b. Do not reenter the ballots into the optical scan unit because the rest of the ballot has already been counted.
4. Examine the ballots from the main bin for write-in votes that were not separated by the machine. (There may be write-in votes where the elector did not make a mark or complete the arrow.)
 - a. Record write-in votes on the tally sheet.
 - b. This may require a change to the printout. If an elector completes the arrow or fills in the oval next to a candidate's name, and also writes in a candidate but fails complete the arrow or fill in the oval next to the

write-in blank, the machine will incorrectly count the vote for the candidate on the ballot. Write-in votes, even if the arrow/oval is not completed, should be counted instead of the vote for the candidate on the ballot if the write-in is a registered candidate. Therefore, the returns may need to be amended to reflect the correct number of votes. Document the reason for any change on the Inspectors' Statement (GAB-104).

5. Once all ballots have been entered into the machine, follow the instructions provided by the municipal clerk for printing out the election results.
6. Election inspectors shall, if possible, print the result report before breaking any seal on the electronic equipment and before the removal of the memory card from the voting station.
7. The chief election inspector shall record the serial number of all security seals on the Inspectors' Statement (GAB-104) or on a copy of the results tape secured and transmitted to the municipal clerk.
8. One copy of the results report and the memory cards shall be secured in a separate, sealed container or envelope by the chief election inspector. The chief election inspector and two additional election inspectors shall sign their names across the seal of the secured envelope or container. As an alternate procedure, the memory cards may remain sealed in the voting stations or units.
9. Following the vote count, election inspectors publicly announce the results for each candidate and referenda. The chief inspector or an election inspector designated by the chief inspector reports the results to the municipal and school district clerks.
10. The chief inspector and one other inspector shall seal voted ballots and the Original Ballots envelope in a separate ballot bag (GAB-101). Return the bags containing the memory unit and the voted ballots to the municipal clerk.
 - a. When inspector appointments are by party affiliation, the inspector's affiliation must be different than that of the chief inspector.

- b. The chief inspector and the inspector seal or secure the ballot bags or containers in such a manner that it is not possible to insert or remove a ballot from the bag or container.
 - c. The unique identifying number of any tag should be recorded on the Ballot Container Certificate (GAB-101) and on the Inspectors' Statement (GAB-104).
11. Do not seal the completed write-in tally sheets or election results printouts in the ballot bag.

Direct Recording Electronic Voting Equipment (DRE)

If direct recording electronic voting equipment is used in your municipality, use the following procedure for counting and submitting vote totals:

1. In post-election mode, election inspectors shall print the results report before breaking any seal on the electronic equipment and before the removal of the memory card from the voting station.
2. The chief election inspector shall record the serial number of all security seals on the Inspectors' Statement (GAB-104) or on a copy of the results tape secured and transmitted to the municipal clerk.
3. One copy of the results report and the memory cards shall be secured in a separate, sealed container or envelope by the chief election inspector. The chief election inspector and two additional election inspectors shall sign their names across the seal of the secured envelope or container. As an alternate procedure, the memory cards may remain sealed in the voting stations or units.
4. All votes, including write-in votes, are automatically tabulated by the DRE equipment. Depending on what type of technology is used by your municipality, election inspectors may need to merge the DRE results with the other results. In most cases, election inspectors will be manually merging DRE results with either optical scan systems or ballots that were counted by hand. Follow the municipal clerk's instructions for merging results.

Determining Voter Intent

Summary

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

Counting Write-In Votes

There is no requirement for a voter to make an X or other mark, fill in an oval or connect an arrow in order to cast a write-in vote. Where optical scan voting systems are used, care must be taken to assure that write-in votes are counted when the elector fails to make a mark or connect the arrow next to the write-in line. Because the equipment will not pick up a write-in vote where the arrow is not connected or the oval is not filled in next to the write-in line, election inspectors must review each ballot to determine if a write-in vote has been cast. Write-in votes are recorded on a tally sheet (GAB-105). This is the official record of all valid write-in votes.

In *most* cases, a write-in vote will take precedence over a vote for a person whose name is printed on the ballot for the same office. However, determining the proper way to count write-in votes is dependent on the following criteria:

- The provisions of the Elector Intent Statute, Wis. Stat. § 7.50, from which the general examples below are taken.
- The provisions of 2013 Act 178 which limits the scenarios where nonregistered write-in candidate votes may be counted. These provisions are addressed later in this chapter.

Basic Instructions for Counting Write-in Votes

The examples of when and when not to count write-in votes set out below include, but are not limited to, common situations for all elections. Special considerations when counting write-in votes at a partisan primary and the general election can be found in separate sections following the basic examples.

Count Write-in Votes When:

1. The name of the person is misspelled, but the intent of the voter can be reasonably determined.
2. The name of the person is abbreviated, but the intent of the voter can be reasonably determined.
3. The name of the person contains a wrong initial or an initial is omitted.
4. Only the last name of a person is written in. Count the vote if—
 - the person is a registered write-in candidate or,
 - the intent of the voter can be reasonably determined.
5. The voter did not make an X or other mark, fill in an oval or complete and arrow next to the write-in line—
 - An “X” or any other mark is not required in order to cast a write-in vote.
6. A sticker contains **only the name of a person** and is placed on a ballot—
 - The vote is counted for the person named for the office listed in the space where the sticker is placed.
7. A sticker contains **only the name of a person** and is **placed in the margin**. Voter intent must be determined—
 - If the person named on the sticker has filed a campaign registration statement indicating the office sought, the vote should be counted for the person named on the sticker for the office listed on the campaign registration statement.
8. 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.

9. A sticker contains the **name of a candidate and the office sought** and is placed in the margin of the ballot or any place other than in a particular office space—
 - The vote is counted for the person for the office listed on the sticker.
10. The instructions to voters are "Vote for 1", and the voter makes an "X" or other mark in the box next to 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 overvoted ballot.
11. The instructions to voters are "Vote for not more than 2," and the voter makes an "X" or other mark in the box next to two names that are printed on the ballot and also writes in another person's name—
 - Only the write-in vote is counted. This is not an overvoted ballot.
12. In a nonpartisan election (February or April), a candidate's name is printed on the ballot for an office and the voter writes in that candidate for another office—
 - The vote is counted for the office where the write-in occurs.
13. The name of a person, who has filed a campaign registration statement indicating the office sought is written in under an office other than the one indicated on the campaign registration statement—
 - The vote counts for the person for the office where the name is written.

Do Not Count Write-in Votes When:

1. A name is misspelled or abbreviated and the intent of the voter cannot be reasonably determined.
2. A write-in sticker is placed in the endorsement section of a ballot or on a side of a ballot with no printed offices or contests.
3. A write-in sticker is found in the ballot box and is not attached to any ballot.
4. The instructions on the ballot are "**Vote for one**" and the name of more than one person has been written in for a single office—
 - This is an overvote and no votes are counted for that office.

5. The instructions on the ballot are “**Vote for one**” and the name of more than one person has been written in and a vote has also been cast for a candidate whose name is printed on the ballot for the same office—
 - This is an overvote and no votes are counted for that office.

Special Considerations for Partisan Primary Elections

At a partisan primary, a voter may cast votes in only one party’s primary.

Where hand-count paper ballots are used, the voter identifies their party preference when they choose the one party ballot on which they will cast their vote. The voted ballot is placed in the ballot box and the remaining unvoted ballots are placed in a locked “discard” box.

Where optical scan voting systems are used, the voter identifies their party preference either by voting in only one party or by marking a party preference. Selecting the party preference will not prevent crossover voting, but it is a safeguard so that a voter will not lose all votes if he or she does crossover. Selecting a party preference preserves the votes cast in that party, even if the voter also casts votes in another party.

When determining voter intent, it is important to ensure that write-in votes are not counted for candidates in different political parties or for more than one office.

Count Write-in Votes at a Partisan Primary When:

1. A sticker contains **the name, political party and office** the person is seeking and is placed anywhere on the face of the ballot other than in a particular office space.
 - The vote is counted for the person, party and office listed on the sticker.
2. 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 person for the political party and office where their name is written.
3. The voter **has selected a party preference**, casts votes for ballot candidates in the party selected, and votes for or writes in, on the party ballot selected, the name of a person who is listed as a ballot candidate in a different party—
 - Votes are counted except for the write-in vote.

4. The name of a write-in candidate, who has filed a campaign registration statement **indicating the party and office sought**, is written in under an office other than the one indicated on the campaign registration statement but in the same party as indicated on the campaign registration statement—
 - The vote counts for the person for the office where the name is written.

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

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

Special Considerations for the General Election

When counting votes at the general election (November), it is important to remember that all votes are counted for the person for the office in which the elector has cast the vote. If a name is written in by the elector, the party affiliation does not matter when it comes to determining the number of votes cast for the candidate. All votes cast for an individual, for the same office, are added together.

Exception: When a candidate's name *is printed on the ballot* for an office and the voter writes in that candidate's name for a different office, the write-in vote cannot be counted.

Counting Votes for Governor and/or Lieutenant Governor

1. If an elector writes in the name of a candidate for governor, but does not write in a name of a candidate for lieutenant governor, a vote is counted for the candidate for governor.

2. If an elector writes in the name of a candidate for lieutenant governor, but does not write in a name of a candidate for governor, a vote is counted for the candidate for lieutenant governor.
3. However a write-in vote for governor or lieutenant governor alone shall not be added to the votes of the same candidate if there are different combinations of governor/lieutenant governor. For example:
 - a. A write-in vote for Mary Jones for governor and Samuel Smith for lieutenant governor may not be added to a write-in vote for Mary Jones for governor with a different candidate for lieutenant governor or no candidate for lieutenant governor.
 - b. A write-in vote for Mary Jones for governor and Samuel Smith for lieutenant governor may not be added to a write-in vote for Samuel Smith for lieutenant governor with a different candidate for governor or no candidate for governor.
 - c. A write-in vote for Mary Jones for governor may not be added to a write-in vote for Mary Jones for governor with a different candidate for lieutenant governor.
 - d. A write-in vote for Samuel Smith for lieutenant governor may not be added to a write-in vote for Samuel Smith for lieutenant governor with a different candidate for governor.

In these situations, the write-in votes are listed separately on the tally sheet for each combination of candidates.

Counting Votes for President and Vice President:

An elector casting a write-in vote for President and Vice President must designate the presidential candidate of his or her choice. A vote for a candidate for President only will be counted. If the elector casts a write-in vote for only a candidate for Vice President, the vote will not be counted.

Determining the Viability of Write-in Votes as Provided by 2013 Wisconsin Act 178

2013 Act 178 limits when votes cast for unregistered write-in candidates may be counted. The legislation sets out the following specifications for determining write-in vote eligibility:

1. Always count votes for registered write-in candidates.

(Note: Ballot candidates are registered candidates. If the name of a ballot candidate is written in, the vote may be counted.)

2. Count votes for nonregistered write-in candidates only if:

- There are fewer ballot candidates for a given office than there are seats to fill.
- There are candidates on the ballot for the office, but one or more is deceased.

Note: At a partisan primary, No. 2 is broken down further by party:

Count votes for nonregistered write-in candidates only if:

- There are no candidates of a particular party on the ballot for an office.
- There are candidates on the ballot for the office, but one or more is deceased.

The following four questions should be asked when determining write-in vote viability and in what situations votes for ballot candidates may also be considered. Taking time to ask these questions should help to sort out the confusion write-in votes can cause.

1. Can all write-in votes be counted or just those for registered write-in candidates? *(If there are at least as many ballot candidates as there are seats to fill; only votes for registered write-in candidates may be counted.)*
2. Is (or are) the write-in candidate(s) registered?
3. Regardless of whether the write-in vote(s) can or can't be counted, are there enough write-in votes to fill the seats up for election? *(If there are at least as many write-in votes as there are seats to fill, votes for ballot candidates may not be counted.)*
4. How many votes is the elector entitled to? *(If the number of counted write-in votes plus the number of marked ballot candidates exceeds the number of votes to which the voter is entitled, the marked ballot candidates may not be counted.)*

The answers to questions 1 and 2 determine which, if any, write-in votes can be counted. The answers to questions 3 and 4 will determine whether votes for ballot candidates, when cast in combination with write-in votes, may be counted.

Note: In a “vote for 1” situation, the presence of a write-in vote means no ballot candidate votes can be counted.

In a “vote for more than 1” situation, the total number of write-in votes cast and the number of votes to which the voter is entitled will determine whether ballot candidate votes may be counted.

The four questions have been applied to the examples on the following pages.

Write-in Vote Scenarios

Example 1

**Governor
Vote for 1**

- Tom Jones
- Peter Noone
- Johnny Maestro

*2 ballot candidates
for a 1-seat office.
1 unregistered
write-in candidate.*

Step 1: Determine which, if any, write-in votes can be counted.

1) *Can all write-in votes be counted or just those for registered write-in candidates?*

There are 2 ballot candidates for this 1-seat office, so only votes for registered write-in candidates may be counted.

2) *Is the write-in candidate registered?*

No. Johnny Maestro is not registered. The write-in vote is not counted.

Step 2: Determine if any votes marked for ballot candidates can be counted.

3) *Regardless of whether the write-in vote can or cannot be counted, are there enough write-in votes to fill the number of seats up for election?*

Yes. There is 1 seat to fill and 1 write-in vote. Therefore, votes for ballot candidates may not be counted. *Remember:* In a “vote for 1” scenario, the presence of a write-in vote means no marked ballot candidates may be counted.

4) *How many votes is the voter entitled to? (Counted write-in votes plus marked ballot candidates cannot exceed the number of votes the voter is entitled to.)*

One.

- We have determined that the write-in vote cannot be counted because the write-in candidate is not registered.
- We have also determined that votes for ballot candidates cannot be counted because the voter cast a write-in vote.
- Even if ballot candidates could be considered, which one did the voter intend to vote for? Voter intent cannot be determined.

No votes may be counted for this contest.

Example 2

**Coroner
Vote for 1**

- Gary Lewis
- Brian Hyland & Johnny Maestro

1 ballot candidate
for a 1-seat office.
2 write-in votes;
Brian is registered,
Johnny is not.

Step 1: Determine which, if any, write-in votes can be counted.

1) *Can all write-in votes be counted or just those for registered write-in candidates?*

There is 1 ballot candidate for this 1-seat office, so only votes for registered write-in candidates may be counted.

2) *Is either write-in candidate registered?*

Brian is registered; Johnny is not. For which write-in the voter intended to vote cannot be determined. Neither write-in vote is counted.

Step 2: Determine if any votes marked for ballot candidates can be counted.

3) *Regardless of whether the write-in vote can or cannot be counted, are there enough write-in votes to fill the number of seats up for election?*

Yes. There is 1 seat to fill and 1 write-in vote. Therefore, votes for ballot candidates may not be counted. Remember: In a “vote for 1” scenario, the presence of a write-in vote means no marked ballot candidates may be counted.

4) *How many votes is the voter entitled to?*

One.

- We have determined that the write-in vote cannot be counted because intent cannot be determined.
- We have also determined that votes for ballot candidates cannot be counted because the voter cast a write-in vote.
- The voter has voted for a total of 3 candidates. Voter intent cannot be determined.

No votes may be counted for this contest.

Example 3

**Sheriff
Vote for 1**

- Bat Masterson
- Matt Dillon
- Barney Fife

*2 ballot candidates
for a 1-seat office. 1
vote for a registered
write-in*

Step 1: Determine which, if any, write-in votes can be counted.

1) *Can all write-in votes be counted or just those for registered write-in candidates?*

There are 2 ballot candidates for this 1-seat office, so only votes for registered write-in candidates may be counted.

2) *Is the write-in candidate registered?*

Yes. The write-in vote is counted.

Step 2: Determine if any votes marked for ballot candidates can be counted.

3) *Regardless of whether the write-in vote can or cannot be counted, are there enough write-in votes to fill the number of seats up for election?*

Yes. There is 1 seat to fill and 1 write-in vote. Therefore, votes for ballot candidates may not be counted. *Remember:* In a “vote for 1” scenario, the presence of a write-in vote means no marked ballot candidates may be counted.

4) *How many votes is the voter entitled to?*

One.

- We have determined that the write-in vote counts. The voter has reached the number of votes to which they are entitled.
- We have also determined that votes for ballot candidates cannot be counted because the voter cast a write-in vote.

One write-in vote is counted for this contest.

Example 4

**Village Trustee
Vote for not more
than 3**

- Andy Warhol
- Gloria Steinem
- Walter Winchell
- Barney Fife
- Ida Lupino

*3 ballot candidates
for a 3-seat office. 2
write-in votes.
Barney is registered;
Ida is not.*

Step 1: Determine which, if any, write-in votes can be counted.

1) *Can all write-in votes be counted or just those for registered write-in candidates?*

There are three ballot candidates for this “vote for 3” office, so only votes for registered write-in candidates may be counted.

2) *Is either write-in candidate registered?*

Barney is registered, Ida is not. One vote is counted for Barney.

Step 2: Determine if any votes marked for ballot candidates can be counted.

3) *Regardless of whether the write-in vote can or cannot be counted, are there enough write-in votes to fill the number of seats up for election?*

No. There are three seats to fill and two write-in vote. Therefore, votes for ballot candidates may be counted.

4) *How many votes is the voter entitled to?*

Three.

- We have determined that one write-in vote is counted.
- We have also determined that votes for ballot candidates may be counted; a vote for Gloria is counted.

One write-in vote and one ballot candidate vote is counted for this contest.

Example 5

**Village Trustee
Vote for not more
than 3**

- Gloria Steinem
- Walter Winchell
- Ward Cleaver
- Ozzie Nelson
- Laura Petri
- Barney Fife
- Ida Lupino
- Tom Jones

*5 ballot candidates
for a 3-seat office. 3
votes for registered
write-ins.*

Step 1: Determine which, if any, write-in votes can be counted.

1) *Can all write-in votes be counted or just those registered write-in candidates?*

There are 5 ballot candidates for this 3-seat office, so only votes for registered write-in candidates may be counted.

2) *Are the write-in candidates registered?*

All 3 are registered. Three write-in votes are counted.

Step 2: Determine if any votes marked for ballot candidates can be counted.

3) *Regardless of whether the write-in vote can or cannot be counted, are there enough write-in votes to fill the number of seats up for election?*

Yes. There are 3 seats to fill and 3 write-in vote. Therefore, votes for ballot candidates may not be counted.

4) *How many votes is the voter entitled to?*

Three.

- We have determined that 3 write-in votes count. (The voter has reached the limit of votes to which they are entitled.)
- We have also determined that votes for ballot candidates may not be counted.
- In addition, the 3 counted write-in vote plus the 1 vote for the ballot candidates would exceed the number of votes to which the voter is entitled.

Three write-in votes are counted for this contest. *(Don't forget to subtract the votes the equipment counted for the two ballot candidates.)*

Example 6

**Town Board
Supervisor
Vote for not more
than 3**

- Ward Cleaver
- Ozzie Nelson
- Laura Petri
- Peter Noone.
- Tom Jones.
- Robert Plant.

*3 ballot candidates
for a 3-seat office. 3
write-in votes; Peter
and Tom are
registered, Robert is
not.*

Step 1: Determine which, if any, write-in votes can be counted.

1) *Can all write-in votes be counted or just those for registered write-in candidates?*

There are 3 ballot candidates for this 3-seat office, so only votes for registered write-in candidates may be counted.

2) *Are the write-in candidates registered?*

Peter and Tom are; Robert is not. Count the votes for Peter and Tom.

Step 2: Determine if any votes marked for ballot candidates can be counted.

3) *Regardless of whether the write-in vote can or cannot be counted, are there enough write-in votes to fill the number of seats up for election?*

Yes. There are 3 seats to fill and 3 write-in vote. Therefore, votes for ballot candidates may not be counted.

4) *How many votes is the voter entitled to?*

Three.

- We have determined that 2 write-in votes are counted.
- We have determined that votes for ballot candidates cannot be counted.

Two write-in votes are counted for this contest. (Don't forget to subtract the Votes the voting equipment counted for the ballot candidates)

Example 7

**Town Board
Supervisor
Vote for not more
than 3**

Ozzie Nelson

Laura Petri

Peter Noone.

_____.

_____.

*2 ballot candidates
for a 3-seat office. 1
vote for a non-
registered write-in.*

Step 1: Determine which, if any, write-in votes can be counted.

1) *Can all write-in votes be counted or just those for registered write-in candidates?*

There are 2 ballot candidates for this 3-seat office, so all write-in votes may be counted.

2) *Is the write-in candidate registered?*

No. But all write-in votes may be counted. Count a vote for Peter.

Step 2: Determine if any votes marked for ballot candidates can be counted.

3) *Regardless of whether the write-in vote can or cannot be counted, are there enough write-in votes to fill the number of seats up for election?*

No. There are 3 seats to fill and 1 write-in vote. Therefore, votes for ballot candidates may be counted.

4) *How many votes is the voter entitled to?*

Three.

- We have determined that the 1 write- vote is counted.
- We have also determined that votes for ballot candidates may be counted. One vote each for Ozzie and Laura are counted.

One write-in vote and two votes for the ballot candidates are counted for this contest (*Don't forget to add 1 vote each to Ozzie's and Laura's vote totals.*)

Example 8

Town Board
Supervisor
Vote for not more
than 3

- Ward Cleaver
- Ozzie Nelson
- Laura Petri
- Gomez Adams

Peter Noone.

Tom Jones.

_____.

4 ballot candidates
for a 3-seat office.
Ozzie is deceased.
3 write-in votes;
Peter is registered,
Tom and Robert are
not.

Step 1: Determine which, if any, write-in votes can be counted.

1) *Can all write-in votes be counted or just those for registered write-in candidates?*

There are 4 ballot candidates for this 3-seat office, but Ozzie Nelson is deceased. All write-in votes may be counted.

2) *Are the write-in candidates registered?*

It doesn't matter. All write-in votes may be counted. The two write-in votes are counted.

Step 2: Determine if any votes marked for ballot candidates can be counted.

3) *Regardless of whether the write-in vote can or cannot be counted, are there enough write-in votes to fill the number of seats up for election?*

No. There are 3 seats to fill and 2 write-in vote. Therefore, votes for ballot candidates may be counted.

4) *How many votes is the voter entitled to?*

Three.

- We have determined that 2 write-in votes are counted.
- We have determined that votes for ballot candidates may be counted.
- However, the 2 write-in votes plus the 2 votes for ballot candidates would exceed the number of votes to which the voter is entitled. The ballot candidate votes are not counted.

Two write-in votes are counted for this contest. (Don't forget to subtract the votes the voting equipment counted for the 2 ballot candidates.)