



Wisconsin Elections Commission

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

FROM: WEC Staff

SUBJECT: Ballot Proofing Best Practices for Clerks

This memorandum provides an overview of both the legal requirements, as well as best practices, for local election officials when proofing their ballots prior to an election. The information contained in this memo is not new, but rather reminders. Ensuring that ballots are correct for the General Election is of paramount importance. County clerks, municipal clerks, and the Wisconsin Elections Commission all play an important role in this process. Each level of government's role in ensuring ballot accuracy is detailed below:

1) County Requirements and Best Practices in Ballot Design and Proofing

County Clerks play a major role in the proofing and distribution of ballots. Wis. Stat. [§ 7.10](#) defines the role of a County Clerk. Here are the steps a County Clerk follows:

a. *County Receives Information from WEC, Wis. Stat. [§ 7.08\(1\)\(a\)](#)*

To start the counties process, prior to each election, the WEC is required to issue notices and templates related to the upcoming election. The six-member, bi-partisan Wisconsin Elections Commission will meet in a public meeting before the election to approve ballot templates. This template provides the look, feel, and format of each type of ballot (optical scan, hand count, and direct recording equipment) not the specifics of each ballot's contests and candidates.

The WEC will also issue a Type B notice once they have approved ballot access for an upcoming election. The notices will include information for contests and candidates where the WEC is the filing officer. Clerks also enter contests and candidates for local offices into WisVote.

Once all this information has been entered, clerks can use reports from WisVote to determine which contests and candidates should appear on each ballot style. These documents provide the basis for the County Clerk to begin the process of preparing ballots pursuant to Wis. Stat. [§ 7.10\(1\)\(a\)](#).

b. *County Clerk Prepares/Proofs Ballots, Wis. Stat. [§ 7.10\(1\)\(a\)](#)*

The County Clerk will construct a ballot style for each of their municipalities. A ballot "style" refers to the combination of different offices that a voter is eligible to vote in based on what districts they reside in and what offices are up for election at that time. Depending on the districts and wards on the ballot for the

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election, a county could have hundreds of ballot styles that they are constructing for their municipalities. The county uses all their available resources from WEC, from their own office as filing officer, and information from municipal and school district clerks to ensure that each ballot style has the correct districts, wards, contests, and candidates. This includes making sure that the instructions are correct (vote for no more than one, vote for no more than 2, etc.), candidates' names are spelled correctly, and referenda displayed correctly.

When proofing your ballots, please consider comparing the ballots to the reports generated from WisVote both as you are preparing the ballots, and again when you have proofs and printed copies of the ballots. You also want to pay special attention to making sure that each of the contests, and the candidates in them, appear on the correct ballot style. For example, beyond just checking the list of candidates to make sure they are all there and are spelled correctly, taking a holistic look at each ballot style to ensure that each office or contest, and corresponding candidates are associated and printed on the correct ballot style.

Special note about new districts! With the recent order of the Wisconsin Supreme Court to update legislative districts it is very important new reports are utilized and not reports from previous elections. County clerks are ultimately responsible for ensuring that the correct contests appear on each ballot style for each of their municipalities. District lines for the new Legislative maps (adopted on February 2024 through [Wisconsin 2023 Act 94](#)) have been implemented in WisVote since April 2024. Multiple trainings have occurred and are available to clerks to assist with redistricting. It is critical that each clerk understand how the new maps impacted their jurisdictions when constructing ballot styles ahead of November.

County clerks are also required to submit one proof of each of their ballot formats to WEC for review. This means if a county has municipalities who use optical scan equipment and hand count, the county should submit to WEC an example of an optical scan ballot and a hand count ballot. County clerks do not send individual ballot styles (each possible combination of contests and candidates) to WEC to proof. WEC will proof the format to make sure that the structure of the ballot complies with what was approved by the Commission. Wis. Stat. § 7.10(1)(a). WEC does not proof ballot styles for the correct contests, candidates, or things like spelling of names or referenda. If WEC notices an error like this in their review, they will alert a clerk, but it is not part of the facial review process.

It's also encouraged that County Clerks work with each of their municipalities during this stage. Before ballots go to print, it's a best practice to have municipalities proof each of their ballot styles to ensure all ballot styles are included, and that all contests and candidates are displayed correctly.

c. *County Clerk Prints Ballots, Wis. Stat. §7.10(1)*

The County Clerk is responsible for printing ballots to be distributed to their municipalities. Wis. Stat. § 7.10(1). Some counties may use a vendor for printing while others may print their ballots in house. Either way, throughout the ballot printing process, county clerks need to be sure that they are reviewing the ballots through the various stages of printing. Some vendors or printing equipment may make formatting modifications.

It is the county's responsibility to ensure that as ballots are printed, they are tested, and proofed to be sure that there are no consequential changes made to the formatting or to how contests and candidates display. This can also involve inspecting printed ballots to make sure that there are no smudges, scratches, or other print issues that impact the readability of the ballot or the ability of the ballot to be accurately read by electronic voting equipment. If county clerks use vendors for printing, vendor contracts should be reviewed to ensure that there are provisions that account for proofing, fixing errors, and timelines to ensure statutory

timelines can be met if there are any errors identified.

d. *County Clerk Distributes Ballots, Wis. Stat. §7.10(3)*

Once ballots have been prepared and printed, county clerks then distribute ballots to their municipalities. For an election or primary that contains a contest for a federal office, such as President of the United States or Representative to Congress, it is required by federal law and state statute that County Clerks distribute ballots to their municipal clerks no later than the 48th day before the election or primary. For elections or primaries with only state or local level contests it is required by statute that County Clerks distribute ballots to their municipal clerks no later than the 22nd day before the election or primary.

When county clerks distribute ballots to municipalities, it is a good idea to get the “sign off” of each municipal clerk. This could be requiring a signed or emailed acknowledgement that the ballots were received timely and that the municipal clerk has reviewed the ballots they received and acknowledges that they are accurate.

2) *Municipal Clerk Requirements and Best Practices in Proofing Ballots, Wis. Stat. §7.15(2)*

While there is less prescribed in Wisconsin State Statutes about a municipality’s role in proofing ballots, there are certainly some best practices that municipalities should consider so they can ensure that voters receive correct ballots. Municipalities with populations over 500,000 may prepare their own official and sample ballots. Wis. Stat. § 7.15(2)(b). All other municipalities may prepare their own ballots with the consent of their county clerk whenever voting machines or electronic voting equipment are used in elections where there are both local races as well as national, state, or county offices. Wis. Stat. § 7.15(2)(c). If a municipality chooses this option and obtains consent, then they are taking on all of the statutory responsibilities of the county in proofing and preparing ballots as described above. For those who receive their ballots from the County Clerk, here are some best practices:

a. *Municipal Clerk Takes Custody of Ballots*

When the Municipal Clerk takes custody of their ballots from the county, they should check each ballot style to ensure all contests and candidates are correct. Municipal clerks can also utilize deputy clerk staff or experienced poll workers to help proof their ballots. WEC provides reports that the municipality can use to make this verification. Please use these reports, along with any of your own information as candidate filing officer, and information from other offices like school and sanitary districts to make sure that all of the information is correct. The earlier a problem is recognized, the sooner it can be fixed! The goal is to catch errors before ballots are sent to voters. Once ballots are sent to voters, it is much more difficult, and sometimes impossible, to correct.

Counties will likely ask municipalities to review an electronic proof of the ballots before they go to print. Cooperation and coordination with the county during this process is crucial. Municipal clerks are often most familiar with the nuances of their districts, wards, and candidates, so they play an important role in ensuring ballots are correct.

b. *Municipal Clerk Conducts Public Test*

Within 10 days of the election, municipal clerks conduct public tests of their voting equipment. Wis. Stat. 5.84(1). The public test is not optional, and is not just best practice, but it is best practice for municipal clerks to again review their ballot styles during the test to catch any errors or mistakes that may have been missed. While this is too late to catch errors that were made on absentee ballots, it is an important time for municipal clerks to ensure that their ballots and their voting equipment is accurately reflecting contests and

candidates before Election Day. All other proofing should have been completed prior to the public test, however, if there is an issue with the programming of the equipment or the ballot itself that is identified during the test it is important to bring it to the County Clerk's attention and WEC immediately.

c. *Municipal Clerk Send Ballots to Voters*

Municipal clerks are responsible for issuing ballots to voters, whether it is by-mail absentee, in-person absentee, or at the polls on Election Day. In regard to by-mail absentee, for an election or primary that contains a contest for a federal office, such as President of the United States or Representative to Congress, it is required by statute that municipal clerks mail ballots to voters with a request on file no later than the 48th day before the election or primary. Wis. Stat. § 7.15(1)(cm). For elections or primaries with only state or local level contests it is required by statute that municipal clerks mail ballots to voters with requests on file no later than the 21st day before the election or primary. Wis. Stat. § 7.15(1)(cm). For all other absentee voters, municipal clerks must issue a ballot within one business day of receiving the request. Wis. Stat. § 7.15(1)(cm). It is important to know these deadlines to be prepared to receive and proof ballots in time to correct errors and ensure statutory deadlines are met.

Municipal clerks also need to ensure they receive enough ballots from their county clerk to ensure they will not run out of ballots for by-mail absentee, in-person absentee, or election day.

3) WEC Role and Requirements in Ballot Design and Proofing, Wis. Stat. §7.08

a. *WEC Ballot Templates and Notices, Wis. Stat. § 7.08(2)(a)*

The six-member, bi-partisan Wisconsin Elections Commission takes a vote, in a public meeting, before each election cycle to approve ballot templates. Ballot templates are posted to the WEC website once they are approved. Templates provide the basic design of each type of ballot (optical scan, hand count, and direct recording equipment) such as balloting instructions, appearance of categories of contests, and other formatting. WEC templates are not specific to each contest and candidate. The Commission also approves ballot access for candidates and parties for which it is the filing officer, and relays information on statewide referenda through notices. Once the WEC meets in a public meeting to approve ballot access, the official notices are then emailed to the County Clerks and posted to the WEC website.

b. *WEC Proofs Format of Ballots*

WEC also proofs ballots formats submitted by each County Clerk. The WEC staff conducts a review to make sure that the ballot proofs comply with the formatting approved by the WEC for each type of ballot. WEC staff will also review some state and national level contest information.

For example, if a county has both optical scan municipalities and hand count municipalities, then the county will submit two ballot proofs, one for each type of ballot. WEC staff does not proof each name, candidate, and referenda on the ballot proofs. If WEC staff notices a misspelling or other error during their formatting review, they will of course notify the county. That said, counties should not rely on WEC to conduct this type of review. The WEC does have a checklist that is provided to a County Clerk after they have submitted a ballot proof for review. The checklist makes clear what the WEC has and has not reviewed. The checklist utilized for the August 13, 2024, Partisan Primary can be found in Appendix A.

c. *WEC Reports and Lists*

Finally, WEC provides lists and reports from the statewide voter registration database that municipal and county clerks use to ensure the correctness of the contests. The information in these reports is a combination of data entered by WEC staff, County Clerks, and Municipal Clerks. WEC enters information into WisVote for candidates who file with the state office, offices such as Governor, State Senate and Assembly, and most

Judicial races. Counties enter information for county offices, school districts, and sometimes municipal information, while municipalities enter information for municipal races, sanitary districts, and municipal level referenda. All levels must do their part to ensure the data entered into WisVote is correct. For contests where the Commission is the filing officer, multiple staff members review each of the entries for spelling and other specifics. It is suggested that counties and municipalities do the same. When data is entered accurately, these reports are a crucial component to what clerks use to proof their ballots to ensure accuracy.