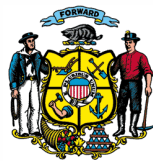


Election Day Manual

for
Wisconsin Election Officials



Wisconsin Elections
Commission

January 2024

REDLINED VERSION

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INTRODUCTION

Elections in Wisconsin are conducted at the local level. Responsibility falls on election officials to ensure that every election is conducted in a manner that is fair, transparent, and accessible to all.

Many changes have occurred in the way elections are conducted in the State of Wisconsin over the past ten years. These changes have not been easy but due to the dedication, patience, and hard-work of election officials at all levels of government, we have transitioned well into the new requirements. The Wisconsin Elections Commission aims to continue to administer excellence in elections across Wisconsin. However, on Election Day it is up to the local election officials to protect the integrity of the election process.

The *Election Day* manual was developed to serve as a comprehensive reference to help election officials meet the challenges of Election Day. It is our hope that you refer to it often and make use of the other resources cited throughout the manual. As always, Elections Commission staff is here to provide answers and advice to assist you in fulfilling your obligations to ensure public confidence in the Wisconsin election process.

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ELECTION DAY CONTACTS

****COMPLETE THIS SECTION BEFORE ELECTION DAY****

OFFICE OF THE MUNICIPAL CLERK

Phone: _____

POLICE/SHERIFF/LAW ENFORCEMENT

Phone: _____

BUILDING MAINTENANCE

Phone: _____

OFFICE OF THE COUNTY CLERK

Phone: _____

OTHER:

Phone: _____

OTHER:

Phone: _____

WISCONSIN ELECTIONS COMMISSION

Phone: _____

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QUALIFICATIONS FOR ELECTION OFFICIALS

Summary

An election official is defined as “an individual who is charged with any duties relating to the conduct of an election.” Wis. Stat. § 5.02(4e). County, municipal, and school district clerks are election officials, as are election inspectors, chief inspectors, election registration officials (EROs), special voting deputies (SVDs), tabulators, and greeters. Election officials perform a very important public service by enhancing the high quality and integrity of our elections.

The sections below outline the different appointment and qualifications, duties, and training requirements for each type of election official. The final section details the requirement that all election officials take and file an oath prior to commencing his or her duties.

Municipal Clerks

Appointment and Qualifications

Municipal clerks are elected by the voters or appointed to their positions by the governing body of a given town, village, or city. For specific qualification and residency requirements, consult your municipal attorney.

Duties

The municipal clerk’s election duties include, but are not limited to, supervision of elections and voter registration in the municipality, equipping polling places, purchasing and maintaining election equipment, preparing ballots and notices, and conducting and tracking the training of other election officials. The municipal clerk is responsible for conducting the election in his or her municipality. Wis. Stat. § 7.15.

A municipal clerk may serve as an Election Registration Official and register voters at the polling place on Election Day. In addition, a municipal clerk may register voters in his or her office on Election Day if located within the same building as the polling place with a resolution of the governing body.

Training Requirement

Under Wisconsin law, each municipal clerk must attend training sponsored by the Wisconsin Elections Commission every two years. Wis. Stat. § 7.15(1m). In order to comply with this training requirement, municipal clerks must obtain six hours of training every two-year term, beginning January 1 of even-numbered years, and ending on December 31 of odd-numbered years.

All clerks must be initially certified by attending the Municipal Clerk Core Curriculum Training (MCT Core) course. Attending MCT Core certifies the clerk to conduct elections in the current term. In order to recertify for the following term, the clerk must attend at least six hours of Elections Commission-approved continuing election education during the current term. (Attendance at MCT Core counts three hours toward recertification for the following term.) Clerks always need to earn a total of six hours during the current term to recertify for the following term. EL 12.03(1), (2).

Clerks must report their election training and the number of hours to the WEC using the Municipal Clerk Recertification Reporting Form which is available on the WEC's website. Training can also be entered directly into WisVote if the clerk is a user of the WisVote system. Training not reported using the form or entered by the clerk in WisVote will not be counted towards recertification hours. Training "sponsored" by the WEC includes any training for municipal clerks that the WEC approves. This includes, but is not limited to, training given by county clerks, WEC clerk conference presentations, [live](#) or recorded webinar training sessions and election security training. A detailed list is available on the WEC website. EL 12.03 (4), (5).

Related Materials

The *Election Administration* manual details the duties and requirements for municipal clerks. This manual is available on the agency website for download or may be ordered for a small fee. The manual is issued to new municipal clerks when they have completed the Municipal Clerk Core training class. Information on recertification, as well as the Municipal Clerk Recertification Reporting Form, is also available on the agency website.

Special note regarding election inspector appointments: It is the opinion of the Commission that election inspectors may not serve at elections where they, their spouse, or immediate family member is a candidate on the ballot or under other circumstances where a candidate's success or failure to win election would affect

the election inspector financially. There may be other laws that specifically prohibit certain individuals from serving as election inspectors. Clerks are encouraged to check with their local municipal attorney if they have any questions as to whether a given individual may serve.

Election Inspectors

Appointment and Qualifications

Election inspectors, sometimes called “poll workers,” staff the polling place on Election Day. Each polling place should have seven inspectors, although the governing body may increase the number where more than one voting device is used or polling places are combined or reduce the number by resolution. Under no circumstances may there be less than three election inspectors. Wis. Stat. § 7.30(1)(a).

Election inspectors are appointed by the governing body. Nominations for election inspectors are presented to the presiding officer of the governing body in December of odd-numbered years. If lists of nominees are received from the two dominant political parties before the November 30 of odd-numbered years deadline, the election inspectors must be appointed from the lists. If no nominations, or an insufficient number of names, are submitted, the board of election commissioners shall appoint (or the mayor, president or chairperson of a municipality may nominate) qualified electors of the municipality without regard to party affiliation. The governing body appoints the inspectors for a two-year term at either a regular meeting, or at a special meeting designed for that purpose, before December 31 of odd-numbered years. Election inspector terms run from January 1 of an even-numbered year through December 31 of the subsequent odd-numbered year. Wis. Stat. § 7.30(4)(b).

Election inspectors must be able to read, write and understand the English language. An inspector may not be a candidate for any office to be voted on at an election at which they serve. Election inspectors must be qualified electors of the county served by the polling place in which they work. Wis. Stat. § 7.30(2)(c).

Duties

Election inspectors’ duties include but are not limited to setting up the polling place, preserving order, registering electors, recording electors, issuing ballots, monitoring voting equipment, counting votes, and properly completing the required forms. Wis. Stat. § 7.37.

Training Requirement

Election inspectors are required to receive training from the municipal clerk within two years of any election at which they serve. State law does not stipulate a minimum number of hours per term or curriculum. It is the responsibility of the municipal clerk to see that all election inspectors are provided with adequate training for the performance of their duties and track the training they receive each term. Wis. Stat. § 7.315(b)(1).

Chief Election Inspectors

Appointment and Qualifications

For each polling place, one election inspector who has completed the required chief inspector training is designated by the municipal clerk to act as chief inspector. Even if more than one election inspector has completed chief inspector training, only ONE election inspector per polling place should serve officially as chief inspector at a given time. It is recommended that the municipal clerk NOT serve as any type of election inspector. The municipal clerk is prohibited from serving as any type of election inspector if he or she is on the ballot. Wis. Stat. § 7.30(2)(a).

The chief inspector must be a qualified elector of the municipality served by the polling place at which they work unless no qualified candidate is available. Wis. Stat. § 7.30(2)(a), EL 11.01(1).

Duties

The chief inspector acts as liaison between the election inspectors and the municipal clerk and is in charge of the polling place on Election Day.

Training Requirement

Chief inspectors have the additional training requirement that they must attend “Baseline Chief Inspector” training to be initially certified. Attending Baseline training certifies the attendee as a chief inspector for all of the elections in the current term. To recertify for the following term, a chief inspector must complete at least six hours of Elections Commission-approved continuing election education during the current term. Attendance at Baseline training also counts toward recertification hours for the following term. Please see the agency website for a list of approved methods for accumulating hours toward recertification of chief

inspectors. The municipal clerk must track the training hours for chief inspectors in their municipality. Wis. Stat. § 7.31(4), EL 11.02.

Clerks may administer the “Chief Inspector Self-Evaluation” developed by the WEC to gauge their comprehension of election administration laws after completing the training. The results of the self-evaluation will not affect the chief inspector’s appointment or qualifications to serve. Municipal clerks may develop their own evaluation tools.

Election Registration Officials (EROs)

Appointment and Qualifications

Municipal Clerks may appoint Election Registration Officials to conduct voter registration at the polling place, at residential care facilities during the open registration period, and in the clerk’s office during in-person absentee voting. An ERO must be a qualified elector of the county for the polling place, residential care facility or clerk’s office at which they serve. However, a non-resident clerk or deputy clerk may serve as an ERO in case of a vacancy. EROs are appointed to a two-year term. ERO terms run from January 1 of an even-numbered year through December 31 of the subsequent odd-numbered year. The ERO is required to take the same training as election inspectors. If an ERO will be filling in for an election inspector (lunch, breaks, etc.), he or she must also be appointed as an election inspector.

Duties

EROs carry out the registration duties on Election Day. At particularly high-turnout elections, EROs ease the election inspectors’ workload. Wis. Stat. § 6.28(1)(a).

Training Requirement

EROs are required to receive training from the municipal clerk within two years of any election at which they serve and take an oath. It is the responsibility of the municipal clerk to see that EROs are provided with adequate training for the performance of their duties. Wis. Stat. § 7.315(4).

Special Voting Deputies (SVDs)

Appointment and Qualifications

Special Voting Deputies (SVDs) are appointed by the municipal clerk to carry out absentee voting at certain care facilities located in the municipality. Nominations for special voting deputy positions may be submitted by the two dominant political parties at the same time as election inspector nominations are submitted. If no nominations are submitted, then the municipal clerk may appoint qualified electors of the county without regard to party affiliation. At least two SVDs must be appointed, if any.

SVDs are appointed by the clerk for one election term (January 1st of an even-numbered year to December 31st of an odd-numbered year).

SVDs must be qualified electors of the county and may not currently be employed by the facility or have been employed by the facility within two years of the appointment. SVDs may not be an immediate family member of anyone currently employed by the facility or employed by the facility within two years of the appointment.

Wis. Stat. § 6.875.

Duties

SVDs conduct absentee voting at certain care facilities and qualified retirement homes. SVDs may register voters during open registration if they have also been appointed and trained as Election Registration Officials.

Training Requirement

SVDs are required to attend training every two years and must have attended training within two years of any election at which they serve. Wis. Stat. § 7.315 (1)(a).

Related Materials

The *Absentee Voting in Residential Care Facilities and Retirement Homes* manual outlines procedures and requirements for Special Voting Deputies. This manual is available on the agency website.

Greeters and Tabulators

Greeters

Each municipality may appoint one additional election inspector without regard to party affiliation to act as a greeter and substitute for other officials as necessary on Election Day. Greeters should acknowledge voters and assist them in opening the doors if needed. Additionally, greeters should serve as a resource for answering questions about the polling place and where an elector needs to go to register to vote or receive a ballot. Greeters may not participate in the canvass after the polls close. Unless acting as a substitute for an election inspector, greeters may not participate in any official election inspector duties, e.g., canvass, voter registration, issuing ballots. If acting as a substitute election inspector, greeters must be qualified electors of the county for the polling place at which they serve. Wis. Stat. § 7.30(1)(b).

Tabulators

Not less than 30 days before an election, the governing body may, by resolution, authorize the municipal clerk to select and employ tabulators. Tabulators aid election inspectors in counting and tallying votes at the end of the night. Tabulators are to assist and be under the direction of the election inspectors after the polls close. There is no residency requirement for tabulators. Wis. Stat. § 7.30(3)(b).

Oaths of Office

1. All election officials are required to take and file an oath.
2. Municipal clerks administer the oath of office at the time of appointment or at a training session to election inspectors (including chief inspectors), special voting deputies, and election registration officials.
3. The oath must be filed before the commencement of the official's duties.
4. The oath is valid for the entire term of appointment.
5. Substitute inspectors may be given the oath by another inspector, preferably the chief inspector, on Election Day at the polling place.
6. The following oaths may be obtained from the agency website or directly from the Elections Division.

- a. *Official Oath (EL-154)*: Filed by Election Inspectors, Chief Inspectors and Election Registration Officials, Greeters and Tabulators.
- b. *Oath of Special Voting Deputy (EL-155)*: Filed by Special Voting Deputies.

Wis. Stat. § 7.30 (5).

Frequently Asked Questions

1. *Are regular election inspectors required to take a certain number of training hours per two-year term?*

Regular election inspectors (poll workers), election registration officials and special voting deputies are required to receive some type of election training every two years, but state law does not prescribe the curriculum or number of hours.

2. *Who tracks the training taken by municipal clerks and local election officials?*

Municipal clerks are required to report their election training to the WEC each term for tracking purposes. Clerks can report their training by submitting the prescribed form available on the Commission website or by entering the training into WisVote if the clerk is a self-provider of the system. Municipal clerks track the training taken by their local election officials, including chief inspectors, poll workers, special voting deputies and election registration officials.

PRE-ELECTION PREPARATIONS

Preparing to Serve

Your job as an election official is an important responsibility. Being familiar with election laws and procedures before Election Day will ensure that you feel comfortable and confident serving at the polling place. There are a number of activities you can engage in to increase your knowledge and help prepare you for Election Day.

1. Attend a training session.
 - a. All election inspectors, election registration officials, special voting deputies, and election registration officials must attend or view a training session at least once every two years.
 - b. You may not serve unless you complete training within two years of an election.
 - c. The municipal clerk, county clerk, or the Wisconsin Elections Commission staff provides training sessions. If no training sessions are scheduled in your area, request one from your municipal clerk.
 - d. The municipal clerk is responsible for maintaining training records for election officials.

Wis. Stat. § 7.315 (b)(1).

Note: Chief inspectors are required to attend the Baseline Chief Inspector training class in order to be initially certified. Attending Baseline training certifies the attendee as a chief inspector for the current term. In order to recertify for the following term, a chief inspector must attend at least six hours of Wisconsin Elections Commission-approved continuing election education during the current term. (Attendance at Baseline training also counts toward recertification for the following term.) Wis. Stat. § 7.31(4).

For more information about election official training requirements, see the “*Qualifications for Election Officials*” chapter of this manual.

2. Read the Election Day Manual.

- a. Election inspectors should review this manual along with relevant election statutes before Election Day. Check the WEC website to ensure that you have the most recent version of the manual.
- b. A copy of the Wisconsin election statutes, Chapters 5-12, can be obtained from the municipal clerk or online from the WEC website.
- c. If you will be responsible for registering voters on Election Day, you should review the Electors section of the Election Day manual. Manuals can be obtained from the municipal clerk, downloaded from the WEC website or ordered from the agency.

3. Consult with the municipal clerk.

- a. Determine how many election inspectors are needed.

The municipal clerk or the chief inspector should inform you of any important changes that will affect the election and your job. You should discuss how many election inspectors will be working on Election Day and, if shifts will be used, who will be working and at what time during the day. There must always be an odd number of election inspectors working. Wis. Stat. § 7.30(1)(a).

The municipal clerk should identify any election inspectors appointed by one of the two major political parties. The chief inspector must ensure that any Election Day tasks which require completion by two election inspectors are represented by each party, whenever possible. Wis. Stat. § 7.30(2)(a).

- b. Determine the need for a greeter.

You should determine if there will be an additional person serving as a greeter on Election Day. Greeters can be appointed regardless of party affiliation and may temporarily serve as an election inspector to cover breaks or unexpected absences; however, greeters may not count votes or participate in the canvass after the polls close.

Note: A greeter is not included in the total number of election officials. Wis. Stat. § 7.30(1)(b).

c. Designate an End of Line Officer.

The municipal clerk should designate an official of the municipality (may be an election inspector, election registration official, employee of the clerk, or police officer) to stand at the end of the line of individuals waiting to vote, if any, at the time the polls close at 8:00 p.m. This person should be designated before Election Day. Wis. Stat. § 7.37(13).

d. Review contingency plans.

The municipal clerk should have a contingency plan in the event of an emergency situation. You, as an election inspector, should be familiar with that plan and ask your municipal clerk how he or she would like you to proceed in the event of an emergency. By identifying and planning a response to some common emergency scenarios (fire, power outage, etc.), the election inspectors will be better equipped to handle the uncertainty caused by emergency situations. If a contingency plan has not been shared with you, ask your municipal clerk. Wis. Stat. § 7.37(1).

4. Visit the polling place.

- a. Familiarize yourself with the location. Be sure you know how to unlock doors and turn on lights if necessary.
- b. Determine how the polling place will be set up. Decide where the check-in tables, registration tables, voting booths, ballot boxes, required postings, etc. will go prior to Election Day.

5. Familiarize yourself with the ballot and voting equipment.

- a. Know who the candidates are and which offices and referenda will appear on the ballot.
- b. Be sure you are familiar with the voting equipment that will be used on Election Day. You should be able to instruct a voter how to cast a ballot on the machine. Wis. Stat. § 5.79.

6. Arrive at the polling place early.

- a. Plan to arrive at least 30 minutes before the polls open at 7:00 a.m. You will need this time to ensure that everything is ready before voters begin to appear.

- b. The municipal clerk may have specific instructions on the required time for arriving at the polling place on Election Day.

Polling Place Set-Up

Before the first voter enters the polling place, election inspectors should take the time to make sure that the polling place is set up correctly and that they have all the necessary supplies. The way a polling place is set up affects how easy it will be for you to do your job and for voters to cast their ballots. The proper set up is one of the most important elements to ensure that Election Day will run as smoothly as possible. Wis. Stat. § 5.35.

Special Note Regarding Ability of School Districts to Close Certain Polling Places

Inspectors may find themselves conducting an election for people who do not ordinarily vote at their polling place.

If no federal, state, county, municipal or judicial election is held on a day when a school district is conducting an election or referendum, the school district may choose to close a polling place and direct the voters from that polling place to vote at another polling place in the school district. This commonly happens at spring primaries but could also occur when the school district conducts a special election or referendum. School districts use this authority in order to save on the cost of poll workers and polling places.

If a school district closes a polling place, the inspectors at the “host” polling place (the polling place at which the displaced voters have been directed to vote) conduct the school district election for their usual voters as well as for the “guests” from the closed polling place.

The election is conducted just as if the closed polling place was open: Separate poll books, separate tally sheets and inspectors’ statements and separate results. The “host” inspectors are able to register “guests” even if they are from another municipality. The “host” inspectors deliver the materials for both polling places to the municipal clerk as usual. If the closed polling place is in another municipality, the municipal clerk will deliver the materials pertaining to the closed polling place to the appropriate municipal clerk.

Wis. Stat. § 120.06(9).

Layout

Prior to Election Day, the chief inspector should consult with the municipal clerk to discuss the layout of the polling place. It is important to be familiar with the flow of traffic and take a critical look at the polling place to make sure it will be accessible for all voters, including those with disabilities.

When planning the layout of the polling place, consider the following:

1. Voting Booths

- a. Every polling location is required to have at least one voting booth for every 200 electors who voted in the last general election.
- b. One booth at every polling place must have an entrance that is at least 30 inches wide with a writing surface between 28 and 34 inches high to meet accessibility-Americans with Disabilities Act (ADA) standards.
- c. Election inspectors must be trained to set up and use electronic voting equipment, including accessible voting components.
- d. Booths are required to be placed apart from other activities such as checking in and registering.
- e. All booths must be placed together in the same vicinity, including the booth(s) containing the accessible voting equipment.
- f. Booths must have a surface on which to write and be sufficiently enclosed to ensure privacy for the elector. The accessible booth must also be sufficiently enclosed to ensure privacy for the elector. Consider using a privacy shield or position the booth/equipment so that it is facing away from the view of the room.
- g. Appropriate marking devices (pencils, pens, etc.) for use with the voting equipment, if any, must be provided.

Wis. Stats. §§ 5.35(2), 5.78.

2. Ballot Boxes

- a. If paper ballots are used, one ballot box is required for each type of ballot used in the election.

- b. If direct recording electronic (DRE) equipment is solely used at the polling place, a single ballot box for hand-count paper ballots (such as absentee, assisted, and challenged ballots) is required.
- c. There must be a supply of paper ballots available at the polling place in case of challenges to a voter's eligibility, provisional voting, if a voter requests a paper ballot, or if the electronic voting equipment should malfunction.
- d. If electors from more than one reporting unit use the same polling place, there should be separate ballot boxes provided for each reporting unit.
- e. The ballot boxes should be clearly labeled to indicate which ballots are to be deposited.
- f. There should be a suitable lock and key for each ballot box.

Wis. Stats. §§ 5.35(3), 5.40(4), 5.40(5), 5.15(6)(b).

3. National Flag

The American flag must be displayed on an outside pole or in the voting area during all hours the polling place is open. Wis. Stat. § 5.35(1). The flag should not protrude into the accessible route. If it does, a cone or similar object should be placed underneath, so the obstacle is cane detectable.

4. Tables and Chairs

- a. It is recommended that there be a separate table solely for Election Day registration away from the area where registered voters check-in to help regulate the flow of traffic.
- b. You should ensure that there are enough tables and chairs for election inspectors to conduct their work.
- c. Additional chairs should be available for voters and observers to use as needed.

5. Signs

- a. Traffic in the polling place can be improved by posting "Enter," "Exit," and "Voter Registration" signs. In addition, signs marking the

accessible path should be prominently posted and easy to read from the parking lot.

- b. Directions that instruct voters to state their name and address, provide proof of identification and sign the poll book can make the check-in process more efficient.
- b.
6. A Designated Observer Area

Observers are individuals who wish to exercise their right to be present at the polling place on Election Day. Anyone, other than a candidate, has a right to be at a polling place to observe the conduct of the election.

Wisconsin law does not prohibit non-U.S. citizens or foreign nationals from observing the election process.

- a. A designated observation area at the polling place should permit observers to readily observe all public aspects of the voting process. When physically feasible, the observation area should be no less than 3 feet, or more than 8 feet from the table where electors are announcing their name and address, signing the poll list and being issued a voter number and the table where Election Day registration is occurring. Observers should be placed so that they can hear the interactions of voters with election officials, but not so that they interfere with the voting process.
- b. If necessary, additional observer areas may be established in other areas of the polling place to allow for observation of other public aspects of the voting process (challenges, ballot box security, etc.).

Wis. Stat. § 7.41(1).

Polling Place Accessibility

~~Attention needs to be given to the special needs of~~ All polling places must be accessible to electors with disabilities. ~~-Wis. Stat. §5.25(4)(a).~~ It is important to examine the entire polling place, from the parking lot to the ~~entrance of the polling place to the voting area~~ voting booth, to assess any areas where temporary ~~accommodations~~ fixes may be needed. Your municipal clerk should have reviewed the polling place for accessibility prior to Election Day and will have submitted a Polling Place Accessibility Survey Self-Assessment to the Wisconsin Elections Commission indicating compliance with accessibility standards.

A [Polling Place Accessibility Toolkit](#), which includes a [Polling Place Set-Up Guide](#), an Election Day Accessibility checklist, and a [Quick Fix Guide among other resources](#), is available on the WEC website. The WEC highly recommends using this [checklist-toolkit](#) or reviewing the Polling Place Accessibility [Survey Self-Assessment](#) completed by the municipal clerk to ensure accessibility on Election Day. You should consult with your municipal clerk if you are unsure if the polling place is accessible.

Some common problems to look for:

1. If there is an alternate entrance used by voters with disabilities, the pathway to the accessible entrance should be clearly marked and a sign posted at the primary entrance directing voters with disabilities to the accessible entrance. [Even if there is only one entrance to the polling place, it must be marked with the universal symbol of accessibility.](#)
2. Be sure that if off-street parking is available at the polling location, that any accessible parking spots are marked with appropriate signs and access aisles are clearly designated.
3. Some doors are too heavy to be opened by the elderly or voters with disabilities. [If the accessible entrance requires 8.5 lbs. of force or more to open, such doors it should have accessible features like an automatic opener, power assist, or doorbell, s, if designated as the accessible entrance. If it is not possible to install an accessible feature, A a greeter or election inspector should be positioned by the door to assist if needed or a notification device such as a doorbell can also ensure accessibilityelectors entering the polling place.](#)
4. A voting booth [or table](#) that is accessible to electors in wheelchairs must be set up. This booth must [have an entrance that is](#) ~~be~~ at least 30 inches wide with a writing surface between 28 and 34 inches high in order to meet [accessibility-ADA](#) standards. A wheelchair accessible table may meet this requirement if supplemented with a privacy screen.
5. Accessible [voting](#) equipment must be set up ~~in the accessible voting booth~~ in a manner ensuring privacy for voters choosing to use the equipment.

Wis. Stats. §§ 5.36, 5.25(4)(a), 5.40(1).

Voting Equipment

The State of Wisconsin uses three types of voting systems: (1) hand-count paper ballots, (2) optical scan systems, and (3) direct recording electronic (DRE) systems ([also known as “touchscreen” these are typically touchscreen devices that tabulate votes on a paper roll](#)). Many municipalities use a combination of these systems.

1. Municipalities with a population of 7,500 or more are required to use electronic voting equipment in every ward in every election.
 - a. Electronic voting equipment, including optical scan and DRE, is equipment that tabulates votes electronically.
 - b. Ballot marking devices, such as the [AutoMARK Express Vote](#), do not tabulate votes. Therefore, it is not considered electronic voting equipment.

Wis. Stat. §5.40(1).

2. All polling places must be equipped with at least one accessible voting equipment component to permit all voters to vote privately and independently. Any voter, regardless of ability, may use this equipment.

HAVA §301(a)(3)(A).

3. Election inspectors should be trained on how to use the voting equipment. [There are fact sheets available on the WEC website for each kind of accessible voting equipment certified in the state.](#)
 - a. Know how to turn on and turn off the equipment.
 - b. Be able to explain to an elector how to cast a ballot on the equipment.
 - c. Be able to properly load and unload the voter-verified paper audit trail (VVPAT), also known as the paper roll, on electronic equipment.
 - d. Know who to call if you experience problems with the equipment. [WEC staff can’t troubleshoot equipment questions. Inspectors should contact their municipal clerk or respective voting equipment vendor to address those issues.](#)

4. Election Day Security Procedures

- a. If the municipality uses electronic voting equipment, the municipal clerk should record the serial numbers from the tamper evident seals on the Inspectors’ Statement (EL-104).

b. The chief inspector compares the serial numbers recorded on the inspectors' statement to the serial numbers on the security tags on the machine at the beginning and end of the day. The chief inspector should initial in the spaces provided to confirm that the checks were completed and the seals were intact.

b.c. The municipal clerk may have additional security procedures for the election inspectors to follow.

e.d. The municipal clerk should be contacted in the event of a security breach.

5. Election Day Zero-Count Requirement

a. Before any ballots on Election Day are cast on the electronic voting equipment, the election officials shall witness a test of the tabulation component by engaging the printing mechanism and securing a printed result showing a zero count for every candidate and referendum.

b. The zero-count printout should not be separated from the remainder of the roll. Leave the printout attached to the roll.

Wis. Stat. §5.84(2).

Polling Place Supplies & Materials

A *Polling Place Checklist* is provided at the end of this section. This checklist is an excellent tool for ensuring that all of the necessary supplies and materials are at the polling place on Election Day.

1. Election Day Forms and Supplies

Election inspectors should ensure that the municipal clerk has provided all of the required forms and supplies.

a. Ballots and Sample Ballots: Two sample ballots for each ballot style should be posted at the polling place. Blank ballots should be kept secure and in the possession of election inspectors at all times.

b. Ballot Bags (EL-101): A ballot bag/container should be provided for each ballot style.

- i. For example, for municipalities that hand-count paper ballots, there should be (per reporting unit) one ballot bag for county, state, and federal ballots; one ballot bag for municipal ballots; one ballot bag for school district ballots; and one ballot bag for each referenda and special district ballot.
- ii. Where optical scan or direct recording electronic (DRE) ballots are used, only one ballot bag (per reporting unit) is necessary because all offices and referenda are on a single ballot style.

Wis. Stat. § 7.51(3)(a), (b).

- c. Envelope for Rejected Certificate Absentee Ballot Envelopes (EL-102): Election officials place all rejected Absentee Ballot Certificate Envelopes (EL-122) in this brown carrier envelope. It is completed by the election inspectors and returned to the clerk who provided it for that election. Wis. Stat. § 6.88(3)(b).
- d. Envelope for Used Certificate Absentee Ballot Envelopes (EL-103): Election inspectors place all used Absentee Ballot Certificate Envelopes (EL-122) in this white carrier envelope after determining they have been properly executed and after removing the absentee ballots. The used envelope is returned to the clerk who provided it for that election. Wis. Stat. § 7.51(3)(d).
- e. Inspectors' Statement (EL-104): All challenged, spoiled, damaged, defective, remade, objected to and rejected ballots must be documented using this form. This statement should provide an accurate account of the election inspectors' decisions concerning all ballot irregularities and describe any other occurrences or irregularities at the polling place (that may or may not affect the validity of the election). Wis. Stat. § 7.51(4)(a).
- f. General Purpose Tally Sheet (EL-105): Election inspectors or tabulators use this form for counting hand-count paper ballots and recording the number of votes cast for each candidate. This includes write-in votes, or in the case of a referendum, the yes and no votes. Where optical scan ballots are used, a write-in tally sheet is used to count and record write-in votes. Wis. Stat. § 7.51(4).

- g. Municipal Canvass Report (EL-106): The municipal board of canvassers completes this report, certifies the municipal election results, and officially determines the winners. In municipalities with one ward or where all wards vote at a single polling place and results are combined, the election inspectors constitute the municipal board of canvassers for that election. Wis. Stat. § 7.53(1).
- h. Poll List and Supplemental Poll List (EL-107): (also known as the poll list, voter list or the registration list): The poll book contains the names and addresses of registered voters in a ward or combination of wards. Each ward or combination of wards will have two poll lists, which must be maintained identically on Election Day. Election inspectors use poll lists to ensure only registered voters cast a ballot, and to capture certain information about each registered voter who receives a ballot. Wis. Stats. §§ 6.36(2)(a), 6.79.
- Note:** Voters need to sign only one copy of the poll list. All voters should sign the same poll list.
- i. Registered Write-In Candidate List: A list of registered write-in candidates for federal, state and local offices. Candidates must register by 12:00 p.m. the Friday before the election to be considered registered write-in candidates. The municipal clerk should supply elections inspectors with a list of registered write-in candidates on Election Day. The list may be given to any elector who inquires about the list but may not be posted.
- j. Ineligible Voter List: The list of felons in a county or municipality that are currently under the Department of Correction's supervision. These individuals are on probation, parole, or extended supervision.
- k. Inspectors' Certificate of Provisional Ballots (EL-108): Election inspectors use this envelope to secure any provisional ballots voted on Election Day. Wis. Stat. § 6.97(3)(a).
- l. Election Observer Form (EL-109): Individuals who wish to observe the conduct of the election and/or election administration event should legibly list his/her full name, street address and municipality, and the name of the organization or candidate the observer represents, if any. 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 EL-109 that the observer's name listed on the EL-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. Wis. Stat. § 7.41(1).

†

- m. Order to Leave Polling Place (EL-110): In the event that a chief inspector orders an observer to leave a polling place, the chief inspector shall provide this written order to the observer which includes the reason for the order and the signatures of the chief inspector as well as another election inspector representing the opposite political party, if available. The chief inspector shall have sole authority to order the removal of an observer, but the other election inspector may note his or her concurrence or disagreement with the decision on the Inspectors' Statement (EL-104). Wis. Stat § 7.41(3).
- n. Election Observers Rules-At-A-Glance: This brochure is available from the agency website. It is a summary of the rules for election observers and a copy should be provided to all individuals who wish to observe the conduct of the election and/or election administration event. Wis. Stat. § 7.41(5).
- o. Provisional Ballot Certificate Envelopes (EL-123): Each provisional ballot is placed in a separate provisional ballot certificate envelope. Every provisional voter must complete the certification and seal his or her ballot inside the envelope. Wis. Stat. § 6.97 (3)(b).
- p. Provisional Ballot Reporting Form (EL-123r): Election inspectors use this form to record the details of each provisional ballot issued on Election Day. Wis. Stat. § 6.97(3)(a).
- q. Absentee Ballot Log (EL-124): This form should be used to track absentee ballots at the polling place to indicate whether the vote was counted. Wis. Stat. § 6.88(1), (3)(b).
- r. Presidential Only Ballot Forms: Presidential elections require two additional forms. These forms are used for individuals who moved to Wisconsin less than 28 days before a presidential election. These individuals are eligible to vote in the presidential contest only.

- i. Authorization to Cancel Registration - New Wisconsin Resident (EL-139)
- ii. Application for Presidential Ballot (EL-141)

Wis. Stat. § 6.18.

2. Voter Information and Notices

All of the notices, statements, and postings should be placed together in the polling place so that they can be easily read by electors entering the polling place or waiting in line to vote.

- a. Notices: Relevant portions of the voting instructions from the Type B notice, the text of the Type C notice for each referendum if applicable, and the Type D notice of polling place hours must be posted.
- b. Sample Ballots: Two copies of each type of ballot.
- c. Statement of Election Fraud (EL-111): This statement sets out the laws and applicable penalties for election fraud.
- d. Notice of Crossover Voting (EL-112): This is a statement explaining the effect of crossover voting at a partisan primary and is posted at a partisan primary only. The EL-112m should be used in municipalities that use optical scan voting equipment.
- e. Notice of the Effect of Overvoting (EL-113): This is a statement explaining the effect of overvoting in a particular contest and how to obtain a replacement ballot if a voter makes a mistake.
- f. Effect of Crossover Voting at a Presidential Preference Primary (EL-114): This notice informs voters at a Presidential Preference Primary that they may only vote once and for a candidate in only one political party.
- g. Voter Qualification Poster (EL-115): This notice explains the requirements for an individual to be a qualified elector.
- ~~h. Instructions for First-time Voters (EL-116): This notice explains the requirement for first-time voters who registered before April 4, 2014 by mail and did not include proof of residence to provide an identifying document constituting proof of residence.~~
- ~~i. Voting Rights (EL-117): This notice provides general information on voting rights protected by federal law.~~

j.i. Contact Information (EL-118): This posting provides electors with contact information if they have concerns with the voting process. The blank sections should be filled in before Election Day by the municipal clerk.

k.j. Ward Maps & Street Directory: A ward map clearly indicating all the wards in the municipality served by that polling place must be prominently displayed. A street directory that indicates which streets are in each ward along with the location of the polling place in each ward is recommended.

Wis. Stats. §§ 5.35(6), 10.01, 10.02, 10.06.

3. Additional Materials

- a. Provisional Voting Information Sheets: Information sheets instructing voters who vote provisionally the procedure they need to follow in order to have his or her vote counted.
- b. Ineligible Voter Information Sheets: Information sheets instructing voters whose names appear on the Ineligible Voter List of the procedure they need to follow if they wish to cast a ballot.
- c. Writing Instruments: An adequate supply of writing instruments should be provided. Make sure any felt tip markers secured to the voting booth are in working order, and adequate for write-in voting. If your polling place uses optical scan machines, be sure you have a supply of marking devices that will work with your equipment.
- d. Election Laws: A copy of Chapters 5 through 12 of the Wisconsin State Statutes should be present at all polling locations.
- e. Election Day Manual: A copy of this Election Day manual should be available for quick reference by poll workers. A copy of the manual can be downloaded from the WEC website or ordered from the agency.

Wis. Stat. § 5.35(6).

Frequently Asked Questions

1. *What if the optical scan machine or the direct recording electronic (DRE) machine isn't working?*

The municipal clerk should have provided you with the necessary contact information to troubleshoot equipment problems. A supply of paper ballots should be available in the event of equipment malfunction. Any unusual incidents with the voting equipment should be noted on the Inspectors' Statement (EL-104).

2. *What if the polling place is not accessible in some way for voters with disabilities?*

You should attempt to make the polling place as accessible as possible. The municipal clerk should be contacted and a notation should be made on the Inspectors' Statement (EL-104). If a voter is unable to enter the polling place due to their disability, you may administer a curbside vote. The municipal clerk should remedy the problem before the next election. Wis. Stats. §§ 5.36, 5.25(4)(a), 5.40(1).

3. *What can I tell voters about a referendum?*

Voters asking about referenda should be referred to the posted copy of the Type C notice containing the text of the referendum and an explanatory statement of the effect of a "yes" or "no" vote.

4. *Should I post the names of write-in candidates?*

No. Names of write-in candidates are not posted at the polling place. If asked by voters about write-in candidates, the inspectors may give voters a list of registered write-in candidates.

5. *What is a voter-verified paper audit trail?*

Wis. Stat. § 5.91(18), requires that all direct recording electronic (DRE) voting systems produce a complete, permanent paper record showing all votes cast by the elector. The voter-verified paper audit trail (VVPAT) is considered the official ballot and is to be used in a recount of each vote cast by the elector.

ELECTORS

Summary

Interactions with electors, both positive and negative, influence the public's confidence in the ability of election officials to administer elections in Wisconsin fairly. As an election inspector, it is your responsibility to ensure that every eligible elector can participate in the democratic process.

Voter Qualifications

In order to register to vote, an individual must:

1. Be a U.S. citizen
2. Be age 18 or older on or before Election Day
3. Have resided in an election district or ward for 28 consecutive days with no present intent to move, before any election where the citizen offers to vote.

Wis. Stat. § 6.02(1).

Residency

An individual's residency in a ward or municipality is determined by the individual's physical presence and present intent to reside in that location for voting purposes. In order to initially claim residency, a voter must establish a physical presence in a location with the intent to make that location his or her residence for voting purposes.

1. Temporary Presence/Absence
 - a. Residency is not lost when a person leaves "home" and goes to another location temporarily with intent to return "home". Persons who have temporarily left their homes are still residents of the "home" municipality despite their temporary absence. Wis. Stat. § 6.10(5).
 - b. Residency cannot be established in any ward, town, village, or city in this state while living there for temporary purposes only. Wis. Stat. § 6.10(8).

2. Intent to Return

- a. Once residency is established, a person may be temporarily absent and still be considered a resident, as long as he or she intends to return. Wis. Stat. § 6.10(5).
- b. A person may end their residency by leaving their residence and doing something that establishes they no longer intend to reside at their old residence (e.g., registers to vote at another address). Such a person cannot continue to vote at his or her previous residence without re-establishing residency. Wis. Stat. § 6.10(10).

3. Student Status

- a. Student status is not to be used as a factor in determining residence. A student may choose to establish residency in the municipality where he or she lives to attend school, or the student may consider his or her stay in the municipality to be “temporary” and intend to return to his or her former municipality. Wis. Stat. § 6.10(4), (12).
- b. If a student registers to vote in the municipality where he or she attends school, the student loses his or her residency in his or her prior municipality and must re-establish residency in the prior municipality before he or she would be eligible to register to vote there in another election. Wis. Stat. § 6.36(1)(d).

4. “Part-time” Residents

- a. A person may only vote in one municipality each election. In order to vote in a municipality, a person with part-time residency in a municipality must intend that his or her physical presence in the ward or municipality establishes residence for voting purposes. Wis. Stat. § 6.10 (1).
- a. Merely owning property in a municipality is not sufficient to claim residency. A person must have established a physical presence paired with the intent to make that address their permanent residence.

5. New Residents

- a. A person who has not resided in any ward in Wisconsin for at least 28 days should be advised to check with their former state of residence to inquire as to any voting options they may have as former residents of that state. Alternatively, in Presidential elections, new residents of Wisconsin may vote a Presidential-only ballot by submitting a completed Application for Presidential Ballot (EL-141) to either the municipal clerk in the 27 days before the election or to the election inspectors at the polling place for their new address. Wis. Stat. § 6.15(1), (2)(a).
 - i. The voter must also complete an Authorization to Cancel Registration (EL-139), which the clerk must send to the proper election official for the new resident's former municipality.
 - ii. Proof of Residence is required.
 - iii. No voter registration (EL-131) is required.
 - iv. Proof of identification is required.
 - v. The EL-141 may be submitted no earlier than 27 days before the election and shall be received not later than 5:00 p.m. on the day before the election when delivered to the clerk's office.
 - vi. The EL-141 may also be submitted on Election Day at the polling place.

Wis. Stat. § 6.15(2)(a), (b).

6. Former Residents

- a. If ineligible to qualify as an elector in the state to which he or she has moved, any former Wisconsin resident may vote a Presidential-only absentee ballot in their former municipality and ward of residence in any presidential election occurring within 24 months of leaving Wisconsin by submitting a completed [Application for Absentee Presidential Ballot \(EL-140\)](#) to their former municipal clerk.

- i. No voter registration (EL-131) is required.
- ii. No proof of residence is required.
- iii. Proof of identification is required.
- iv. There is no fixed deadline for receipt of the EL-140. The EL-140 must simply be received “in sufficient time for a ballot to be mailed and returned prior to the election.”

Wis. Stat. §6.15(2).

Other Common Residency Scenarios

Voter Situation	Voting Location
Has moved from one ward to another in the same municipality at least 28 consecutive days before an election	In the new ward. Wis. Stat. § 6.02(2).
Has moved from one municipality to another at least 28 consecutive days before an election	In the new municipality. Wis. Stat. § 6.02(2).
Has moved from one ward to another in the same municipality less than 28 consecutive days before an election	In the old ward. Wis. Stat. § 6.10(3).
Has moved from one municipality to another less than 28 consecutive days before an election	In the old municipality. Wis. Stat. § 6.10(3).
Has moved to a different ward, or state temporarily, with intent to return	In the ward or municipality from which they moved. Wis. Stat. § 6.10(8).
Lives in one ward or municipality and conducts business in another	In the ward or municipality where the individual lives. Wis. Stat. § 6.10(6).
Lives in a public or private facility, such as a federal or state institution, county home or hospital, nursing home or group home	In the municipality where the facility is located <i>or</i> in the municipality of residence before entering the facility. Wis. Stat. § 6.10(7m).

Voter Situation	Voting Location
Is on active duty as a member of the armed forces serving in the U.S. or overseas	In the municipality or ward of residence before entering the armed services. Wis. Stats. §§ 6.10(6) and 6.24(2).
Is the spouse or dependent of a member of the armed forces	In the ward or municipality of residence of the military elector <i>or</i> if a Wisconsin resident, municipality, or ward of residence before entering the armed services. Wis. Stat. § 6.10(13).
Is a civilian overseas employee of the U.S. Government	In the municipality or ward of residence before entry into federal employment. Wis. Stat. § 6.22(2)(a).
Is a U.S. Citizen living outside the United States with no present intent to return	In the municipality or ward where they last resided or where their parent last resided before leaving the United States. Wis. Stat. § 6.24(2).

Disqualification of Electors

The following persons shall not be allowed to vote in any election:

1. Any person convicted of treason, felony, or bribery that has not been pardoned or completed the terms of his or her sentence including any term of probation, parole, or extended supervision. Wis. Stat. § 6.03(1)(b).
2. A person who has been determined by a court to be incapable of understanding the objective of the elective process or who is under guardianship, unless the court has determined that the person under guardianship is competent to exercise the right to vote. Wis. Stat. § 6.03(1)(a).
 - a. The court order granting guardianship should specifically declare if the person is incompetent to exercise the right to vote. If the order does not include a specific finding of incompetency, the person retains the right to vote.

3. Anyone who has made or become interested, directly, or indirectly, in any bet or wager depending upon the result of the election. Wis. Stat. § 6.03(2).

Recording Voters

Properly recording voters is essential to maintain the integrity of the electoral process. Two election inspectors maintain two duplicate original poll lists, also known as poll books, voter lists or registration lists, for each reporting unit. A reporting unit is a ward or combination of wards that reflect the way election results are transmitted to school districts, the county, and the Wisconsin Elections Commission. When the polls close, the poll lists will reflect the activity at the polling place on Election Day. It is essential that the election inspectors carefully record the required information on the poll lists.

Poll Lists

The poll lists contain the names and addresses of registered voters in a reporting unit. The municipal clerk will provide poll lists to each polling place. These poll lists have been generated from WisVote, which is Wisconsin's statewide database for tracking voter registrations. Wis. Stat. § 6.36.

If a municipality uses paper poll lists, each ward or combination of wards will have two poll lists, which must be maintained identically on Election Day. **If the municipality uses e-pollbooks, the machine maintains two copies, which may be maintained by a single poll worker.** Election inspectors use poll lists to ensure only registered voters cast a ballot and to capture certain information about each registered voter who receives a ballot. Wis. Stat. § 6.79(1m).

Each elector must sign the poll list before receiving a ballot. Only one of the paper poll lists should contain the signature of each voter for that election. Wis. Stat. § 6.79(2)(a).

Poll lists (EL-107) may consist of up to four parts:

1. Regular Poll List: Contains the names of all electors who register by 5:00 p.m. on the 20th day before the election.
2. Pre-printed Supplemental Poll List: The municipal clerk may provide a printed list that contains the names and addresses of all voters who registered during late registration. Late registration is from the 19th day before the election up to 5:00 p.m. the Friday before the election. Electors who register during this time will receive a Certificate of Registration (EL-

133) to be presented at the polling place on Election Day. Wis. Stat. § 6.29(2).

Note: If a late registrant fails to present his or her Certificate of Registration (EL-133), but his or her name is on the supplemental poll list, the registrant is allowed to vote. If the individual fails to present his or her Certificate of Registration (EL-133) and his or her name does not appear on the supplemental poll list, the election inspector should attempt to contact the municipal clerk and determine if he or she has record of the elector's registration. If there is no record of the elector's registration in the clerk's office, then he or she must complete another Voter Registration Application (EL-131) and provide proof of residence before being allowed to vote. Wis. Stat. § 6.29(2)(b).

3. Handwritten Supplemental Poll List: Election inspectors must enter the name, address, and Election Day voter number of Election Day registrants on the handwritten supplemental portion of the poll list. The type of proof of residence provided as well as the name of the issuing entity or organization should also be recorded here. Wis. Stat. § 6.79(2)(c), (d).
4. Confidential Elector List: If there are any confidential electors in the reporting unit, their names and confidential voter identification numbers will appear at the back of the poll list in a separate section. See the "Confidential Electors" section below for more details. Wis. Stat. § 6.79(6).

Poll List Notations

There are a number of notations that will appear on the pre-printed poll lists as well as a number of notations that election inspectors are required to make on both copies of the poll lists to ensure proper documentation of voters and registrants on Election Day.

1. Pre-Printed Poll List Notations

The pre-printed portion of the poll list may contain certain notations to indicate special circumstances. Possible notations include:

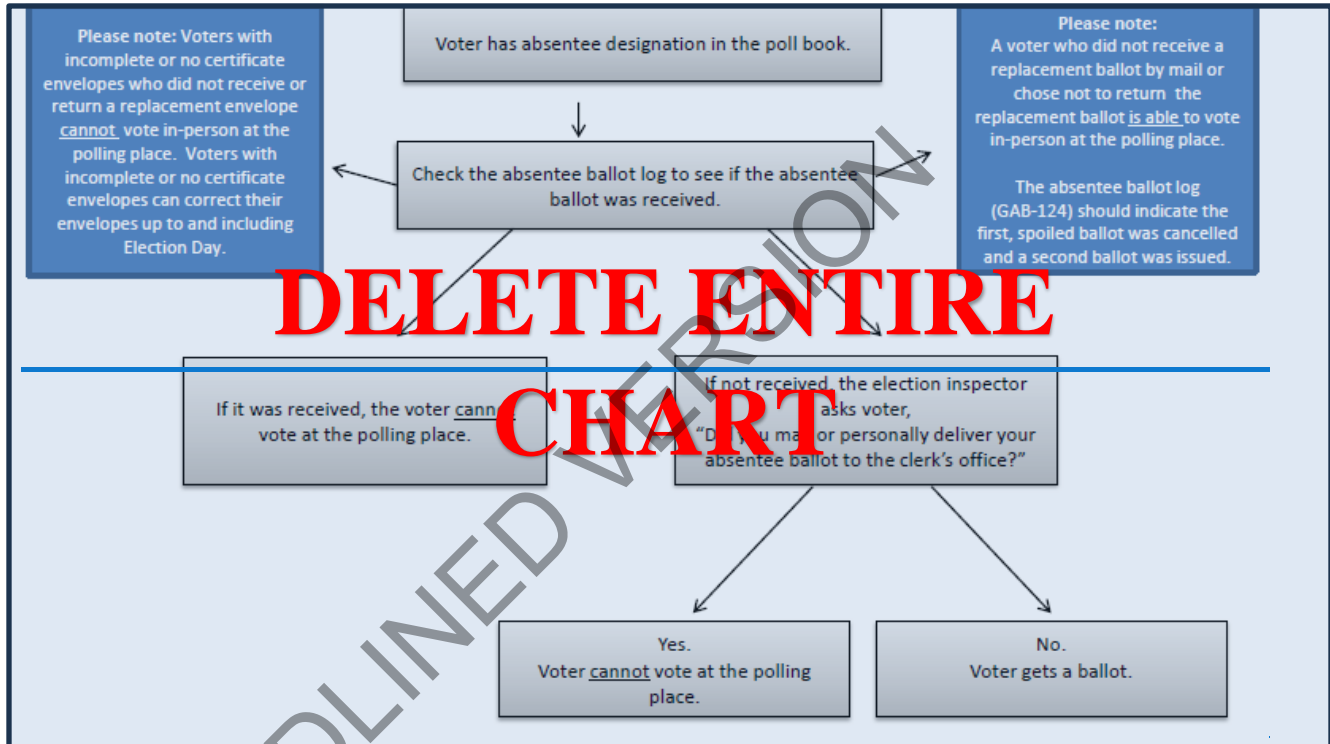
- a. Absentee Issued or Absentee Returned
 - i. Municipalities must track absentee ballots on the pre-printed poll list. The clerk shall also provide each polling place an Absentee Ballot Log (EL-124).

ii. The absentee notation indicates that an absentee ballot was issued to the voter or returned by the voter.

b. Military or Overseas

c. Confidential

Absentee Ballot Issued Process



i. If an individual noted as “absentee” appears at the polling place, the inspectors should check the Absentee Ballot Log (EL-124) to determine if the ballot has been returned.

1. 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. Wis. Stat. § 6.86(6).

2. For procedures on how a voter can correct an incomplete certificate envelope at the polling place, see “Voter Correction of Incomplete Certificate Envelopes” on pg. XX. ~~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.~~

~~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.~~

~~c. The voter may NOT remove the ballot from the voting area.~~

~~d. The election inspectors may NOT serve as the witness (the original witness must be present).~~

~~e. The original certificate envelope is then destroyed.~~

~~f. The election inspector should document that a correction was made, and the ballot accepted on the Absentee Ballot Log (EL-124).~~

3. 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?”

a. If “yes,” the voter cannot vote at the polling place.

b. If “no,” the voter is issued a ballot if otherwise qualified.

4. 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.

Wis. Stat. § 6.86(6).

2. Election Day Notations

The election inspectors must make certain notations on the poll list next to the voter's name to identify voters who vote under the following circumstances:

a. Absentee

Indicate "absentee" or an "A" next to the voter number for an elector whose absentee ballot has been processed.

b. Provisional (Section 6.97)

- i. Indicate "PV#__ (beginning with '1') when recording an elector who votes a provisional ballot.
- ii. The complete PV# should be recorded on the poll list, on the back of the ballot, on the Provisional Ballot Certificate Envelope (EL-123), on the Inspectors' Statement (EL-104), the Provisional Ballot Reporting Form (EL-123r), and on the Provisional Voting Information Sheet for the elector.
- iii. A brief explanation of why the provisional ballot was issued should also be recorded on the poll list:
 1. DL# or DMV ID#
 2. POI

Wis. Stat. § 6.97

c. Challenged

Indicate "Challenged" and a brief explanation of the reason for challenge (age, residency, etc.) when recording an elector who votes a challenged ballot.

d. Assisted

- i. Indicate "Assisted" for an elector who receives assistance in marking his or her ballot.
- ii. The full name and address of the individual providing assistance must also be recorded on the poll list.

e. Ballot Received at Poll Entrance (Curbside Voting)

Indicate "Ballot Received at Poll Entrance" for a voter who receives a ballot at the polling place entrance because the voter is

unable to enter the polling place due to a disability. Wis. Stat. § 6.76.

f. Electors Voting Pursuant to Court Order (Section 6.96)

- i. Indicate “Section 6.96” when recording an elector who votes after the polls close pursuant to a court order.
- ii. An elector entering the polling place after 8:00 p.m. will also have his or her ballot marked with the notation “Section 6.96.” This enables ballots cast after the polls closed pursuant to the court order to be removed from the count in the event that the court order is set aside.
- iii. Note that voters in line by 8:00 p.m. should not be marked pursuant to this section.

Wis. Stat. § 6.96.

g. Presidential Only

- i. Indicate “Presidential Only” on the supplemental poll list when a new Wisconsin resident (someone who has lived in the state less than 28 days) wishes to vote for president.
- ii. These electors must complete the Application for Presidential Ballot (EL-141), not the Voter Registration Application (EL-131).
- iii. These individuals must provide proof of residence. The type of proof of residence and the name of the issuing entity or organization should be recorded on the supplemental poll list.
- iv. These individuals must provide proof of identification.

Wis. Stat. § 6.15.

Election Day Registration

Ensuring that all eligible electors are properly recorded and registered on Election Day builds confidence in the election process. All electors must be registered before being issued a ballot and all electors who cast a ballot must be recorded on the poll or supplemental list.

If an elector has not registered prior to Election Day, he or she may register at his or her polling place. The WEC recommends that a separate table be set-up at the polling place to register voters. This practice can reduce waiting times for many electors and better manage the flow of traffic.

To register at the polling place on Election Day:

1. The elector must complete a Voter Registration Application (EL-131) either on paper or on the e-pollbook.
2. The elector must provide proof of residence.

Note: The Voter Registration Application (EL-131) has detailed instructions on the back of the form that can serve as a guide for proper completion. Proper completion of the EL-131 will reduce the amount of work for the municipal clerk after Election Day and ensure the voter will appear on the poll list for future elections. Wis. Stat. § 6.33(1).

Voter Registration Application (EL-131)

Proper completion of the Voter Registration Application (EL-131) will ease the process of entering information into WisVote and ensure the voter will appear on the poll list for Election Day. It is the responsibility of the municipal clerk to notify an elector of any insufficiency in their voter registration application within 5 days, if possible. A customizable letter template (EL-132) is available for this purpose. There is an updated version of the EL-131, which this manual will outline. However, any version of the EL-131 should be accepted as long as it contains proper information.

Front Side of Voter Registration Application

1. Qualifications
 - a. Registrants must be able to check each of the four boxes in this section. Wis. Stat. § 6.02.
 - b. The registrant may be 17 years old if they will be 18 years old by the time of the next election.
2. Your Name
 - a. The registrant should provide their full name as it is printed on the Proof of Residence document they provide.

3. About You

a. Date of Birth

- i. Month, day, and year of birth is required. Voters should be encouraged to use all four digits of their year of birth, but if someone writes the last two digits, the application should not be denied.

b. Contact Information (OPTIONAL)

- i. Any phone or email address provided is subject to open records requests.

4. The Address Where You Live

- a. This is the voter's address where they vote from, which may be different than their mailing address.

- b. This section will also be used to indicate military or permanent overseas statuses.

- i. Military – A member of the U.S. Army, Navy, Air Force, Marine Corps, Coast Guard, Merchant Marine of the United States, Peace Corps, the commissioned corps of the Federal Public Health Service, the commissioned corps of the National Oceanic and Atmospheric Administration, civilian employees of the United States and civilians officially attached to a uniformed service who are serving outside the United States, and any spouse or dependents of the above who are residing with or accompanying them.

- ii. Permanent Overseas – A U.S. Citizen who is not disqualified from voting and is qualified to vote except for residency, but who last resided (or whose parent last resided) in Wisconsin prior to residing outside the United States. Permanent overseas voters should provide the last address in Wisconsin either they or their parent last resided before permanently moving overseas.

5. Your Mailing Address

- a. If the registrant does not receive mail at the residential address, a mailing address should be provided. Failure to provide a valid mailing address may result in the voter registration being inactivated.
- b. Electors residing overseas should provide their complete overseas address where space is available.

6. Prior Registration Information

- a. Name Change
 - i. A voter is required to update their registration if they change their legal name.
 - ii. As it may take some time for a voter to receive proper documentation of their new legal name, a registered voter may continue to vote using their former name until the necessary documentation to re-register is received.
- b. Address Change
 - i. A registered voter is required to update their registration if they wish to vote from their new residence.

7. Identification

- a. To complete the Voter Registration Application (EL-131), the registrant must provide either a Wisconsin Driver License or Wisconsin DOT-issued Identification Card, or the last four digits of their social security number. This does NOT require visual confirmation by the clerk, or an election inspector and the elector may write down or recite the number if they choose. An elector cannot be required to show their WI Driver License, WI DOT-Issued ID Card or Social Security card as a condition of registration, unless it is a document used to provide acceptable proof of residence.
- b. Wisconsin Driver License or Wisconsin DOT-issued ID Card Number
 - i. If the registrant has been issued either a WI Driver License or WI DOT-Issued ID Card that is unexpired, they must provide the number and expiration date, even if the registrant's driving privileges were revoked or suspended.
 - ii. If the registrant has a WI Driver License or WI DOT-Issued ID Card that is unexpired but does not have the number or expiration date readily available, they may call DMV at (608)

266-1069, option 1 or (844) 588-1069 (toll-free) to look up the information.

- iii. If the registrant has either a WI Driver License or WI DOT-Issued ID Card that is currently expired or cancelled, request the voter provide the identification number if available. The registrant must provide the last 4-digits of the Social Security Number, if any.

c. Social Security Number – Last Four Digits

- i. If the registrant has not been issued a WI Driver License or WI DOT-Issued ID Card, or the document is expired or cancelled, the registrant must provide the last 4-digits of their Social Security Number, if any.
- ii. If the registrant does not have either a WI Driver License or WI DOT-Issued ID Card and has not been issued a Social Security Number, they may indicate this by checking the box signifying they have none of these documents.

8. Proof of Residence

- a. The registrant will affirm that they are providing a valid form of proof of residence with this application.
 - i. Some examples include a copy of their Wisconsin-issued driver license or photo ID, a utility bill, any government-issued document, a paycheck, or a bank or credit card statement.
- b. Military and Permanent overseas voters do not need to provide a proof of residence document.

Wis. Stat. § 6.34(3)(a).

9. Signature and Certification

- a. The registrant should read this language before certifying that they are an eligible elector and have resided in the ward for at least 28 days.
- b. They will provide their signature and the date they are signing.

10. Assistant

- a. If the registrant required another person to complete this form on their behalf due to a physical disability, the assistant should sign and provide their residential address here. Wis. Stat. § 6.82(2)(d).

11. Official Use Only Section

- a. The election official receiving the application (clerk, election inspector, ERO) should review the proof of residence.
- b. At the top of the section, the official will circle the Proof of Residence type.
 - i. WI DL – Wisconsin-Issued Driver License.
 - ii. WI ID – Wisconsin-Issued State Identification Card.
 - iii. UTIL – Any form of utility bill, including cell phone, cable, electric, gas, and water. Must be dated no more than 90 days prior to the date the registrant submits the document.
 - iv. BANK/CC – A bank or credit card statement. An offer to open a credit card is NOT an acceptable Proof of Residence document.
 - v. PYCK – Paycheck or Paystub.
 - vi. STDNT ID – A student ID that includes a photo (address not required). The registrant must provide either:
 1. A fee payment by the university, college, or technical college dated no earlier than 9 months before the date of election. The fee payment receipt must include the name and address of the student.
 2. A certified and current list of students who reside in housing sponsored by the university, college, or technical college. This list should be provided by the university, college or technical college, and the election official will verify the name of the student on the ID is included on the list.
 - vii. GOV DOC – Any government-issued document.
 1. Examples include (not an exhaustive list):
 - a. Vehicle Registration
 - b. BadgerCare/Medicare statements (if issued by gov't agency)
 - c. Social Security statements (if issued by gov't agency)
 - d. Public school correspondence.

- e. Tribal ID or Tribal-issued mail
 - f. Change of address from USPS
 - g. Federal student loan notices (if issued by gov't agency)
 - h. Mail from publicly-owned medical facilities, such as UW Hospitals and Clinics, VA Hospitals, county-owned clinics
- viii. LSE – a residential lease containing the landlord name, tenant name, address subject to lease, term, rent, landlord signature, and tenant signature.
- ix. GOV ID – any other identification card or license issued by a Wisconsin governmental body or unit.
- x. EMPL ID – An 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.
- xi. RES CARE – a contract or intake document from an occupant of a residential care facilities that specifies the occupant currently resides in the facility.
- xii. TAX – A real estate tax bill or receipt for the current year or the year preceding the date of the election.
- xiii. HMLSS – A signed letter on public or private social security agency letterhead identifying a homeless voter and describing the individual's residence for voting purposes.
- c. Proof of Residence Issuing Entity
- i. WI DMV, MG&E, WE Energies, etc.
- d. Proof of Residence Number, if any
- i. If the unique number associated with the proof of residence is 7 or more digits in length, the last 4 digits should be recorded here.
 - ii. If the unique number associated with the proof of residence is 6 or fewer digits in length, only the last 2 digits are recorded here.

Wis. Stats. §§ 6.34(2), 6.15(2)(bm).

- e. Date Complete/POR Received
 - i. If the application is complete and the proof of residence is acceptable (see below), the election official who received the application (ERO, election inspector, or clerk) should date it.
 - ii. If the application is received via mail, the clerk should date it after reviewing it for completeness and legibility.
- f. Election Day Voter Number
 - i. If registering on Election Day, the voter will be issued a voter number. This number should also be recorded on the supplemental poll list.
- g. WisVote ID #
 - i. This number is only provided once the registration has been entered in WisVote and the voter has become registered.
- h. Confidential Elector ID #
 - i. If the registrant has registered through the confidential elector process, they will be issued a number that should be listed here.
- i. Submitted by mail
 - i. If registrant mailed their voter registration application, check this circle.
- j. Official's signature
 - i. The election official first receiving the application (ERO, clerk, election inspector) should review the form for completeness and legibility before signing.
 - ii. If the application is incomplete or illegible, the election official should not sign the form.
 1. If the registrant is still available, ask the registrant to complete the missing information or print more clearly.
 2. If the registrant is no longer available, the election official should submit this form to the clerk with a note explaining the deficiency.
 3. The clerk should contact the registrant within 5 days of receipt of any incomplete or illegible applications.

- iii. If the application is being received after the 20th day before the election or on Election Day, the election official must also check the Ineligible Voter List before signing (see respective registration procedures above).

k. Bottom Row

- i. Ward
- ii. Sch. District
- iii. Alder
- iv. City Supr.
- v. Ct. of App
- vi. Assembly
- vii. St. Senate
- viii. Congress

Back Side of Voter Registration Application

1. If the registrant resides somewhere without a designated address, the registrant should use the map in box 4 on the backside to diagram where they reside in relation to known streets or landmarks.
2. If the registrant needs accommodations at their polling place (curbside voting, braille materials, etc.), they should make those requests on the bottom of the backside.
3. If the registrant is interested in being a poll worker, they should indicate on the bottom of the backside.

EL 3.02

Proof of Residence

Everyone (except military and permanently overseas electors) who wishes to register to vote or update their voter registration must present a proof of residence to prove that the person resides at the address listed on the Voter Registration Application (EL-131). A registrant does not need to provide a copy of the proof of residence; the registrant may simply show the document to the election official. Electronic versions are also acceptable (see Electronic Proof of Residence). The document must contain the person's current and complete name and current and

complete residential address. If the document has an expiration date, it must not be expired on the day registration is made.

The following documents constitute acceptable proofs of residence:

1. A current and valid Wisconsin Driver License or receipt for license.
2. A current and valid Wisconsin DOT-issued Identification Card or receipt for identification card.
3. Any other official identification card or license issued by a Wisconsin governmental body or unit.
4. Any identification card issued by an employer in the normal course of business and bearing a photo of the card holder, but not including a business card.
5. A real estate tax bill or receipt for the current year or the year preceding the date of the election.
6. A residential lease.
 - a. A residential lease should contain:
 - i. Landlord Name
 - ii. Tenant Name
 - iii. Address Subject to Lease
 - iv. Term
 - v. Rent
 - vi. Landlord Signature
 - vii. Tenant Signature
7. A university, college or technical institute identification card (must include photo, address not required) with one of the following:
 - a. A fee payment receipt issued to the cardholder by the university, college, or technical college dated no earlier than 9 months before the date of the election.
 - i. The fee payment receipt must include the name and address of the student.

- b. A certified and current list of students who reside in housing sponsored by the university, college, or technical college.
 - i. This list should be provided by the university, college, or technical college and the election official must verify that the student presenting the card is included on the list.
8. A utility bill (gas, electric, water, sewer, telephone/mobile, cable/satellite TV, internet, etc.) for the period commencing not earlier than 90 days before Election Day.
9. Bank statement. This includes:
 - a. A bank statement issued by a bank or credit union
 - b. A mortgage statement issued by a bank or credit union
 - c. A home equity credit line statement issued by a bank or credit union
 - d. A credit card statement issued by a bank or credit union
 - e. A retail store credit card statement
10. Paycheck or paystub documentation of direct deposit.
11. A check or other document issued by a unit of government.
 - a. Units of government include federal, state, county, municipal, school district, tribal, etc.
 - b. Examples of government documents (not an exhaustive list):
 - i. Vehicle registration
 - ii. BadgerCare/Medicare statements (if issued by gov't agency)
 - iii. Social Security statements (if issued by gov't agency)
 - iv. Public school correspondence
 - v. Federal student loan notices (if issued by gov't agency)
 - vi. Change of Address Letter from the U.S.P.S.
 - vii. Publicly-owned medical facilities, such as UW Hospitals and Clinics, county-owned health care clinics, VA Hospitals
12. A signed letter on public or private social service agency letterhead identifying a homeless voter and describing the individual's residence for voting purposes.

13. A contract or intake document from an occupant of a residential care facility that specifies that the occupant currently resides in the facility.

Wis. Stat. § 6.34(3)(a).

Electronic Proof of Residence

1. Otherwise, valid proof of residence documents presented electronically on a device such as a laptop, smartphone, or tablet are acceptable for voter registration purposes.¹
 - a. The standard of review should be the same whether the document is physically presented to an election official or viewed in an electronic format.
 - b. Election officials may NOT reject an otherwise valid proof of residence merely because it is in an electronic format.
 - c. If the proof of residence is presented using the registrant's electronic device, the election official may ask the registrant to expand the size of the type or image, or otherwise navigate the document or image so that the election official may view any required information (i.e., name of the registrant, address, account number, date, type of document, and issuing entity or institution).
 - d. If the document is not readable in the format presented or the election official is otherwise unable to determine that it constitutes a valid proof of residence, the election official may reject the document and require the registrant to present another proof of residence.
2. Election officials are not required to provide computers or Internet access for voters to use to obtain electronic copies of proof of residence to facilitate voter registration. It is the responsibility of the registrant to show or provide a copy of their proof of residence.
3. Election officials are not required to handle a registrant's electronic device, but may do so with the registrant's permission.

¹ On August 28, 2012, the G.A.B. voted unanimously to allow electronic versions of acceptable proof of residence during the voter registration process.

Ineligible Voter list

Each polling place must have a list of ineligible voters. This list is generated by the Department of Corrections and lists all individuals in that municipality or county who are currently out of prison but still completing the terms of their felony sentence. The individuals on this list are not eligible to vote. Wis. Stat. § 6.79(2).

1. The election official must review the Ineligible Voter List for each Election Day registrant and absentee ballot to confirm that the elector is eligible to vote on the day of the election.
 - a. If the name of an Election Day registrant appears on the list:
 - i. 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 WEC to verify the elector's felony status.
 1. If the WEC confirms the elector is eligible to vote, the election official should document on the Voter Registration Application (EL-131) that they confirmed the voter's status with the WEC and then allow the elector to proceed to register to vote.
 2. If the WEC confirms that the elector is NOT eligible to vote or if the election official is unable to contact the WEC, 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 (EL-131) as “Ineligible to vote per Department of Corrections.”
 - iv. If the elector wishes to vote, the inspectors shall challenge the ballot (see “Challenging Electors” below). Wis. Stat. § 6.92.
- b. If the name of an absent elector appears on the list or the Absentee Certificate Envelope (EL-122) is marked “ineligible to vote per DOC”:
- i. The election inspectors shall make a reasonable effort to contact the WEC to confirm an elector’s felon status before processing the absentee ballot.
 - 1. If the WEC confirms the elector is eligible, the election inspectors should document this fact on the Absentee Ballot Log (EL-124) and continue to process the absentee ballot as normal (see Ballots section).
 - 2. If the WEC confirms the elector is NOT eligible or the WEC cannot be contacted, the election inspectors shall continue below.
 - ii. If the Absentee Certificate Envelope (EL-122) is not already marked “ineligible to vote per DOC”, the election inspectors shall so mark the envelope and the voter’s entry in the Absentee Ballot Log (EL-124).
 - iii. The election inspectors should challenge the absentee ballot (see “Challenging Electors” below).
 - iv. If an Absentee Certificate Envelope (EL-122) is marked “ineligible to vote per DOC,” 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 (EL-104).

Wis. Stat. § 6.95. Wis. Stat. § 6.29(2)(am).

Note: Election Inspectors do NOT need to review the Ineligible Voter List for pre-registered individuals who appear at the polling place to vote.

Issuing Ballots and Voting

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

Procedure

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

1. The elector announces his or her name and address to the election inspectors maintaining the poll lists.
 - a. A voter who is unable to state their name and address may have the poll worker or assistor of their choosing state their name and address on their behalf prior to receiving a ballot. Poll workers or assistors may read the name and address directly from the poll book or the photo ID provided by the voter. Voters can also provide their information in writing to poll workers or assistors. Wis Stat. 6.79(8).
 - b. A confidential elector (see “Confidential Electors”) may present an Identification Card of Protected Individual or announce his or her name and confidential elector identification number instead of announcing name and address.
2. The inspector asks the elector to show an acceptable proof of identification (except for confidential electors and voters required to surrender their Wisconsin driver license, who are required to provide an alternate document).

Proof of Identification

- i. A Wisconsin DOT-issued driver license, even if driving privileges are revoked or suspended; can be expired but only since the last General Election.
- ii. A Wisconsin DOT-issued identification card; can be expired but only since the last General Election.
- iii. A Military ID card issued by a U.S. uniformed service; can be expired but only since the last General Election.
- iv. A U.S. passport; can be expired but only since the last General Election.
- v. A certificate of naturalization that was issued not earlier than two years before the date of an election at which it is presented.
- vi. An unexpired driving receipt issued by Wisconsin DOT.
- vii. An unexpired identification card receipt issued by Wisconsin DOT.
- viii. An identification card issued by a federally recognized Indian tribe in Wisconsin.
- ix. An identification card issued by a Wisconsin-accredited university or college ONLY valid if the voter provides proof of enrollment. Proof of enrollment includes, but is not limited to, a fee receipt, class schedule or an enrollment verification form. The card must contain the following:
 1. Student's name
 2. Student's photograph
 3. Date of issuance
 4. Signature of student
 5. Expiration date no later than two years after date of issuance

- a. A school ID card does not have to include a proof of enrollment document if unexpired.²
 - b. If the school ID card is expired, it must be presented with a proof of enrollment document.³
 - c. Proof of enrollment documents include, but are not limited to, a fee receipt, class schedule or an enrollment verification form.
- x. An unexpired Veterans Affairs ID Card
 - xi. A temporary identification card receipt issued by Wisconsin DOT through the Identification Petition Process (IDPP) (valid for 60 days).

Wis. Stat. § 5.02(6m).

Note: For a picture guide of acceptable proofs of identification, see the appendix. Note that not all ID variations are shown.

- b. The inspectors verify that the name on the ID conforms to the name on the poll list. The name on the ID may be a variation of the name on the poll list.
 - i. Common variations on names, for instance “Robert” vs. “Bob” or “Margaret” vs. “Peggy.”
 - ii. Variations of initials or upper- or lower-case letters.
 - iii. Hyphenated names, such as “Smith” vs. “Smith-Jones.”

Note: Election inspectors can ask a voter to remove their ID from their wallet if they cannot see the relevant information (name, photo, expiration date).

² On July 29, 2020, the 7th Circuit Court of Appeals issued its mandate in the *One Wisconsin* decision and determined that students who present a qualifying unexpired student ID as proof of identification are not required to also provide a proof of enrollment document to meet the requirement. However, if a student presents a qualifying expired student ID as proof of identification, they must then provide a proof of enrollment document to meet the requirement.

³ IBID.

- c. The inspectors verify that any photograph on the proof of identification reasonably resembles the elector. Election inspectors should take into account that changes in a voter's physical appearance do not invalidate the proof of identification.
 - d. The inspectors verify that the proof of identification is unexpired or, if expired, it meets the expiration specifications listed above.
 - e. If the elector does not have an acceptable proof of identification for voting purposes, they must be offered a provisional ballot.

If the election inspectors do not believe the name conforms or the photo does not reasonably resemble the voter, the voter's ballot should be challenged.
 - f. The address on the proof of identification does NOT need to match the address on the poll list.
3. The elector signs the poll list. If the elector refuses to sign the poll list, writes something other than their name (a name other than their own or profanity, etc.), he or she is not issued a ballot. Wis. Stat. § 6.79 (2)(a).
- a. The elector only signs one poll list.
 - b. Election inspectors must ensure that all voters are signing the same poll list which is later provided to the county clerk.
 - c. The elector can sign the poll list by making his or her "mark" which may or may not be legible.
 - d. Election inspectors are not required to compare the voter's signature to the signature on the proof of identification.
 - e. If another person signed the voter's registration form because the voter was unable to sign due to disability, the inspector writes the word "Exempt" on the signature line. Wis. Stat. § 6.79(2)(am).
 - f. If voter was already registered, but claims to be unable on Election Day to sign due to physical disability, and both inspectors concur, the

inspectors shall enter the words “Exempt by order of inspectors” on the signature line.

- g. If both inspectors do not waive the signature requirement, the voter shall be allowed to cast a ballot and the inspector or inspectors who did not waive the requirement shall challenge the ballot and document the situation on the Inspectors’ Statement (EL-104).
4. A voter number is assigned to each elector beginning with the number “1” and recorded simultaneously on two identical poll lists maintained by two different election inspectors.
5. The officials shall then provide each elector with a slip bearing the same serial number as is recorded for the elector upon the poll list or separate list. Wis. Stat. § 6.79(2)(am).
6. Once an elector’s voter number has been recorded on both poll lists, he or she is given their ballot, which has been initialed by two election inspectors. Please verify the elector is given the correct ballot style for their address.
Note: Reduce the possibility of fraud by keeping unvoted ballots where voters do not have access to them and by not initialing ballots in advance.
7. Direct the voter to the voting area.
 - a. Be sure to ask the voter if he or she has any questions about how to correctly cast his or her ballot.
 - b. Be prepared to answer questions on how to use equipment, mark a ballot, or place a ballot in the ballot box.
 - c. If a voter is using direct recording electronic (DRE) equipment, remind him or her to check the voter-verified paper trail before casting his or her ballot. The paper trail serves as the voter’s official ballot.
8. The voter should go directly to the voting booth to mark his or her ballot.

Note: A voter may take any person of their choosing, except a representative of their labor union or employer, with them into the voting booth to provide assistance in marking the voter’s ballot. The assistor must

provide their name and address to election officials and sign in the space provided on the back of the ballot to indicate that they assisted the voter in marking the ballot. Assistors may include minor children and election inspectors. Wis. Stat. § 6.80(1).

9. ~~If a voter makes an error while marking his or her ballot, the voter may request another ballot. If a voter, by accident or mistake, spoils or erroneously prepares their ballot, they may receive another by returning the defective ballot to an election official. Wis. Stat. § 6.80(2)(c).~~
 - a. The ~~first-defective~~ ballot must be returned to the election officials and spoiled (torn to make it unusable).
 - b. The spoiled ballot should be kept in an envelope to be returned to the municipal clerk with the other election materials.
 - c. Up to three ballots may be issued to a voter. Wis. Stat. § 6.80(2)(c). A notation (2nd or 3rd ballot issued) should be made on the Inspectors' Statement (EL-104) and poll list for each additional ballot issued.
 - e.d. Note: It is the opinion of the Commission that this procedure is not affected by the ballot spoilation injunction in Kormanik v. WEC (2022CV001395).
10. The voter then places his or her voted ballot into the tabulating device or appropriate ballot box. Or, if using direct recording electronic equipment (DRE), the voter casts his or her ballot and closes out the voting session.
11. The voter should then leave the polling place unless he or she intends to stay as an observer.

Confidential Electors

Electors who are victims of domestic abuse, sexual assault or stalking have the option to be listed confidentially on poll lists. If your municipality has confidential electors, they will be indicated in the "Confidential" section of the pre-printed poll list. This section appears at the back of the poll list. This section of the poll list is NOT open to public inspection.

A confidential elector may present his or her Identification Card for Protected Individual or announce his or her name and confidential elector identification number rather than announce his or her name and address. Confidential electors must still sign the poll list if they vote at the polls on Election Day.

Procedure

1. The voter presents his or her voter identification card (EL-148) that will contain a unique identification serial number assigned to him or her by the municipal clerk or announce his or her name and confidential elector identification number instead of announcing his or her name and address at the polling place and providing proof of identification.
2. The voter signs the poll list.
3. The voter is assigned a regular voter number.
4. The voter is then issued a ballot and allowed to vote like any other voter.
5. The address of the protected individual is not disclosed on the confidential portion of the poll list.
 - a. The confidential portion of the poll list is NOT open to public inspection. Election officials may, upon request, disclose the existence of the list, the number of electors whose names appear on the list, and the number of those electors who have voted at any point in the proceedings.

Wis. Stat. § 6.47.

License Surrender

An elector who has been required to surrender his or her driver license or driver license receipt to a law enforcement officer may provide the notice or citation in lieu of a proof of identification.

Procedure

1. The voter states his or her name and address.

2. The voter presents his or her citation or notice to revoke or suspend as proof of identification.
3. The voter signs the poll list.
4. The voter is assigned a regular voter number.
5. The voter must vote using a paper ballot.
6. The election inspector records the voter number on the back of the ballot with the notation "Section 6.965."
7. The voter is issued the ballot and allowed to vote like any other voter.

Wis. Stat. § 6.965.

Assisting Electors

All electors have a right to receive assistance marking their ballots if they cannot read or write; have difficulty reading, writing, or understanding English; or have a disability that prevents them from marking the ballot or using the voting equipment. When one of these conditions is indicated, election officials must inform the elector of their right to receive assistance. An elector may select anyone to provide assistance in marking his or her ballot other than the voter's employer or an officer or agent of a labor organization which represents the voter. An election inspector can, and should, provide assistance if requested.

Procedure

If an elector informs the election inspector that he or she requires assistance marking his or her ballot, the election inspector should:

1. Give the elector a voter number and issue them a ballot.
2. The elector must sign the poll list.
 - a. If the elector cannot sign the poll list the election inspectors should write, "Exempt by order of inspectors" in the signature line.
 - b. Election inspectors should have signature guides and page magnifiers available for those electors who have difficulty seeing.

3. Record the name and address of the person assisting the elector on the poll list.
 - a. Electors may select any individual to assist them to cast their vote, including an election inspector. Exception: the elector's employer or an officer or agent of a labor organization that represents the elector may not assist the elector.
 - b. The person assisting the elector does not have to be a qualified elector.
4. A person who assists a voter must certify on the back of the ballot that it was marked with their assistance before depositing the ballot in the ballot box.
5. This incident should be recorded on the Inspectors' Statement (EL-104).

REDLINED VERSION

COMMON SENSE AND COMMON COURTESY

Many election inspectors have had little interaction with people with disabilities; here are a few courtesies and guidelines:

- Remember that all voters deserve courteous attention in exercising their right as citizens to vote.
- Remember not all disabilities are visible. Each individual knows their own abilities best. If an individual requests assistance, trust that it is necessary.
- Be considerate of the extra time it might take for a person with a disability or an elderly person to get things done.
- Animals that assist people with disabilities must be admitted into all buildings. Such animals are highly trained and need no special care other than that provided by the owner.
- Greet a person who is visually impaired by letting the person know who and where you are.
- When offering walking assistance, allow the person to take your arm and tell them if you are approaching steps or inclines or are turning right or left.
- If someone uses a mobility aid like a wheelchair, ask if they would like assistance. If they would like assistance, ask how you can assist them. Do not push their chair without their consent.
- Speak directly to the person who has a disability rather than just to a companion who may be accompanying them.
- Speak calmly, slowly, and directly to a person who is hard of hearing. Your facial expressions, gestures, and body movements help in understanding. Don't shout or speak in the person's ear. If full understanding is doubtful, try writing a note to the person.
- Pre-printed signs or a notepad should be available to assist communication with deaf or hard-of-hearing electors.
- Give unhurried attention to a person who has difficulty speaking.
- Provide a guiding device such as a ruler or a signature guide for signing forms.
- You can assist a voter with filling out the registration form. If a voter is unable to sign their own registration form, you can sign their name and then your own as the assistant.
- State and federal law permits voters with disabilities to be accompanied and to receive assistance by another person in the voting booth.

Curbside Voting

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

Once the election inspectors become aware that a voter wishes to vote curbside, they should use the following procedure:

1. The election inspectors announce in the polling place that an elector has requested a curbside ballot, and the inspectors are going to the vehicle to view the voter's proof of identification.
 - a. If having two election inspectors leave the polling area would result in fewer than three election inspectors in the polling area, voting must stop until the election inspectors return.
2. Two election inspectors go to the vehicle and speak to the voter. The election inspectors return to the polling area and announce that they are issuing a ballot to the voter.
 - a. The inspectors should ask the voter if they are unable to enter the polling place.

If the voter indicates he or she is able to enter the polling place, curbside voting may not be used.
 - b. The inspectors should ask the voter to present acceptable proof of identification.
 - i. The inspectors determine if the voter may vote a regular ballot or a provisional ballot.
3. The voter is not required to sign the poll list. A notation "Ballot received at poll entrance - Exempt" is made in the signature line of the voter on the poll list.

4. Two inspectors initial the ballot. A voter number or provisional voter number is issued to the voter and recorded in the voter lists.
5. Two inspectors deliver the ballot to the curbside voter in a security sleeve.
6. The curbside voter marks the ballot or has an assistor mark the ballot for the voter. (If assistor, see “Assisting Electors” section).
7. The inspectors return to the voting area and announce: “I have a ballot offered by (voter’s name), a voter who, as the result of a disability, is unable to enter the polling place without assistance. Does anyone object to the reception of this ballot?”
 - a. If an objection is made, follow the challenge procedures detailed below under “Challenging Electors”.
8. If no objection is made or after any challenge is resolved, the ballot is deposited in the appropriate ballot box or tabulating equipment.
9. This incident should be recorded on the Inspectors’ Statement (EL-104).

Wis. Stat. § 6.82(1).

Provisional Voting

In Wisconsin, provisional voting is ONLY used in two situations:

1. If an individual who attempts to register to vote at the polling place on Election Day has been issued a Wisconsin Driver License or Wisconsin DOT-issued Identification Card, that is unexpired, even if driving privileges were revoked, but is unwilling or unable to provide the license or state identification card number, and the lack of that number is the only missing item of information, the individual may vote provisionally.
 - a. The number of a WI Driver License or WI DOT-Issued ID Card that has expired or been cancelled, is not required.
 - b. Wisconsin DOT/DMV maintains a Help Desk for individuals to call if they need to look up their WI Driver License or WI DOT-Issued ID

Card Number The phone number is: (608) 266-1069, option 1 or (844) 588-1069 (toll-free).

- c. Individuals who have an unexpired Wisconsin Driver License or valid WI DOT-Issued ID Card may NOT use the last four digits of their Social Security Number to register.
2. If an individual is unable or unwilling to provide an acceptable form of proof of identification, he or she may vote provisionally.
 - a. If the election inspectors do not believe that the name of the elector conforms to the name shown on the proof of identification, or if the elector does not reasonably resemble the photograph on the proof of identification, the elector's ballot should be challenged (see the "Challenging Electors" section).

In the case of an absentee ballot whose envelope indicates that proof of identification must be included with the ballot, the ballot will be rejected if no acceptable form of proof of identification has been provided with the returned ballot.

There is NO other situation in which provisional voting should be used. Provisional ballots are NOT given when a voter is at the wrong polling place. If a voter appears at the wrong polling place, he or she will be directed to the proper location. Provisional ballots are also NOT given when a person is attempting to register in-person at the polling place and cannot provide the required proof of residence.

Wis. Stat. § 6.97(1-4).

Procedure

Once it is determined a voter will vote provisionally, the following procedures are required:

1. Every provisional voter must complete a Provisional Ballot Certificate Envelope (EL-123).
2. The voter completes the certificate envelope in the presence of at least one election inspector by providing:
 - a. Full name

- b. Complete address, including municipality and county
 - c. Date of birth
 - d. Indication of U.S. Citizenship
 - e. Date of election
 - f. Signature and date
3. The election inspector completes the certificate envelope by:
- a. Signing and dating the certificate envelope.
 - b. Indicating the type of required information (either “Driver License or State Identification Card Number” or “Proof of Identification”) by checking the appropriate box or boxes on the certificate envelope.
4. The election inspector issues a provisional voter number (PV#), which is recorded on the poll list. A voter number is NOT issued to the elector at this time and the elector does NOT sign the poll list.
- a. This number is issued sequentially, starting with “1.”
 - b. The PV# is also recorded in six places:
 - (1) The back of the ballot
 - (2) On the Inspectors’ Statement (EL-104)
 - (3) On the Provisional Ballot Certificate Envelope (EL-123)
 - (4) On the Provisional Ballot Reporting Form (EL-123r)
 - (5) On the poll list or supplemental poll list
 - (6) On the Provisional Voting Information sheet for the elector

5. The elector votes the ballot, seals the voted ballot in the Provisional Ballot Certificate Envelope (EL-123), and returns the sealed envelope to the election inspector.
6. The sealed certificate envelope (EL-123) is placed inside the Inspectors' Certificate for Provisional Ballots Envelope (EL-108).
 - a. The election inspectors record the name of the elector, the PV#, and the reason for the provisional ballot on the Provisional Ballot Reporting Form (EL-123r) and on the Inspectors' Statement (EL-104).
 - b. The Inspectors' Certificate of Provisional Ballots Envelope (EL-108) must be kept secure throughout Election Day.
 - c. When the polling place closes, the Inspectors' Certificate of Provisional Ballots Envelope (EL-108) must be secured in a separate ballot bag with a tamper-evident serialized numbered seal. The serial number shall be recorded on the signed ballot container certification attached to the bag and on the Inspectors' Statement. The bag should be marked "Provisional Ballots."
7. Election inspectors must provide the elector with the Provisional Voting Information Sheet and should check the applicable reason that the provisional ballot was issued.
8. An elector who was issued a provisional ballot may return to the polling place before 8:00 p.m. to provide the missing documentation to the election inspectors. Election inspectors shall review the provided documentation to determine if it is satisfactory.
 - a. If the provided documentation is not valid, the election inspectors shall inform the elector and record the incident on the Inspectors' Statement (EL-104) including the type of document presented and why it was not acceptable.
 - b. If the provided documentation is valid:
 - i. The elector must sign the poll or supplemental list.

- ii. Note on the Inspectors' Statement (EL-104) that the elector provided the required documentation.
- iii. Initial and date the Provisional Ballot Reporting Form (EL-123r) to indicate that the elector provided the required documentation.
- iv. Election inspectors should offer the elector the option of spoiling the provisional ballot and voting a new ballot.
- v. If the elector chooses to spoil the provisional ballot:
 - 1. The Provisional Ballot Certificate Envelope (EL-123) is removed from the Inspectors' Certificate of Provisional Ballots (EL-108) envelope and given to the elector.
 - 2. The elector should remove the provisional ballot and spoil it.
 - 3. Document the incident and spoiled ballot on the Inspectors' Statement (EL-104).
 - 4. The elector signs the poll list.
 - 5. The elector is issued a sequential voter number, which is recorded on the poll list and noted on the Provisional Ballot Reporting Form (EL-123r) by marking "on poll list" in the column labeled "Voter Number Issued."
 - 6. The elector is given a new ballot.
- vi. If the elector chooses to cast the provisional ballot:
 - 1. Note on the Inspectors' Statement (EL-104) and initial and date the Provisional Ballot Reporting Form (EL-123r) that the elector provided the required documentation.
 - 2. Remove the elector's Provisional Ballot Certificate Envelope (EL-123) from the Inspectors' Certificate of Provisional Ballots (EL-108) envelope.

3. Verify that the Provisional Ballot Certificate Envelope (EL-123) has not been opened or tampered with.
 - a. If the Provisional Ballot Certificate Envelope (EL-123) has been tampered with, the election inspectors shall spoil the provisional ballot and instruct the elector to cast a new ballot.
4. The elector signs the poll list.
5. The elector is issued a sequential voter number, which is recorded on the poll list and noted on the Provisional Ballot Reporting Form (EL-123r) by marking “on poll list” in the column labeled “Voter Number Issued.”
6. Provide the elector with the Provisional Ballot Certificate Envelope (EL-123) and instruct him or her to remove the ballot and place it in the ballot box or voting equipment.
7. Collect the used Provisional Ballot Certificate Envelope (EL-123) from the elector and place it back in the Inspectors’ Certification of Provisional Ballots (EL-108) envelope.

Processing

1. A Provisional Ballot Reporting Form (EL-123r) must be completed by the election inspectors at the polling place listing all of the electors who cast a provisional ballot. The clerk must review the form and send a copy to both the county clerk and their WisVote provider if different after the close of polls on Election Day. The municipal clerk must keep a copy for his or her office. A blank Provisional Ballot Reporting Form is available on the agency website.
2. All electors who have been issued a provisional ballot must be tracked in WisVote on election night. WisVote must also be updated if/when an elector provides the missing information.
 - a. Self -Providers must enter the information into WisVote. Please see the WisVote Application Training Manual for details.

- b. Reliers must provide the Provisional Ballot Reporting Form (EL-123r) to their Provider. Reliers must inform their Provider with updates if/when electors provide the missing information.
 - c. Providers must enter provisional ballot information into WisVote on election night on behalf of their reliers. Please see the WisVote Application Training Manual for details.
 3. Provisional ballots are maintained by the Municipal Clerk (NOT delivered to the County Clerk with all other election materials).
 4. Provisional ballots are not counted until the required information (either WI driver license number, state identification card number, or proof of identification) is provided to either the election inspectors by the close of the polls, or to the municipal clerk or deputy by 4:00 p.m. on the Friday after the election.
 - a. Electors who provide their information after Election Day do not sign the poll list.
 5. If the person voting provisionally does not present the information to the municipal clerk by 4:00 p.m. on the Friday after the election, the Provisional Ballot Certificate Envelope (EL-123) is not opened. Neither the voter nor the ballot is counted as part of the Election Day results if the missing required information is not returned by the deadline.
 6. The chief inspector should maintain communication with the municipal clerk regarding the number of provisional ballots issued on Election Day.

Wis. Stat. § 6.97(1-4).

Challenging Electors

When there is reason to believe that an elector does not meet the qualifications to vote or has not adhered to any voting requirement, the elector may be challenged. Only election inspectors may challenge an elector for failing to adhere to a voting requirement.

1. Challenges that may be brought by any qualified elector of the state, including election inspectors, are as follows:
 - a. Citizenship

- b. Age
 - c. Residency
 - d. Felony Status
 - e. Competency to Vote
 - f. Bet or Wager
 - g. Voted Previously at the Same Election
2. Challenges that may only be brought by an election inspector include:
- a. Physical Disability does not prevent signing of poll list.
 - b. Photograph on the proof of identification does not reasonably resemble the elector, or the name on the poll list does not conform to the name on the proof of identification.
 - c. The municipal clerk has instructed the election inspectors to challenge the ballot because the clerk does not believe the person requesting a replacement ballot is the original voter.
 - d. Any other failure to adhere to voting requirements.
3. If an election inspector is offering the challenge, another election inspector should administer the process.
4. All challenges must be made for reasonable cause as outlined on the Challenge Documentation of the Inspectors' Statement (EL-104c).
5. The election inspectors should use discretion when administering a challenge and attempt to document the challenge in a calm and respectful manner.
6. All challenges are recorded using the Challenge Documentation section (EL-104c) of the Inspectors' Statement (EL-104). The form lists the procedures to follow and questions used to establish the challenge.

Challenge Procedure

All challenges are recorded using the Challenge Documentation form of the Inspectors' Statement (EL-104c). This form details the specific procedure to follow and questions used to establish and administer the challenge. The challenge process will be abbreviated when challenging an absentee ballot. A sample of the Challenge Documentation (EL-104c) is located at the end of this manual.

1. When a challenge is made, the challenging elector is placed under oath and asked to make a sworn statement giving the reason for the challenge.
2. The challenging elector is then questioned by the election inspector using the questions on the Challenge Documentation form (EL-104c) to provide reasonable support for the challenge.
3. After the challenge has been made and supported under oath, the challenged elector is placed under oath and asked to make a sworn statement in response to the challenge. Indicate “Sworn” on the poll list.
4. If the challenged elector refuses to make a statement under oath, the elector shall not be given a ballot or permitted to vote.
5. Once the challenged elector has responded to the challenge, the challenging elector has the opportunity to withdraw his or her challenge. If the challenge is withdrawn, a ballot is issued with no special marks, a notation is made in the Inspectors’ Statement (EL-104), and no mark is made on the poll lists.
6. If the challenge is not withdrawn, the election inspector administers the “Oath of Eligibility” to the challenged elector. Once the oath has been made by the elector, a ballot is issued with the voter number and “Section 6.95” marked on the back of the ballot.
7. Once the challenged elector has marked the ballot, it is placed by the elector into the ballot box.
8. The entire Challenge Documentation (EL-104c) is completed and attached to the Inspectors’ Statement (EL-104).
9. A notation “Challenged” and the reason for the challenge is made on the poll lists and the appropriate sections of the Inspectors’ Statement (EL-104) are completed by the election inspector.

Wis. Stat. § 6.95.

Frequently Asked Questions

1. Can a person convicted of a felony vote?

A person who has been convicted of a felony may not vote until the term of his or her sentence, including any term of extended supervision, probation, or parole, has been served. Once the person has successfully completed the terms

of their sentence (you may hear this referred to as being “off-paper”), his or her civil rights are restored, and the person may vote. No additional documentation is required from the person to establish they have completed their sentence.

2. *Does a voter whose name has changed or has moved to a new address within the municipality need to re-register?*

Yes, the voter will need to complete a new Voter Registration Application (EL-131). The voter will then need to provide proof of residence. Please note that a name change is not considered effective for voting purposes until a voter has received an official document with the new name that they can use as proof of residence.

3. *If the poll list has a typo, does the elector need to re-register?*

No, if the poll list has a typo (i.e., name misspelled, or numbers inverted on the address) the voter does not need to re-register. The election inspectors should make a notation on the poll list as well as on the Inspectors’ Statement (EL-104) to notify the clerk that the information needs to be corrected.

4. *What if a voter claims to be registered already but does not appear on the pre-printed poll list?*

First, confirm that the voter is at the correct polling place. If the voter is at the wrong polling place, direct him or her to the correct polling place. If the voter is at the correct polling place, he or she must re-register to vote and provide proof of residence. The voter’s information is then listed on the supplemental poll list.

5. *How much time does a person get to vote?*

According to Wis. Stat. § 6.80(3), each voter shall be allowed a reasonable time to vote. The election inspectors should use appropriate discretion based on each elector’s needs and the complexity of the ballot. In no case shall the time be less than one minute. If there is a line waiting to vote, that time shall be no more than five minutes.

Note: Special consideration should be given to individuals using accessible voting equipment. The audio version of the ballot on this equipment can take additional time.

6. *What happens if the supply of ballots is running low?*

Election inspectors should pay close attention to the number of ballots on hand. If the supply of ballots is running low, the chief election inspector should

immediately contact the municipal clerk. The clerk will arrange for additional ballots to be delivered to the polling place.

If additional ballots are not available, the municipal clerk shall prepare substitute ballots along with a statement of explanation under oath. The election inspectors shall record the incident on the Inspectors' Statement (EL-104), along with an indication of the voter number for the first elector receiving a substitute ballot.

7. *May an election inspector provide a provisional ballot to a voter who is at the wrong polling place?*

No. Voters who are at the wrong polling location should be directed to the correct polling location.

8. *When is a challenge unacceptable?*

Any challenge based on an individual's ethnicity, accent, or inability to speak English is unacceptable. A notation of the alleged grounds should be made on the Challenge Documentation form (EL-104c). The challenge should be dismissed, and an unmarked ballot issued to the voter.

REDLINED VERSION

ELECTION DAY ISSUES

Summary

Election inspectors are responsible for maintaining an environment at the polling place that allows voters to cast their ballots without disruption from the opening of the polls to the closing of the polls. Election inspectors must also ensure that the voting process is transparent and open to the public.

Opening the Polls

At exactly 7:00 a.m. the polling place must be opened. It is recommended that the chief election inspector holds the official clock. To officially open the polling place, the chief inspector:

1. Unlocks the doors to all entrances, including any alternate accessible entrances.
2. Officially announces the opening of the polls.

Election inspectors may allow people into the polling place prior to 7:00 a.m. However, voters may not check-in or receive a ballot prior to 7:00 a.m.

Wis. Stat. § 6.78.

Observers

Anyone, other than a candidate on the ballot for the election, has the right to be present to observe the conduct of the election.

The Wisconsin Elections Commission has established Administrative Rule EL Chapter 4, outlining a set of rules for observers at the polling place or other location where votes are being cast, counted, canvassed or recounted. A summary of the observer rules must be provided to each observer. The Wisconsin Election Observers Rules-at-a-Glance brochure may be used to meet this requirement and is available on the agency website.

There is no requirement for observers to obtain a permit. All observers will be accorded the same respect regardless of their party affiliation or non-affiliation.

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 that 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.

Wis. Stat. § 7.41(1).

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
Polling Place	Chief inspector or his/her designee
Central Count	Municipal clerk or his/her designee
Clerk's Office	Municipal Clerk or his/her designee
Absentee Ballot Canvass	Designated member of canvassing board

Election Observer Log (EL-109)

An observer is required to legibly print 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 (EL-109). The observer is required to also sign this form acknowledging that 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 if it contains a photo of the observer and the observer's name. An election official will verify by marking on the EL-109 that the observer's name

listed on the EL-109 matches the photo identification. If the observer does not want to provide photo identification or the information on the photo identification does not match the information on the observer log, the individual will not be permitted to serve as an observer.

An observer must wear a name tag or badge which reads “Election Observer.” This name tag must 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. The name of the observer need not appear on the Election Observer tag or badge.

Wis. Stat. § 7.41(1).

Observer Area – Polling Place

An observation area must 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 from 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 from 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 is required to record on the Inspectors’ Statement (EL-104) the actual location of the observation area and the reasons why it could not be located within the three to eight feet distance. The municipal clerk is required to provide a written explanation to the WEC within seven days after the election as to the reasons why the distance requirement could not be satisfied.

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

Election inspectors should attach the EL-109 to the Inspectors’ Statement (EL-104). The EL-109 may not be viewed by members of the public, including other election observers, on Election Day. It may be obtained from the municipal clerk or board of election commissioners 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 from the table at which the counting 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 is required to 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 municipal clerk is required to provide a written explanation to the WEC within seven days after the election as to the reasons why the distance requirement could not be satisfied. Observers should direct questions and concerns to the municipal clerk at the central count location.

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

Observer Area – Absentee Ballot Canvass

Canvassing Area: There must be an observer area between three and eight feet from 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 is required to 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 municipal clerk is required to provide a written explanation to the WEC within seven days after the election as to the reasons why the distance requirement could not be satisfied. Observers should direct questions and concerns to a designated member of the absentee board of canvassers.

The EL-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 Cell Phones and Photography in Polling Area

Observers may silently use cell phones in the polling area. Observers may not use cell phones to take or make voice calls (ringer should be silenced). Observers may not take photographs or videos in the polling place. The chief inspector may prohibit an observer from using a cell phone if it is deemed disruptive.

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 with other observers or voters that the election official believes threatens the orderly conduct of the activity or interferes with voting may receive a warning from the election official.

If a warning has been issued, and the offending observer continues the disorderly behavior, the chief inspector should order the offending observer to depart the location. If the offending observer declines or otherwise fails to comply with the chief inspector's order to depart, the chief inspector should summon local law enforcement to remove the offending observer.

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

When an EL-110 is completed, the municipal clerk or board of election commissioners is required to notify the WEC of the incident within seven days. This notification should include a copy of the EL-110, if available, and the portion of the Inspectors' Statement which documents the incident. WEC staff will use this information to provide a summary to the Commission 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

1. The election official determines whether it is an appropriate time to allow an observer to examine or photograph 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 are prohibited from viewing the confidential portion of the poll list.
5. Observers are not permitted to make a photocopy of or take photographs or video of proof of residence documents and voted ballots.
6. All observers, regardless of affiliation, should be accorded the same treatment with respect to examining the poll lists.

Observers are not 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.

Additional 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.

¹ Badger Book users can find the poll list in the Participation List and Count report under the Admin section of the program.

3. Watch voters mark their ballots.
4. Have conversations about candidates, parties or ballot questions.

Voter Cell Phones and Photography in Polling Area

Voters may silently use cell phones in the polling area and voters may take photos or video of themselves if it is not disruptive. Voters may not take photos or videos of other voters or other voters' ballots without their consent. The chief inspector may prohibit an observer from using a cell phone if it is deemed disruptive.

Inspectors may wish to caution voters that sharing an image of their voted ballot in exchange for compensation may violate the election bribery, or election fraud statutes.

Media

Members of the media may be present at the 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 (EL-104).

Conduct of Media

1. Communications media observers shall be permitted to use photography and video cameras provided the cameras are not used in a manner that allows the observer to see or record how an elector has voted and provided the cameras do not disrupt or interfere with voting or disrupt the orderly conduct of the election.
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 Reviews

The WEC conducts reviews of polling places to check for compliance with the Americans with Disabilities Act, Help America Vote Act, and relevant state statute. Reviewers are temporary staff that have been trained by the WEC. No notice is given in advance of a review. The goal of these reviews is to document the polling place exactly how a voter experiences it. These individuals are not considered observers and may complete their work outside of any designated observer area. These individuals may work outside of the designated observer area but may not disrupt or interfere with the election. Identifying names tags and/or shirts are permitted. A reviewer will provide a letter of introduction to the Chief Inspector upon arrival at the polling place. The letter includes contact information for WEC staff in case the Chief Inspector has any questions or concerns. These individuals may use video and/or still cameras to document their findings.

Electioneering

Electioneering is any activity intended to influence voting at an election. Electioneering is prohibited on public property within 100 feet of any building entrance a voter may use to access the polling place. This does not apply to private property within the 100 feet rule.

Wis. Stats. §§ 12.03(2), 12.035(3).

Some circumstances to consider:

Vehicles

1. There is an exception for election-related bumper stickers on vehicles parked within 100 feet of an entrance to a polling place for the length of time it takes for the occupants to vote.
2. Employees who work in the building containing the polling place may have stickers on their cars but if complaints are made, the employee should be asked to move his or her vehicle.

3. If it appears that the primary purpose of parking a vehicle within 100 feet of an entrance to a polling place is to influence voting, then election inspectors should attempt to contact the vehicle owner and have them move and should contact a law enforcement officer.

Election Materials

1. Campaign signs or flyers may not be posted or distributed within the polling place or within 100 feet of any entrance to a polling place.
2. This prohibition does not apply to campaign activity on private property within 100 feet of an entrance to a polling place. The placement of election signs on private property within the 100 feet radius is permissible.

Wis. Stat. § 12.03.

Solicitations

Solicitations are not allowed in the voting area or inside a building housing the polling place as solicitors can interfere with the orderly conduct of the election. Solicitors must not interfere with the access of voters entering and leaving the polling place. However, solicitors do not have to be outside the 100 feet electioneering zone.

Petitions on Election Day

It is the formal opinion of the Wisconsin Elections Commission that soliciting signatures for a petition within 100 feet of a polling place on Election Day is NOT considered “electioneering,” provided that the petition is not related to the election at hand and does not attempt to influence the voter regarding that day’s vote. For example, petitions for the recall of an elected official, the institution of referenda, or other petitions to a governing body are not considered “election-related material” and do not violate the relevant statutes on electioneering. However, petitioning inside the building containing the polling place on Election Day is considered disruptive, and is prohibited. Petitioners should circulate their petitions outside of the polling place to not interfere with the access of voters entering and leaving the polling place. Election officials will order persons petitioning inside the

building containing the polling place to leave the building and summon law enforcement if necessary.

Wis. Stats. §§ 7.37(2), 12.03(4), 12.035(4)(a).

Exit Polls

1. Exit polls are permitted by Wisconsin law but must not interfere with the orderly conduct of the election.
2. Exit polls should be conducted outside of the polling place. Persons conducting exit polls must not interfere with the access of voters entering and leaving the polling place.
3. Electors should not be given the impression that their participation is required, and the exit poll should not resemble a sample ballot or otherwise imply that it is part of the election process.
4. Persons conducting exit polls are encouraged to contact the municipal clerk to discuss the conduct of exit polls, in order to take into consideration any unique circumstances created by the layout or configuration of a particular polling place.

Bake Sales

Bake sales and other activities not related to the election are permitted but not encouraged. If held, they should be set up in a separate room, or in a remote location, so that the orderly conduct of the election is not disrupted.

Closing the Polls

All polling places in Wisconsin close at 8:00 p.m. However, voters in line at the time the polls close must be permitted to vote. To officially close the polling place:

1. The chief inspector officially announces the closing of the polls.
2. The End of Line Officer stands behind the last voter in line at 8:00 p.m. to clearly identify who is entitled to vote. The End of Line Officer should be established by the municipal clerk prior to Election Day. The End of Line Officer may be an election inspector, election registration official, employee of the clerk, or police officer.

3. Once all the voters have cast their ballots, the polling place remains open to the public, and the process of reconciling poll lists, counting ballots, and completing the required forms begins.
4. The doors to the polling place must NOT be locked.

Anyone, including a candidate, has the right to observe the end of night activities such as reconciling poll lists, counting ballots, and the completion of forms.

Note: If the election inspectors are informed that a court has issued an order extending the hours that the polling place is open beyond 8:00 p.m., a voter entering the polling place after that time will have his or her ballot marked with the notation “Section 6.96.” The election inspectors should then make the same notation on the poll list next to the voter’s name. This enables ballots cast after the polls close pursuant to a court order to be removed from the count if the court order is set aside. Wis. Stat. § 6.78.

Frequently Asked Questions

1. *What should the election inspectors do if there are electioneering signs in or around the polling place on Election Day?*

Election officials are responsible for enforcing the electioneering law on public property within 100 feet of any building entrance a voter may use to access the polling place. The municipal clerk should be contacted if there are any problems relating to enforcement.

Any building that houses a polling place is considered public property on Election Day; including VFW posts, churches, senior centers, banks, etc. It is recommended that the municipal clerk notify the owners that the polling place is considered public property at the time they enter into an agreement to use the property as a polling location. The clerk should also inform owners that, on Election Day, campaign materials will be removed from areas leading to and from the location of the polling place within the building and on public property within 100 feet of the building entrances.

2. *Can anyone photograph and/or videotape the activities taking place in the polling place?*

Voters may photograph or videotape themselves or their ballots if it is not disruptive. Members of the media and polling place accessibility auditors may

use photography and/or video cameras in the polling place during voting hours. The use of photography and video cameras by observers is prohibited.

3. *Do voters have to remove campaign buttons or t-shirts?*

Unless the election inspectors receive a complaint about someone's attire or it is disturbing the conduct of the election, it is best to permit the voter to cast his or her ballot and leave. If someone is planning to stay as an observer, he or she must remove the campaign attire if the attire is intended to influence voting at the election.

REDLINED VERSION

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 their ballot. Any registered voter in the state of Wisconsin may exercise the option to vote by absentee if, for any reason, they are unable or unwilling to appear at their polling place on election day. Wis. Stat. § 6.85(1).~~ 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). (EL-125 Absentee Ballot Carrier). The EL-125 should be attached to any container which is used to transport absentee certificate envelopes to the polling place. The certificate may be made in the form of an envelope, or the certificate may be affixed to another container, such as a box, which may be used to transport absentee certificate envelopes to the polling place. Once the container has been sealed, it cannot be opened again until the contain or envelope is in the same room where votes are being cast at the polls during polling hours on Election Day, or at a meeting of the municipal board of canvassers under § 7.52.

The establishment of alternate absentee canvassing sites (also known as Central Count Absentee) requires approval by the municipalities governing body and the Wisconsin Elections Commission

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

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, no witness address, no witness printed name, both special voting deputies failed to sign, or no certification language. Wis. Stat. § 6.88(3)(b). Set these aside and process them after 8 p.m. on Election Day ~~to give the voter an opportunity to correct these errors. Wis. Stat. § 6.88(3)~~. See also “Voter Correction of Incomplete Absentee Certificate Envelopes” on page XX for further information.

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. Ballots are considered counted 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 must be rejected.

[Absentee Ballot Certificate Envelopes \(EL-122, EL-122M, EL-122SVD, EL-122SP\)](#)

There are four variations of the Absentee Ballot Certificate Envelope:

1. EL-122 Standard Absentee Certificate Envelope, used in most situations.
2. EL-122M Absentee Certificate Envelope, used for military and permanent overseas voters.
3. EL-122SVD, used for absentee voting conducted by Special Voting Deputies in residential care facilities and retirement homes.
4. EL-122SP, used for voters in SVD-eligible facilities that are not served by SVDs.

Overview of the Absentee Certificate Envelope

Step 1: The clerk or voter must complete the voter information section. The information can be provided using a label or handwritten.

Official Absentee Ballot Certificate & Application			
CLERK OR DEPUTY >> Initial Here >>		In-person absentee voter showed valid POI _____	Voter exempt from or met POI requirement _____
STEP 1	CLERK OR VOTER must complete this part		
Voter Information		Election Date (mm/dd/yyyy) _____/_____/_____	
<input type="checkbox"/> City Name:			
<input type="checkbox"/> Village Name:			
<input type="checkbox"/> Town Name:			
Name (Last, First, Middle)			
Street Address			
County		City	
State	Zip	Ward	Ald. Dist


Step 2: The voter must complete the certification section by signing where highlighted. If the voter needed assistance signing their name to the certification, the assistor signs the voter's name and signs their own name below in the assistor's field.

STEP 2	VOTER must complete this part
I certify, subject to the penalties for false statements of Wis. Stat. § 12.60(1)(b), that:	
<ul style="list-style-type: none">• I am a resident of the ward or of the aldermanic district of the municipality in the county of the state of Wisconsin indicated hereon OR I am entitled to vote in the ward or aldermanic district at the election indicated hereon• I am not voting at any other location in this election• I am unable or unwilling to appear at the polling place in the ward on Election Day, or I have changed my residence within the state from one ward to another less than 28 days before the election• I displayed the ballot unmarked to the witness and in the presence of no other person marked the ballot and enclosed and sealed it in this envelope in a manner that no one but myself and an assistant under s. 6.87 (5), if I requested assistance, could know how I voted• I requested this ballot and this is the original or a copy of that request	
X	
Voter Signature	
Certification of Assistant (if applicable) I certify that the voter is unable to sign their name due to a disability and that I signed the voter's name at the direction and request of the voter	
Assistant Signature	

Step 3: The witness must complete this section by signing and printing their name and providing their address (street number, street name, municipality).

STEP 3 WITNESS must complete this part

I the undersigned witness, subject to the penalties for false statements of Wis. Stat. § 12.60(1)(b), certify that:


WITNESS REQUIRED

- I am an adult U.S. citizen
- The above statements are true and the voting procedure was executed as stated
- I am not a candidate for any office on the enclosed ballot (except in the case of an incumbent municipal clerk).
- I did not solicit or advise the elector to vote for or against any candidate or measure

X

Witness Signature

Witness Printed Name

Witness Address (Number, Street Name, City)

Absentee Certificate Envelope for Other Categories of Absentee Voters

EL-122M for Military and Permanent Overseas Voters. In step 2 of this envelope, voters must include their date of birth. The witness is required to be an adult but does not have to be a U.S. citizen.

STEP 2 VOTER must complete this part

I certify, subject to the penalties for false statements of Wis. Stat. § 12.60(1)(b), that:

- I am a resident of the ward or of the aldermanic district of the municipality in the county of the state of Wisconsin indicated hereon OR I am entitled to vote in the ward or aldermanic district at the election indicated hereon
- I am not voting at any other location in this election
- I am unable or unwilling to appear at the polling place in the ward on Election Day, or I have changed my residence within the state from one ward to another less than 28 days before the election
- I displayed the ballot unmarked to the witness and in the presence of no other person marked the ballot and enclosed and sealed it in this envelope in a manner that no one but myself and an assistant under s. 6.87 (5), if I requested assistance, could know how I voted
- I requested this ballot and this is the original or a copy of that request

X

Voter Signature

Date of Birth / /
(mm/dd/yyyy)

Certification of Assistant (If applicable)
I certify that the voter is unable to sign their name due to a disability and that I signed the voter's name at the direction and request of the voter

Assistant signature

[EL-122SVD for use by Special Voting Deputies conducting absentee voting in residential care facilities and retirement homes. In step 3 of this envelope, the signatures and addresses of both SVDs are required in the witness section.](#)

STEP 3 SVD must complete this part	
I the undersigned witness, subject to the penalties for false statements of Wis. Stat. § 12.60(1)(b), certify that:	
<ul style="list-style-type: none">• I am an adult U.S. citizen• I am not a candidate for any office on the enclosed ballot (except in the case of an incumbent municipal clerk).	<ul style="list-style-type: none">• I did not solicit or advise the elector to vote for or against any candidate or measure.• I further certify that the name and address of the voter is correct as shown
X	X
Deputy #1 Signature	Deputy #2 Signature
Deputy #1 Printed Name	Deputy #2 Printed Name
Deputy #1 Address (Number, Street Name, City)	Deputy #2 Address (Number, Street Name, City)

[EL-122SP for use by voters residing in SVD-eligible care facilities and retirement homes not served by SVDs. In step 4 of this envelope, the authorized representative of the care facility signs this section or the voter includes photo ID. The care facility representative may also serve as the witness.](#)

STEP 4 CARE FACILITY REP. must complete this part
I certify I am an authorized representative of the facility listed. I further certify that this facility is registered or certified as required by law, that the above voter is a resident, and I verify that the name and address of the voter described above are correct.
X
Care Facility Authorized Representative Signature
Name of Facility

Processing Absentee Ballots

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

1. Open the large carrier envelopes or containers (EL-125) containing the absentee ballots.
2. Remove each Absentee Certificate Envelope (EL-122, EL-122M, EL-122 SVD, and EL-122 Special) and announce each 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 or optical scanner. (See the "Challenging Electors" section of this manual.)
 - 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 (EL-104).
 - c. The election inspectors shall make a reasonable effort to contact the WEC to confirm an elector's felon status before processing the absentee ballot.

Wis. Stat. § 6.88(3)(c).

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, U.S. citizen (if they are a military or overseas voter, the witness must be an adult, but does not need to be a U.S. citizen). The witness must

include their address and it can be an address outside of the United States. Wis. Stat. § 6.87(4)(b).

Note: If the envelope has been opened or resealed, the signature of either the elector or the witness is missing or the witness' [printed name or](#) address is missing, the absentee ballot certificate envelope is insufficient, and the absentee ballot must be rejected. If there are no clerk initials on the envelope do not reject the ballot but note the omission on the EL-104 and process normally.

5. If the Absentee Certificate Envelope (EL-122) is found to be **insufficient**:

- a. Do not open the envelope.
- b. Do not issue a voter number.
- c. Mark the envelope "Rejected ballot # " (beginning with the number 1). Write the reason for rejection on the envelope.
- d. List the elector's name, identifying serial number of the rejected ballot (see "c." above), and the reason for rejection on the Inspectors' Statement (EL-104).
- e. Record the reason for rejection next to the elector's name on the Absentee Ballot Log.
- f. Record the ballot as not counted on the Absentee Ballot Log (EL-124).
- g. Place the unopened certificate envelope in the Certificate of Rejected Absentee Ballots (EL-102) brown carrier envelope.

Wis. Stat. § 6.88(3)(b).

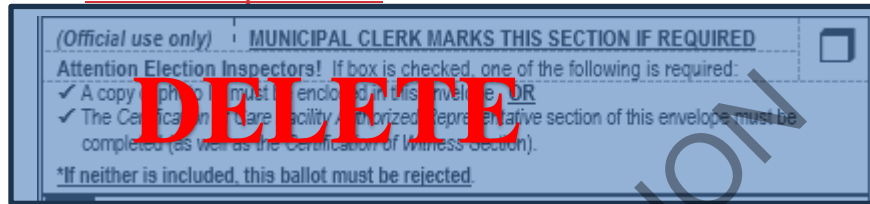
6. If the Absentee Certificate Envelope indicates that proof of identification or the Certification of Authorized Care Facility Representative is required, it is the responsibility of the election inspector to ensure that the elector included proof of identification along with the absentee ballot or completed the appropriate certification section before the ballot may be counted. In these cases, the certificate envelope will be an EL-122 [SPsp](#), which contains the Authorized Care Facility Representative section. Follow these procedures:

a. Determine if the Certification of Authorized Care Facility Representative is completed.

i.a. Name of Facility

i. Signature of Representative (may be the same person as the witness)

ii. Name of Facility. This should have already been completed by the municipal clerk.

A form section titled "STEP 4 CARE FACILITY REP. must complete this part". The text reads: "I certify I am an authorized representative of the facility listed. I further certify that this facility is registered or certified as required by law, that the above voter is a resident, and I verify that the name and address of the voter described above are correct." Below this is a signature line with an "X" and the text "Care Facility Authorized Representative Signature" highlighted in yellow. Below that is a line for "Name of Facility". A large "DELETED VERSION" watermark is overlaid on the image.

b. If complete, continue to process the absentee ballot as normal.

c. If the certification of Authorized Care Facility Representative 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 rejected. Do not issue a voter number.

NOTE: If the ballots being processed are for a **partisan primary** and your municipality uses **traditional hand-count paper ballots**, please see *Procedure for Processing Sufficient Hand-Count Paper Ballots at a Partisan Primary*, which follows this section.

7. If the Absentee Certificate Envelope (EL-122) is found to be **sufficient**:

- a. Carefully remove the ballot(s) from the certificate envelope.
- b. Examine the contents of the envelope to assure that no more than the proper number of ballots is enclosed:
 - i. If a certificate envelope contains more than one of the same types of ballot and both ballots are marked, both ballots must be rejected.
 1. Do not issue a voter number.
 2. Mark each of those same type ballots “rejected.”
 3. Return the rejected ballots to the absentee voter’s certificate envelope and mark it “Rejected Ballot # __” (beginning with ‘1’) and list the reason.
 4. Note on the Inspectors' Statement (EL-104) that these ballots were rejected because the absentee voter marked more than one ballot of the same type. Indicate the serial number (see “3” above) issued for the unused ballot. If hand-count, paper ballots are used, indicate the type of ballot (i.e. state, county, municipal or school district).
 5. Place the rejected certificate envelope in the Certificate of Rejected Absentee Ballots (EL-102) brown carrier envelope.
 - ii. If a certificate envelope contains more than one ballot of the same type, but only one is marked (i.e. the other ballot(s) is blank), the marked ballot CAN be accepted.
 1. Issue a voter number.

2. Place the marked ballot in the ballot box.
 3. Write “Unused ballot #__” (beginning with ‘1’) on the unmarked ballot and place it in the absentee voter’s certificate envelope.
 4. Note on the Inspectors’ Statement (EL-104) that there was more than one ballot of the same kind, but only one of the “same type” ballots were marked. Indicate the serial number (see “3” above) issued for the unused ballot.
 5. Place the Absentee Certificate Envelope (EL-122) in the Used Certificate Envelopes of Absentee Electors (EL-103) white carrier envelope.
- c. Check the ballot(s) for the initials of the issuing clerk.
- i. If the ballot does not contain the initials of the clerk or deputy clerk, do NOT reject the ballot solely for that reason.
 1. Issue a voter number and record the voter number on the voter list. Document that this was an absentee ballot (red “A” next to voter number). Also, record on the Absentee Ballot Log that the ballot was counted.
 2. Place the ballots in the appropriate ballot box or voting equipment.
 3. Place the used certificate envelope in the Used Certificate Envelopes of Absentee Electors EL-103 white carrier envelope.
 4. Note on the Inspectors’ Statement (EL-104) that the clerk’s initials were missing.
 5. Record as counted on the Absentee Ballot Log (EL-124)

Wis. Stat. § 6.88(3)(a).

NOTE: Elections inspectors do not need to stand in line with voters in order to process absentee ballots.

Procedure for Processing Sufficient Hand-Count Paper Ballots at a Partisan Primary

8. If the Absentee Certificate Envelope (EL-122) is found to be **sufficient**:

- a. Carefully remove the ballot(s) from the certificate envelope.
- b. Examine the contents of the envelope to assure that only the proper number of ballots is enclosed:
 - i. If a certificate envelope contains more than one marked ballot, and the marked ballots are for different parties, this is a crossover vote.

Though a crossover vote cannot be counted, the voter is still credited for participating in the election. This means that the voter is issued a voter number, the crossover ballots are placed in the ballot box and the ballot is recorded as “counted” on the Absentee Ballot log.

1. **Issue a voter number** and record the voter number on the voter list. Document that this was an absentee ballot (red “A” next to voter number.)
2. Staple the marked ballots together and place in the ballot box, or ensure the ballots remain together in some other fashion.
3. Write “crossover” on the certificate envelope and mark it “Crossover Ballot #__” (beginning with ‘1’) and place the certificate envelope in the Used Certificate Envelopes of Absentee Electors (EL-103) white carrier envelope.
4. Note on the Inspectors' Statement (EL-104) that voter number_ cast a crossover vote. Indicate the serial number (see 3 above) for the crossover ballots.
5. Record as counted on the Absentee Ballot Log (EL-124).

- ii. If a certificate envelope contains more than one marked ballot and the ballots are for the same party, both ballots are rejected.
6. Mark both ballots “rejected.”
 7. Return the rejected ballots to the absentee vote’s certificate envelope and mark it “Rejected Ballot #__” (beginning with ‘1’) and list “voted on 2 ballots of the same party” as the reason.
 8. Place the rejected certificate envelope in the Certificate of Rejected Absentee Ballots (EL-102) brown carrier envelope.
 9. Note on the Inspectors’ Statement (EL-104) that the ballots were rejected because the voter voted on 2 ballots of the same party. Indicate the serial number (see 2 above) for the rejected ballots.
 10. Record as not counted on the Absentee Ballot Log (EL-124).
 11. Do not issue a voter number.
- iii. If a certificate envelope contains more than one ballot but only one ballot is marked (i.e. the other ballot is blank), the marked ballot CAN be accepted.
1. Issue a voter number and record the voter number on the voter list. Document that this was an absentee ballot (red “A” next to voter number).
 2. Place the marked ballot in the ballot box.
 3. Write “unused ballot #__” (beginning with ‘1’) on the unmarked ballot and return it to the certificate envelope.
 4. Place the certificate envelope in the Used Certificate Envelopes of Absentee Electors (EL-103) white carrier envelope.

5. Note on the Inspectors' Statement (EL-104) that there was more than one ballot but only one ballot was marked. Indicate the serial number (see 3 above) issued for the unused ballot.
 6. Record as counted on the Absentee Ballot Log (EL-124).
- c. Check the ballot contains the initials of the issuing clerk.
- i. If the ballot does not contain the initials of the clerk or deputy clerk, do NOT reject the ballot solely for that reason.
 1. Issue a voter number and record the voter number on the voter list. Document that this was an absentee ballot (red "A" next to voter number). Also, record on the Absentee Ballot Log that the ballot was counted.
 2. Place the ballot in the ballot box.
 3. Place the used certificate envelope in the Used Certificate Envelopes of Absentee Electors (EL-103) white carrier envelope.
 4. Record on the Inspectors' Statement (EL-104) that clerk's initials were missing.
 5. Record as counted on the Absentee Ballot Log (EL-124).

NOTE: Elections inspectors do not need to stand in line and go through the motions of a voter in order to process absentee ballots.

9. If the Absentee Certificate Envelope (EL-122) is determined "to be rejected," because the signature of elector or witness is missing, the witness address is missing or if the envelope is open or appears to have been resealed, see "Voter Correction of Incomplete Absentee Certificate Envelopes" on page XX. ~~-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.a. The voter may NOT remove the ballot from the voting area.~~

~~ii. The original witness must be present.~~

~~—The elector and witness sign the certificate envelope and the witness provides his or her address.~~

~~iii.i. The original witness must be present.~~

~~—An election inspector may NOT serve as the witness.~~

~~iv.~~

~~e. The original certificate envelope is then destroyed.~~

~~d. The election inspector documents that a correction was made, and the ballot accepted on the Absentee Ballot Log (EL-124).~~

~~Wis. Stat. § 6.88(3)(b).~~

Voter Correction of Incomplete Absentee Certificate Envelopes

If the information on the absentee certificate envelope is incomplete, or if the certificate is missing, the clerk “may return the ballot to the elector... whenever time permits the elector to correct the defect and return the ballot” so that the municipal clerk can cause the completed ballot to be delivered to the proper polling place by 8 p.m. on Election Day. Wis. Stat. § 6.87(9). If the municipal clerk returns the ballot to the elector under § 6.87(9), the ballot can be returned “inside the sealed envelope when an envelope is received, together with a new envelope if necessary...” Wis. Stat. § 6.87(9).

Sec. 6.87(9) does not limit how a municipal clerk should “return the ballot” to the elector. A clerk may chose to do this by returning it in the mail, or by returning it to the voter in person in the clerk’s office or at the polling place on Election Day.

- **Option 1:** If a ballot is returned by the municipal clerk to the elector under § 6.87(9), it is incumbent upon the elector to “correct the defect.” The voter must ensure the corrected ballot is returned so it is delivered to the polling place no later than 8 p.m. on Election Day.

- **Option 2:** If a ballot is returned by the municipal clerk to the elector under § 6.87(9), it is incumbent upon the elector to “correct the defect.” When voting absentee, an elector must mark, fold, and deposit their ballot into the certificate envelope in the presence of a witness, all in a manner that will not disclose how the elector’s vote is cast. Wis. Stat. § 6.87(4)(b)1. Statute does not require the witness to verify any of the voter’s information on the certificate envelope. Wis. Stat. § 6.87(4)(b)1. If the voter is correcting information in the “Voter Information” section of the original certificate envelope (to fill in a missing required field, for example), the original witness does not need to be present to witness the voter correcting the defect under § 6.87(9). If the municipal clerk has provided the voter with a new envelope, the elector must request that their original witness re-complete the witness portion of the absentee envelope. The original witness must be used because they were the one who witnessed the voter marking, folding, and depositing the ballot into the envelope. A new witness cannot be used because there is no way for a new witness to witness the elector marking their ballot if an elector is attempting to correct a defect under § 6.87(9). If the witness address field is incomplete or insufficient, the voter and their original witness may go together to the clerk’s office or polling place for the witness to correct the defect.¹ The voter must ensure the corrected ballot is returned so it is delivered to the polling place no later than 8 p.m. on Election Day.
- **Option 3:** If a ballot is returned by the municipal clerk to the elector under § 6.87(9), it is incumbent upon the elector to “correct the defect.” When voting absentee, an elector must mark, fold, and deposit their ballot into the certificate envelope in the presence of a witness, all in a manner that will not disclose how the elector’s vote is cast. Wis. Stat. § 6.87(4)(b)1. Statute does not require the witness to verify any of the voter’s information on the certificate envelope. Wis. Stat. § 6.87(4)(b)1. If the voter is correcting the original certificate envelope (to fill in a missing required field, for example), the original witness does not need to be present to witness the voter correcting the defect under § 6.87(9). If, however, the municipal clerk has provided the voter with a new envelope, the elector must request that their original witness re-complete the witness portion of the absentee envelope. The original witness must be used because they were the one who witnessed the voter marking, folding, and depositing the ballot into the envelope. A new witness cannot be used because there is no way for a new witness to witness the elector marking their ballot if an elector is attempting to correct a defect under § 6.87(9). If the witness address field is incomplete or insufficient, the voter and their original witness may go together to the clerk’s office or polling place for the witness to correct the defect.² If the voter

¹ **Litigation Note:** The definition of “witness address” is the subject of ongoing litigation in two Wisconsin circuit courts. *Rise Inc., et al v. Wis. Elections Comm’n et al* (2022CV002446); *League of Women Voters v. Wis. Elections Comm’n et al* (2022CV002472). Although decisions in both cases were issued on January 2, 2024, the litigation, including the issuance of final injunctive relief and appeal schedule, is still ongoing. Accordingly, the Commission is not able to provide guidance pursuant to either case in the January 2024 version of the manual. However, the manual will be updated to be consistent with the final orders in either or both cases.

² **Litigation Note:** The definition of “witness address” is the subject of ongoing litigation in two Wisconsin circuit courts. *Rise Inc., et al v. Wis. Elections Comm’n et al* (2022CV002446); *League of Women Voters v. Wis. Elections Comm’n et al* (2022CV002472). Although decisions in both cases were issued on January 2, 2024, the litigation, including the issuance of final injunctive relief and appeal schedule, is still ongoing. Accordingly, the Commission is

corrects the certificate envelope in the clerk's office, the clerk may issue a new certificate envelope to the voter. Wis. Stat. § 6.87(9). If the voter corrects the "Voter Information" section of the certificate envelope at the polling place, they may only correct the error—they may not vote a new ballot. An election inspector at the polls may issue a new envelope, if necessary, pursuant to the clerk's authority under § 6.87(9). The voter should open the original certificate envelope, verify their ballot, and seal the ballot in the new certificate envelope. The voter may NOT remove the ballot from the polling place. If a new certificate envelope is issued and completed, the original defective certificate envelope must be destroyed, but still set aside to be accounted for later in the event of a recount. The clerk or election inspector should document that a correction was made (and if the ballot was accepted on Election Day) on the Absentee Ballot Log (EL-124). The voter must ensure the corrected ballot is returned so it is delivered to the polling place no later than 8 p.m. on Election Day.

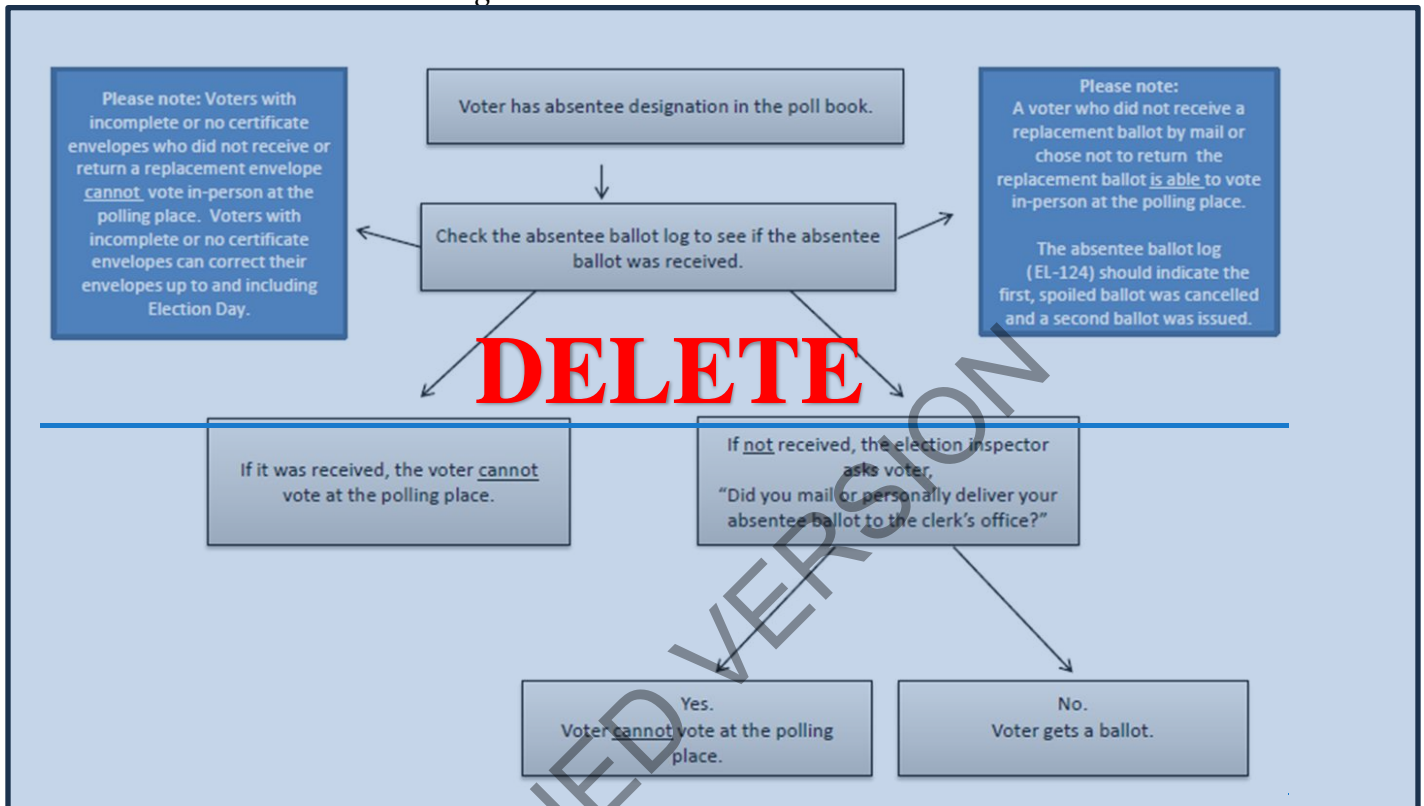
Municipal clerks should make every effort to review absentee certificate envelopes as they receive voted absentee ballots from voters so that they can choose to exercise their authority under § 6.87(9) or § 6.88(3) ahead of Election Day. If exercising authority under § 6.88(3), the clerk should label missing and no certificate envelope ballots as "To Be Rejected," and keep them separate from the rest of the absentee ballots when delivering to the polling place.

However, there may be some instances in which an election inspector notices an incomplete or insufficient absentee certificate while reviewing and processing absentee ballots at the polling place on Election Day. If the election inspector notices that an absentee certificate is incomplete or insufficient, the ballot must be set aside to allow the elector an opportunity to correct the defect and return the ballot under § 6.87(9).

There may be some instances in which time does not permit an elector to correct the defect and return the ballot by 8 p.m. on Election Day. Wis. Stat. § 6.87(9). In that instance, if the certification is still insufficient, the election inspector "shall not count the ballot." Wis. Stat. § 6.88(3)(b). If a ballot is rejected on this ground, an inspector must write "rejected, insufficient certificate" on the back of the ballot. Wis. Stat. § 6.88(3)(b). The rejected ballot should then be reinserted into the certificate envelope in which it was delivered, and securely seal both in an envelop marked for rejected absentee ballots. Wis. Stat. § 6.88(3)(b). All other procedures specified by § 6.88(3)(b) should always be followed when rejecting absentee ballots for any reason.

The clerk should document any certificate errors on the Absentee Ballot Log (EL-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 (EL-124).

The absentee notation on the pre-printed poll list indicates that an absentee ballot was issued to the voter. The notations **may or may not** indicate that the ballot was returned.

1. If an individual noted as “absentee” appears at the polling place, the inspectors should check the Absentee Ballot Log (EL-124) to determine if the ballot has been returned.
 - a. If the absentee ballot 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, see “Voter Correction of Incomplete Absentee Certificate Envelopes” on page XX. ~~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 original witness must be present.~~

~~v. If missing, the elector and witness sign the certificate envelope and the witness provides any other missing information, such as printed name and address. provides his or her address.~~

~~vi. The election inspectors may NOT serve as the witness (the original witness must be present).~~

~~vii. The original certificate envelope is then destroyed.~~

~~viii. The election inspector should document that a correction was made, and the ballot accepted on the Absentee Ballot Log (EL-124).~~

c. If the absentee ballot 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.

Processing Overvoted and Crossover Voted Ballots

The use of the two procedures outlined below will be determined by whether your municipality allows for use of the override function on the voting equipment in the event of a crossover voted or overvoted ballot.

Municipalities that do not Allow Use of the Override Function

If your municipality uses electronic tabulation equipment and *does not allow* for the use of the override function in the event of an overvoted or crossover voted ballot, those ballots may have to be remade by election inspectors at the polls on Election Day.

This guidance only applies to municipalities that use electronic tabulation equipment and *do not allow for use of the override function*. Instructions for processing overvoted and crossover voted ballots using the override function can be found later in this section of the manual. 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.

1. Remaking Ballots with Overvotes

Election inspectors may be 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 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, two 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.

2. Remaking 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.

A voter who selects a party preference and then votes in more than one party's primary 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's primary, the electronic tabulator should notify the voter of a crossover vote.

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 voter 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 are issued a sequential serial number, starting with 1, regardless of the reason the ballot was remade. These ballots are labeled: original ballot number, duplicate ballot number, same serial number.
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 (EL-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 “duplicate” 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.

Wis. Stats. §§ 6.85 (2)(b)(1), (2), (3).

Municipalities that Allow for the Use of the Override Function

If the voting equipment is programmed to permit the use of the override function to tabulate overvoted ballots and ballots with crossover votes, that function may be used instead of remaking ballots for which the elector’s intent regarding the contest(s) in question cannot be determined. To avoid confusion and any complications during a recount, Elections Commission staff recommends all ballots at the polling place be treated uniformly, either by remaking the ballot or using the override function, as instructed by the municipal clerk.

An **overvoted** ballot is a ballot with at least one contest in which the elector has voted for more than the maximum number of selections allowed. A ballot with a **crossover** vote is a ballot where the voter has not selected a party preference and has voted in more than one party, which is prohibited by state law. When programmed to use the override function, the voting equipment will display a warning message after a voter inserts an overvoted ballot or a ballot with crossover votes into the machine. An election inspector should be assigned to monitor the tabulation equipment at all times that voters are inserting ballots into the machine.

There are currently several different types of tabulation equipment in use in Wisconsin and each piece of equipment displays a different notification when an overvoted or crossover voted ballot is inserted into the machine. The lack of standard content for notifications across different equipment creates the potential for voter confusion and reinforces the need for election officials to be familiar with the notification screens and the impact on a ballot if the override function is used. A poll worker should monitor the use of the equipment and be able to explain to the voter that votes for at least one ballot contest will not be counted if the voter decides to cast an overvoted or crossover voted ballot.

Below are two separate procedures for using the override function when processing an overvoted ballot or a ballot with crossover votes, depending upon whether it is an absentee ballot or one that is being cast while the voter is present.

Procedure: Overvoted and Crossover Voted Absentee Ballots

1. The election inspector inserts the ballot without inspection into the tabulation equipment and the machine displays the warning message.
2. The inspector selects the option to return the ballot.
3. The inspectors review the ballot to attempt to determine the voter's intent for the contest or contests in question. For example, a stray mark could have mistakenly caused the machine to identify the ballot as overvoted or crossover voted.
 - a. If voter intent can be determined, the ballot is remade to correct the error for the contest(s) in question and include all other votes using the process outlined in the Election Day Manual.
 - b. If voter intent cannot be determined, continue to Step 4.
4. The inspector reinserts the ballot into the tabulation equipment and casts the ballot using the override function.
5. The inspector makes a notation on the Inspectors' Statement (EL-104) to indicate that the override function was used to cast the ballot. The reason why the override function was used should also be included in this notation. The ballot is not marked.

Procedure: Overvoted and Crossover Voted Ballots When Voter is Present

1. The voter inserts the ballot into the tabulation equipment and the machine displays the warning message.
2. The election inspector assigned to monitor the tabulation equipment explains the notification to the voter.
 - a. Overvoted Ballot: Casting an overvoted ballot with the override function would result in no votes being counted for the overvoted contest(s) but votes for all other contests would be counted.
 - b. Crossover Voted Ballot: Casting a ballot that contains a crossover vote would result in no votes being counted for any partisan office but votes for all nonpartisan contests (if present) would be counted.
3. The voter is informed that they can spoil the ballot and mark another ballot (up to three ballots) OR cast the ballot as is.

- a. If the voter chooses to spoil the ballot, the election inspector selects the option to return the ballot, returns the ballot to the voter without examining it, and direct the voter to exchange the ballot at the ballot-issuing table for a replacement ballot.
 - b. If the voter wants the ballot cast as is, the inspector should first offer to use the option to return the ballot to the voter so that the voter may review the ballot before making the final decision. If the voter does not wish to examine the ballot, the election official casts the ballot using the override function. If the voter wishes to examine the ballot first, the voter or inspector selects the option to return the ballot and the voter determines whether to spoil the ballot or to have the election inspector cast it using the override function.
4. The inspector makes a notation on the Inspectors' Statement (EL-104) to indicate that the override function was used to cast the ballot. The reason why the override function was used should also be included in this notation. The ballot is not marked.

Wis. Stats. §§ 5.91(7), (12), 7.50(1)(b).

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 there is no alternative reason for the ballot overage.**
 1. The issuance of the same voter number to two or more individuals, can explain why the number of ballots exceed the number of voters.
 2. In the case of two or more reporting units, if there are more ballots than voters for one reporting unit and less ballots than voters for the other reporting unit, but the total number of ballots for both units is equal to or less than the number of total voters, obviously voters were given the wrong ballot. This should be noted on the inspectors’ statement but does not warrant a drawdown.
 - ii. Ballots cast by challenged electors should have been issued a voter number and are included in the total number of voters.
 - iii. 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.

- iv. 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.
- v. 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 will either contain only one set of initials, either the municipal clerk's or a deputy clerk's, or two initials of special voting deputies.
- vi. If there are more absentee ballots than absentee voters, the absentee ballot 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.
- vii. 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.
- viii. 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.
- ix. Re-open the ballot box and count the ballots one at a time.

Wis. Stat. § 7.51(2)(e).

4. Count and record the votes on two separate Tally Sheets (EL-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 Commission:

- 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 (EL-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.
 - iii. When counting is complete the tally sheets are compared for accuracy and totals documented for each candidate.
- 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 (EL-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 (EL-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 must be recorded on the Ballot Container Certificate (EL-101) and on the Inspectors' Statement (EL-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 which were stored in the auxiliary ballot box because they 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 (if equipment deflects ballots with write-in marks to the write-in compartment).
 - a. Tally write-in votes on duplicate Tally Sheets (EL-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 to 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. In this case, subtract a vote for the ballot candidate and add a vote for the write in candidate on the tape. Document the reason for any change on the Inspectors' Statement (EL-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 (EL-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 (EL-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 (EL-101) and on the Inspectors' Statement (EL-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 (EL-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 (EL-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.

Wis. Stat. § 7.50.

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, connect the arrow or fill in the oval 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 (EL-105). This is the official record of all valid write-in votes.

The deadline for a candidate to file a Campaign Registration Statement (CF-1) with the appropriate filing officer to be considered a registered write-in candidate is 12:00 p.m. the Friday before the election. Clerks should provide their election inspectors with a list of registered write-ins. The list may not be posted and can

only be offered to a voter if the election inspector is asked. Wis. Stat. § 7.50(2)(em).

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, from which the general examples below are taken. Wis. Stat. § 7.50.
- 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:

Note: The examples below refer to write-in stickers. Although the reference to write-in stickers has been removed from Wis. Stat. § 7.50, the statute that addresses voter intent, the statute does not explicitly prohibit the use of write-in stickers. Therefore, a write-in sticker placed on a ballot is considered a write-in vote and must be treated as any other write-in vote.

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.
 - If the person named on the sticker has not filed a campaign registration statement indicating the office sought, the vote is not counted.
 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 to the point that 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.

Wis. Stat. § 7.50.

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 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. Wis. Stat. § 7.50(1)(d).

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 in 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. Wis. Stat. § 7.50(2)(h).

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 November 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. Wis. Stat. § 7.50(2)(i).

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.**
- 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.
 - In a partisan primary – There are no ballot candidates for a given office in a given party.
 - There are one or more candidates on the ballot for the office, but one or more is deceased.
 - In a partisan primary – There are one or more ballot candidates for a given office in a given party but one or more is deceased.

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

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. Which write-in the voter intended to vote for 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 2 write-in votes. Therefore, votes for ballot candidates may not be counted. Remember: In a “vote for 1” scenario, the presence of write-in votes 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 between the two names written in.
- 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.

REDLINED VERSION

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 votes 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 votes. 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 (Barney) 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 are counted for this contest.

REDLINED VERSION

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 for 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 votes. 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 the vote for the ballot candidate may not be counted.
- In addition, the 3 counted write-in votes plus the vote for the ballot candidate 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 vote the equipment counted for the ballot candidate.)

REDLINED VERSION

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 votes. 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)

REDLINED VERSION

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. Voter has indicated their selection by circling the ballot candidates.

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.)

REDLINED VERSION

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 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 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 votes. 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.)

REDLINED VERSION

DOCUMENTATION

Summary

Your duties as an election official are not finished until the post-election paperwork is complete. Election inspectors should begin this process with a review of all of the forms and reports that must be completed in order to determine the results of the election.

Reconciling Poll Lists

After all voters cast their ballots and the polls have been closed, the election inspectors must reconcile the poll lists, also known as poll books, to make sure that they contain identical information and notations. Inspectors may find this process easier if they have periodically reconciled the poll lists during the day. If there are more than two poll lists, they must all match, and contain identical information.

1. Compare voter numbers and notations on the poll lists.
 - a. The WEC recommends comparing the first and last number on each page, as well as every 3rd or 5th number to make sure they match.
 - b. Compare notations beside the name of each voter on both poll lists to determine if they match.
 - c. The last voter number on both lists should be circled in red.

Note: Any differences between the lists must be reconciled. If issues cannot be reconciled, the election inspectors should describe the problem(s) on the Inspectors' Statement (EL-104).

2. Reconcile the supplemental poll lists.
 - a. Reconcile the supplemental lists of individuals registering at the polling place and new voters casting a presidential only ballot. These voters should be included in the determination of the total number of voters.

3. Enter the total number of voters, the number of absentee voters and the number of provisional voters in the spaces provided on the certification page of the Inspectors' Statement (EL-104).
 - a. The total number of voters is the number of people who have a voter number next to their names on the poll list and supplemental poll list. It is possible for the total number of voters and the last voter number issued to be the same number. This will only occur if numbers were not skipped or used twice, and if all electors who received a voter number also received a ballot.
4. After the poll lists are compared and reconciled, they are signed by the chief inspector and the election inspectors who maintained the lists.

Wis. Stat. § 7.53.

Documenting Election Day

Other than the poll list, election inspectors must complete and certify additional forms that help to “tell the story” of an election.

Inspectors' Statement (EL-104)

1. The chief inspector or an election inspector designated by the chief inspector completes the certificate on the cover sheet of the Inspectors' Statement (EL-104) listing the following information:
 - a. Ward or wards served by the polling place
 - b. Municipality
 - c. County
 - d. Election Date
 - e. Verify Tamper-evident Seal
 - i. Pre-election
 - ii. Post-election

- f. Ballot Bag Tamper-evident Seal Number
 - i. Also recorded on the Ballot Container Certificate (EL-101)
 - g. Total number of voters
 - h. Number of absentee voters
 - i. Number of provisional voters
2. All election inspectors sign the completed certificate on the original Inspectors' Statement (EL-104).
 - a. If there are multiple shifts, each shift should sign and indicate the hours they worked at the polling place.
 - b. If the standard inspectors' statement does not have sufficient space for the number of inspectors working at the polling place, the election inspectors may sign on an additional page that is then attached to the EL-104 as an addendum.
 3. The chief inspector signs the certification that he or she has completed the required training administered by the Wisconsin Elections Commission. If more than one chief inspector served at the polling place, they should each sign the certification.
 4. The completed certificate, incident log, Observer Log (EL-109), all challenge documentation forms, and any Orders to Leave (EL-110) are attached together to create the Inspectors' Statement (EL-104).

Tally Sheets (EL-105)

1. Review and compare the two original Tally Sheets.
 - a. Review the election information.
 - i. Ward
 - ii. Municipality
 - iii. Date
 - iv. Type of election
 - b. Review the tally marks.

- i. Are there 5 marks in each filled-in box?
 - ii. Is the written total the same as the tally?
- c. Compare the totals.
- d. Review the certification.
 - i. Is the information correct?
 - ii. Did everyone who helped count the ballots sign the certification?
 - iii. Were all the questions answered?

Wis. Stat. § 7.51(2).

Municipal Board of Canvassers (MBOC)

The MBOC meets after every election regardless if there are municipal offices and/or referenda on the ballot.

In municipalities with one polling place and one set of results, the election inspectors act as the municipal board of canvassers on election night. They complete the canvass statement, certify the municipal election results and officially determine the winners.

In municipalities with more than one polling place where results must be combined, the municipal board of canvassers meets on the day after the election to certify the results of the municipal election and make the official determination of the winners. The board of canvassers consists of the municipal clerk and two other qualified electors of the municipality appointed by the municipal clerk. Wis. Stat. § 7.53(2).

1. Complete the canvass summary statement on the Canvass Report (EL-106) by listing each of the municipal offices and referenda with total votes for each candidate or referendum position on the summary page.
 - a. The Canvass Report (EL-106) is made up of three parts:
 - i. The Tabular Statement of Votes Cast
 - ii. The Certification of the Board of Canvassers

iii. The Summary Statement of the Board of Canvassers

2. Attach one original Tally Sheet (EL-105) with the municipal election results.
3. List the winning candidates and referenda results in the determination section of the canvass form.
4. Each election inspector signs the certification on the canvass form.
5. Do not put the completed Canvass Report (EL-106) in the ballot bag.
6. Return the completed Canvass Report (EL-106) to the municipal clerk.

Wis. Stat. § 7.53(1).

Breaking a Tie in a Municipal Contest

A tie vote in a municipal contest is broken by the Municipal Board of Canvassers. The MBOC should use a method that results in a random outcome, such as flipping a coin or drawing names out of a hat. The procedure should be documented. If all of the candidates are present, they can draw to break the tie themselves. When a municipal referendum results in a tie, the referendum fails.

Wis. Stat. §5.01(4).

Completing Forms

Once ballots have been counted and the votes recorded on the appropriate Tally Sheets (EL-105), all election forms must be completed, and all materials secured and routed to the appropriate clerk.

1. Separate ballots that have been identified as damaged, defective, overvoted, objected to or set aside, bundle them separately and place them in the Original Ballots envelope.
2. Place all voted ballots along with the Original Ballots envelope into the ballot bag or container.

- a. If the election inspectors working at the polling place are nominees from political parties, at least one election inspector from each party must participate in the securing of the ballots.
 - b. Secure the container or bag with a tamper-evident seal so that no ballot can be inserted or removed without breaking the seal.
 - c. Complete the Ballot Container Certificate (EL-101) on the ballot bag or container, recording the unique identifying number of the seal.
 - d. Record the security seal number on the Inspectors' Statement (EL-104).
3. The Ballot Container Certificate (EL-101) must be signed by the chief inspector and at least one other election inspector. If election inspectors are appointed from lists submitted by the political parties, the Ballot Container Certificate (EL-101) should contain one signature from the inspector of each party, up to three total signatures (unaffiliated, Democratic, Republican).
4. Rejected absentee ballot envelopes should be placed in the brown carrier envelope (EL-102). The certificate on the carrier envelope must be signed by the chief inspector and two other election inspectors, one from each party (unless appointed without regard to party affiliation).
5. All used absentee certificate envelopes (EL-122) should be placed in the white carrier envelope (EL-103). The certificate on the carrier envelope must be signed by the chief inspector and two other election inspectors, one from each party (unless appointed without regard to party affiliation).
6. Provisional ballot certificate envelopes (EL-123) should be placed inside the provisional ballot carrier envelope (EL-108). The certificate on the carrier envelope must be signed by the chief inspector and two other election inspectors, one from each party (unless appointed without regard to party affiliation).
 - a. The provisional ballot carrier envelope (EL-108) is placed in a separate ballot bag or container. The ballot bag or container should be sealed with a tamper-evident seal, the Ballot Container Certificate completed, and the bag or container labeled "Provisional Ballots."

- b. The Provisional Ballot Reporting Form (EL-123r) should not be sealed in the ballot container.
7. Complete the Inspectors' Statement (EL-104) which lists all blank, challenged, damaged, defective, overvoted, objected to, provisional and rejected ballots as well as the total number of electors voting at the polling place, the number of absentee and provisional ballots cast, and the seal numbers from the accessible voting equipment.

Wis. Stats. §§ 7.51(3),(4),(5), 7.52(4)-(9), 7.52(1),(2).

Routing Materials

All materials are delivered to the municipal clerk. Materials should be separated into the following categories:

Municipal Clerk

1. Municipal ballots (if hand-count paper ballots are used) sealed in the ballot bag unless they are returned to the ballot box and sealed.
2. Provisional ballots sealed in a separate ballot bag with a tamper-evident seal.
3. Original Tally Sheets (EL-105).
4. A copy of the voting equipment results tape, if any.
5. Original Inspectors' Statement (EL-104) and any attachments. The municipal clerk keeps the original form and makes copies for the School District Clerk and County Clerk.
6. Statement of the Board of Canvassers (EL-106), if required.
7. One original poll list and one original supplemental poll list (EL-107s). The poll list that contains electors' signatures is routed to the county clerk.
8. Absentee Ballot Log (EL-124).
9. Provisional Ballot Reporting Form (EL-123r).

School District Clerk

The municipal clerk immediately forwards the following to the school district clerk:

1. School district ballots (if hand-count paper ballots are used) sealed in a ballot bag.
2. Original Tally Sheet (EL-105) listing school district results.
3. A copy of the voting equipment results tape, if any.
4. One copy of the Inspectors' Statement (EL-104).
5. A certified copy of the signed poll list (EL-107 & EL-107s).
6. A copy of the Provisional Ballot Reporting Form (EL-123r).

County Clerk

The municipal clerk supervises the delivery of the following to the county clerk no later than 4:00 p.m. on the day following the election:

1. The ballot bags or containers with all federal, state, county and technical college ballots.
2. The brown carrier envelope (EL-102) containing rejected absentee ballots.
3. The white carrier envelope (EL-103) containing used certificate envelopes from absentee voters.
4. One copy of the Inspectors' Statement (EL-104).
5. One original Tally Sheet (EL-105) for presidential, congressional, state, legislative, judicial, and county, offices and state, county and technical college referenda.
6. A copy of the voting equipment results tape, if any.
7. One original poll list including the supplemental poll list (EL-107s) that includes the electors' signatures.
8. A copy of the Provisional Ballot Reporting Form (EL-123r).

Wis. Stats. §§ 7.51(4)(b), 7.51(5)(b), 7.52(8), 7.60.

Frequently Asked Questions

1. Who is the board of canvassers?

In municipalities with one polling place and one set of results, the election inspectors act as the municipal board of canvassers on election night when there are municipal offices or referenda on the ballot. Wis Stat. § 7.53(1).

2. This election includes school board members. Who certifies their results?

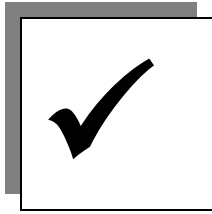
School districts have their own board of canvassers to certify the school district results and make official determination of the winners. The board is made up of the school district clerk and two other qualified electors of the school district. Wis. Stat. § 7.53(3)(a).

3. What do we do with unused ballots?

Unused ballots are wrapped or bound separately and delivered to the municipal clerk. Make a note indicating that these ballots are unused.

REDLINED VERSION

Post-Election Checklist



Poll Lists:

Two identical poll lists must be completed

- Completed with necessary attachments, including the signatures of at least 3 inspectors (chief inspector and any inspector responsible for maintaining the list)
- Original List completed for municipal clerk
- Original List that contains the voters' signatures completed for county clerk
- Certified copy may be made for school district clerks and special purpose district clerks

Tally Sheet Preparation

Two tally sheets must be created for each type of ballot (EL-105)

- Tally sheets are complete, including signatures from all persons counting ballots
- Original Tally Sheet completed for municipal clerk
- Original Tally Sheet completed for county clerk
- Original Tally Sheet completed for school district clerk

Inspectors' Statement:

One inspectors' statement must be completed for each set of tally sheets

- Completed with necessary attachments, along with signatures of 3 inspectors*, voting equipment seal verification checks, and record of all ballot bag tamper-evident seal numbers
- Original statement completed for municipal clerk
- Copy of statement for county clerk (made by municipal clerk)
- Copy of statement for school district clerk (made by municipal clerk)

Provisional Ballots

- The carrier envelope for provisional ballots (EL-108), containing all provisional ballot certificate envelopes (EL-123) placed in a separate ballot bag and secured with a tamper-evident seal
- The completed Provisional Ballot Reporting Form (EL-123r) not sealed in a ballot bag

Absentee Ballots

Materials for absentee ballots must be placed in the proper envelope

- Certificate of Rejected Absentee Ballots (EL-102) (Brown)
- Used Absentee Certificate Envelope (EL-103) (White)
- Certifications on each envelope are completed with the signatures of 3 inspectors*

Ballot Security

Ballots must be secured in a bag or container with a tamper-evident seal.

- Ballots are separated by type and placed in their respective ballot bag
- Certification is completed with the signatures of 3 inspectors* and tamper-evident seal number of each bag.