



What to Know for the April Election

March 8, 2023

What to Know for the April Election

Agenda

- Clerk Communications
- Important Dates and Deadlines
- Issuing Absentee Ballots
- Sufficient and Insufficient Absentee Ballots
- Write-Ins
- Breaking Ties & Other Tasks
- Reminders

What to Know for the April Election



Clerk Communications

- October 28, 2022: Temporary Injunction for WEC concerning spoiling absentee ballots
- September 7, 2022: Guidance on absentee ballot return options under the Federal Voting Rights Act
- September 14, 2022: Temporary Injunction on WEC Guidance re: Missing Absentee Witness Address
- February 16, 2022: Court decision on the use of drop boxes to return absentee ballots

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Important Dates and Deadlines

March 2023		Statute
13	First day for special voting deputies to conduct absentee voting for residents in nursing homes and authorized care facilities for the Spring Election.	6.875(6) – no earlier than the 4 th Monday preceding the election
13	Deadline for county clerks and school district clerks to deliver ballots to municipal clerks for the Spring Election.	7.10(1), (3) – no later than 22 days before the election
14	Deadline for municipal clerks to send absentee ballots to electors with valid requests on file for the Spring Election.	7.15(1)(cm) – no later than 21 days before the election
-	Municipal clerks send absentee ballots to electors with valid requests on file for the Spring Election as soon as they are available. All absentee ballots must be recorded in WisVote.	Wis. Stat. § 7.15(1)(cm) – as soon as ballots are available 6.33(5)(a)2 the municipal clerk or clerk's designee shall enter absentee ballots electronically on the list maintained by the commission.
15	Deadline for electors to register to vote by mail or online in the Spring Election. After this date, electors must register in person in the municipal clerk's office or at the polling place.	6.28(1) – must be postmarked no later than the 3 rd Wednesday before the election. Online registration closes at 11:59 p.m.
21	Clerks may begin to issue in person absentee ballots at the clerk's office or designated alternate location(s).	6.86(1)(b) – No earlier than 14 days before the election

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Issuing Absentee Ballots

- Please update WisVote or submit to your service provider, your in person absentee voting hours, so voters can find it on the MyVote WI website.
- Clerks must initial the absentee ballot to issue the ballot AND the certificate envelope to indicate the voter has provided or has met the photo ID requirement.
- Applications for by mail absentee ballots may not be submitted in the clerk's office prior to 14 days before the election. They may be submitted via email, fax, regular mail or through the MyVote WI website.

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Sufficient/Insufficient Absentee Ballot Certificates

- A certificate envelope is sufficient if:
 - The envelope is unopened or resealed
 - The voter's signature appears on the certificate
 - The certificate is signed by a witness who is an adult U.S. citizen and includes the witness's address
- A certificate envelope is insufficient if:
 - The envelope is missing the voter signature
 - The envelope is missing the witness signature and/or address
 - The envelope appears to have been opened and resealed (check with voter if possible)
- What is *not* considered an insufficient certificate envelope?
 - The envelope is missing the clerk's initials (note omission on inspectors' statement)
 - The envelopes is missing the date of signing next to the voter's signature

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Registered Write-Ins

- A candidate who wishes to run as a write-in is required to file a Campaign Registration Statement (CF-1) by 12:00 p.m. the Friday before the election.
- If the candidate has already filed an CF-1 with the filing officer and decides to run as a write-in, WEC recommends the candidate submit a written statement to that effect to the filing officer.
- The municipal clerk should give the election inspectors a list of registered write-ins. A voter who asks if there are any registered write-ins should be allowed to look at the list. The list should not be posted or otherwise offered to voters.

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Voter Intent

- Wis. Stat. § 7.50(2)(d): When write-in votes may be counted vs. ballot candidate votes.
- Wis. Stat. § 7.50(2)(em): When write-in votes may be counted for registered vs. non-registered candidates.
- The Four Principles for Determining Eligibility of Write-In Votes.

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The Four Principles for Determining Eligibility of Write-In Votes

1. If the number of ballot candidates for a given office is equal to or greater than the number seats to be filled—
Only votes for registered write-in candidates are eligible for counting.
2. If there are fewer ballot candidates for a given office than the number of seats to be filled—
All write-in votes are eligible for counting.
3. If there are any ballot candidates for a given office and one or more has passed away—
All write-in votes are eligible for counting.
4. If there are enough write-in votes to fill the number of seats up for election (regardless of the eligibility of the write-in votes)--
Votes for ballot candidates may not be considered.

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Counting Write-In Votes

Justice of the Supreme Court Vote for 1

Adam West

Belle Starr

write-in:

Justice of the Supreme Court
Vote for 1 office
No registered write-ins for this office

There are two ballot candidates in a vote for 1 office, so only registered write-ins may be counted. Belle Starr receives a vote.

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Counting Write-In Votes

Mayor	
Vote for 1	
<input type="radio"/>	Wanda Round
<input checked="" type="radio"/>	write-in: <i>Rob R. Barron</i>

Mayor

Vote for 1 office

Registered write-in: Rob R. Barron

There is one ballot candidate for a vote for one office, so only registered write-ins may be counted. Rob R. Barron is a registered write-in, so the vote for this candidate is counted.

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Counting Write-In Votes

**Aldersperson
Vote for 1**

write-in: *April Showers*

Aldersperson
Vote for 1 office
No registered write-ins for this office

There are no ballot candidates in a vote for 1 office, so all write-ins may be counted, registered or not.

A vote is counted for April Showers. However, the voter did not fill in the oval, so the machine tape will need to be adjusted to count a vote for this candidate.

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Counting Write-In Votes

Town Supervisor
Vote for not more than 2

Sunny Weathers

Sandy Beaches

write-in: *May Flowers*

Town Supervisor
Vote for not more than 2 office
Registered Write-in: May Flowers

There are two ballot candidates in a vote for no more than 2 office, so only registered write-ins may be counted.

May Flowers is a registered write in, so her vote is counted. The voter is entitled to one more vote in this vote for 2 office, however the voter filled the ovals for both ballot candidates.

Voter intent cannot be determined between the two ballot candidates, so only the vote for May Flowers counts.

The voting equipment viewed this as an overvote and did not record a vote for any candidates. The machine tape will need to be adjusted to give May Flowers a vote.

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Counting Write-In Votes

School Board Member Vote for not more than 3	
<input checked="" type="radio"/>	Izzy Serton
<input checked="" type="radio"/>	Ann Oberle
<input type="radio"/>	Jason Fisher
<input checked="" type="radio"/>	write-in: <i>Richard Rydecki</i>

School Board Member
Vote for not more than 3 office
No registered write-ins

There are three ballot candidates in this vote for not more than 3 office. Only votes for registered write-ins may be counted. Richard Rydecki is not a registered write in, so his vote cannot be counted.

The votes for Izzy Serton and Ann Oberle are counted. The voting equipment recorded a vote for Richard, so the machine tap needs to be adjusted to take a vote away from him.

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Breaking Ties and Other Election Day Tasks

- **Breaking a Tie**
 - Use a random method, such as picking a card, flipping a coin if two candidates.
- **Issuing a Provisional Ballot, used in two situations:**
 - Voter has a current and valid WI driver license or state ID card and is unable or unwilling to provide the number when registering to vote.
 - Voter is unable or unwilling to provide acceptable photo ID to receive a ballot.
 - Follow the instructions in the Election Day Manual
- **Draw Downs**
 - Do not use a draw down if inspectors can determine why the number of ballots is greater than the number of voters.

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Reminders

- The address on the photo ID does not have to be current.
- Poll workers need some type of training from the municipal clerk, but state statute does not set a curriculum or number of hours.
- Chief inspectors must be qualified electors of the municipality, unless a qualified CI is not available. In that situation, they can be a qualified elector of the county, similar to poll workers, EROs and SVDs.
- Chief inspectors are certified to conduct the April election by taking the online 2-hour Baseline training class in The Learning Center.
- The municipal clerk is empowered to fill vacancies for an election.



Thank you!

For further information, contact the WEC
PH: 608-266-8005 Email: elections@wi.gov