



# Wisconsin Elections Commission

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**DATE:** April 10, 2020  
**TO:** All Wisconsin Local Election Officials  
**FROM:** Meagan Wolfe  
Administrator  
**SUBJECT:** Procedures for April 13, 2020 and Municipal Canvass of Election Results

All municipalities are required to compile and transmit election results for the April 7 election after the 4:00 PM absentee ballot return deadline on April 13, 2020. Other election night procedures that could not be completed due to the federal court decision that extended the absentee return deadline and restricted the release of election night results must be completed on or before April 13 so that the results can be tabulated after 4:00 PM on April 13. Once the unofficial results have been compiled, they should be sent to the county as if it were election night. As on election night, municipal clerks must transmit returns to the county clerk within two hours of tabulation and county clerks must post returns on the county website within two hours of receipt from the municipality. Once that process is complete the Municipal Board of Canvassers will have to meet to certify the results. We have outlined a process in this document that breaks the requirements into two sets of procedures: completion of election night procedures and Municipal Board of Canvass.

## Overview

- Two separate sets of procedures must be completed as part of this process:
  1. **Completion of Election Night Procedures:** Final late-arriving absentee ballot processing, reconciling the poll book, creating results tapes from voting equipment, vote counting and unofficial results reporting. These are tasks which are usually completed by the election inspectors on election night in their role as Local Board of Canvassers (LBOC).
  2. **Municipal Board of Canvassers (MBOC):** Once the unofficial results have been generated, transmitted to the county and the rest of the election night procedures have been completed, the MBOC can complete the final certification of municipal election results.
- Both of these sets of procedures need to be done as part of a public meeting and observers must be allowed to watch the proceedings. Please keep in mind they are not required to sign in or wear an observer badge. They can ask clarifying questions but should not be involved in these processes.
- Election officials on the municipal and county level are using a condensed timeline for certifying election results due to the amended absentee ballot return deadline imposed by the federal court decision. It is important to complete this work as quickly and accurately as possible so the counties and state can certify results in time for elected officials to be determined and seated in a timely fashion.

*Wisconsin Elections Commissioners*

Dean Knudson, chair | Marge Bostelmann | Julie M. Glancey | Ann S. Jacobs | Robert Spindell | Mark L. Thomsen

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Administrator  
Meagan Wolfe

## Start Time

- It is helpful to consider the 4:00 PM deadline on April 13, 2020 to be the equivalent of 8:00 PM on election night for the purposes of identifying when results can be generated.
- The LBOC can begin the work of completing election night procedures, including processing late-arriving absentee ballots and tallying write-in votes, on or before April 13 before 4:00 PM, but no results should be generated until after the 4:00 PM deadline.
- Municipalities should convene their MBOC after the completion of the election night procedures. Preferably the MBOC will convene on April 13 once the unofficial results have been compiled. However, if circumstance precludes this the MBOC may convene the following morning. If this occurs, municipalities should contact their county clerk to inform them of the delay.

## Meeting Notice

- WEC has drafted a meeting notice template for clerks to use to publicly notice meetings of their MBOC and LBOC and absentee boards of canvassers in central count municipalities. It is posted on the WEC website here: <https://elections.wi.gov/node/6838>.
- A 24-hour meeting notice is required, but a 2-hour emergency notice can be posted, if needed.
- If the MBOC will meet directly after the LBOC finishes the election night procedures, the meeting notice must distinguish between the time the LBOC meets to finish election night activities and the anticipated start of the MBOC meeting. The notice can state the MBOC meeting will begin directly after the work of the LBOC is complete. In many cases, the LBOC and MBOC may be made up of the same individuals, but the notice should distinguish that these are two meetings because the work being done from election night and the official certification of the results could be occurring consecutively.
- Per Wisconsin Department of Justice, public meetings can be held remotely during the public health crisis and access information for the public should be provided on the meeting notice.
- When a video or audio feed is used, the canvass board should provide some explanation or narration of the process for the public.

## Who Can Do What?

1. Completion of Election Night Procedures (LBOC and AB-BOC, for central count municipalities):
  - The election night procedures can be completed by election inspectors from election day and the Absentee Ballot Board of Canvassers (AB-BOC), where applicable, can be brought in to assist with this process on April 13, 2020 (or anytime a municipality convenes prior to April 13 to process late-arriving absentee ballots).
  - Anyone appointed to work as an LBOC member must be a qualified elector of the county. AB-BOC members must be qualified electors of the municipality.
  - Extra people can be used if needed to complete all of these procedures in a timely manner.
  - The LBOC may assist the MBOC with the procedures they would normally do on election night, including tallying votes, reconciling and completing required paperwork.
2. Municipal Board of Canvassers (MBOC):
  - In municipalities with only one polling place, the inspectors constitute the MBOC when the canvass process is completed on election night. If the inspectors from election day are not available to certify returns, the clerk may replace the inspectors with a 3-member BOC consisting of the clerk, the chief inspector and one other inspector.

- In municipalities with more than one polling place, the clerk and two other qualified electors chosen by the clerk serve as the MBOC. If a member of the MBOC is unavailable, the clerk can designate a substitute.
- Additional qualified residents can be appointed to assist with the required vote tabulation procedures needed to produce results for the MBOC. They will operate under the supervision of the MBOC.
- The MBOC can assume the ‘completion of election night duties,’ which are usually performed by the LBOC on election night, and the LBOC members could be appointed to serve on the MBOC.
- If the municipal clerk is not a resident of the municipality, they cannot serve on the MBOC. The mayor or town chairperson or village board president should appoint a qualified elector of the municipality to serve in lieu of the clerk.
- No member of the board of canvassers can be a candidate for an election being canvassed by the board.

### **Completion of Election Night Procedures and Processing Late-Arriving Absentee Ballots (LBOC, AB-BOC)**

- Before beginning, review the voter statistics and incident log from the Inspectors’ Statement from election day and note any information or discrepancies that need to be considered during the canvass
- Process any late arriving absentee ballots using the same absentee processing procedures as election day:
  - Review certificate envelope for required voter signature, witness signature and address (No additional voter or witness information, including address of witness, should have been added after election day).
  - Announce name and address of each absentee voter.
  - Review postmark on return envelope to determine eligibility for counting (**a guide for this purpose will be provided separately**).
  - Open envelope and remove ballot.
  - Assign voter numbers for absentee voters and record those in the poll book.
  - Insert ballot into optical scan equipment, if applicable, or set aside for hand-counting.
- Provisional ballots that have been cured by the 4:00 PM deadline on the Friday after the election can be processed on the voting equipment or hand-tallied and added to the results. The LBOC should announce they are processing the provisional ballots and state that the missing required information was provided by the deadline. Document the number of provisional ballots and whether they were cured.
- Reconcile the poll list after all remaining eligible absentee and provisional ballots have been processed.
- 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).
- **The original Inspectors’ Statement from April 7 can be used on April 13 or a new one can be used to capture the updated voter statistics and other required information.**
- Sign the certification in the poll book (EL-107c).
  - This is usually done by the chief inspector and the election inspectors who maintained the lists, but the MBOC members who complete the reconciliation process should sign this certification on April 13.
  - If this section was completed and signed on election night, the information can be updated and initialed and the MBOC members can sign next to the original signatures.
- Voting equipment should be powered on if not already in use and polls should be closed on the voting equipment in order to generate any required results tapes.
- Ballot bins on all optical scan voting equipment should be checked to ensure there are no ballots in the main bin, auxiliary bin or any other compartments, such as write-in ballot bins, that need to be reviewed, counted or secured with other election materials.

- Any serial numbers from tamper evident seals used to secure the voting equipment on election night should be checked against the numbers recorded on election night on the Inspector's Statement. All discrepancies between these numbers should be documented on the Inspectors' Statement.
- All ballots, including the late-arriving absentee ballots, should be sealed in ballot bags and the Ballot Container Certificate (EL-101) on the ballot bag or container, should be completed.
- Record any new security seal numbers on the Inspectors' Statement (EL-104).
- **Transmit election results to the county using the method the county and municipality have established (modem, call-in sheets, memory device upload, direct entry into the canvass system). Results cannot be compiled and sent to the county until after 4:00 PM on April 13, 2020.**

### **Counting Votes and Write-ins**

- Tally sheets should be completed for any votes that will be hand tallied and results should be determined for each contest on the ballot.
- All eligible write-in votes should be tallied and recorded using the usual election night procedures and rules.
- Where hand-count paper ballots are used and a person voted and returned both a Democratic and Republican consolidated hand-count paper ballot, no votes for the Presidential Preference Primary can be counted. Votes for non-partisan office (all races other than President) may still be counted even if the voter cast a vote for a candidate in each party's Presidential Primary.

### **Municipal Board of Canvassers Procedures for Certification of Vote Totals**

- The Municipal Board of Canvassers can convene directly after the LBOC finishes their work and reports the unofficial results to the county.
- The MBOC procedures that are used after each election should also be used for this part of the process. This process is the same one as used on election night for municipalities with only one polling place or during the MBOC meeting held the day after the election for municipalities with more than one polling place.
- All documentation that is normally completed as part of the canvass process must be used as part of this process.
- All results should be thoroughly proofed before the final certification on the canvass is signed. The window to correct results prior to the county canvass will be limited in comparison to the regular canvass timeline.
- Recommended procedures for the canvass process can be found on the WEC website here: <https://elections.wi.gov/node/3684>.

### **Routing of Materials**

- When the canvass process is completed and the MBOC has certified their results, materials should be packed up and prepared for routing to the county and school district (if applicable).
- Materials should be provided to the county and school district (if applicable) as soon as possible so they can complete their canvass in a timely manner.

Please contact us at [elections@wi.gov](mailto:elections@wi.gov) or (608) 261-2028 with any questions you may have. Additional guidance for county and school district canvass will be provided under separate cover.