

# Wisconsin Elections Commission

## State of Wisconsin

212 E. Washington Ave., Third Floor ▪ Madison, WI 53703 ▪ [elections@wi.gov](mailto:elections@wi.gov) ▪ (608) 266-8005 ▪ <https://elections.wi.gov>

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FOR MORE INFORMATION, CONTACT:  
[Reid.Magney@wi.gov](mailto:Reid.Magney@wi.gov) or 608-267-7887

## Rules about “Spoiling” Your Ballot

MADISON, WI – The Wisconsin Elections Commission has been receiving questions from voters and the media about spoiling their absentee ballots, which cancels an already returned absentee ballot so the voter can vote absentee in person at their clerk’s office or on Election Day.

“Very few voters should need to spoil their ballots,” said Meagan Wolfe, Wisconsin’s chief election official. “Voters interested in changing their method of voting or who they vote for have some options but need to act soon.”

Here are several frequently asked questions about spoiling ballots. For more information about absentee voting, visit <https://elections.wi.gov/2020>.

### **Can people who requested absentee ballots by mail change their minds and vote in-person instead?**

Yes. Voters who have already returned an absentee ballot by mail may request in writing that their returned absentee ballot be spoiled so they can vote a new one. Voters may appear in person at their clerk’s office until the end of in-person absentee voting hours and ask to have that ballot spoiled so the clerk can issue a new absentee ballot which can be voted in-person. Voters can also ask to have their returned absentee ballot spoiled and be issued a new one by mail, but those requests must be made by 5 p.m. on October 29.

Voters can also request to have their returned absentee ballot spoiled so they can vote in person, but they have to do so by the deadlines outlined above.

### **Can voters appear at the polls on Election Day and spoil their ballot then?**

No. The Wisconsin Legislature changed the law about 10 years ago so voters can no longer change their vote on election day if they have not spoiled their returned ballot by the applicable absentee ballot deadlines before the election. Voters who have not spoiled their absentee ballot prior to the applicable absentee deadline “are not permitted to vote in person at the same election on election day.” Wis. Stat. § 6.86(5) and (6).

### **If a voter mailed a ballot back but it has not arrived in the clerk’s office by Election Day, can the voter just vote at the polls?**

No. A voter who has mailed their ballot back is not eligible to vote in person on election day, even if that ballot has not yet been received by their clerk. The deadline for voters to spoil ballots requested by mail is 5 p.m. the Thursday before the election or in-person by the last day where in-person absentee voting hours are offered in each municipality. Voters can find their municipal clerk's contact information at <https://MyVote.wi.gov>.

**If a voter who was sent an absentee ballot but hasn't returned it yet wants to vote in person instead, can they do that?**

Yes, any voter who has been issued an absentee ballot and has not returned it is still eligible to vote in person on Election Day. The voter will be asked if they have returned their ballot and if they have not, they will be issued a ballot at their polling place.

**If a voter who was sent an absentee ballot but hasn't returned it yet wants to vote in person instead, does the ballot need to be spoiled?**

No. If you have not returned your absentee ballot and decide you want to vote absentee in person in your clerk's office or at the polls, you can just destroy it yourself. There is no need to bring it with you to the clerk's office or the polling place.

**What keeps people issued more than one ballot from voting twice?**

Voters who've received an absentee ballot will have a watermark on their name in the poll book indicating an absentee ballot has been issued or returned. This prompts poll workers to ask them if they've already returned their absentee ballot. As long as the answer is no, the voter can vote. If the voter has already returned her ballot, that will also be noted on the poll book, and the poll workers will not issue a new ballot. Voters do not need to bring their blank absentee ballot to the clerk's office or the polling place; they can destroy the ballot themselves.

**Can voters spoil their election day ballot when they vote in-person at the polls?**

Yes. At the polling place on Election Day, voters may also receive up to three ballots if they make a mistake or change their mind before placing their ballot into a tabulator or ballot box.

At the clerk's office or a satellite voting location during the in-person absentee voting period starting two weeks before the election and ending the Sunday before the election, voters may also receive up to three ballots if they make a mistake or change their mind while marking their ballots.

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The Wisconsin Elections Commission is responsible for administration and enforcement of election laws in Wisconsin. The Commission is made up of six Commissioners – four appointed directly by the State Senate Majority Leader, Speaker of the Assembly and the Minority Leaders in the State Senate and Assembly. The remaining two Commissioners are by the Governor with confirmation by the State Senate from lists of former municipal and county clerks submitted by the legislative leadership in each party.