

# Wisconsin Elections Commission

## State of Wisconsin

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## Media Advisory: Covering the November 2020 General Election

Madison, WI – Due to high state and national media interest in covering Wisconsin’s General Election, the Wisconsin Elections Commission is issuing this advisory with guidance for news reporters and photographers. This advisory is designed for planning purposes, but news media are free to quote from it as well.

### At the Polling Place

Members of the news media may be inside polling places on Election Day, subject to most of the same restrictions on other election observers, including wearing face coverings. Please refer to our election observer brochure (<https://elections.wi.gov/publications/brochures/observer-rules>) for details. Reporters and photographers may wish to print the brochure to take with them in the event there are questions.

Media may record sound, images and video for short periods of time inside the polling place as long as it is not disruptive. In addition to professional photo and video gear, you may use cell phones or tablets to take pictures and video, something regular observers are not allowed to do. However, no media may broadcast live or tape reports (stand-ups) from within a polling place because of the potential to disrupt or distract the voting process. Extended photography or video in a polling place could also be disruptive or intimidating to poll workers and voters, and is not allowed.

When you arrive at a polling place, find the Chief Election Inspector and notify him or her who you are and what organization you represent. The Chief Inspector keeps a list of media, but you are not required to sign in.

**You may not contact (interview) voters when they are in line waiting to vote.** The area 100 feet from any entrance to a polling place is an electioneering-free zone. The only people authorized to have contact with voters in this zone prior to voting are the election workers. Please do not take images/video of voters’ faces as they’re going into polling places, which some voters find intimidating. Photographing lines of voters should not be a problem. After voters have finished, you are free to ask them for interviews outside the polling place. Please do not block the exits. If you are going to ask voters questions about candidates or issues on the ballot, these discussions must take place away from voters who may be entering the polling place or waiting in line to enter so they do not hear your interview.

Which polling places are good candidates for stories? The best sources of information about polling places are municipal clerks, who are responsible for operating them. A directory of clerks is on our website: <https://elections.wi.gov/clerks/directory>.

## **Election Day Information and Misinformation**

Wisconsin will have 2,408 polling places on November 3, and due to the decentralized nature of our elections system, the Elections Commission has very little realtime information about what's happening inside or outside any of them. If you get tips about problems at a polling place, your best source of information about it is most likely the city, village or town clerk's office. You can find a directory of clerk's offices with phone numbers here:

<https://elections.wi.gov/clerks/directory>. Unless there is a major problem, we often don't hear about it until a reporter calls us about it.

We also don't have much realtime information about turnout during the day, other than what we're seeing on media websites and social media accounts. Municipal clerks are much better sources for turnout throughout the day.

For updates on how voting is going on Election Day, follow our Twitter feed:

[https://twitter.com/WI\\_Elections](https://twitter.com/WI_Elections).

Meagan Wolfe, Wisconsin's chief election official, will also have several half-hour Zoom media briefings during the day. A separate email with times and links will be sent to media representatives.

One of our big concerns is misinformation and disinformation on Election Day. We will be monitoring social media and putting out correct information when we see problems. If you see something questionable, please contact the Elections Commission.

## **Cyber Security**

There is no evidence that Wisconsin's election systems have ever been compromised.

In the last several years, Wisconsin has taken extraordinary steps to enhance security of its systems and prevent interference with our statewide voter registration system and vote counting systems. We've done this by working closely with our technology and law enforcement partners in state and federal government. We have also conducted extensive security training with county and municipal clerks.

The Commission has done its best to be as transparent as possible with the public and the media about election security. Much more information about election security is available here:

<https://elections.wi.gov/elections-voting/security>.

## Counting and Reporting on Election Night

Wisconsin does not have a statewide system for reporting unofficial results on Election Night, and there is not a central official website where results will be reported, nor is there a feed you can subscribe to. We do have links to the 72 county clerk websites, where clerks are required to post unofficial results: <https://elections.wi.gov/clerks/directory/county-websites>. There will be a prominent link to this page from the front page of the elections.wi.gov website on Election Day. There will also be a link on the front page of <https://MyVote.wi.gov>.

Clerks will be posting unofficial results in a few different formats, including HTML, PDF and spreadsheets. Often this will be on their websites, but some clerks will link to other file-hosting sites, including Google Docs. The most reliable and accessible source of statewide and legislative district totals is the Associated Press, which gathers information from all 72 counties and provides unofficial results to its members. Some media organizations in Wisconsin that are not AP members also collect election results.

The polls normally close at 8 p.m. unless there are still voters waiting in line at 8 p.m. If there are still absentee ballots that have not yet been counted at 8 p.m., poll workers will continue processing them until they are finished. State law does not permit them to stop working and come back the next day.

**There are three steps to Wisconsin's certification process.** The first step starts once all the ballots have been fed into the voting equipment and the polls are officially closed. Then, the poll workers will convene what is known as the board of local canvassers. This activity is a public meeting and the media and public are welcome to attend and record what happens. The voting equipment will be switched into reporting mode and will print a results tape, which will be read aloud, announcing the vote totals for that polling place. Members of the public and the media may also view, copy or photograph the results tapes from voting equipment. The poll workers will also take care of administrative work, including sealing ballot bags and filling out chain-of-custody reports required before taking everything to the municipal clerk.

Municipal clerks provide unofficial results to their county clerks, who will post them to the county's website. In some locations, unofficial results are transmitted from the polling place to the county clerk's office by the voting equipment. This is generally done via a secure, encrypted cellular telephone transmission.

Under a recently-enacted law, municipal clerks must report unofficial results to the county clerk within two hours of the results being tabulated, and county clerks must post the results within two hours of receiving them from the municipal clerk. Usually this process takes much less time.

Municipal clerks have a statutory deadline of 4 p.m. the Wednesday after the election to deliver election materials to the county clerk. However, there is no state law that specifically says that ballots cannot be counted after a certain date or time.

Municipalities are required to post the number of provisional ballots on the internet on Election Night. Provisional ballots are issued to voters who do not have an acceptable ID on Election Day; these numbers are usually very small. Even more rarely, voters registering on Election Day who cannot provide the number on their driver license or state ID (if they have one) would also receive a provisional ballot. Voters have until 8 p.m. on Election Day or 4 p.m. on Friday, November 6 to bring an acceptable photo ID (or their DL/ID number) to the municipal clerk's office to have their vote counted.

## **Further Certifying the Vote**

The second step of the certification process is at the county level. Counties must convene their boards of canvassers by 9 a.m. on Tuesday, November 10 to begin certifying official results. The county board of canvassers is made up of the county clerk and two other people. County clerks are elected on a partisan basis, so one of the other two members must be from the opposite party of the county clerk. While we expect official results to come in relatively quickly the week after the election, the deadline for counties to provide certified results to the Wisconsin Elections Commission is Tuesday, November 17.

In the third step of the certification process, the WEC staff receive results from the counties, recheck all the counties' numbers and combine them to arrive at totals for legislative, congressional and statewide races. The statutory deadline for the Chair of the WEC to certify statewide results is December 1. [The WEC is having a regular meeting that day](#), and certification will happen during the meeting.

After certification by the Chair of the WEC, the official results are provided to the Governor's Office, which prepares a "certificate of ascertainment" for president, vice president and presidential electors for the election. The certificate lists each presidential and vice-presidential candidate, their electors, and the total number of votes each received. This certificate is signed by the Governor who also affixes the Great Seal of the State of Wisconsin to the certificate. It is then sent to the U.S. General Services Administrator. This is done on or before the first Monday after the second Wednesday in December, which is December 14 this year. In Wisconsin, the state legislature plays no role in certifying or deciding which slate of electors vote in the Electoral College.

At noon that same day, electors for president and vice president meet at the state capitol. At that meeting, the electors vote for president and vice president. They must vote for the candidates of the party that nominated them.

## **Central Count Absentee Ballot Processing**

Currently, 39 cities, villages and towns in Wisconsin count all their absentee ballots at a central facility. The other 1,811 municipalities process their absentee ballots at their polling places on Election Day.

Central count facilities are open to public and media observation. No voting takes place at these facilities and election inspectors will be reviewing return envelopes for required information before recording these ballots in the poll book. Once a voter number is assigned to the voter, each envelope will be opened, the ballot will be removed and flattened, and the ballot will then be processed on the voting equipment.

Several large cities including Milwaukee, Green Bay, Kenosha, Racine and Wausau count their absentee ballots centrally. A full list of the municipalities which use central count can be found here: <https://elections.wi.gov/clerks/guidance/central-count-absentee>.

It is important for the media and the public to understand the difference between places that count absentee ballots at polling places and central locations for two reasons. First, voters in central count municipalities cannot return their absentee ballots to the polling place on Election Day. They must return them to their clerk's office or the central count location. This information is included in the instructions voters receive, but it can be challenging for election officials and the media to communicate this information broadly without potentially confusing voters.

The other important difference is that unofficial Election Night results from central count municipalities may not all arrive in the county clerk's office at the same time. This has caused some confusion in the past, and the WEC has worked closely with county clerks this year to ensure that visitors to their websites receive clear notices about whether the unofficial results are complete.

Unofficial election results from municipalities that use central count may be provided to the county clerks and the public in two different phases. The initial results will either be the totals from ballots cast in person at the polling place on Election Day or may be the totals from absentee ballots processed at central count. Once both results sets are available, the vote totals from absentee ballots will be added to the polling place totals and complete results sets for each ward will then be posted.

Results for each ward in the municipality, or municipalities, that use central count to process absentee ballots should not be considered as complete until all absentee totals have been added to the polling place totals.

Central count municipalities are required to post the number of absentee ballots they have issued and received to be counted on their websites on election night. The number received is the potential number of absentee ballots that will be added to the polling place totals.

## **Recount Rules**

Wisconsin does not have automatic recounts, even if the unofficial results are extremely close. A losing candidate who wants to ask for a recount must wait until the last day a county board of canvassers meets, which is at least one week after the election. The deadline for requesting a recount is three business days after the Elections Commission receives the last statement from a county board of canvassers.

The rules for who may request a recount have changed since 2016, when Wisconsin was the only state to conduct a presidential recount. Only an aggrieved candidate, defined as a candidate for an office whose total votes were within 1% of the winner's vote total when at least 4,000 votes were cast or within 40 votes of the winner's total if fewer than 4,000 votes were cast, may request a recount of results for an office.

There is no cost to the losing candidate if the difference between the leading candidate is 0.25% or less. If the difference is more than 0.25%, the WEC will estimate the cost, which must be paid before the recount begins.

Much more information about recounts is available here: <https://elections.wi.gov/elections-voting/recount>.

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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.