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’s License or Wisconsin DOT-issued State 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 Wisconsin driver license or state identification 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 driver license or state identification card number. The phone number is: (608) 266-1069, option 1.

c. Individuals who have an unexpired Wisconsin driver license or valid Wisconsin state identification 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.
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 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.


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.