



# Wisconsin Elections Commission

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**DATE:** For the March 27, 2020 Commission Meeting

**TO:** Members, Wisconsin Elections Commission

**FROM:** Meagan Wolfe, Administrator  
Wisconsin Elections Commission

**SUBJECT:** Election Day Procedures: Curbside Voting, Drive-Through Voting, Outdoor Polling Places

Commission staff have received many inquiries from the clerks, voters and advocacy groups regarding the legality and feasibility of conducting voting on Election Day using only “curbside voting” as set forth in Wis. Stat. § 6.82(1), allowing individuals to “drive-through” vote or move polling places outside of the traditional building to allow for more social distancing for voters and inspectors. There has also been some confusion regarding the terminology being used to describe the voting options and polling place setup being proposed by municipal clerks. Commission staff intend to provide a communication to clerks that will address these questions as planning continues for the April 7 election.

## 1. Curbside Voting

### **What is “curbside voting?”**

The Commission’s Election Day Manual (pgs. 66-67) provides recommended procedures for conducting curbside voting which are consistent with Wis. Stat. § 6.81(1). “A voter who, as a result of a disability, is unable to enter the polling place may elect election to receive a ballot at the entrance of the polling place.” Wis. Stat. § 6.82(1). Election inspectors confirm with the voter that they are unable to enter the polling location and then accommodate the voter by observing the photo ID, having the voter complete a voter registration form and showing proof of residence (if necessary), and vote the ballot while still in the vehicle. To avoid removal of the pollbook from the polling location, the curbside voter is exempt from signing the pollbook. Instead, a notation is made on the pollbook indicating that the ballot was cast at the entrance of the polling location and that the person was exempt from signing. If there is no objection, the ballot is then placed in the tabulator or ballot box by the inspector and the incident is logged on the Inspectors’ Statement.

### **Can “curbside voting” be the only voting method offered at a polling place on Election Day?**

Commission staff believe the statutorily prescribed process for “curbside voting” under Wis. Stat. § 6.82(1) is reserved for voters that appear at the polls and make a specific request to vote from their vehicle because they are unable to enter the polling place because of a disability. “Curbside voting” should be offered by municipalities, just like any other election but it cannot be the only method of voting. An increase in usage of that process due to current health and safety recommendations should be

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part of any election day plan for April 7. Municipalities should review curbside voting procedures with their inspectors in case an increase in requests materializes.

## 2. Drive-Through Voting

### **Can a municipality offer voters the opportunity to “drive-through” vote at a polling location?**

“Drive-through” voting, as it has been asked about by municipal clerks would be different than curbside voting. The public, the press and some clerks are using these phrases interchangeable, which has caused some confusion. Unlike curbside voting which has specific statutory procedures and exemptions (like signing the poll book), Commission staff believe drive-through voting would need to substantially meet the procedures normally reserved for voting in a traditional “brick and mortar” polling location. Many of the recommendations below would also apply to municipalities that are considering moving a polling location outside to an area with better ventilation or one that has more space.

If a municipality is considering offering “drive-through” voting for its voters, at a minimum, the Commission staff believes the following issues should be taken into consideration.

#### Publicize Changes to Process

If a municipality choose to offer drive-through voting, publicizing this change for voters will be important. Municipalities should do their best to reach voters via direct mail, media, social media, municipal webpage and postings around the municipality to notify voters of the option to vote drive-through. Municipalities should publicize all of the voting options that will be offered at the polling location, and brief instructions on how those processes will work.

#### State Name and Address

Unless unable to state their name and address as permitted by law, the voter shall state their name and address, and the inspectors shall determine if the voter is on the pollbook and is eligible to receive a ballot. In a drive-through voting situation, a municipality will have to ensure that the inspectors and any observers are able to hear the voter, even if they remain in their vehicle. Appropriate health and safety measures must also be considered.

#### Photo ID Requirements

Voters utilizing drive-through voting are still required to present an acceptable photo ID prior to a ballot being issued. Inspectors need not handle the photo ID, but the inspectors must be able to determine that it is a valid ID under the law, the photo reasonably resembles the individual and the name is substantially the same as the name on the pollbook. The same process inspectors would use had the person presented to themselves at the pollbook table in a traditional polling location. In a drive-through voting situation, a process for inspectors to view and verify the photo ID against the pollbook will need to be established. Appropriate health and safety measures must also be considered when establishing the view and verification process for photo ID.

#### Signage, Traffic Control, Line Management

To ensure proper flow of traffic in and out of the drive-through location, proper signage and traffic control measures to assist with voter line management needs to be considered. Proper traffic flow to minimize long lines of cars is important so as not to deter individuals from appearing at the location.

### Election Day Registration Opportunity

If voting is going to occur via drive-through, municipalities should decide if Election Day Registration will also be offered using the same method. Similar to a traditional polling place setup, municipalities should decide if there are different drive-through lanes for already registered electors and electors that need to register/change name/change address.

Election Registration Officials conducting registration for voters should be mindful of the same health practices being practiced by officials verifying photo ID and having voters sign the pollbook.

### Pollbook

Unless unable to sign the pollbook due to a disability as permitted by law, the voter shall sign the poll book prior to receiving a ballot. A voter may use their own writing utensil to sign the pollbook or use a writing utensil provided by the municipality. Voters should be advised to only sign the pollbook, and not to unnecessarily touch other portions of the poll book if possible. A process for frequently cleaning the utensils used to sign the book, or in the case of electronic pollbook, the device, should be established to limit exposure by individuals using shared writing utensils. If a municipality uses a “drive-through” option for voting, “curbside voting” would likely not be needed, as many voters would be voting from their vehicles, and not just those individuals that are unable to enter the polling place due to a disability. Other best health practices, like offering hand sanitizer (when available) to the voter before they sign the pollbook and vote their ballot should also be considered.

### Casting the Ballot/Ballot Security

Once a voter has completed the ballot, municipalities should determine how the voter will be able to place the ballot into tabulation equipment or a ballot box while remaining in the car. The Commission recommends that inspectors assist voters in completing the process. Municipalities could provide a security sleeve that the voter may place the ballot it while the inspector transports the ballot (in view of the voter) to the tabulation equipment or ballot box. If feasible, a voter could insert a ballot into the tabulation equipment or ballot box depending on the setup of the location. Commission staff would advise against a voter going station to station (ballot station, registration station, voting station, submission station) as voters may drive away with ballots without casting them.

### Observers

Municipalities should ensure that there is reasonable opportunity for the public to observe the public aspects of the voting process. A designated observer area should be established and marked if members of the public wish to observe voting. Depending on the setup of the drive-through location, multiple observer locations may be necessary to enforce social distancing amongst observers while also allowing for observation of voter check in and registration transactions.

### Accessibility

Drive-through voting should be accessible to all voters in the community, including individuals with disabilities. Required notices regarding the election must also be posted and visible for individuals utilizing the drive-through process, including any notices that are to be posted in alternative languages under federal law. ADA compliant accessible voting equipment must be available at all polling locations, regardless of the setup.

### Alternatives to Drive-Through Voting

Individuals that are unable or unwilling to use the drive-through process should have the ability to vote using traditional methods in the polling location, or the location that may have been moved outdoors to complement the drive-through voting option. This would include the use of accessible voting equipment if requested.

### Miscellaneous

Access to accessible voting equipment should be available to individuals that are unable to cast a ballot using the drive-through procedure.

A rehearsal of the drive-through process to work out any potential roadblocks or pinch points in the process is strongly recommended.

### 3. Moving a Polling Location Outside

#### **Can a municipality move its polling location outside?**

Commission staff believe that there is nothing that would prohibit a municipality from moving its polling place operations outside, as long as all legal requirements and procedures can be accomplished at the location outside despite it being outside. Moving the location outside could help with maintaining proper social distancing for voters appearing at the polls and the inspectors administering the election.

The same considerations recommended above for drive-through voting may apply to an outdoor polling location, and municipalities should have a backup plan in case weather or other unforeseen events that could occur due to holding an election at an outdoor polling place.