



# Wisconsin Elections Commission

Election Night & Post Election Procedures

January 23, 2019

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## Agenda

<ul style="list-style-type: none"><li>□ <b>Updates</b><ul style="list-style-type: none"><li>• 2019 Federal Court Decision<ul style="list-style-type: none"><li>- Type E Notice</li></ul></li><li>• 2019 Spring Primary Q&amp;A</li></ul></li><li>□ <b>Local Board of Canvassers</b></li><li>□ <b>Municipal Board of Canvassers</b><ul style="list-style-type: none"><li>• Timeline</li><li>• Processing Provisional Ballots</li></ul></li></ul>	<ul style="list-style-type: none"><li>□ <b>County Board of Canvassers</b></li><li>□ <b>School District BOC</b></li><li>□ <b>Absentee Ballots</b><ul style="list-style-type: none"><li>• Voter Intent</li><li>• To be "Rejected" Ballots</li></ul></li><li>□ <b>Counting Write-In Votes</b><ul style="list-style-type: none"><li>• Determining Eligibility</li><li>• Write-in Scenarios</li></ul></li></ul>
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## Updates

- Jan. 17, 2019 Federal Court Decision
  - In-Person Absentee Voting Hours
    - Permitted when ballots are available
    - Type E Notice
  - Student ID Cards may be expired
  - IDPP receipt valid for 180 days \*
- 2019 Spring Primary Q&A 

*\*60 days (9/2020)*

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### Local Board of Canvassers (LBOC)

- ▶ LBOC is the election inspectors
- ▶ Tally the votes on Election Night
- ▶ Reconcile election results



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### Municipal Board of Canvassers (MBOC)

- ▶ Election results are not complete until certified by the Municipal Board of Canvassers
- ▶ Required only for municipal offices or referenda
- ▶ Municipalities with only one reporting unit
  - Election inspectors constitute the Board of Canvassers
- ▶ Municipalities with more than one reporting unit
  - Municipal clerk and two other qualified electors of the municipality appointed by the clerk

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### Timeline of the MBOC

- ▶ Municipalities where the election inspectors comprise the MBOC
  - When municipal offices and/or municipal referenda are on the ballot, must conduct the canvass on election night
  - Inspectors must reconvene as the MBOC no later than 9 am the Monday following the election to process any provisional ballots
- ▶ Municipalities where the clerk and two others comprise the MBOC
  - When the clerk and two other electors appointed by the clerk serve as the MBOC, the canvass must begin no earlier than the time that the MBOC receives all returns from all polling places on election night and no later than 9 am the Monday following the election

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**Processing Provisional Ballots**

- ▶ The MBOC must meet to tally any provisional ballots
  - This must occur no later than 9:00 a.m. the Monday following the election, but may begin as soon as all outstanding provisional ballots are accounted for.
  - If there are no outstanding provisional ballots, the MBOC proceeds normally to certify tallies or canvass as required.
  - The MBOC does not need to reconvene if the clerk certifies that no provisional ballots were rehabilitated from the time of the initial canvass and 4 pm the Friday after the election.
- ▶ Municipalities with only one reporting unit may use a "mini-MBOC" to tally provisional ballots
  - This mini-MBOC consists of the clerk, chief inspector and one other inspector

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**County Board of Canvassers (CBOC)**

- ▶ The CBOC certifies the results of primaries and elections for federal, state, county offices and referenda
- ▶ The CBOC makes the official determination of the outcome of county election events
- ▶ The CBOC is composed of the county clerk and two qualified electors of the county appointed by the clerk
- ▶ The CBOC meets no later than 9 a.m. on the Tuesday following each election to publicly examine the election returns

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**School District Board of Canvassers**

- ▶ School Districts have their own Board of Canvassers
- ▶ Certify school district results and determination of winners
- ▶ Made up of the school district clerk and two other qualified electors of the school district

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### Absentee Ballots Determining Voter Intent



- ▶ Election inspectors may need to determine voter intent
  - Example: overvoted ballot
- ▶ Election inspectors can process absentee ballots during election day and do not have to wait in voter line to do so.
- ▶ Absentee ballots where the voter's intent cannot be determined are remade as a blank ballot and counted as a returned ballot. The ballot is not REJECTED at the polls.

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### “To Be Rejected” Absentee Envelopes

- ▶ Envelopes missing either:
  - Signature of the voter
  - Signature and/or address of the witness
  - Signatures of both Special Voting Deputies
  - Envelope appears to be tampered with
  - Certification language
- ▶ Voter may correct the certificate at the polls, but may not vote a new ballot.
  - Election inspector issues new certificate envelope
  - Voter must open original certificate envelope, verify ballot and seal in new envelope; original envelope is destroyed
  - The voter must not remove the ballot from voting area
  - The original witness must be present
  - Election inspector should document the EL-104

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### Determining Eligibility of Write-in Votes: Four Principles

1. If the number of ballot candidates for a given office is equal to or greater than the number of seats to be filled:
  - Only votes for registered write-in candidates are eligible to be counted
2. If there are fewer ballot candidates for a given office than the number of seats to be counted:
  - All write-in names are eligible to be counted
3. If there are any ballot candidates for a given office and one or more has passed away:
  - All write-in votes are eligible to be counting
4. If there are enough write-in votes to fill the number of seats up for election:
  - Votes for ballot candidates may not be considered

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## Write-in Scenarios



Example 1:

Village Trustee  
Vote for not more than 2

Ballot instructions

- Mark Mywerds
- Shirley Ugest
- Rusty Pipe
- \_\_\_\_\_

2 ballot candidates for a 2-seat office.  
Rusty is a registered write-in candidate.

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## Write-in Scenarios



Example 2:

Village Trustee  
Vote for not more than 2

Ballot instructions

- Ida Thotso
- Izzy Serton
- Margi Navera

1 ballot candidates for a 2-seat office.  
Izzy is a registered write-in candidate; Margi is not.

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## Write-in Scenarios



Example 3:

Village Trustee  
Vote for not more than 3

Ballot instructions

- Helen Wheels
- Wanda Round
- Randy Sailor
- Bill Melator
- Fannie Hill
- Heywood Jabuzzoff
- \_\_\_\_\_

4 ballot candidates for a 3-seat office.  
Bill Melator is deceased.  
Fanny is a registered write-in candidate; Heywood is not.

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