

FAQs: Assembly Bill 389/Senate Bill 295 Overview

Q: Absentee ballot tracking is in effect for April for sure?

A: Yes.

Q: Does the Edge allow you to vote for too many people?

A: No.

Q: As providers, don't we do all of the tracking in WisVote now?

A: Providers are only currently required to track their relier's military and permanently overseas absentee ballots.

Q: What about the August election? Will ballots without a witness address be accepted?

A: Yes, these can still be accepted in August, but not in November.

Q: So absentee ballots can still be returned by 4pm Friday following the August election?

A: Yes, this law is still in effect for the April and August elections.

Q: How will the online voter registration system be able to determine if the voter meets the 28 day residency requirement?

A: The voter will certify that he or she has met the 28 day residency requirement when registering online, just as they do now with the paper form.

Q: Can absentee ballots be processed through the ES200 before the 8:00 pm poll place closing time?

A: They can be processed at any time during the day, but the ballots are not counted or tabulated until after 8 pm on election night.

Q: Will this subscription service be for Clerk's or public groups?

A: The service is aimed at outside groups.

Q: Does the name on the Veterans Health ID card need to be in their current name and not their maiden name just for ID purposes. Voter is registered with married name, but Veteran ID is still maiden name. We had this happen at the Feb Primary.

A: The name on the proof of identification must reasonably conform to the name on the poll book.

Q: Online Voter Registration - we do not have internet at our town hall, what are to do?

A: This is a voter-initiated process and not something you have to have available at your town hall.

Q: How is POR going to work with this?

A: A voter would need a current and valid Wisconsin driver license or state ID card to register online. The voter's information would be matched and verified against the DMV's system.

Q: Someone needs to introduce legislation to eliminate provisional voting. You either have what you need to vote, or you don't.

A: Provisional voting is due to federal law, so Wisconsin cannot eliminate it entirely.

Q: Can we have special days of Voter Registration, such as ERO's would hold registration on a Saturday in the Public Library or some other public place? Does this need to be published or posted if this is okay to do?

A: No, EROs can only register voters at the polls, in the clerk's office and at residential care facilities.

Q: At a recent clerk's meeting, we were told by Ross Hein that there would be a memo to give guidance on how to use WisVote to extract data needed to fill out the GAB-190, and that the memo would be coming out last week. I haven't seen anything. When will this be available? The report is due very soon.

A: Instructions have been posted in Recent Clerk Communications.

Q: FYI - the handouts are very helpful for taking notes and following along! Thanks for providing those!

A: you're welcome!

Q: Are they re-oathed as ERO's in lieu of SRDs?

A: Yes, this is a different office.

Q: Can you go into greater detail of what type of document the nursing homes can provide for proof of residence for the residents?

A: They may use a contract or intake document prepared by the facility that specifies that the occupant currently resides in the facility as proof of residence to vote from the facility's address. The document may, but is not required to, identify the room or unit in which the occupant resides.

Q: When does the requirement for absentee ballot tracking in WisVote begin? With the April election? Or November?

A: April election.

Q: Now that you are required to do absentee in WisVote, do you have to buy a Dymo printer and print labels or can you just enter in and not print anything.

A: You do not need a Dymo label printer to use the absentee functionality of WisVote.

Q: You mentioned numbering the ballot when dealing with an overvoted ballot. Can you explain this process in more detail? Thank you.

A: This discussion in the webinar was based on an old version of SB-295 and should NOT be used. Please see the revised guidance at: <http://www.gab.wi.gov/node/3892>

Q: Can trained new ERO's go into Colleges to assist with registering potential voters?

A: No, EROs can only register voters at the polls, in the clerk's office and at residential care facilities. SRDs can be used until online voter registration is operational.

Q: Does the 24/48 hour deadline include weekends or is it business days only?

A: Business days, if the deadline falls on the weekend it is pushed to the next business day.

Q: Can the Chief Election Inspector report results to the County of must it only be the Clerk?

A: The clerk can designate someone else to do this.

Q: Election Night Reporting - do they mean when the reporting units have completed all their election night paperwork?

A: Municipal clerks must report returns, by ward or reporting unit, to the county clerk no later than two hours after the votes are tabulated, and county clerks must post all returns on a county website within two hours of receiving the returns. So when the votes are tabulated, but not after all of the end of night paperwork is completed.

Q: If a witness address is missing on absentee envelope, and we can obtain the address, do we still need to contact witness for address.

A: We are not sure yet, but will be issuing guidance before this provision of the law goes into effect for the November election.

Q: With in-person absentee, must the witness (municipal employee) use their home address or work address?

A: Work probably, but neither is wrong

Q: Are counties required to post online all results (municipal, school??) in addition to Federal, State and County?

A: The bill says "the returns" so presumably all returns that are typically reported to the county, but we will follow up to confirm. For April, at least what is reported to the county typically.

Q: What do you mean by Absentee Subscription Service?

A: The ability for the requestor to receive ongoing updates on absentee data (date application received, ballot sent out, when ballot received back)

Q: When is this mailing expected to go out?

A: Funding is the constraint right now, so we are not sure at this point.

Q: How about allowing the relier clerks to enter their own absentee ballots into the system?

A: That is an option to be considered. They would need training and a license.

Q: Does the veterans POI need to say Dept. of Heath? The one example you show does not say it is from the department of health. If not, how do you know what department it is from?

A: It might be on the back, but we believe these are the only cards the US VA issues.

Q: To confirm: Will the Military Voters have an extended absentee ballot return time in November?

A: All absentee ballots will have to be returned by Election Day starting with the November election.

Q: Can the DMV be asked to hand out the correct GAB-131 when giving new D.L. licensee's their packets rather than the one they continue to give them that doesn't have all the requirements on it?

A: We will contact them about it. Thanks.

Q: Are we required to have a computer available in the clerk's office for on-line registration?

A: No.

Q: Explain how to fill out the ballot where the inspector fills in on both the spoiled ballot and new ballot.

A: I'm assuming you mean for remaking a ballot. A spoiled ballot is NOT remade. A voter spoils the ballot and is issued a new one to complete themselves. When remaking a ballot, use the procedure from the Election Day Manual starting on page 100. See below for the relevant steps:

1. At least two election inspectors (if party-affiliated inspectors are present, use one of each party) must participate in this process.
2. Election inspectors shall announce to observers, if present, that a ballot is being remade and the reason for doing so.
3. Note and select a reason for remaking the ballot in the endorsement section of the ballot.
 - a. "Overvoted" ballots are ballots with at least one instance in which the elector has voted for more than the maximum number of selections allowed in a contest.
 - b. "Damaged" ballots include ballots in which the voter circled names on the ballot rather than marking the arrows or ovals and ballots mutilated by postal equipment.
 - c. "Other" ballots include ballots emailed or faxed to a military or overseas elector and ballots accessed and completed by a military or overseas elector through MyVote Wisconsin. Election Day Manual June 2015 100
4. These ballots are labeled "Original Ballot # (serial number)" and "Duplicate Ballot # (same serial number)" in the endorsement section of the ballot. Remade ballots should be issued a sequential number regardless of the reason the ballot was remade.
5. Transfer votes based on voter intent from the original ballot to the duplicate ballot so the electronic tabulator will accept the ballot. An overvoted contest on the original ballot is left blank on the duplicate ballot, unless voter intent can be determined. The duplicate ballot for a crossover voted original ballot is a blank ballot for municipalities with a DS200 or M100 electronic tabulator.
6. Describe on the Inspectors' Statement (GAB-104) why the ballot had to be remade. Use a code of "OV" to identify overvoted ballots. Use a code of "DM" to identify damaged ballots. Use a code of "OT" to identify ballots remade for other reasons.
7. The "remade" ballots are inserted into the tabulating device.
8. The original ballots are bundled together, marked and placed in the "Original Ballots Envelope."
9. The "Original Ballots Envelope" is placed in the ballot container.

Q: The CBRF in our municipality refuses to provide any info from an intake document and claims it's protected under HIPAA. How can they be convinced this is not correct?

A: The voter can request this information from the CBRF and provide it to you in order to use it as POR.

Q: How will the overvoted and overridden ballot get counted? Thanks!

A: See the revised guidance for the override process at: <http://www.gab.wi.gov/node/3892>

Q: Since the guidelines are coming so late, will the deadline for the GAB-190 report be extended?

A: Please contact the HelpDesk if meeting the deadline will be a problem to meet, they can direct you to the appropriate person

Q: When will you be updating the document that had the list of POR and POID? There were two columns. It is very helpful for ED workers.

A: It has been updated and posted.

Q: If the witness puts their address but not the city state and zip - is that acceptable?

A: Will need to look into that, probably incomplete, but not missing outright

Q: Will Clerks continue to take registration in office and on Election Day with required POR?

A: Clerks can register voters in their office if it's in the same building as the polling place if the governing body passed a resolution authorizing the clerk to do so. A clerk can register voters at the polls on Election Day in the polling place without a resolution, provided the clerk is not on the ballot.

Q: If registrants do not have to provide POR or print form, how will municipality know if they are registered? Are we notified?

A: similar to the old click and mail process, you will be notified when voters use the system. No POR will be required because the address information will be matched with DMV.

Q: Voting Machine - overvote effective for April's election?

A: The use of the override function is an option and is not mandatory. Because this change is occurring so close to the 2016 Spring Election, if voting equipment has already been programmed without the option to override overvoted ballots, the equipment does not need to be reprogrammed.

Q: For overvoted ballots, the ballot must still be re-made if other races (non-partisan) are voted correctly and clearly?

A: If using the remaking process, all votes are carried over to the duplicate ballot as the voter intended. Typically this means that the overvoted contest is left blank as you are unable to determine voter intent, but the rest of the votes are duplicated onto the new ballot.

Q: If these people are your scheduled election inspectors working on Election Day, you don't have to appoint them as ERO's, right?

A: No.

Q: Is there any way to address concerns with DOT/DMV about some formats of the WI DL/IDs that do not photo copy with the expiration date being legible due to the picture printing over the expiration date?

A: not really, burden is on the voter to provide a copy of sufficient quality

Q: Will ERO's have an identifying number assigned to them similar to SRD's?

A: No, but neither do Election Day SRDs.

Q: if a VA card is used for photo id, like your sample, that has the expiration date, can we accept it if it has expired?

A: No, the ID card must be unexpired or have not expiration date.

Q: For overvoted ballots, the ballot must still be re-made if other races (non-partisan) are voted correctly and clearly?

A: Clerks will decide if overvoted ballots (where voter intent cannot be determined) need to be remade or if they can use the override function. By overriding on the equipment, the other races will still be counted—only the overvoted contest will not be.

Q: Do you have to be a Clerk to use the WisVote system? Is the Clerk solely responsible for inputting Absentee Tracking if there is not a Deputy Clerk?

A: Other Clerk's office staff can gain access to WisVote—some online training is required. The clerk or their staff can enter absentee information into WisVote.

Q: How will SRDs who have been appointed until 12-31-2016 know when they may no longer register voters?

A: SRD's are appointed for one election cycle. SRD's are not eliminated until online voter registration is in effect (September at the earliest, spring 2017 at the latest.) You will have to notify them when they are eliminated.

Q: Can my election inspectors use the WisVote system?

A: Anyone using WisVote needs to go through the online training.

Q: What is the purpose of marking overridden ballots with a serial number, if it is already noted as overridden.

Senate Substitute Amendment 1 of SB-295 provides no requirement to label an overvoted/overridden ballot, but specifies that use of the override function must be noted on the Inspectors' Statement.

Q: When adding an Absentee Ballot into the system can you enter more than one election?

A: An absentee ballot request can be entered in WisVote for a single election or for a calendar year. If application is made for more than one election but not for all elections in a calendar year, the current process is to enter the application for each election listed on the application, essentially treating each election listed as separate applications.

Q: Why can't the elimination of late absentee ballot return and rejection of absentees missing witness address be effective for April as well?

A: Because the legislation is written so that these provisions aren't in effect until November.

Q: The CBRF in our municipality refuses to provide any info from an intake document and claims it's protected under HIPAA. How can they be convinced this is not correct?

A: The voter may request a copy of their intake document from the care facility and present it to the SVD's.

Q: When will you be updating the document that had the list of POR and POID? There were two columns. It is very helpful for ED workers.

A: Documents and forms are being updated on a continual basis. If you have a request to update or obtain a specific form or document please contact the GAB Help Desk.

Q: When you say "24 hours," is that office hours? I.E. what if a provider receives notice at 4pm on Friday and isn't able to record until Monday?

A: Do not include any hours on a Sunday or legal holiday when determining the deadline for entering absentee ballot information into WisVote. If the deadline for recording the absentee ballot information falls on a Saturday when the clerk does not normally have office hours, a Sunday, or a legal holiday, the deadline is extended to the following business day.