

**Elections Administration Webinar Training Series
Back to Basics**

LESSONS LEARNED FROM THE 2012 ELECTIONS

This session will address topics relating to the Election Day duties and responsibilities of election officials that generated the most questions during 2012.

Wednesday, January 9, 2013

9:00 a.m. – 11:00 a.m.

Program Presenters

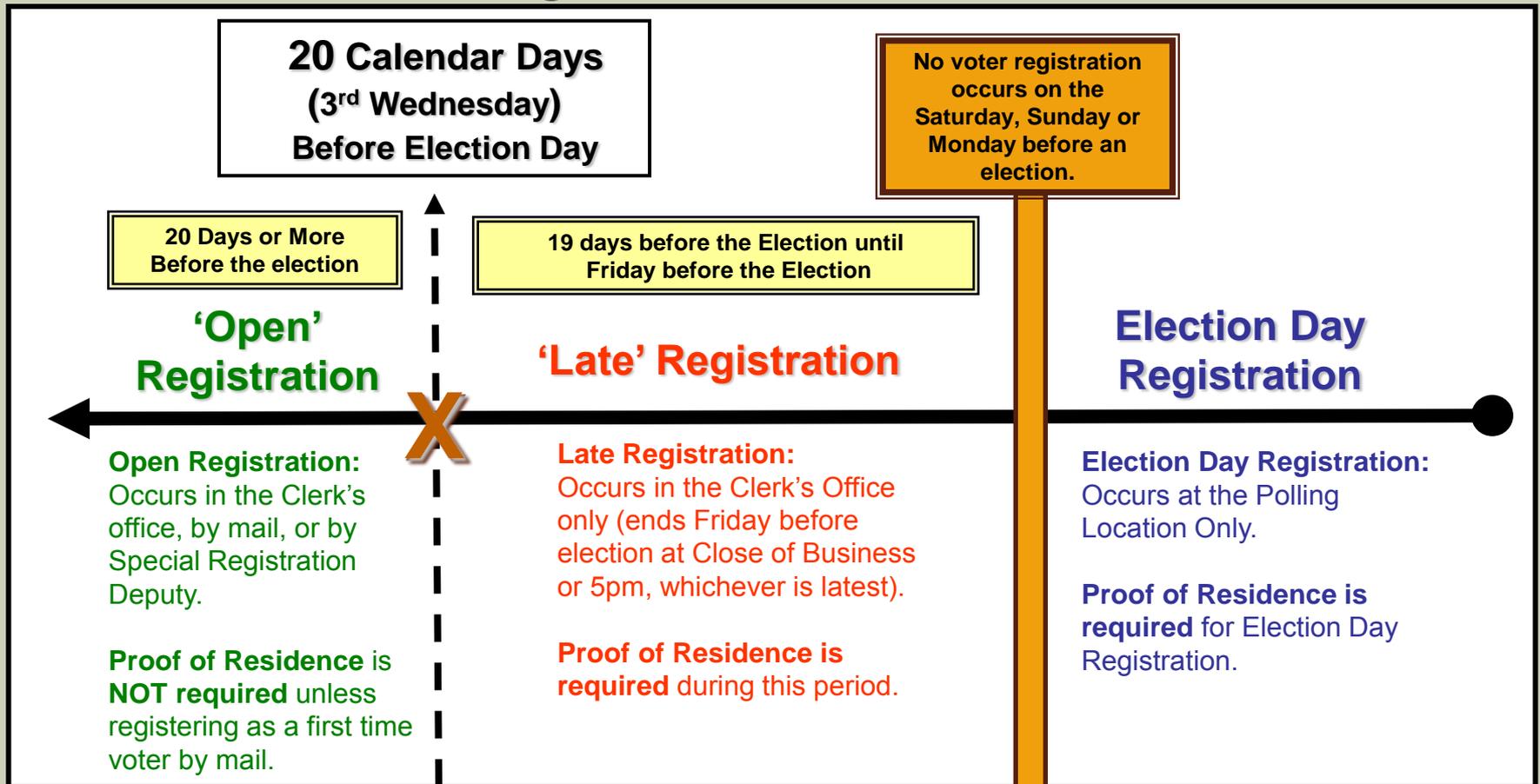
Wisconsin Government Accountability Board Staff

Agenda

- **Registration/Voting Process**
- **When “POR Required” is on the Poll List**
- **Issuing Voter Numbers**
- **When a Provisional Ballot May or May Not be Issued**
- **Issuing and Processing Absentee Ballots**
- **Using My Vote Wisconsin**
- **Photo ID Injunction**

Acceptable Proof of Residence

Registration Timelines



Registration/Voting Process

Voter Qualifications

In order to be a qualified elector, an individual must:

1. Be a U.S. citizen
2. Be age 18 or older on or before Election Day
3. Have resided in an election district or ward for 28 consecutive days, with no present intent to move, before any election where the citizen offers to vote.
4. Not be disqualified from voting for any of the reasons described in Wis. Stat. § 6.03:
 - a. Has been convicted of treason, felony, or bribery and has not completed the terms of his or her sentence including probation, parole or extended supervision.
 - b. Has been determined by a court to be incapable of understanding the objective of the elective process or is under guardianship, unless the court has determined that the person is competent to exercise the right to vote.
 - c. Has made or become interested, directly or indirectly, in any bet or wager depending upon the result of the election.

Residency

An individual's residency in a ward or municipality is determined by the individual's physical presence and present intent to reside in that location for voting purposes.

Establishing Residency

In order to claim residency, a voter must establish a physical presence in a location with the intent to make that location his or her residence for voting purposes.

1. Temporary Presence/Absence
 - a. Residency is not lost when a person leaves home and goes to another location temporarily with intent to return home. Persons who have left their residences for education, business, travel, nursing home care,

or any other temporary purpose may continue to vote in the municipality where they initially established their voting residence.

- b. Residency cannot be established in any ward, town, village or city in this state while living there temporarily.

2. Intent to Return

- a. Once residency is established, a person may be absent and still vote in that ward or municipality, as long as he or she intends to return.
- b. If a person leaves a municipality and registers to vote in his or her new municipality, he or she cannot continue to vote at his or her previous municipality of residence without re-establishing residency.

3. Student Status

- a. Student status is not a consideration in determining residence. A student may choose to vote in the municipality where he or she attends school or the student may vote where he or she last resided before attending school.
- b. If a student votes in the municipality where he or she attends school, residency must be re-established in his or her home municipality before voting there in another election.

4. “Part-time” Residents

A person may only vote in one municipality each election. In order to vote in a municipality, a person with part-time residency in a municipality must intend that his or her physical presence in the ward or municipality establishes residence for voting purposes.

Guide for Determining Where a Person Votes

Voter Situation	Voting Location
Has moved from one ward to another in the same municipality at least 28 consecutive days before an election	In the new ward
Has moved from one municipality to another at least 28 consecutive days before an election	In the new municipality
Has moved from one ward to another in the same municipality less than 28 consecutive days before an election	In the old ward
Has moved from one municipality to another less than 28 consecutive days before an election	In the old municipality
Has moved to a different ward, or state temporarily, with intent to return	In the ward or municipality from which he or she moved
Lives in one ward or municipality and conducts business in another	In the ward or municipality where the individual lives
Lives in a public or private facility, such as a federal or state institution, county home or hospital, nursing home or group home	In the municipality where the facility is located <i>or</i> in the municipality of residence before entering the facility
Is on active duty as a member of the armed forces serving in the U.S. or overseas	In the municipality or ward of residence before entering the armed services
Is the spouse or dependent of a member of the armed forces	In the ward or municipality of residence of the military elector <i>or</i> if a Wisconsin resident, municipality or ward of residence before entering the armed services
Is a civilian overseas employee of the U.S. Government	In the municipality or ward of residence before entry into federal employment

Recording Voters

Properly recording voters is essential to maintain the integrity of the electoral process. Two election inspectors maintain two duplicate original poll lists, also known as voter lists or registration lists, for each reporting unit. A reporting unit is a ward or combination of wards that reflect the way election results are transmitted to school districts, the county, and the Government Accountability Board. When the polls close, the poll lists will reflect the activity at the polling place on Election Day. It is essential that the election inspectors carefully record the required information on the poll lists.

Poll Lists

The poll list contains the names and addresses of registered voters in a reporting unit. The municipal clerk will provide poll lists to each polling place. These poll lists have been generated from the Statewide Voter Registration System (SVRS), which is Wisconsin's statewide database for tracking voter registrations.

Each reporting unit will have two poll lists, which must be maintained identically by the election inspectors on Election Day. Election inspectors use poll lists to ensure only registered voters cast a ballot and to capture certain information about each registered voter who receives a ballot.

Each elector must sign the poll list before receiving a ballot. Only one of the poll lists should contain the signature of each voter for that election.

Poll lists (GAB-107) consist of three parts:

1. Regular Poll List: Contains the names of all electors who register by 5:00 p.m. on the 20th day before the election.
2. Pre-printed Supplemental Poll List: The municipal clerk may provide a list that contains the names and addresses of all voters who registered during late registration. Late registration is in the clerk's office after the close of registration, from the 19th day before the election up to 5:00 p.m. or the close of the clerk's office, whichever is later, the Friday before the election. Electors who register during this time will receive a Certificate of Registration (GAB-133) to be presented at the polling place on Election Day.

Note: If a late registrant fails to present his or her Certificate of Registration (GAB-133), but his or her name is on a Supplemental Poll

list, the registrant is allowed to vote. If the individual fails to present his or her Certificate of Registration (GAB-133) and his or her name does not appear on a Supplemental Poll list, the election inspector should attempt to contact the municipal clerk and determine if he or she has record of the elector's registration. If there is no record of the elector's registration in the clerk's office, then he or she must complete another Voter Registration Application (GAB-131) and provide proof of residence before being allowed to vote.

3. Handwritten Supplemental Poll List: Election Inspectors must enter the name, address and Election Day voter number of Election Day registrants on the handwritten supplemental portion of the poll list. The type of proof of residence provided should also be recorded here.

Poll List Notations

There are a number of notations that will appear on the pre-printed poll list as well as a number of notations that election inspectors are required to make on the poll list to ensure proper documentation of voters and registrants on Election Day.

1. Pre-Printed Poll List Notations

The pre-printed portion of the poll list may contain certain notations to indicate special circumstances. Possible notations include:

- a. POR Required
 - i. First-time Wisconsin voters who registered by mail are required to provide an identifying document establishing proof of residence prior to casting his or her ballot.
 - ii. A list of acceptable documents establishing proof of residence can be found in the "Proof of Residence" section of this document.
 - iii. If the elector cannot provide proof of residence he or she may vote provisionally.
- b. Absentee
 - i. Municipalities must track absentee ballots on the pre-printed poll list. The clerk shall also provide each polling place an Absentee Ballot Log (GAB-124).

- ii. The absentee notation indicates that an absentee ballot was issued to the voter. This does not indicate that the absentee ballot was returned.
- iii. If an individual noted as “absentee” appears at the polling place, the inspectors should check the Absentee Ballot Log (GAB-124) to determine if the ballot has been returned.
 1. If it has been returned and there are no errors that would cause the ballot to be rejected, the voter may not vote at the polling place.
 2. If it has been returned and there are errors that would cause the ballot to be rejected, the voter may only correct the error. The voter may NOT vote a new ballot at the polling place.
 - a. The election inspectors shall issue a new certificate envelope to the voter.
 - b. The voter must open the original certificate envelope, verify their ballot, and seal the ballot in the new certificate envelope.
 - c. The voter may NOT remove the ballot from the voting area.
 - d. The election inspectors may NOT serve as the witness (the original witness must be present).
 - e. The original certificate envelope is then destroyed.
 - f. The election inspector should document that a correction was made and the ballot accepted on the Absentee Ballot Log (GAB-124).
 3. If it has not been returned, the election inspectors ask the voter “did you mail or personally deliver your absentee ballot to the clerk’s office?”

- a. If “yes,” the voter cannot vote at the polling place.
 - b. If “no,” the voter is issued a ballot if otherwise qualified.
4. If an absentee ballot is later received for that voter, the elector’s absentee ballot would be processed as a rejected absentee ballot and the clerk contacted immediately.

2. Election Day Notations

The election inspectors must make certain notations on the poll list next to the voter’s name to identify voters who vote under the following circumstances:

a. Absentee

Indicate “absentee” or an “A” next to the voter number for an elector whose absentee ballot has been processed.

b. Provisional

- i. Indicate “PV#__ (beginning with ‘1’) when recording an elector who votes a provisional ballot.
- ii. The complete PV# should be recorded on the voter list, on the back of the ballot, on the Provisional Ballot Certificate Envelope (GAB-123), on the Inspectors’ Statement (GAB-104), the Provisional Ballot Reporting Form (GAB-123r), and on the Provisional Voting Information Sheet for the elector.

c. Challenged

Indicate “Challenged” and two words explaining the reason for challenge when recording an elector who votes a challenged ballot.

d. Assisted

- i. Indicate “Assisted” for an elector who receives assistance in marking his or her ballot.
- ii. The full name and address of the individual providing assistance must also be recorded on the poll list.

e. Ballot Received at Poll Entrance (Curbside Voting)

Indicate “Ballot Received at Poll Entrance” for a voter who receives a ballot at the polling place entrance because the voter is unable to enter the polling place due to a disability.

f. Section 6.96

- i. Indicate “Section 6.96” when recording an elector who votes after the polls close pursuant to a court order.
- ii. An elector entering the polling place after 8:00 p.m. will also have his or her ballot marked with the notation “Section 6.96.” This enables ballots cast after the polls closed pursuant to the court order to be removed from the count in the event that the court order is set aside.

g. Presidential Only

- i. Indicate “Presidential Only” on the supplemental poll list when a new Wisconsin resident (someone who has lived in the state less than 28 days) wishes to vote for president.
- ii. These electors must complete the Application for Presidential Ballot (GAB-141), not the Voter Registration Application (GAB-131).
- iii. These individuals must provide proof of residence. The type of proof of residence should be recorded on the supplemental voter list.

Election Day Registration

Ensuring that all eligible electors are properly recorded and registered on Election Day builds confidence in the election process. All electors must be registered before being issued a ballot and all electors who cast a ballot must be recorded on the poll or supplemental list.

If an elector has not registered prior to Election Day, he or she may register at his or her polling place. The Elections Division recommends that a separate table be set-up at the polling place to register voters. This practice can reduce waiting times for many electors and better manage the flow of traffic.

To register at the polling place on Election Day:

1. The elector must complete a Voter Registration Application (GAB-131).
2. The elector must provide proof of residence.

Note: The Voter Registration Application (GAB-131) has detailed instructions on the back of the form that can serve as a guide for proper completion. Proper completion of the GAB-131 will reduce the amount of work for the municipal clerk after Election Day and ensure the voter will appear on the poll list for future elections.

Ineligible Voter List

Each polling place must have a list of ineligible voters. This list is generated by the Department of Corrections and lists all individuals in that municipality or county who are currently out of prison but still completing the terms of their felony sentence. The individuals on this list are not eligible to vote.

The election inspectors must compare the name of each person that registers on Election Day to the ineligible voter list. If an elector's name appears on the ineligible list, the election inspectors should inform the elector that their name appears on the list of ineligible electors still serving a felony sentence. If the elector agrees that they are still serving the terms of their felony sentence, the election inspectors shall NOT give the elector a ballot. If the elector claims that they are not a felon or have completed the terms of their felony sentence, then the election inspectors shall follow the challenge process which allows the elector to vote after completing documentation and marking the ballot.

The names on the poll list have already been compared to an ineligible list by the municipal clerk and do not need to be compared to the ineligible list on Election Day.

Voter Registration Application (GAB-131)

A registrant must complete all required fields and sign the Voter Registration Application (GAB-131).

To complete the Voter Registration Application (GAB-131), the elector must provide an identification number in Box 2. This **does not** require visual confirmation by an election inspector and the elector may write down or recite the

number if he or she chooses. An elector cannot be required to show his or her driver license, Department of Transportation-issued ID card, or Social Security card as a condition of registration

The identification number provided must be as follows:

1. If the registrant has been issued a Wisconsin driver license, he or she **must** provide this number in Box 2 of the Voter Registration Application (GAB-131). If the voter has a revoked or expired WI driver license, he or she should use the last four digits of his or her social security number, but be asked to also list the driver license number. *The voter does not have to show the election official the driver license in order to complete the form.*

If an individual has been issued a WI driver license, but cannot provide the number (i.e., forgot to bring it and does not know the number or is unwilling to provide it), he or she may vote provisionally. The provisional ballot will not be counted until the individual provides the license number to an election inspector before the polls close, or delivers the information to the municipal clerk by 4:00 p.m. on the Friday after the election.

2. If the registrant has not been issued a Wisconsin driver license, he or she may register using either their Wisconsin DOT-issued identification card number OR the last four digits of his or her social security number. (The voter should be *encouraged* to provide the state ID card number rather than the last four digits of the Social Security number.) **Note:** The last four digits of the Social Security number may only be provided if the individual has **not** been issued a WI driver license
3. If the registrant has not been issued a Wisconsin driver license/DOT-issued ID card, or a Social Security number, he or she must indicate this by filling in the bubble provided for this purpose in Box 2.

Note: If a registrant has been issued a Wisconsin driver license but is unable or unwilling to provide the number, he or she may **NOT** use the last four digits of his or her Social Security number instead. If the elector is unable or unwilling to provide their Wisconsin driver license number, he or she may be allowed to vote provisionally.

After the registrant completes all required fields of the Voter Registration Application (GAB-131), he or she must sign the form in the presence of an election official. Failure to complete any required field of the GAB-131, will result in the registrant being unable to register and, therefore, unable to vote.

Once the registrant signs the form, the election official inspects the form for completeness. The election official must print his or her name and sign the form indicating that it has been accepted. The registrant must then provide proof of residence.

Proof of Residence

When a registrant presents a valid form of proof of residence, the election official must view the proof of residence and record the type (i.e. license, tax bill, etc.) and any unique number (such as an account or a license number) on the bottom of the Voter Registration Application (GAB-131). The registrant's name, address and type of proof of residence shall then be recorded on the supplemental poll list, and the registrant shall then be issued a ballot like every other voter.

Important Note: The proof of residence may be in an electronic format, but municipalities are not required to provide Internet access, computers or smartphones in their offices or at the polling place to facilitate voter registration but may do so if they choose.

The following constitute acceptable proof of residence if the document contains the elector's current and complete name and current and complete residential address:

1. A current and valid Wisconsin driver license.
2. A current and valid Wisconsin identification card.
3. Any other official identification card or license issued by a Wisconsin governmental body or unit.
4. Any identification card or license issued by an employer in the normal course of business that contains a photo of the cardholder or license holder, but not including a business card.
5. A real estate tax bill or receipt for the current year or the year preceding the date of the election.
6. A residential lease which is effective for a period that includes Election Day (Not for first-time voters registering by mail).
7. A university, college or technical college identification card (must include photo) **ONLY** valid if the voter provides a fee receipt dated within the last 9 months.

8. A university, college or technical college identification card (must include photo) ONLY valid if the institution provides a certified housing list to the municipal clerk that indicates citizenship.
9. A utility bill (gas, electric, phone, etc.) for the period commencing not earlier than 90 days before Election Day.
10. A bank statement.
11. A paycheck.
12. A check or other document issued by a unit of government.
13. An affidavit on public or private social service agency letterhead identifying a homeless voter and describing the individual's residence for voting purposes.

Issuing Ballots and Voting

Providing the correct ballot to the voter and enabling the elector to mark a ballot privately and independently are two of the most important tasks for election inspectors on Election Day. It is essential that you are familiar with the correct procedure for issuing ballots and facilitating voting.

Procedure

When a registered elector (or an Election Day registrant upon completing his or her Election Day registration) appears at the polling place:

1. The elector announces his or her name and address to the election inspectors maintaining the poll lists.
2. The elector signs the poll list.
 - a. The elector only signs one poll list.
 - b. Election inspectors must ensure that all voters are signing the same poll list which is later provided to the county clerk.
 - c. If another person signed the voter's registration form because the voter was unable to sign due to disability, the inspector writes the word "Exempt" on the signature line.
 - d. If voter claims to be unable to sign due to physical disability, and both inspectors concur, the inspectors shall enter the words "exempt by order of inspectors" on the signature line.
 - e. If both inspectors do not waive the signature requirement, the voter shall be allowed to cast a ballot and the inspector or inspectors who did not waive the requirement shall challenge the ballot and document the situation on the Inspectors' Statement (GAB-104).
3. A voter number is assigned to each elector beginning with the number "1" and recorded simultaneously on two identical poll lists prepared by two different election inspectors.

Note: There are several methods used by different municipalities across the state for tracking the voter number. Some municipalities give the voters a

voter slip with the assigned voter number, some municipalities use a check-off sheet with a list of numbers, or some municipalities may use a different method. There is no wrong way, so long as the voter numbers are accurately assigned.

4. Once an elector's voter number has been recorded on both poll lists, he or she is given their ballot, which has been initialed by two election inspectors. Please verify the elector is given the correct ballot style for their address.

Note: Prevent the possibility of fraud by keeping unvoted ballots where voters do not have access to them and by not initialing ballots in advance.

5. Direct the voter to the voting area.
 - a. Be sure to ask the voter if he or she has any questions about how to correctly cast his or her ballot.
 - b. Be prepared to answer questions on how to use equipment, mark a ballot, or place a ballot in the ballot box.
 - c. If an elector is using direct recording electronic (DRE) equipment, remind him or her to check the paper roll before casting his or her ballot. The paper roll serves as the elector's official ballot.

6. The voter should go directly to the voting booth to mark his or her ballot.

Note: A voter may take any person of their choosing, except a representative of their labor union or employer, with them into the voting booth to provide assistance in marking the voter's ballot. The assistor must sign in the space provided on the back of the ballot. Assistors may include minor children and election inspectors. If receiving assistance, the name and address of the individual providing assistance must be recorded on the voter lists.

7. The voter then places his or her voted ballot into the tabulating device or appropriate ballot box. Or, if using direct recording electronic equipment (DRE), the voter casts his or her ballot and closes out the voting session.
8. The voter should then leave the polling place unless he or she intends to stay as an observer.

Provisional Voting

In Wisconsin, provisional voting is currently **ONLY** used in two situations:

1. If an individual is a first-time voter, who registered by mail and has failed to provide the required proof of residence, he or she may vote provisionally.
 - a. The poll list will contain the watermark “POR Required” to identify those first-time voters who registered by mail and who must show proof of residence before being allowed to vote.
 - b. If an individual fails to provide the required proof of residence he or she may vote provisionally.
 - c. In the case of a first-time voter who voted absentee, the returned absentee ballot will be treated as provisional if no proof of residence has been provided with the returned absentee ballot.
2. If an individual who registers on **Election Day** has a Wisconsin driver license, but is unwilling or unable to provide the license number, he or she may vote provisionally.
 - a. Individuals who have a Wisconsin driver license may **NOT** use the last four (4) digits of their Social Security number.
 - b. Electors may vote provisionally if providing the driver license number is the only missing registration element. If an elector is also missing required proof of residence, then he or she may **NOT** register or vote.

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 should 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 does not provide the required proof of residence. He or she may not register or vote.

Each elector issued a provisional ballot must be provided a Provisional Voting Information Sheet. This sheet must include how or where the elector is to contact the municipal clerk or deputy to provide the missing information.

Electors have until 4:00 p.m. on the Friday following the election to provide the missing information to the municipal clerk or deputy. The municipal clerk must be available to receive this information from the elector.

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 (GAB-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 “Proof of Residence,” or “Driver License Number.”) by checking the appropriate box(es) on the certificate envelope. A provisional ballot may be issued for more than one reason.

4. The election inspector issues a provisional voter number (PV#), which is recorded on the voter 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 (GAB-104)
 - (3) On the Provisional Ballot Certificate Envelope (GAB-123)
 - (4) On the Provisional Ballot Reporting Form (GAB-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 (GAB-123), and returns the sealed envelope to the election inspector.
6. The sealed certificate envelope (GAB-123) is then placed inside the Inspectors’ Certificate for Provisional Ballots Envelope (GAB-108).
 - a. The election inspectors then record the name of the elector, the PV#, and the reason for the provisional ballot on the Provisional Ballot Reporting Form (GAB-123r) and on the Inspectors’ Statement (GAB-104).
 - b. The Inspectors’ Certificate of Provisional Ballots Envelope (GAB-108) must be kept secure throughout Election Day.
 - c. When the polling place closes, the Inspectors’ Certificate of Provisional Ballots Envelope (GAB-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.
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 document the incident on the Inspectors' Statement (GAB-104).
 - b. If the provided documentation is valid:
 - i. The elector must sign the poll or supplemental list.
 - ii. Note on the Inspectors' Statement (GAB-104) that the elector provided the required documentation.
 - iii. Initial and date the Provisional Ballot Reporting Form (GAB-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 (GAB-123) is removed from the Inspectors' Certificate of Provisional Ballots (GAB-108) envelope and given to the elector.
 2. The elector should remove the provisional ballot and spoil it.

3. Document the incident and spoiled ballot on the Inspectors' Statement (GAB-104).
 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 (GAB-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 (GAB-104) and initial and date the Provisional Ballot Reporting Form (GAB-123r) that the elector provided the required documentation.
 2. Remove the elector's Provisional Ballot Certificate Envelope (GAB-123) from the Inspectors' Certificate of Provisional Ballots (GAB-108) envelope.
 3. Verify that the Provisional Ballot Certificate Envelope (GAB-123) has not been opened or tampered with.
 - a. If the Provisional Ballot Certificate Envelope (GAB-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 (GAB-123r) by marking "on poll list" in the column labeled "Voter Number Issued."
 6. Provide the elector with the Provisional Ballot Certificate Envelope (GAB-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 (GAB-123) from the elector and place it back in the Inspectors' Certification of Provisional Ballots (GAB-108) envelope.

Processing

1. A Provisional Ballot Reporting Form (GAB-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 SVRS 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 and a sample for reference may be found in the appendix of this manual.
2. All electors who have been issued a provisional ballot must be tracked in SVRS on election night. SVRS must also be updated if/when an elector provides the missing information.
 - a. Self-Providers must enter the information into SVRS. Please see the SVRS Application Training Manual for details.
 - b. Reliers must provide the Provisional Ballot Reporting Form (GAB-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 SVRS on election night on behalf of their reliers. Please see the SVRS 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 proof of residence or driver license number) is provided to

- either the election inspectors by the close of the polls, or to the municipal clerk or deputy by 4 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 p.m. on the Friday after the election the Provisional Ballot Certificate Envelope (GAB-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 municipal clerk should maintain communication with the county clerk regarding the number of outstanding provisional ballots.

Overview of Absentee Voting Rules

Indefinitely Confined Electors

Definition

Voters indefinitely confined in their home or in a qualified facility [Community Based Residential Facility (CBRF), retirement home, residential care apartment complex, or adult family home] that is **NOT** served by special voting deputies. Elector must have applied for absentee ballots as an indefinitely-confined elector.

Application Requirements

- Voter registrations that are postmarked after the 20th day before the election cannot be accepted.
- Absentee applications must be received no later than 5:00 p.m. on the Friday prior to the election.
- Voter must check the box or otherwise indicate on the absentee application that they are indefinitely confined.

Duration of Requests

- Receive ballots automatically for as long as they return them (“permanent” status)
- If a ballot is not returned, send 30-day notice
 - Send 30-day notice after general elections only
 - If voter responds to notice, keep on permanent list
 - If voter does not respond to notice, cancel absentee application (remove from permanent list)

Deadline for Ballot Return

Friday 4:00 p.m. after the election if postmarked by Election Day

Overview of Absentee Voting Rules

Electors Served by Special Voting Deputies (SVDs)

Definition

Voters residing at a nursing home or in a qualified facility [Community Based Residential Facility (CBRF), retirement home, residential care apartment complex, or adult family home] that is served by special voting deputies.

Application Requirements

- If SVDs are conducting absentee voting at a facility prior to the 20th day before the election, the SVDs may register the individual to vote.
 - SVDs may register voters using their pre-nursing home address if the voter has an intent to return. These registrations must be forwarded to the respective municipal clerk.
- Absentee applications must be received by the respective deadline, 5:00 p.m. on Thursday for regular voters, 5:00 p.m. Friday for indefinitely confined voters.
 - Voter must check box or otherwise indicate on the absentee application that they are indefinitely confined.
 - SVDs may accept written absentee applications in-person from registered electors at the facility, if before the applicable deadline.

Duration of Requests

- As specified in the request (specific elections, calendar year, or permanent if indefinitely confined).
- If an elector on the permanent list does not vote an absentee ballot, the SVDs should ask them to either:
 - Sign a separate statement indicating they still want to receive ballots, *OR*
 - Enclose a blank ballot in the certificate envelope and sign the certification.
 - If the elector does not do either of the above, send them a notice via mail that their absentee application will be canceled.
 - The elector has 30 days to respond
 - Send notice after general elections only
 - If the elector does not respond to the notice, cancel the absentee application.

Overview of Absentee Voting Rules

Electors Served by Special Voting Deputies (SVDs), Continued

Time frame for conducting absentee voting in qualified facilities

- Between the 4th Monday before the election and the Monday before the election
 - Notice of date and time posted at facility no less than 24 hours before visit
 - Registered voters may request to vote absentee on the day the SVDs visit
 - Must use absentee application, not just certificate envelope.

Special Procedures

- If a voter is registered in another municipality, the clerk of the municipality where the voter is registered must forward an absentee ballot to the municipal clerk where the care facility is located.
 - The SVDs from the municipality where the nursing home is located administer the absentee ballot for that voter.
 - The municipal clerk where the nursing home is located then forwards the voted absentee ballot back to the municipal clerk where the voter is registered.
- Only SVDs may witness the absentee certification.
- No person other than a SVD or a relative of the elector may assist that person in voting.
 - Request for assistance must come from the elector.
- SVDs must visit the facility twice if any voter who has requested an absentee ballot was not available to vote during the first visit.
- Only if an absentee elector is not available to cast his or her ballot on two separate visits by the SVDs to the facility may the clerk mail the ballot to the elector.
 - Must transmit the ballot no later than 5:00 p.m. on the Friday preceding the election.
- See “Absentee Voting in Nursing Homes” Manual for details.

Overview of Absentee Voting Rules

Electors at Special Voting Deputy-Eligible Facilities

Definition

Voters residing in a qualified facility [Community Based Residential Facility (CBRF), retirement home, residential care apartment complex, or adult family home] that is NOT served by special voting deputies. Also, does NOT include voters who are indefinitely confined.

- Use the indefinitely confined elector procedures for indefinitely confined electors who may reside at an SVD-eligible facility.

Application Requirements

- Voter registrations that are postmarked after the 20th day before the election cannot be accepted.
- Absentee applications must be received by 5:00 p.m. on Thursday.

Duration of Requests

As specified on absentee ballot application but no longer than a calendar year

Deadline for Ballot Return

Friday 4:00 p.m. after the election if postmarked by Election Day

Overview of Absentee Voting Rules

Military Voters

Definition

U.S. military service (at home or away), members of the merchant marine, civilian employees of the United States serving outside the U.S., peace corps volunteers, and their spouses or voting-age dependents.

Application Requirements

- No voter registration form is required.
- Must have resided in municipality immediately before entering the military.
- Absentee application must be received no later than 5:00 p.m. on the Friday preceding the election. However, for federal elections, military electors who are away from their residence due to active duty have until 5:00 p.m. on Election Day.
- The Federal Post Card Application (FPCA) is a common alternative form that is used by military electors. It counts as both a voter registration and absentee ballot application.
- The Affirmation/Declaration that accompanies the Federal Absentee Write-In Ballot (FWAB) also serves as an absentee application.

Duration of Request

- One calendar year, if not otherwise specified
 - Receive ballots for all offices

Deadline for Ballot Return

- Friday 4:00 p.m. after the election if postmarked by Election Day

Overview of Absentee Voting Rules

Federal Write-In Absentee Ballot (FWAB)

- Available at military bases, embassies, and online at FVAP.gov. (This is not a ballot sent by the clerk.)
- May be used by both overseas and military electors.
 - A FWAB from a military elector may be accepted without a separate absentee application.
 - A FWAB from an overseas elector must be accompanied by a valid absentee request.
 - A FWAB typically contains a signed affirmation/declaration which serves as an absentee application for military electors, but must be received no later than the respective absentee request deadline to count as an application.
 - The affirmation/declaration must accompany the FWAB in order for the ballot to be counted. The affirmation/declaration must be completed and contain the signature of both the voter and the witness. It serves as the absentee certification.

Military Voters, Continued

Multiple Ballots - Priority

- Count whatever ballot you have received by Election Day
- If more than one ballot received by Election Day, all ballots are sent to the polling place for processing. Only one ballot is counted and the rest are rejected. The order of priority is:
 1. Official Ballot
 2. FWAB
- If ballots come in after Election Day, but before the deadline, and you have already counted a ballot on Election Day, reject the second ballot.

Special Procedures

- Requests are valid for up to 28 days after the date of discharge from military service.
- All military voters absentee ballots must be tracked in SVRS.
- See the Election Administration Manual and SVRS manual for further details on the administration and tracking of military ballots.

Overview of Absentee Voting Rules

Overseas Voters

Definition

An elector who is permanently outside of the U.S. with no intent to return to their residence.

- A person outside the U.S. for a finite period of time (vacation, work, education) with an intent to return is NOT an overseas voter.
 - May only vote for federal offices (President, U.S. Senate, U.S. Congress).

Application Requirements

Standard “by-mail” rules apply:

- Voter registrations that are postmarked after the 20th day before the election cannot be accepted.
- Absentee applications must be received by 5:00 p.m. on Thursday.
- Must have lived in the district immediately before moving overseas
- Voting-age children of an overseas elector are eligible to vote as an overseas elector even if they have never lived in the district.
 - Votes from last address in the district
- Home may not be owned by them anymore or not exist anymore.

Duration for Request

One calendar year, if not otherwise specified

- Receive ballots for federal offices only

Deadline for Ballot Return

Friday 4:00 p.m. after the election if postmarked by Election Day

Federal Write-In Absentee Ballot (FWAB)

- Available at military bases, embassies, and online at FVAP.gov. (This is not a ballot sent by the clerk.)
- Cannot be accepted unless the election has an absentee application on file.

Multiple Ballots - Priority

- Count whatever ballot you have received by Election Day
- If more than one ballot received by Election Day, all ballots are sent to the polling place for processing. Only one ballot is counted and the rest are rejected. The order of priority is:
 1. Official Ballot
 2. FWAB

Special Procedures

- All overseas voters absentee ballots must be tracked in SVRS
- See the Election Administration manual and SVRS manual for further details on the administration and tracking of overseas ballots.

Overview of Absentee Voting Rules

Regular Absentee Voters – By Mail

Definition

Any otherwise qualified elector who for any reason is unable or unwilling to appear at the polling place.

Application Requirements

- Voter registrations that are postmarked after the 20th day before the election cannot be accepted.
- Absentee applications must be received by 5:00 p.m. on Thursday.

Duration of Request

- As specified on application.
- For calendar year applications (1/1 – 12/31)
 - If a ballot is not returned for a general election, remove the elector from the absentee list and send them a notice within 5 days.
 - If voter responds to notice, add them back to the absentee list and continue to send ballots.
 - If voter does not respond to notice, they remain off the list.
 - Voter can reactivate request by contacting you.

Deadline for Return of Ballot

Friday 4:00 p.m. after the election if postmarked by Election Day

Overview of Absentee Voting Rules

Fax/Email/Online

Definition

Only military and permanent overseas electors may receive their ballot by fax or email or may access their absentee ballot online at <http://myvote.wi.gov>. The clerk must honor the requested method of transmission.

Application Requirements

- Voter registrations may not be faxed/mailed. Voter registrations that are postmarked after the 20th day before the election cannot be accepted.
- Absentee applications must be received by the respective deadlines for all electors. See military and overseas sections above.
- Any registered voter may submit their absentee ballot request by email or fax.

Special Notes

- Only military and permanent overseas electors may receive a ballot by fax/email, please see those specific instructions for more details.
- An original application with “wet” signature must be received.
 - If you are using the combination application/certification certificate envelopes, the signature on the envelope suffices as an original application with “wet” signature.
- When emailing or faxing a ballot to a military or overseas voter:
 - Transmit the initialed ballot and face of the certificate envelope along with instructions for voting and returning the ballot.
 - The voted ballot can NOT be returned by fax/email.
 - On Election Day (if using optical scan systems), remake the ballot so it can be processed through the voting equipment.
 - See Election Day manual or the GAB-104 for specific instructions on remaking ballot.

Overview of Absentee Voting Rules

In-Person Absentee Voting in Clerk's Office

Definition

Any eligible elector may request to vote an absentee ballot in person at the office of the municipal clerk.

Application Requirements

- Voter registration may occur in-person at the office of the municipal clerk up until 5:00 p.m. on the Friday preceding the election.
 - No in-person absentee voting may occur on the Saturday, Sunday, or Monday immediately preceding the election.
- In-person absentee voting begins on the 3rd Monday before Election Day and ends at 5:00 p.m. on the Friday preceding the election.
- If the voter only wishes to vote absentee at a single election, the combination application/certification certificate envelope will suffice as the absentee application.
- If the voter wishes to receive ballots for future elections, they must fill out the standard absentee ballot request.
- Ballots requested in-person may NOT be removed from the clerk's office by the voter.

Overview of Absentee Voting Rules

Provisional Ballots

Definition

If the absentee elector was required to provide proof of residence with their absentee ballot and does not, the election officials are to treat that absentee ballot as a provisional ballot.

Procedure

The clerk should attempt to contact the absentee voter as quickly as possible to inform them that their ballot was treated provisionally and advise them of how to provide the necessary information.

Deadline for voter to supply missing information

4:00 p.m. on the Friday after the election

Special Notes

- Make sure all appropriate canvassing boards (county and municipality) are informed if the elector provides the missing information.
- All provisional ballots must be recorded in SVRS on Election Night. See the SVRS Application Training manual for directions.
- Please see the Election Administration manual, Post-Election Activities chapter for more information.

Overview of Absentee Voting Rules

New & Former Residents – Presidential Only

Definition

Any new resident of the state who would be an eligible elector except for the 28-day residency requirement, or any former resident of the state who is ineligible in their new home state to vote due to a residency requirement, may apply for a presidential-only absentee ballot.

Application Requirements

- New resident:
 - Must apply and vote in-person, no earlier than 27 days before the election, and no later than 5:00 p.m. on the day before the election.
 - Note-This time frame is specific to a new resident voting for president only.
 - Voter may also apply and vote for 'President only' on Election Day at the polling place.
 - Must fill out a special absentee application/cancellation (GAB-141).
 - Note-Applicant does not complete GAB-131 and is *not* registered.
 - Voter must provide proof of residence.
- Former resident:
 - Must apply within 24 months of leaving Wisconsin.
 - By-mail application using a special absentee application (GAB-140).
 - This form must be notarized.
 - There is no specific deadline before the election to apply.
 - Voter not required to provide proof of residence.
- See the SVRS Application Training manual for directions on entering electors into SVRS.

Deadline for Return of Ballot

Friday 4:00 p.m. after the election if postmarked by Election Day

Overview of Absentee Voting Rules

Hospitalized Electors

Definition

Any qualified elector may register and request an absentee ballot by agent if hospitalized.

Application Requirements

- The absentee ballot application may not be filed earlier than 7 days before the election and no later than 5:00 p.m. on Election Day.
- If not already registered to vote, the hospitalized elector may register to vote by agent up to 5:00 p.m. on Election Day.
- Must submit a signed absentee application (GAB-121) which indicates that the elector is hospitalized.
- The agent must provide a proof of identification to the clerk when delivering the absentee application.

Procedure

- Upon receiving a valid application, the clerk provides the agent with an initialed absentee ballot and certificate envelope.
- The agent delivers the ballot to the hospitalized elector.
- The hospitalized elector votes the ballot in the presence of the agent, seals it in the certificate envelope, and signs the certificate envelope.
- The agent signs the certificate envelope as the witness and returns it to the clerk.
- Fax/Email requests may be used in combination with this procedure.

Deadline for Ballot Return

- The agent may return the absentee ballot to the polling place, municipal clerk or mail the absentee ballot.
- If the absentee ballot is mailed it must be received by 4:00 p.m. on the Friday after the election if postmarked by Election Day

Overview of Absentee Voting Rules

Sequestered Jurors

Definition

Any eligible registered elector who indicates that the reason they are requesting an absentee ballot is because they are a sequestered juror.

Application Requirements

Must submit an absentee application to the clerk that indicates that the elector is a sequestered juror no later than 5:00 p.m. on Election Day.

Procedure

- If the application is received before 5:00 p.m. on the Friday preceding the election:
 - The clerk may transmit the ballot as requested by mail
- If the application is received after 5:00 p.m. on the Friday preceding the election:
 - The municipal clerk shall immediately take the ballot to the court in which the elector is serving as a juror and deposit it with the judge.
 - The judge shall recess court, as soon as convenient, and give the elector the ballot.
 - The judge shall then serve as witness and shall deliver the ballot to the clerk who shall deliver it to the polling place.

On Tuesday, March 6, 2012, Dane County Circuit Court Judge David Flanagan issued an order to cease immediately any effort to enforce or implement the photo identification requirements of 2011 Wisconsin Act 23, pending trial of the case and further order of the court. On March 9, 2012, the attorneys who represent the G.A.B. and Governor Walker have filed a court motion to stay the injunction and permit compliance with Act 23.

Until the court modifies its order or another court order is issued, the G.A.B has assembled questions posed by county and municipal clerks with respect to what provisions of 2011 Act 23 are affected by the injunction. The questions and answers are set out below. Following the Q & A is a list of recent statutory changes that *are not* affected by the injunction.

Questions	Answers
Can clerks and election inspectors still ask to see photo ID?	No. The order strictly prohibits a clerk or inspector from enforcing the law and asking an elector to produce photo ID in order to receive a ballot.
Is there any time while the injunction is in place that photo ID can be required?	No.
What if, during the injunction, an absentee voter makes a request for ballots for all elections in a calendar year (and, therefore, does not provide photo I.D.), and then the injunction is lifted?	The voter continues to receive ballots for the duration of the request, even though they have not provided photo ID. If the law is fully in effect when they reapply, they will be required to provide photo ID before receiving ballots.
If a request was postmarked before the injunction and no photo ID accompanied the request, do I have to obtain the photo ID from the voter before sending the voter a ballot?	If you are acting on an absentee ballot request now, while the injunction is in effect, you cannot ask for photo ID, regardless of when the request was postmarked. The order strictly prohibits enforcing the law.
Will photo ID indicators still show up on absentee ballot reports and mailing labels?	Yes. Please disregard the Photo ID indicators on absentee ballot reports and mailing labels. While they contain information regarding photo ID, that information should be disregarded until and unless the law is being enforced.
What if an in-person voter (either in the clerk’s office or at the polling place) offers their ID voluntarily?	Politely tell the voter that due to a court order photo ID is not currently required.
What if a by-mail absentee voter sends a copy of their photo ID with their absentee ballot request?	Mark “Photo ID Provided” in SVRS. If SVRS is not used for absentee, mark “Photo ID Provided” in the voter record (reliers provide this information to their provider) and record

	receipt of the photo ID on the absentee ballot log. Retain the ID for the same retention period as the absentee ballot request--90 days after the election, 22 months after a federal election. (The 90 days or 22 months is from the date of the latest election for which the request was made.)
Can we use up “old” certificate envelopes since photo ID isn’t currently required?	You may use old certificate envelopes only for the duration of the injunction. However; the envelope must reflect the 28 day residency requirement and bear the “§ 7.515” statement.
Previously, there were 3 situations in which a voter could vote provisionally. For as long as the injunction is in place, are there now only 2 situations?	Yes. The only situations in which a voter may vote provisionally are 1) “POR Required” appears next to the voter’s name on the poll list and the voter cannot produce proof of residence, 2) A voter registering on election day indicates he or she has a WI DL, but can’t or won’t provide the number.
Does provisional voter information need to be recorded on the Provisional Ballot Reporting Form (GAB-123r) and entered into the Provisional Ballot Tracker?	Yes.
I ordered posters and other photo ID materials from G.A.B. Will I receive them?	No. The G.A.B. has ceased dissemination of any photo ID materials for the duration of the injunction.
I have photo ID brochures that I have been giving to voters. Should I stop handing those out?	Yes. Please discontinue distribution of photo ID materials. Please also discontinue any public outreach efforts regarding photo ID.
Is the G.A.B. still going to provide information to the public about the photo ID law?	GAB is suspending all training and outreach efforts, as well as dissemination of photo ID advertising.
I have photo ID information posted to my county or municipal website. Should I remove that information?	Either remove it or place a disclaimer on your website “Photo ID requirements have been suspended due to court order.”
I have signage at my polling place that refers to photo ID requirements. Should they be removed?	Yes. Signs advising voters to “State, Show, Sign” or “Have ID Ready” should be removed.
May I continue to train my election inspectors on the photo ID provisions set out in 2011 Act 23, even though currently Photo ID is not required in order to receive a ballot?	Yes. You may continue to train your inspectors on the photo ID provisions. However, you must be clear that photo ID is not currently required and they may not require or even ask a voter to produce photo ID until the injunction is lifted.

The following provisions put in place by 2011 Act 23 and other legislation remain in effect and *are not* influenced by the injunction.

Voter Registration

- When registering to vote, voters must provide their former address.
- Using a corroborator in lieu of proof of residence is eliminated.
- Election day registrations must be entered into SVRS no later than 45 days after a general election and no later than 30 days after any other election.
- Proof of residence is required when registering at the polling place, in the clerk's office after the close of open registration, and when a first-time voter registers by mail.
- Late registration ends at 5 p.m. or close of business, whichever is later on the Friday before Election Day. No voter registration may occur on the Saturday, Sunday or Monday immediately before an election.
- University, college and technical college students may use their photo university, college or technical college ID, together with a fee payment receipt as proof of residence when registering to vote.
- University, college and technical college students may use their photo university, college or technical college ID, together with a certified list of students residing in student housing as proof of residence.

Absentee Voting

- In-person absentee voting begins the 3rd Monday before the election.
- In-person absentee voting ends at 5:00 p.m. or close of business, whichever is later, on the Friday before the election. No absentee voting may occur on the Saturday, Sunday or Monday immediately before an election.
- Special Voting Deputies may also be sent to Qualified Adult Family Homes and Qualified Residential Care Apartment Complexes.

- Municipal clerks may only fax or email ballots to military and overseas voters who request to receive a ballot in that manner. No other voter may receive ballots by fax or email.
- Municipal Clerks must discontinue sending ballots to voters who have requested ballots for a calendar year but do not return a ballot. The voter must be sent a 5-day notice of discontinuance.
- Municipal clerks send 30-day notice to indefinitely confined voters who do not return a ballot after a spring or general election.

Post-Election Activities

- Municipal clerks are required to be available to receive late-arriving absentee ballots and provisional ballot information until 4:00 p.m. on the Friday following the election.
- Municipal Boards of Canvassers are required to process and count late-arriving absentee and provisional ballots.

Miscellaneous

- Straight-party vote option at partisan elections is eliminated, except for federal write-in ballots (FWAB).
- Qualifications for voting include residency for 28 consecutive days.
- Voters are required to sign the poll list unless prohibited from doing so because of a disability.
- G.A.B may no longer appoint statewide SRDs.
- Election inspectors must verify the name and address on proof of residence offered by a first-time voter (“POR Required” appears on poll list) is the same as on the poll list.

If further questions arise, please contact the Help Desk at 608-261-2028 or gab@wi.gov.