

Preparing for the August Partisan Primary

Wednesday, July 20, 2016

10:00 a.m. – 11:00 a.m.

Program Presenters

Wisconsin Elections Commission Staff

Agenda

- Agency Transition
- Legislative Updates
- Election Inspector Appointments
- EL-121 & EL-131 Updates
- Counting Votes in a Partisan Primary
- Tips for Reconciling Poll Lists
- Overriding Crossover and Overvoted Ballots

WISCONSIN ELECTIONS COMMISSION

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DATE: July 1, 2016

TO: Wisconsin County Clerks
Wisconsin Municipal Clerks
City of Milwaukee Elections Commission
Milwaukee County Elections Commission

FROM: Michael Haas
Elections Commission Administrator

SUBJECT: Agency Transition Update

As you are probably aware, yesterday was the first day of business for the Wisconsin Elections Commission and the Wisconsin Ethics Commission. The Government Accountability Board (G.A.B.) was dissolved as of June 29, 2016. This transition was the culmination of months of planning and coordination between staff of the G.A.B. and the Department of Administration. I would like to provide some brief updates regarding the transition and our plans going forward.

1. Most importantly, all of the G.A.B. staff transferred to either the Elections Commission or the Ethics Commission, with the exception of Director and General Counsel Kevin Kennedy. Kevin retired on Wednesday after 37 years in election administration, most of those years as Wisconsin's chief election official. We appreciate all of the well wishes that Kevin received and you can let me know if you need to reach him or would like me to pass along any message. Kevin's expertise and leadership will certainly be missed but we will continue to build on the foundation of professional and unbiased public service and election administration which he established. The program staff of the Elections Division has transferred to the Elections Commission and the program staff of the Ethics and Accountability Division has transferred to the Ethics Commission. Except for the changes noted below, you will be able to continue to reach the same staff at the same email addresses and phone numbers.
2. The Ethics Commission is in the process of hiring its Administrator and that decision will be finalized in the coming weeks. In other staffing news, David Buerger was recently named to fill the vacancy in one of the Staff Counsel positions and he will serve as legal counsel for the Ethics Commission. Nate Judnic will serve as legal counsel for the Elections Commission. Richard Rydecki will transfer to David's previous position on the Elections Administration team. Finally, today is Marianne Griffin's last day with the agency as she is taking a position affiliated with the UW-Madison's Fluno Center. We appreciate Marianne's contributions and work over the past couple of years and wish her well, and we

also thank David for his lengthy service and impressive list of accomplishments as an Elections Specialist. His legal expertise will be an asset to the Ethics Commission. We will be working to fill three vacant Elections Specialists positions as soon as we can, but in the meantime Richard will continue as the lead contact regarding voting equipment and accessibility issues.

3. The Elections Commission and the Ethics Commission will continue in our current location, at least until the end of our office lease in 2018. We are working out the designation of main telephone numbers for each agency, but for the time being both Commissions can be reached at the main reception desk and Help Desk numbers used by the G.A.B.
4. We are developing separate websites for the two Commissions which can be found at <http://elections.wi.gov/> and <http://ethics.wi.gov/>. The websites will take some time to be fully developed and for now they largely direct users back to the G.A.B. website.
5. The Wisconsin Elections Commission held its first meeting yesterday and selected its Chair and other officers. Mark Thomsen of Milwaukee will serve as Chair for the next two years and Ann Jacobs of Milwaukee will serve as Vice Chair. Beverly Gill, former Burlington City Clerk, was selected as Secretary. Other members of the Elections Commission are Don Millis of Sun Prairie, Steve King of Janesville, and Julie Glancey of Sheboygan Falls, former Sheboygan County Clerk. The next regular meeting of the Elections Commission will be on August 30, 2016, beginning at 10:00 a.m., in our offices.

There have been many moving parts and details related to winding down one agency and creating two new agencies. These tasks have been completed while agency staff members have attended to their regular program duties. As we prepare for the upcoming August and November elections, our goal is to continue to maintain high standards of expertise, teamwork and public service, and to minimize any disruption in our daily operations.

The success of election administration in Wisconsin depends on our strong partnership with local election officials. I want to thank you for that and to encourage our continued open and consistent communication and cooperation. It is always nice to hear positive feedback about our staff and initiatives but it is equally important that we receive your feedback about challenges you are facing or how we could serve you more effectively. Thank you for your continued hard work on behalf of Wisconsin voters, and I hope you enjoy the long holiday weekend.

Elections Commission Members

Six State Elections Commission members are appointed by legislative leaders and the Governor. Commissioners will serve as non-voting members of the Government Accountability Board for its remaining meetings in 2016.

Name	Hometown	Appointing Official	Term Expires
Ann S. Jacobs	Milwaukee	Senate Minority Leader	5/1/2021
Steve King	Janesville	Assembly Speaker	5/1/2019
Mark L. Thomsen	Brookfield	Assembly Minority Leader	5/1/2019
Don Millis	Sun Prairie	Senate Majority Leader	5/1/2021
Beverly R. Gill	Burlington	Governor	5/1/2019
Julie M. Glancey	Sheboygan Falls	Governor	5/1/2021

Ethics Commission Members

Six State Ethics Commission members are appointed by legislative leaders and the Governor.

Commissioners will serve as non-voting members of the Government Accountability Board for its remaining meetings in 2016.

Name	Hometown	Appointing Official	Term Expires
Katie McCallum	Middleton	Senate Majority Leader	5/1/2019
Pat Strachota	West Bend	Assembly Speaker	5/1/2021
Peg Lautenschlager	Fond du Lac	Senate Minority Leader	5/1/2019
David R. Halbrooks	Milwaukee	Assembly Minority Leader	5/1/2021
The Honorable James "Mac" Davis	Waukesha	Governor	5/1/2021
The Honorable Robert E. Kinney	Rhineland	Governor	5/1/2019

State of Wisconsin \ Government Accountability Board

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JUDGE VICTOR MANIAN
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the April 26, 2016 Board Meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy – Director and General Counsel

SUBJECT: 2015-2016 Enacted Legislation Summary

During the 2015-2016 legislative session, 15 acts were passed by the Legislature and signed by the Governor that impacted campaign finance, elections, ethics, or lobbying. Below is a brief summary of these acts.

1. *2015 Wisconsin Act 2 (Assembly Bill 9 and Senate Bill 6): Legislative Audit Bureau access to documents maintained by state agencies and authorizing the Government Accountability Board to provide investigatory records to the Legislative Audit Bureau.*

Sponsors: Bipartisan. This act clarified LAB authority to have access to all state agency documents by providing that LAB also has specific access to state agency documents that relate to agency expenditures, revenues, operations, and structure that are confidential by law. In addition, the act required GAB to provide investigatory records to LAB to the extent necessary for LAB to carry out its duties.

2. *2015 Wisconsin Act 36 (Assembly Bill 124 and Senate Bill 96): fees for election recounts.*

Sponsors: Bipartisan. This act provided that, if the difference between the votes cast for the leading candidate and those cast for the petitioner, or the difference between the affirmative and negative votes cast on the referendum question, is less than 10 if 4,000 or fewer votes are cast or not more than 0.25 percent of the total votes cast for the office or on the question if more than 4,000 votes are cast, the petitioner does not pay for the recount.

Under any other circumstance, the petitioner pays the actual cost of performing the recount. However, if the recount overturns the result of the election or referendum, the petitioner receives a refund of the recount fees. No recount in Wisconsin history has changed the outcome of a contest when the original margin was more than 0.125 percent. Therefore, the 0.25 percent threshold for a free recount is double the largest original margin in Wisconsin history of a successful recount.

3. *2015 Wisconsin Act 37 (Assembly Bill 164 and Senate Bill 121): various election law changes.*

Sponsors: Bipartisan. This act made several changes to election laws and addressed several concerns identified by the Wisconsin County Clerks Association in their 2015-2016 Legislative Objectives:

- Write-in candidates must file a registration statement no later than noon on the Friday before the election to be a registered write-in candidate.
- The governing body of a town or village may hold a caucus between January 2 and January 21.
- The board of canvassers need not reconvene if the municipal clerk certifies that he or she has received no provisional or absentee ballots from the time that the board of canvassers completed the initial canvass and 4 p.m. on the Friday after the election.
- Electors are required to submit a petition to pass an ordinance or resolution (direct legislation) at least 70 days from the date on which the council or board must act.
- Removed language related to an elector affixing a sticker to a ballot.
- Under prior law, if a school board election is held in conjunction with a state, county, municipal, or judicial election, the school board election must take place at the same polling place, and the municipal election hours apply. This act provided that a school board referendum held in conjunction with a state, county, municipal, or judicial election is subject to the same procedures.

4. *2015 Wisconsin Act 39 (Assembly Bill 79 and Senate Bill 71): allowing municipal clerks to register voters on Election Day.*

Sponsors: Bipartisan. Under prior law, election inspectors may register electors to vote at a polling place on Election Day. In addition, a municipality may provide, by adopting a resolution, that an inspector's registration duties may be performed by special registration deputies appointed by the municipal clerk or board of election commissioners.

Under this act, an inspector's registration duties may be performed by the municipal clerk, if the clerk is not a candidate listed on the ballot, or by special registration deputies appointed by the municipal clerk or board of election commissioners, without the municipality first adopting a resolution to allow the procedure.

5. *2015 Wisconsin Act 55 (Assembly Bill 21 and Senate Bill 21): state finances and appropriations constituting the executive budget act of the 2015 legislature.*

Sponsors: Majority. This act was the "executive budget bill" under section 16.47 (1) of the statutes. It contained several provisions related to the creation and maintenance of district lines.

6. *2015 Wisconsin Act 64 (Assembly Bill 68 and Senate Bill 43): John Doe proceedings and providing a penalty.*

Sponsors: Majority. This act imposed a six-month time limit on a John Doe proceeding. This limit may be extended for additional six-month periods if a majority of judicial administrative district chief judges find good cause for each extension. This act also provided that the same

finding is required to add specified crimes to the original complaint. The vote of each judge must be available to the public. Finally, under this act, records reflecting the costs of John Doe investigations and proceedings are a matter of public record, temporary or permanent reserve judges are excluded from presiding over John Doe proceedings, and special prosecutors may be appointed to assist the district attorney in a John Doe proceeding only under certain conditions.

7. *2015 Wisconsin Act 79 (Assembly Bill 199 and Senate Bill 137): publication of certain legal notices on an Internet site maintained by a municipality.*

Sponsors: Majority. Under this act, a municipality that opts to post a legal notice in lieu of publication may, instead of posting the notice in three public places, post the notice in one public place and publish the notice on the municipality's Internet site.

8. *2015 Wisconsin Act 117 (Assembly Bill 387 and Senate Bill 292): campaign finance.*

Sponsors: Majority. This act restructured Chapter 11 of the Wisconsin Statutes, the campaign finance law. The act followed the recommendation of the Board to strike the existing statutes and provide a complete redraft of the chapter. Assembly Amendment 1 (AA1) to the bill was approved in Executive Session. AA1 added several of the recommendations made by Board staff, including redefining the major purpose test for PAC's and Independent Expenditure committees. AA1 left out filing of continuing reports for committees that don't make contributions, allowed for the creation of separate segregated funds by party and legislative committees, and redefined what disbursements are reportable.

9. *2015 Wisconsin Act 118 (Assembly Bill 388 and Senate Bill 294): reorganizing the Government Accountability Board, requiring the exercise of rule-making authority, and making appropriations.*

Sponsors: Majority. This act eliminates the GAB and replaces it with an Elections Commission, which administers and supervises elections; and an Ethics Commission, which administers and supervises ethics, campaign financing, and lobbying regulation. The act eliminates the position of General Counsel, and creates Commissioners and Deputy Commissioners to manage each new commission. The act also provides for a process of the appointment of the membership of each commission. Assembly Amendment 1 was approved in Executive Session. AA1 made several changes to the bill, including, allowing appointees to serve on the commission before confirmation, ensuring the commission consists of six (6) members, and requiring meetings to be conducted in accordance with parliamentary procedures.

10. *2015 Wisconsin Act 154 (Assembly Bill 868 and Senate Bill 707): relating to: prohibiting a legislator from concurrently holding office as a county executive.*

Sponsors: Majority. This act prohibits a legislator from holding office as a legislator from concurrently holding office as a county executive.

Senate Amendment 1 modified the prohibition created under the bill to allow a person to serve as a legislator and county executive concurrently for 60 days immediately following an election.

11. *2015 Wisconsin Act 209 (Assembly Bill 58 and Senate Bill 47): responding to a request for an absentee ballot.*

Sponsors: Bipartisan. Under this act, a municipal clerk who receives a request for an absentee ballot by mail, electronic mail, or facsimile transmission must respond to the request no later than one business day after receiving the request.

12. *2015 Wisconsin Act 229 (Assembly Bill 532 and Senate Bill 391): Relating to: training period for election officials and terms for members of a board of canvassers.*

Sponsors: Majority: This act requires elections officials to attend at least one training session every two years during the period beginning on January 1 of each even-numbered year and ending on December 31 of the following year. Current law requires such training at least once every two years, but indicates neither the beginning nor the end of that period.

13. *2015 Wisconsin Act 261 (Assembly Bill 389 and Senate Bill 295): voter registration, verification of certain registrations, proof of residence for voting in an election, authorizing Wisconsin to enter into agreements to share information related to the registration and voting of electors.*

Sponsors: Majority. This act permits a qualified elector to register to vote electronically, eliminates the position and responsibilities of special registration deputies, and requires the Government Accountability Board (G.A.B.) to enter into agreements with other state election administrators to share information related to the registration and voting of qualified electors. The act also made several other changes to Wisconsin's election laws.

- Permits the use of a veteran's photo identification card issued by the Veterans Health Administration of the federal Department of Veterans Affairs to meet the proof of identification requirement to obtain a ballot.
- Permits the use of a contract or intake document by occupants of a residential care facility to meet the proof of residence requirement to register to vote at that facility.
- Permits the use of the override function of automatic tabulating equipment when presented with an overvoted ballot.
- Permits the G.A.B. to approve electronic voting equipment without prior certification by the U.S. Election Assistance Commission.
- Removes the prohibition on testing as part of chief inspector training.
- Removes voter initiated transfer of registration.
- Requires absentee ballots to be received as of Election Day. (First effective for the November 2016 election.)
- Requires the address of the absentee ballot witness to be recorded on the certificate envelope before the ballot can be counted. (First effective for the November 2016 election.)
- Requires municipal clerks to report Election Night returns to the county clerk within two hours of tabulation.
- Requires county clerks to post all returns received on their website within 2 hours after receiving them from the municipality.
- Requires the G.A.B. to provide links to all county returns on our website.

- Requires data entry in the WisVote system within 48 hours* for the following events:
 1. When the clerk receives an in-person absentee ballot application.
 2. When the clerk mails an absentee ballot to a voter.
 3. When the clerk receives a voted absentee ballot.

*WisVote providers have an additional 24 hours to enter this information into WisVote after receiving the information from their relier.

Assembly Amendment 2 imposed limits on the amounts “other persons” may contribute to a candidate committee. Under the amendment, the same contribution limit amounts that apply to PAC contributions to candidate committees also apply to contributions made by “any person” (other than individuals, candidate committees, PACs, corporations, associations, tribes, or labor organizations, which are already subject to limits or prohibitions).

14. *2015 Wisconsin Act 356 (Assembly Bill 673 and Senate Bill 488): relating to: creating a program to protect the confidentiality of addresses for victims of domestic abuse, sexual assault, or stalking; providing an exemption from emergency rule procedures; and requiring the exercise of rule-making authority.*

Sponsors: Bipartisan. This act creates a program, administered by the Department of Justice (DOJ) that keeps the addresses of victims of certain crimes confidential. This act also expands confidential voter status to participants in this program.

Senate Amendment 1 allowed a municipal clerk to require a program participant to provide his or her actual address for voter registration and voter verification purposes. A clerk must also require a participant to disclose his or her actual address to enroll a participant in the confidential voter program. If a voter is enrolled in the confidential voter program, the clerk must keep the program participant’s actual address confidential as provided under the confidential voter program.

15. *2015 Wisconsin Act 374 (Senate Bill 533): relating to: regulating the production and use of photo identification cards by local units of government.*

Sponsors: Majority. This act does not allow the use of an identification card created by a local unit of government to establish proof of residence or proof of identification with certain exceptions.

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JUDGE VICTOR MANIAN
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

DATE: June 20, 2016

TO: Wisconsin County Clerks
Wisconsin Municipal Clerks
City of Milwaukee Election Commission
Milwaukee County Election Commission

FROM: Michael Haas, Election Division Administrator
David Buerger, Staff Counsel

SUBJECT: Elected Officials Serving as Election Inspectors

The Government Accountability Board recently approved a formal opinion concerning the ability of elected officials to serve as election inspectors within the same municipality. The opinion has been redacted of confidential information and can be found on the G.A.B's website at:

<http://www.gab.wi.gov/about/opinions/gab/2016-gab-01>

It is the opinion of the Board that with the exception of the municipal clerk, elected officials may not generally serve as election inspectors within the same municipality. Under the compatibility of offices doctrine, the general rule is that an individual may not hold two public offices or an office and a position within the same unit of government where one post is superior to the other. *Otradovec v. City of Green Bay*, 118, Wis. 2d 293 (Ct. App. 1984). In this case, the court found that a city council member could not also serve as a full-time employee of the city. However, [Wis. Stat. § 66.0501\(4\)](#) specifically provides that certain local part-time positions are compatible with holding elective office. Election inspector positions are not included in this list of part-time positions, which suggests that these positions are not compatible.

As the Board previously determined in 2015, election inspectors are further prohibited from serving where a candidate's success or failure may affect the election inspector financially. Commonly this situation arises when an election inspector is the spouse or immediate family member of a candidate on the ballot. It is the Board's opinion that the Ethics Code for Local Public Officials prohibits an election inspector from serving in such a situation, see: <http://www.gab.wi.gov/node/3551>

Please keep in mind that incompatible offices are determined by the courts and violations of the Ethics Code for Local Public Officials are prosecuted by local district attorneys. Therefore, this opinion is advisory and not binding on the courts or on district attorneys. Local municipal clerks are advised to consult with their municipal attorney before proceeding based on this opinion.

If you have any questions regarding this guidance, please contact the G.A.B. Help Desk at gabhelpdesk@wi.gov or (608) 261-2028.

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JUDGE GERALD C. NICHOL
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: February 4, 2015

TO: Wisconsin County Clerks
Wisconsin Municipal Clerks
City of Milwaukee Election Commission
Milwaukee County Election Commission

FROM: Michael Haas
Elections Division Administrator

SUBJECT: Election Inspector Service at Election Where A Candidate's Success or Failure May Affect the Inspector Financially

Summary

A common question which arises around elections, especially local elections, is whether an election inspector may work at an election where a family member is a candidate on the ballot. Due to a recent formal opinion issued by the Attorney General, the Government Accountability Board (G.A.B.) has revisited this issue and the Board approved updated guidance at its meeting of January 13, 2015. The Board has concluded that the Ethics Code for Local Public Officials prohibits an election inspector from working at a specific election under circumstances in which a candidate's success or failure to win election would affect the inspector financially, including if a candidate is a spouse or immediate family member of the election inspector.

Background

In October 2014, the Attorney General issued a formal opinion concluding that local boards of canvassers are subject to the requirements of the Open Meetings Law. The local board of canvassers convenes after the polls close as a governmental unit and consists of some or all of the election inspectors working at the polling place. Election inspectors (and therefore members of the local board of canvassers) are appointed by the municipal governing body for a specified term of two years.

While the duties of election inspectors during Election Day may be described as administrative or ministerial, the local board of canvassers acts as a body and may be required to exercise some judgment or discretion in the processing of ballots and tallying of results. Therefore, inspectors who also serve as members of the local board of canvassers qualify as local public officials who are subject to the Code of Ethics in Chapter 19 of the Wisconsin Statutes. *See Wis. Stat. §19.41(7w)(c), (7x).*

Previously, when assessing whether an election inspector should serve at an election where a family member was on the ballot, G.A.B. staff had focused on the election laws and the inspector's ability to be impartial, as well as the appearance of impartiality. The Attorney General's opinion prompted the Board to reconsider its guidance in light of the provisions of the Ethics Code for Local Public Officials.

Local public officials are subject to the provisions of Wis. Stat. §19.59, including the following relevant restrictions:

19.59 Code of ethics for local government officials, employees and candidates

(1)(a) No local public official may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family. . . .

*. . . .
(c) Except as otherwise provided in par. (d), no local public official may:*

1. Take any official action substantially affecting a matter in which the official, a member of his or immediate family, or an organization with which the official is associated has a substantial financial interest.

2. Use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the official, one or more members of the official's immediate family either separately or together, or an organization with which the official is associated.

In the Ethics Code, "immediate family member" includes an individual's spouse and an individual's relative by marriage or children who receive, directly or indirectly, more than one-half of their support from the individual or from whom the individual receives, directly or indirectly, more than one-half of his or her support. *Wis. Stat. §19.42(7)*.

Inspectors who serve as members of the local board of canvassers are charged with duties to determine the intent of electors who have not clearly marked ballots, and to determine whether a ballot should be counted. These tasks may involve the use of their own judgment and discretion, and may also affect the election or defeat of candidates on the ballot. Given that local elected officials receive some compensation for their service, it appears that the Ethics Code would require an election inspector to refrain from taking any discretionary action or casting a vote as a member of the canvass board which would potentially affect the ability of a spouse or other immediate family member to win an election and receive a financial gain or substantial benefit.

In the Board's opinion, therefore, an election inspector, particularly when acting as a member of the local board of canvassers, may be put in a position of violating Wis. Stat. §19.59 by either:

1. Using his or her public position to obtain financial gain for their own private benefit or the private benefit of a spouse or other immediate family member, or
2. Taking an official action affecting a matter in which the official or immediate family member has a substantial financial interest, or

3. Using his or her public position in a way that produces or assists in producing a substantial benefit for the inspector or an immediate family member.

Furthermore, under certain circumstances a potential conflict of interest likely arises if the inspector's relationship with the candidate is not as a spouse or immediate family member, but simply someone who shares the same household, or involves other circumstances in which the financial interests are intertwined. In that case, if the ability of the candidate to earn compensation through being elected to the public office affects the inspector's finances (by reducing rent or other household costs, for instance), the use of the public office of election inspector would provide a financial gain to the inspector irrespective of the family relationship between the inspector and the candidate.

To avoid a violation of the Ethics Code, local public officials may recuse themselves from the specific action or decision which poses a conflict of interest. That is likely to be an impractical solution in many cases because recusal of one election inspector would result in a two-member board of canvassers that may be unable to resolve disputed ballots. In addition, the inspector who may possess the conflict of interest would be unable to act with regard to any ballots cast for the office being sought by the immediate family member, and by the time a potential conflict situation arises, it would likely be too late to replace the inspector with another individual who could serve on the local board of canvassers.

Conclusion

For these reasons, it is the opinion of the Board that election inspectors may not serve at elections where their spouse or immediate family member is a candidate on the ballot, or under other circumstances where a candidate's success or failure to win election would affect the election inspector financially. While the inspector's service as a member of the local board of canvassers does not in itself necessarily violate the Ethics Code, as a practical matter it would be difficult to remedy an actual or perceived conflict of interest on Election Day or Election Night. The prudent approach is to not permit election inspectors to work as members of the local board of canvassers or as election inspectors in the event that they are a spouse or immediate family member of a candidate on the ballot, or under circumstances in which the candidate's success or failure to win election would affect the inspector financially.

Please keep in mind that violations of the Ethics Code for Local Public Officials are enforced by local district attorneys. Therefore this opinion is advisory and is not binding on district attorneys who are responsible for making determinations based upon individual facts and circumstances.

If you have any questions regarding this guidance, please contact G.A.B. Help Desk at gabhhelpdesk@wi.gov or (608) 261-2028.

Wisconsin Application for Absentee Ballot										
		Confidential Elector ID# <small>(HINDI - sequential #) (Official Use Only)</small>			WisVote ID # <small>(Official Use Only)</small>			Ward No.		
Instructions	Detailed instructions for completion are on the back of this form. Return this form to your municipal clerk when completed. • You must be registered to vote before you can receive an absentee ballot. You can confirm your voter registration at https://myvote.wi.gov  PHOTO ID REQUIRED , unless you qualify for an exception. See instructions on back for exceptions.									
	VOTER INFORMATION									
1	Municipality	<input type="radio"/> Town <input type="radio"/> Village <input type="radio"/> City			County					
2	Last Name			First Name			Date of Birth <small>(MM/DD/YYYY)</small>			
	Middle Name			Suffix (e.g. Jr, II, etc.)			Email			
	Phone	Fax								
3	Residence Address: Street Number & Name						State & ZIP			
	Apt. Number	City								
4	If you are a military or permanent overseas elector, fill in the appropriate circle (see instructions for definitions): <input type="radio"/> Military <input type="radio"/> Permanent									
I PREFER TO RECEIVE MY ABSENTEE BALLOT BY: (Ballot will be mailed to the address above if no preference is indicated)										
5	<input type="radio"/> MAIL	Mailing Address: Street Number & Name								
	<input type="radio"/> VOTE IN CLERK'S OFFICE	Apt. Number	City		State & ZIP					
		Care Facility Name (if applicable)								
		C / O (if applicable)								
	<input type="radio"/> FAX	Fax Number		Military and Permanent Overseas only						
<input type="radio"/> EMAIL	Email Address		Military and Permanent Overseas only							
I REQUEST AN ABSENTEE BALLOT BE SENT TO ME FOR: (mark only one)										
6	<input type="radio"/> The election(s) on the following date(s): _____									
	<input type="radio"/> All elections from today's date through the end of the current calendar year (ending 12/31).									
	<input type="radio"/> Every election subsequent to today's date. I further certify that I am indefinitely confined because of age, illness, infirmity or disability and request absentee ballots be sent to me until I am no longer confined or fail to return a ballot.									
TEMPORARILY HOSPITALIZED VOTERS ONLY (please check the box)										
7	<input type="radio"/> I certify that I cannot appear at the polling place on election day because I am hospitalized, and appoint the following person to serve as my agent, pursuant to Wis. Stat. § 6.86(3).									
	Agent Last Name		Agent First Name			Agent Middle Name				
	AGENT: I certify that I am the duly appointed agent of the hospitalized absentee elector, that the absentee ballot to be received by me is received solely for the benefit of the above named hospitalized elector, and that such ballot will be promptly transmitted by me to that elector and then returned to the municipal clerk or the proper polling place.									
	Agent Signature		X		Agent Address					
ASSISTANT DECLARATION / CERTIFICATION (if required)										
I certify that the application is made on request and by authorization of the named elector, who is unable to sign the application due to physical disability.										
Agent Signature	X			Today's Date						
VOTER DECLARATION / CERTIFICATION (required for all voters)										
I certify that I am a qualified elector, a U.S. Citizen, at least 18 years old, having resided at the above residential address for at least 28 consecutive days immediately preceding this election, not currently serving a sentence including probation or parole for a felony conviction, and not otherwise disqualified from voting. Please sign below to acknowledge that you have read and understand the above.										
Voter Signature	X			Today's Date						

Wisconsin Application for Absentee Ballot Instructions

General Instructions: This form should be submitted to your municipal clerk, unless directed otherwise.

- This form should only be completed by registered voters; if you are not a registered voter or military elector, please submit a Voter Registration Application (EL-131) with this form.

Photo ID requirement: If you will receive your absentee ballot by mail, and have not previously provided a copy of acceptable photo ID with a prior by-mail absentee ballot request, a copy of photo ID must accompany this application. You may submit your application and a copy of your ID by mail, fax or email. In-person voters must always show acceptable photo ID.

The following documents are acceptable Photo ID (For specific information regarding expired documents visit <http://bringit.wi.gov>.)

State of WI driver license or ID card	Certificate of Naturalization
Military ID card issued by a U.S. uniformed service	WI DOT DL or ID card receipt
Photo ID issued by the federal Dept. of Veterans Affairs	Citation/Notice to revoke or suspend WI DL
University, college or tech college ID and enrollment verification	ID card issued by federally recognized WI tribe
U.S. passport booklet or card	

In lieu of photo ID, the voters listed below may satisfy the voter ID requirement by the following means:

- Electors who are indefinitely confined (see Section 6) – the signature of a witness on the Absentee Certificate Envelope.
- Electors residing in care facilities served by Special Voting Deputies – the signatures of both deputies on the envelope.
- Electors residing in care facilities not served by Special Voting Deputies – the signature of an authorized representative of the facility. If the elector is also indefinitely confined, the elector does not need a representative of the facility to sign.
- Military, Permanent Overseas and Confidential Electors – Exempt from the photo ID requirement.

1 • Indicate the municipality and county of residence. Use the municipality's formal name (for example: City of Ashland, Village of Greendale, or Town of Albion).

2 • Provide your name as you are registered to vote in Wisconsin. If applicable, please provide your suffix (Jr, Sr, etc.) and/or middle name. If your current name is different than how you are registered to vote, please submit a Voter Registration Application (EL-131) with this form to update your information.
• Provide your month, day and year of birth. Remember to use your birth year, not the current year.

3 • Provide your home address (legal voting residence) with full house number (including fractions, if any).
• Provide your full street name, including the type (eg., Ave.) and any pre- and/or post-directional (N, S, etc.).
• Provide the city name and ZIP code as it would appear on mail delivered to the home address.
• You may not enter a PO Box as a voting residence. A rural route box without a number may not be used.

4 • A "Military elector" is a person, or the spouse or dependent of a person who is a member of a uniformed service or the merchant marines, a civilian employee of the United States, a civilian officially attached to a uniformed service and serving outside the United States, or a Peace Corp volunteer. Military electors do not need to register to vote.
• A "Permanent Overseas elector" is a person who is a United States citizen, 18 years old or older, who resided in Wisconsin immediately prior to leaving the United States, who is now living outside the United States and has no present intent to return, who is not registered in any other location, or who is an adult child of a United States citizen who resided in this state prior to establishing residency abroad. Permanent Overseas electors will receive ballots for federal offices only and must be registered to vote prior to receiving a ballot.

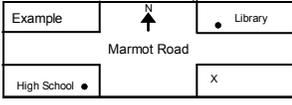
5 • Please check the box to indicate your preferred method of receiving your absentee ballot. Only Military and Permanent Overseas voters may receive an absentee ballot by email or fax.
• Military and Permanent Overseas voters may request and access their ballot directly at <https://myvote.wi.gov>.
• If no preference is indicated, your absentee ballot will be mailed to your residence address listed in Box 3.
• You are encouraged to provide a physical mailing address as backup in case of electronic transmission difficulties. Please only check the box for your preferred means of transmission.
• If you are living in a care facility, please provide the name of the facility.
• If someone will be receiving the ballot on your behalf, please list them after C/O. Please note: The absentee elector is still required to vote their own ballot, although they may request assistance in physically marking the ballot.

6 • Select the first option if you would like to receive a ballot for a single election or a specific set of elections.
• Select the second option if you would like to have a standing absentee request for any and all elections that may occur in a calendar year (ending December 31).
• Select the third option only if you are indefinitely confined due to age, illness, infirmity or disability and wish to request absentee ballots for all elections until you are no longer confined or fail to return a ballot for an election.

7 • This section is only to be completed by an elector or the agent of an elector who is currently hospitalized.
• An agent completing this form for a hospitalized elector must provide his/her name, signature and address on this application.

Assistant Signature: In the situation where the elector is unable to sign the Voter Declaration / Certification due to a physical disability, the elector may authorize another elector to sign on his or her behalf. Any elector signing an application on another elector's behalf shall attest to a statement that the application is made on request and by authorization of the named elector, who is unable to sign the application due to physical disability.

Voter Signature: By signing and dating this form, you certify that you are a qualified elector, a U.S. citizen, at least 18 years old, having resided at your residential address for at least 28 consecutive days immediately preceding this election, not currently serving a sentence including probation or parole for a felony conviction, and not otherwise disqualified from voting.

	<h1 style="margin: 0;">Wisconsin Voter Registration Application</h1>						<input type="radio"/> Submitted by Mail <small>(Official Use Only)</small>	
Confidential Elector ID #: <small>(HINDI - sequential #) (Official Use Only)</small>				WisVote ID # <small>(Official Use Only)</small>				
Instructions	<p>Instructions for completion are on the back of this form. Return this form to your municipal clerk, unless directed otherwise.</p> <p> Proof of Residence (see reverse) must accompany this application unless you are a military or permanent overseas voter. If this is a change of address, upon completion of this application your voting rights will be cancelled at your previous residence. Please print your information clearly and legibly. Fill in circles as applicable.</p>							
1	<input type="radio"/> New WI Voter <input type="radio"/> Name Change <input type="radio"/> Address Change		Municipality: <input type="radio"/> Town <input type="radio"/> Village <input type="radio"/> City County: _____					
2	WI Driver License or WI DOT-issued ID #: _____ (Req. if not expired or cancelled)					Expiration Date: _____	I have neither a WI Driver License/ ID nor a Social Security Number. <input type="radio"/>	
Social Security Number - Last Four Digits: (required if driver license or state ID is not issued, has expired, or has been cancelled)						X X X - X X -		
3	Last Name: _____			First Name: _____				
	Middle Name: _____		Suffix: (e.g. Jr, II, etc.) _____		Phone #: _____			
	Date of Birth: (M/D/YYYY) _____			Email Address: _____				
	If you are a military or permanent overseas elector, fill in the appropriate circle (see instructions for definitions): <input type="radio"/> Military <input type="radio"/> Permanent Overseas							
	Residence Address: Street Number & Name: _____							
4	Apt. Number: _____		City: _____			State & ZIP: _____		
5	Mailing Address: Street Number & Name: _____							
6	Last Name: _____			First Name: _____				
7	Middle Name: _____		Suffix: (e.g. Jr, II, etc.) _____		Previous Address: Street Number & Name: _____			
8	Apt. Number: _____		City: _____			State & ZIP: _____		
8	Accommodation needed at poll location (e.g. wheelchair access): <input type="radio"/> I am interested in being a poll worker.		If you do not have a street number or address, use the map to show where you live. <ul style="list-style-type: none"> • Mark crossroads • 'X' where you live • Use dots for landmarks 					
		Example: 						
9	Please answer the following questions by filling in "Yes" or "No": 1. Are you a citizen of the United States of America? <input type="radio"/> Yes <input type="radio"/> No 2. Will you be 18 years of age or older on or before the first election at which you will offer to vote? <input type="radio"/> Yes <input type="radio"/> No If you filled in "No" in response to EITHER of these questions, do <u>not</u> complete this form.							
10	I hereby certify, to the best of my knowledge, that I am a qualified elector, a U.S. citizen, at least 18 years old or will be at least 18 years old at the time of the first election at which I will offer to vote, having resided at the above residential address for at least 28 consecutive days immediately preceding this election, with no present intent to move. I am not currently serving a sentence including incarceration, parole, probation, or extended supervision for a felony conviction, and not otherwise disqualified from voting. I certify that all statements on this form are true and correct. If I have provided false information I may be subject to fine or imprisonment under State and Federal laws. If completed on Election Day: I further certify that I have not voted in this election.							
11	Elector Signature: _____ X		Today's Date: (M/D/YYYY) / /		Proof of Residence Type: _____ Proof of Residence #: _____		Proof of Residence Issuing Entity: _____ Election Day Voter #: _____	
Falsification of information on this form is punishable under Wisconsin law as a Class I felony.								
12	Assistant Signature: _____			Assistant Address: _____				
Election Official Signature: _____				Date complete & POR received: _____		SRDs printed name and SRD#:		
Ward	Sch. Dist.	Alder	Cty. Supr.	Ct. of App.	Assembly	St. Senate	Congress	



Wisconsin Voter Registration Application Instructions

Each section on the front side of this document corresponds to the sections below (1-12)

These documents constitute proof of residence if they contain the voter's current and complete first and last name and residential address, and are valid on the day used to register to vote.

Electronic versions are also acceptable.

- A WI Driver License / ID Card, if not expired or cancelled. May be used even if driving privileges have been revoked.
- Any other official identification card or license issued by a Wisconsin governmental body or unit.
- An employee ID card with a photograph, but not a business card.
- A real property tax bill or receipt for the current year or the year preceding the date of the election.
- A residential lease (Does not count as proof of residence if elector submits form by mail).
- A picture ID from a university, college or technical college coupled with a fee receipt or an on-campus housing listing provided by the university, college or technical college to the municipality that denotes US Citizenship.
- A utility bill for the period commencing not earlier than 90 days before the day registration is made.
- (Homeless voters only) A letter from an organization that provides services to the homeless that identifies the voter and describes the location designated as the person's residence for voting purposes.
- A contract or intake document prepared by a residential care facility indicating that the occupant resides in the facility.
- A bank statement. • A paycheck. • A check or other document issued by a unit of government.

1

- Fill in the circle (New WI Voter, Name Change, Address Change) describing why you are completing this form.
- A "New WI Voter" is anyone who is not currently registered to vote in Wisconsin. You can check your voter registration status at MyVote Wisconsin website (<https://myvote.wi.gov>)
- Indicate your county and municipality of residence (e.g. Village of Cambridge, Dane County).

2

- If you have been issued a WI driver license or WI DOT-issued ID that is unexpired, you must provide the number, even if your driving privileges have been revoked. If you are unsure of the number, please call DMV at (608) 266-2353.
- If you have been issued a WI driver license or WI DOT-issued ID that is currently expired or has been cancelled, please provide the number. You must also provide the last 4 digits of your Social Security number.
- If you have not been issued a WI driver license or WI DOT-issued ID, you must provide the last 4 digits of your Social Security number.
- If you have not been issued a WI driver license, a WI DOT-issued ID, or a Social Security number, indicate that fact by filling in the appropriate circle.
- If you are registering to vote on Election Day and have been issued a WI driver license or ID, but are unable or unwilling to provide the number, your vote will not be counted unless you provide the number to the election inspectors by 8:00 p.m. on Election Day or to your municipal clerk by 4:00 p.m. the Friday following Election Day.

3

- Provide your current and complete name including your last name, first name, middle name, and suffix (Jr., Sr., etc.), if any. Please verify you have provided your name as it appears on the document, the number of which you provided in Box 2, if the name on that document is still your current and complete name.
- Provide your month, day, and year of birth.
- Providing your phone number and/or email address is optional and is subject to open records requests.
- A "military elector" is a person, or the spouse or dependent of a person who is a member of a uniformed service or merchant marine, a civilian officially attached to a uniformed service and serving outside the United States, or a Peace Corp volunteer. Military electors are not required to register as a prerequisite to voting at any election.
- A "permanent overseas elector" is a US citizen, at least 18 years old, who does not qualify as a resident of this state, but who was last domiciled in this state, or whose parent was last domiciled in this state immediately prior to the parent's departure from the United States, and who is not registered to vote in any other state.

4

- Provide your home address (legal voting residence) in Wisconsin.
- Provide your full street name, including the type (St, Ave, etc.) and any pre- and/or post-directional (N, S, etc.).
- Provide the city name and ZIP code that appears on mail delivered to your home address.
- You may not enter a PO Box as a residential address. A rural route box without a number should not be used.

5

- If your mailing address is different from your home address, provide it here. A PO Box is acceptable as a mailing address. Overseas electors should provide their complete overseas address here.

6

- Provide your previous first, last, and middle names, along with a suffix, if any.

7

- Provide the most recent address where you were previously registered to vote, if any.

8

- If you need assistance when voting, you may describe the assistance required (e.g. curbside voting, braille materials).
- If you are interested in being a poll worker for your municipality, you may fill in the circle to indicate your interest.
- If you do not have a street address, use the map to show where you live.

9

- If you answer "No" to either question in this section, you are not eligible to vote in Wisconsin.
- Please note, for question 2, you must either be at least 18 years old, or will be at least 18 years old at the time of the next election to be eligible to vote. If you are completing on election day you must be 18 years old today.

12

- **Assistant:** If you are unable to sign this form due to a physical disability, you may have an assistant do so on your behalf. That assistant must provide his or her signature and address in the space provided. By signing, the assistant certifies that he or she signed the form at your request.

Application of 2013 Act 178

Counting Write-in Votes at the Partisan Primary

Background

2013 Act 178 revised how write-in votes are counted. Votes for *registered* write-in candidates must *always* be counted, but votes for unregistered write-in candidates are only counted in certain situations. The basic provisions of the Act are:

- ❖ If one or more candidates are listed on the ballot for an office:
 - Count only votes for registered write-in candidates.

- ❖ If one or more candidates are listed on the ballot for an office, but one or more are deceased:
 - Count all write-in votes.

- ❖ If no candidates are listed on the ballot for an office:
 - Count all write-in votes.

Application of Act 178 to the Partisan Primary

The partisan primary is actually five elections in one. Each party is a separate election and a separate ballot. With this in mind, the following chart applies the provisions of Act 178 to the partisan primary:

If one or more candidates are listed on the ballot for an office in a given party:	Count only votes for registered write-in candidates. <i>Votes for un-registered write-in candidates are disregarded.</i>
If one or more candidates are listed on the ballot for an office in a given party, but one or more candidates are deceased:	Count all write-in votes.
If no candidates are listed on the ballot for an office in a given party:	Count all write-in votes.

Writing in Ballot Candidates under Another Party

Few voters thoroughly understand how a partisan primary is conducted and many may attempt to vote in more than one party. Selection of a party preference will protect voters from losing all of their votes. Voters who do not select a party preference and crossover vote, are at the mercy of their own actions. Voters that *do* understand that they may only vote in one party may try their best to get around that.

Wis. Stat. §7.50(2)(g) provides: “In partisan primaries, if an elector writes in the name of an individual on a (*party*) ballot other than the one in which that individual’s name is shown as a candidate, the write-in vote may not be counted.” Below are examples of the treatment of names of party candidates written in on the same party’s ballot or on another party’s ballot.

Voter HAS NOT selected a party preference	
The voter casts votes on one political party’s ballot, then writes in on that same party ballot the name of a person whose name appears on another party’s ballot:	<i>The voter has marked only one party ballot, so this is not considered a crossover. The write-in vote is not counted but the remaining votes are counted.</i>
The voter casts votes on one political party’s ballot, and votes for or writes in the name of a person on another party’s ballot:	<i>The voter has marked two party ballots which makes it a crossover vote. The entire ballot is not counted.</i>

Voter HAS selected a party preference,	
The voter casts votes in the party selected, and votes for or writes in on that same party ballot the name of a person who appears as a ballot candidate in a different party:	<i>The voter has marked only the preferred ballot, but wrote in a name from another ballot. The write-in vote is not counted but the remaining votes are counted.</i>
The voter casts votes in the party selected, and votes for or writes in the name of a person on another party's ballot:	<i>The voter has marked two party ballots but choosing a party preference has saved the votes in preferred party. Votes are counted for the candidates in the party selected. The vote in the other party is not counted.</i>

Writing in a Known Independent Candidate

Independent candidates who qualified for the ballot do not appear on the partisan primary ballot but will appear on the November ballot. If an independent candidate is written in on the partisan primary ballot, election inspectors treat the write-in the same way they would treat any other nonregistered write-in candidate:

- ❖ **If there are one or more ballot candidates** for the office in the party in which the independent candidate is written, the write in vote is not counted unless a ballot candidate is deceased.
- ❖ **If there are no ballot candidates** for the office in the party in which the independent candidate is written, the write in vote is counted.

State of Wisconsin \ Government Accountability Board

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JUDGE VICTOR MANIAN
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: June 3, 2016

TO: Wisconsin Municipal Clerks
City of Milwaukee Election Commission
Wisconsin County Clerks
Milwaukee County Election Commission

FROM: Michael Haas, Elections Division Administrator
Richard Rydecki, Voting Equipment Specialist

SUBJECT: Tabulating Ballots Using the Override Function

2015 Wisconsin Act 261 allows an election inspector to use the override function of voting equipment when processing an overvoted ballot rather than remaking the ballot. To promote consistency and reduce confusion, the Government Accountability Board has determined that voting equipment may also be programmed to allow for the override function to be used on ballots with crossover votes as well. The use of the override function is optional and is not mandatory. Municipalities should work with their county clerk and voting equipment programmer to assess the potential benefits and drawbacks of implementing this option.

Crossover votes can only occur at a partisan primary. A ballot with a crossover vote is a ballot where the voter did not select a party preference and voted in more than one party's primary, which is prohibited by [Wis. Stat. § 7.50\(1\)\(d\)](#). All voting equipment used in Wisconsin is required by [Wis. Stat. § 5.91\(6\)](#) to have the ability to reject any ballot with a crossover vote. Additionally, [Wis. Stat. § 5.91\(12\)](#) requires that voting equipment must "minimize the possibility of disenfranchisement of electors as the result of failure to understand the method of operation of [the equipment]." This safeguard is typically accomplished by providing the elector a warning message that displays when the ballot is initially rejected by the equipment. If the elector is not present or willing to fix the error and voter intent cannot be determined (e.g. clear marks next to candidates of more than one political party), it is after this warning message is displayed that an override is possible. Using the override function would result in no votes being counted for any partisan office (even if the elector only crossed over in a single contest), but all votes for nonpartisan contests would be counted.

Overvotes can occur at any election. An overvote is when the elector has voted for more than the maximum number of selections allowed in a contest. Per [Wis. Stat. § 7.50\(1\)\(b\)](#), "when an elector casts more votes for any office or measure than he or she is entitled to cast at an election, all the elector's votes for that office or measure are invalid." [Wis. Stat. § 5.91\(7\)](#) requires overvoted ballots to be rejected and [Wis. Stat. § 5.91\(12\)](#) requires the voting equipment to minimize the possibility of disenfranchisement, usually via a warning message. If the elector is not present or willing to fix the error and voter intent cannot be determined (e.g. clear marks next to more choices than allowed), it is after this warning message is displayed that an override is

possible. Tabulating an overvoted ballot with the override function would result in no votes being counted for the overvoted contest(s), but votes for all other contests would be counted.

It is essential that election inspectors are trained on the override function of the voting equipment and are familiar with the notifications the voting equipment provides when an overvoted or crossover voted ballot is inserted into the machine. Election officials must also be able to explain the impact on a ballot if the voter decides to use the override function. Whether or not to cast a ballot that is improperly marked at the polling place or to spoil the ballot and mark another one is the voter's decision. Election inspectors must be able to explain how this decision impacts an overvoted or crossover voted ballot so that the voter can make an informed decision. In both circumstances, the decision to use the override function will result in no votes being counted for at least one contest.

The option to use the override function should allow for more efficient processing of absentee ballots on Election Day. In overvote and crossover vote scenarios, the voting equipment will display a warning message that provides information about the problem with the ballot. The voting equipment will also provide the option to cast the ballot 'as is' or return the ballot to the election official. Absentee ballots containing overvotes or crossover votes could be cast using the override function, eliminating the requirement that they be remade before being re-inserted into the voting equipment, except that ballots must be remade when the voter's intent can be determined.

The ability to use the override function for overvoted and crossover voted ballots conflicts with specific conditions that the Board has attached to its approval of several pieces of voting equipment used in the State. The Board has directed staff to remove the condition from existing voting equipment approvals and to exclude that condition from future voting equipment approvals. This change has been communicated to impacted voting equipment vendors so that they can best assist customers in programming their equipment in advance of the fall election cycle.

In addition, staff has developed detailed instructions for processing both overvoted ballots and ballots with crossover votes when voting equipment is programmed to permit the use of the override function. These instructions outline the procedures to follow when a voter is present in the polling place on Election Day and when poll workers are processing absentee ballots. They have been posted along with this communication and will be incorporated into the Election Day and Election Administration Manuals.

Tabulating Overvoted and Crossover Voted Ballots Using the Override Function

If the voting equipment is programmed to permit the use of the override function to tabulate overvoted ballots and ballots with crossover votes, that function may be used instead of remaking ballots for which the elector's intent regarding the contest(s) in question cannot be determined. To avoid confusion and any complications during a recount, Board staff recommends all ballots at the polling place be treated uniformly, either by remaking the ballot or using the override function, as instructed by the municipal clerk.

An **overvoted** ballot is a ballot with at least one contest in which the elector has voted for more than the maximum number of selections allowed. A ballot with a **crossover** vote is a ballot where the voter has not selected a party preference and voted in more than one party, which is prohibited by state law. When programmed to use the override function, the voting equipment will display a warning message after a voter inserts an overvoted ballot or a ballot with crossover votes into the machine. An election inspector should be assigned to monitor the tabulation equipment at all times that voters are inserting ballots into the machine.

There are currently several different types of tabulation equipment in use in Wisconsin and each piece of equipment displays a different notification when an overvoted or crossover voted ballot is inserted into the machine. The lack of standard content for notifications across different equipment creates the potential for voter confusion and reinforces the need for election officials to be familiar with the notification screens and the impact on a ballot if the override function is used. A poll worker should monitor the use of the equipment and be able to explain to the voter that votes for at least one ballot contest will not be counted if the voter decides to cast an overvoted or crossover voted ballot.

Below are two separate procedures for using the override function when processing an overvoted ballot or a ballot with crossover votes, depending upon whether it is an absentee ballot or one that is being cast while the voter is present.

Overvoted and Crossover Voted Absentee Ballots

1. The election inspector inserts the ballot without inspection into the tabulation equipment and the machine displays the warning message.
2. The inspector selects the option to return the ballot on the machine.
3. The inspectors review the ballot to attempt to determine the voter's intent for the contest or contests in question. For example, a stray mark could have mistakenly caused the machine to identify the ballot as overvoted or crossover voted.
 - a. If voter intent can be determined, the ballot should be remade to correct the error for the contest(s) in question and include all other votes using the process outlined in the Election Day Manual.
 - b. If voter intent cannot be determined, continue to Step 4.
4. The inspector reinserts the ballot into the tabulation equipment and casts the ballot using the override function.
5. The inspector makes a notation on the Inspectors' Statement (GAB-104) to indicate that the override function was used to cast the ballot. The reason why the override function was used should also be included in this notation. The ballot is not marked.

Overvoted and Crossover Voted Ballots When Voter is Present

1. The voter inserts the ballot into the tabulation equipment and the machine displays the warning message.
2. The election inspector assigned to monitor the tabulation equipment should intervene and explain the notification to the voter.

- a. Overvoted Ballot: Casting an overvoted ballot with the override function would result in no votes being counted for the overvoted contest(s), but votes for all other contests would be counted.
 - b. Crossover Voted Ballot: Casting a ballot that contains a crossover vote would result in no votes being counted for any partisan office, but votes for all nonpartisan contests would be counted.
3. The voter is informed that they can spoil the ballot and mark another ballot (up to three ballots) OR cast the ballot as is.
 - a. If the voter chooses to spoil the ballot, the election inspector should select the option to return the ballot, return the ballot to the voter without examining it, and direct the voter to exchange the ballot at the ballot issuing table for a replacement ballot.
 - b. If the voter wants the ballot cast as is, the inspector should first offer to use the option to return the ballot to the voter so that the voter may review the ballot before making the final decision. If the voter does not wish to examine the ballot, the election official casts the ballot using the override function. If the voter wishes to examine the ballot first, the voter or inspector selects the option to return the ballot and the voter determines whether to spoil the ballot or to cast it using the override function.
4. The inspector makes a notation on the Inspectors' Statement (GAB-104) to indicate that the override function was used to cast the ballot. The reason why the override function was used should also be included in this notation. The ballot is not marked.