

Provisional Voting & Counting Write-In Votes

Wednesday, February 3, 2016

10:00 a.m. – 11:00 a.m.

Program Presenters

Wisconsin Government Accountability Board Staff

Agenda

- Provisional Voting Overview
- Video Tutorial
- Documentation
- Counting Write-In Votes in Multiple-Seat Offices

Provisional Voting Overview

In Wisconsin, provisional voting is ONLY used in three situations:

1. If a first-time voter who registered by mail before April 4, 2014 failed to provide proof of residence (when required) and appears to vote at a polling place and still cannot provide proof of residence, he or she may vote provisionally.
 - The poll list will contain the notation “POR Required” to identify these voters.
 - If this individual voted absentee, the returned absentee ballot will be treated as provisional if no proof of residence has been provided. Please note the proof of residence may be inside the Absentee Certificate Envelope (GAB-122).
2. If an individual who attempts to register to vote at the polling place on Election Day has been issued a current and valid Wisconsin driver license or Wisconsin state identification card, but is unwilling or unable to provide the license or state identification card number, and the lack of that number is the only missing item of information, the individual may vote provisionally.
 - A license or state identification card that has expired, or a license that has been suspended or revoked, is not “current and valid”, and therefore the number would not be required.
 - Wisconsin DOT/DMV maintains a Help Desk for individuals to call if they need to look up their driver license or state identification card number. The phone number is: (608) 266-2353.
 - Individuals who have a current and valid Wisconsin driver license or Wisconsin state identification card may NOT use the last four digits of their Social Security number to register.
3. If an individual fails to provide an acceptable form of proof of identification, he or she may vote provisionally.
 - If the election inspectors do not believe that the name of the elector conforms to the name shown on the proof of identification, or if the

elector does not reasonably resemble the photograph on the proof of identification, the elector's ballot should be challenged (see the Challenging Electors section).

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 will 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 cannot provide the required proof of residence.

PROVISIONAL BALLOT CERTIFICATE
Ballot under Wis. Stat. § 6.97

Voter: Complete the information below and sign the certification in the presence of an election inspector who must also sign.

Date of Election (month/ day/ year)	County	
Municipality (check type and list name) Town <input type="checkbox"/> Village <input type="checkbox"/> City <input type="checkbox"/> of	Ward #	
Name (Last, First, Middle) including suffix		
Street Address – include street number or fire number and name of street, or rural route and box number		
City, State, Zip	Phone #, including area code	
Date of Birth (month/ day/ year)	Are you a citizen of the United States? Yes <input type="checkbox"/> No <input type="checkbox"/>	

Official Use Only:

PV #	
Voter must supply the following information to the municipal clerk no later than 4:00 p.m. on the Friday following the election in order for this ballot to be counted:	
<input type="checkbox"/>	WI Driver License number
<input type="checkbox"/>	Proof of Residence (1 st -time WI voters who registered before April 4, 2014 and have not provided POR – “POR Required” notation on poll list)
<input type="checkbox"/>	Photo I.D.

CERTIFICATION OF VOTER

I certify, subject to the penalties of Wis. Stat. § 12.13(3)(g), that I am a qualified elector of the ward and municipality in the county of the state of Wisconsin indicated above. I am eligible to vote in this ward at the election today. I understand that if I fail to submit the required information listed above to my municipal clerk no later than 4:00 p.m. on the Friday following the election, my ballot may not be counted.

Signature of Voter _____

Date _____

Signature of Election Inspector _____

Date _____

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PROVISIONAL VOTING INFORMATION SHEET

You are being given a provisional ballot today because one of the following situations applies:

- You are unable or unwilling to list your Wisconsin driver license or identification card number on your voter registration application.
- You are a first-time voter who registered by mail before April 4, 2014 who is unable to provide the poll workers with acceptable proof of residence.
- You are unable or unwilling to present an acceptable proof of identification.

Your provisional ballot number is **PV#**_____.

Your provisional ballot will not count unless you provide the poll workers with the required information before the polling place closes at 8:00 p.m. tonight, or you provide the required information to the municipal clerk by 4:00 p.m. the Friday after the election

If you need to provide your Wisconsin driver license or identification card number, you may contact the municipal clerk using the information below no later than 4:00 p.m. Friday.

If you need to provide proof of residence, you must provide it (or a copy) to the municipal clerk no later than 4:00 p.m. Friday. Acceptable forms of proof of residence may be found on the back side of this handout. Electronic forms are acceptable.

If you need to present an acceptable proof of identification, you must present your proof of identification to the municipal clerk no later than 4:00 p.m. Friday. Acceptable forms of proof of identification may be found on the back side of this handout.

You may check whether your ballot was counted by contacting the municipal clerk.

Municipal Clerk Contact information:

(Name of municipal clerk)

(Telephone number)

(Address)

(Fax number)

(Municipality, state, zip code)

(E-mail address)

You may check whether your ballot was counted by contacting the municipal clerk or the MyVote WI website at: <https://myvote.wi.gov>, or contact the Government Accountability Board at 866-VOTEWIS (868-3947).

NOTE: Provisional ballots will NOT be issued when a voter is at the wrong polling place or when a person is attempting to register in-person at the polling place and does not provide the required proof of residence.

Acceptable Forms of Proof of Residence

- A current and valid Wisconsin driver license
- A current and valid Wisconsin identification card
- Any other official ID card or license issued by a Wisconsin governmental body
- An ID card with your photo issued by an employer during the normal course of business (not including a business card)
- A real estate tax bill or receipt (for the current year or year before the election)
- A residential lease which is effective for a period that includes Election Day
- A university, college, or technical college identification card (must include photo) together with a fee payment receipt issued to the cardholder by the university, college, or technical college dated no earlier than 9 months before the date of the election at which the receipt is presented or a certified housing list that indicates U.S. citizenship.
- A utility bill for a period starting no earlier than 90 days before Election Day
- A bank statement
- A paycheck
- A government check
- Any other official document issued by a unit of government

NOTE: All of the above must contain a current and complete name, including both first and last name; and a current and complete residential address, including numbered street address, if any, and the name of the municipality (or city used for mailing purposes). If the form has an expiration date, it must be valid on Election Day.

Acceptable Forms of Proof of Identification

The following photo IDs are acceptable for voting purposes, and can be unexpired or expired after the date of the most recent general election:

- A Wisconsin DOT-issued driver license, even if driving privileges are revoked or suspended
- A Wisconsin DOT-issued identification card
- Military ID card issued by a U.S. uniformed service
- A U.S. passport book or card

The following photo IDs are also acceptable for voting purposes, but must be unexpired:

- A certificate of naturalization that was issued not earlier than two years before the date of an election at which it is presented
- A driver license receipt issued by Wisconsin DOT (valid for 45 days)
- An identification card receipt issued by Wisconsin DOT (valid for 45 days)
- A photo identification card issued by a Wisconsin accredited university or college that contains the following:
 - Date of Issuance
 - Signature of Student
 - Expiration date no later than two years after date of issuance.
 - The university or college ID must be accompanied by a separate document that proves enrollment.

The following photo ID is acceptable for voting purposes, regardless of the expiration date:

- An identification card issued by a federally recognized Indian tribe in Wisconsin

Write-In Candidates

2015 Wisconsin Act 37: Requires that a write-in candidate must file a registration statement no later than noon on the Friday before the election to be a registered write-in candidate.

Write-In candidates must file a campaign registration statement (GAB-1) with the appropriate filing officer by the Friday before an election. The municipal clerk must provide election inspectors with a list of all qualified write-in candidates at the polling place on Election Day. The election inspectors must provide the list to any voter who requests it. The list may not be posted at the polling place on Election Day and election inspectors may not inform voters of any write-in candidates unless asked.

Counting Write-In Votes in Multiple-Seat Offices

Review of 2013 Act 178

2013 Wisconsin Act 178 limits when votes cast for unregistered write-in candidates may be counted, but considers only “**vote for 1**” offices. The fundamentals of Act 178 are:

- If there is at least **one** ballot candidate for a given office—
 - Only tally votes for registered write-in candidates
- If there are no ballot candidates (i.e., less than **one**) for a given office—
 - Tally all write-in votes
- If there are **any** ballot candidates for a given office, and **one** or more pass away—
 - Tally all write-in votes

Applying 2013 Act 178 to Multiple-Seat Offices

The application of Act 178 to multiple-seat offices follows the same principles while considering the number of seats to be filled within the office. Here are the fundamentals of Act 178 using a “**vote for 2**” office as an example:

- If there are at least **two** ballot candidates for a given office—
 - Only tally votes for registered write-in candidates
- If there are less than **two** ballot candidates for a given office—
 - Tally all write-in votes
- If there are **any** ballot candidates for a given office, and **one** or more pass away—
 - Tally all write-in votes

Process for Determination of Viability of Write-in Votes

There are four questions inspectors should ask themselves when determining write-in vote viability and in what situations votes for ballot candidates may be considered. The four questions are:

- 1) *Can all write-in votes be counted or just those for registered write-in candidates?*
- 2) *Is (or are) the write-in candidate(s) registered?*
- 3) *Regardless of whether the write-in vote(s) can or can't be counted, are there enough write-in votes to fill the seats up for election?*
- 4) *How many votes is the elector entitled to?*

Taking time to ask these questions should help to sort out the confusion write-in votes can cause.

On the following pages are examples that implement the application of Act 178 and the four questions used to determine viability of write-in votes and when votes for ballot candidates may be considered. The examples use “Vote for not more than 2” and “Vote for not more than 3” offices.

<p>Example 1</p> <p>Village Trustee Vote for not more than 2</p> <ul style="list-style-type: none"> ● Mark Mywerds ● Shirley Ugest ● <u>Rusty Pipe</u> ○ _____ <p>2 ballot candidates in a 2-seat office. Rusty is a registered write-in candidate.</p>	<p>The voter has cast votes for the two ballot candidates and has also written in a name.</p> <p>1) <i>Can all write-in votes be counted or just those for registered write-in candidates?</i></p> <p>There are two ballot candidates in this “vote for 2” office, so only votes for registered write-in candidates may be counted.</p> <p>2) <i>Is the write-in candidate registered?</i></p> <p>Yes. Rusty Pipe is a registered write-in candidate, so a vote is tallied for Rusty.</p> <p>3) <i>Regardless of whether the write-in vote can or can’t be counted, are there enough write-in votes to fill the seats up for election?</i></p> <p>No. There is only one write-in vote for this two-seat office, so ballot candidates <i>may</i> be considered.</p> <p>4) <i>How many votes is the elector entitled to?</i></p> <p>Two. One vote has been tallied for the write-in candidate, so the voter is entitled to one more vote, but which ballot candidate the voter intended to vote for cannot be determined, so no vote is counted for either ballot candidate.</p> <p>Result: Only one vote is counted—write-in Rusty’s.</p>
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<p>Example 2</p> <p>Town Board Supervisor Vote for not more than 3</p> <ul style="list-style-type: none"> ● Dewey Wanna ● Anita Proof ● <u>Izzy Serton</u> ● <u>Margi Navera</u> ○ _____ <p>2 ballot candidates in a 3 seat office. Margi is registered, Izzy is not registered.</p>	<p>The voter has cast votes for the two ballot candidates and has also written in two names.</p> <p>1) <i>Can all write-in votes be counted or just those for registered write-in candidates?</i></p> <p>There are two ballot candidates in this “vote for 3” office, so all write-in votes may be counted.</p> <p>2) <i>Are the write-in candidates registered?</i></p> <p>One is, one isn’t, but all write-in votes may be counted. Votes are counted for both write-in candidates.</p> <p>3) <i>Regardless of whether the write-in vote can or can’t be counted, are there enough write-in votes to fill the seats up for election?</i></p> <p>No. There are only two write-ins for this three-seat office, so ballot candidates <i>may</i> be considered.</p> <p>4) <i>How many votes is the elector entitled to?</i></p> <p>Three. Two votes have been tallied for the write-in candidates, so the voter is entitled to one more vote, but which ballot candidate the voter intended to vote for cannot be determined, so no vote is counted for either ballot candidate.</p> <p>Result: Only the two write-in votes are counted.</p>
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Example 3

Village Trustee

Vote for not more than 2

Ida Thotso

Izzy Serton

Margi Navera

1 ballot candidate in a 2-seat office.

Izzy is a registered write-in candidate, Margi is not.

The voter has cast a vote for the ballot candidate and has also written in two names.

1) *Can all write-in votes be counted or just those for registered write-in candidates?*

There is one ballot candidate in this “vote for 2” office, so all write-in votes may be counted.

2) *Are the write-in candidates registered?*

One is, one isn’t, but all write-in votes may be counted. Votes are counted for both write-in candidates.

3) *Regardless of whether the write-in vote can or can’t be counted, are there enough write-in votes to fill the seats up for election?*

Yes. There are two write-ins for this two-seat office, so ballot candidates may not be considered.

4) *How many votes is the elector entitled to?*

Two. Two votes have been tallied for the write-in candidates, so the voter is not entitled to any more votes; the vote for the ballot candidate does not count.

Result: Only the two write-in votes are counted.

Note: The voting equipment has recorded a vote for the ballot candidate. The inspectors must subtract a vote for Ida Thotso on the tape.

Example 4

School Board Member

Vote for not more than 3

Mark Urballot

R. U. Smart

Letta Meein

Charlie Horse

Peter Piper

Andy Lost

Dudley Doright

Tom Terrific

6 ballot candidates in a 3-seat office. Dudley is registered, Tom is not.

The voter has cast a vote for a ballot candidate and has also written in two names.

1) *Can all write-in votes be counted or just those for registered write-in candidates?*

There are six ballot candidate in this “vote for 3” office, so only votes for registered write-in candidates may be counted.

2) *Are the write-in candidates registered?*

Dudley is, but Tom is not. A vote is counted for Dudley.

3) *Regardless of whether the write-in votes can or can’t be counted, are there enough write-in votes to fill the seats up for election?*

There are only 2 write-in votes for this three-seat office, so ballot candidates may be considered.

4) *How many votes is the elector entitled to?*

Three. One vote has been counted for a write-in candidates, so the voter is entitled to two more votes. The vote marked for the ballot candidate is counted.

Result: One ballot candidate vote and one write-in vote are counted.

Example 5

Town Board Supervisor

Vote for not more than 3

- Andy Warhol
- Gloria Steinem
- Walter Winchell
- Izzy Serton
- Margi Navera
- Ima Fended

3 ballot candidates in a 3-seat office. Margi and Ima are registered, Izzy is not.

The voter has cast a vote for the ballot candidate and has also written in three names.

1) *Can all write-in votes be counted or just those for registered write-in candidates?*

There are three ballot candidate in this “vote for 3” office, so only votes for registered write-in candidates may be counted.

2) *Are the write-in candidates registered?*

Margi and Ima are registered, Izzy is not. Votes are counted for Margi and Ima.

3) *Regardless of whether the write-in vote can or can't be counted, are there enough write-in votes to fill the seats up for election?*

Yes. There are three write-ins for this three-seat office, so ballot candidates *may not* be considered.

4) *How many votes is the elector entitled to?*

Three. Two votes have been tallied for write-in candidates, so the voter is entitled to one more vote, but ballot candidates may not be considered (See 3 above). The vote for Gloria does not count.

Result: Only the two write-in votes are counted.

Note: The voting equipment has recorded a vote for the ballot candidate. The inspectors must subtract a vote for Gloria Steinem on the tape.

Example 6

Town Board Supervisor

Vote for not more than 3

- Andy Warhol
- Walter Winchell
- Chet Huntley
- Izzy Serton
- Ima Fended
- _____

3 ballot candidates in a 3-seat office. Ima is registered, Izzy is not. Chet is deceased.

The voter has cast a vote for a ballot candidate and has also written in two names.

1) *Can all write-in votes be counted or just those for registered write-in candidates?*

Chet is deceased. All write-in votes may be counted.

2) *Are the write-in candidates registered?*

Ima is registered, Izzy is not, but all write-ins may be counted. A vote is counted for both Ima and Izzy.

3) *Regardless of whether the write-in votes can or can't be counted, are there enough write-in votes to fill the seats up for election?*

No. There are two write-in votes for this three-seat office, so ballot candidates may be considered.

4) *How many votes is the elector entitled to?*

Three. Two write-in votes have been counted. The voter is entitled to one more vote, and ballot candidates may be considered. (See 3 above.) The vote for Chet is counted.

Result: The votes for Chet and both write-ins are counted.

<p>Example 7</p> <p>School Board Member Vote for not more than 3</p> <ul style="list-style-type: none"> <input type="radio"/> Mark Urballot <input checked="" type="radio"/> R. U. Smart <input type="radio"/> Letta Meein <input type="radio"/> Charlie Horse <input checked="" type="radio"/> Peter Piper <input type="radio"/> Andy Lost <input type="radio"/> <u>Dudley Dought</u> <input type="radio"/> <u>Tom Terrific</u> <input type="radio"/> <u>Huckleberry Hound</u> <p>6 ballot candidates in a 3-seat office. Dudley, Tom and Huckleberry are all registered.</p>	<p>The voter has cast a vote for two ballot candidates and has also written in three names.</p> <p>1) <i>Can all write-in votes be counted or just those for registered write-in candidates?</i></p> <p>There are six ballot candidate in this “vote for 3” office, so only votes for registered write-in candidates may be counted.</p> <p>2) <i>Are the write-in candidates registered?</i></p> <p>All write-in candidates are registered. A vote is counted for each write-in.</p> <p>3) <i>Regardless of whether the write-in votes can or can’t be counted, are there enough write-in votes to fill the seats up for election?</i></p> <p>Yes. There are three write-in votes for this three-seat office, so ballot candidates may not be considered.</p> <p>4) <i>How many votes is the elector entitled to?</i></p> <p>Three. One vote has been counted for each of the three write-in candidates, so the voter is not entitled to another vote. The vote marked for the ballot candidate is not counted.</p> <p>Result: The three write-in votes are counted.</p> <p>Note: The voting equipment has recorded votes for two ballot candidates. The inspectors must subtract one vote each from R. U. Smart and Peter Piper on the tape.</p>
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<p>Example 8</p> <p>Town Board Supervisor Vote for not more than 3</p> <ul style="list-style-type: none"> <input type="radio"/> Andy Warhol <input checked="" type="radio"/> Gloria Steinem <input type="radio"/> Walter Winchell <input checked="" type="radio"/> Chet Huntley <input checked="" type="radio"/> <u>Izzy Serton</u> <input checked="" type="radio"/> <u>Margi Navera</u> <input type="radio"/> _____ <p>4 ballot candidates in a 3-seat office. Neither Izzy nor Margi are registered. Chet Huntley is deceased.</p>	<p>The voter has cast a vote for two ballot candidates and has also written in two names.</p> <p>1) <i>Can all write-in votes be counted or just those for registered write-in candidates?</i></p> <p>Chet is deceased. All write-in votes may be counted.</p> <p>2) <i>Are the write-in candidates registered?</i></p> <p>Neither write-in candidate is registered, but as there is a deceased ballot candidate, it does not matter in this case.</p> <p>3) <i>Regardless of whether the write-in votes can or can’t be counted, are there enough write-in votes to fill the seats up for election?</i></p> <p>No. There are only two write in votes for this three-seat office, so ballot candidates may be considered.</p> <p>4) <i>How many votes is the elector entitled to?</i></p> <p>Three. The votes for the two write-in candidates are counted first, so the voter is entitled to one more vote, but which ballot candidate the voter intended to vote for cannot be determined, so no vote is counted for either ballot candidate.</p> <p>Result: The two votes for the write-in candidates are counted.</p>
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