

FAQs: Spoiling and Remaking Ballots

Q: Received an absentee ballot that was blank (undervoted). Is it processed the same as any other absentee ballot with the poll worker accepting it once the machine says "undervote"?

A: If your municipality uses the override function, it would be overridden so that participation for the voter would be recorded. If you remake ballots, it would not be remade as a blank ballot.

Q: Is the Spoiled ballot envelope a special envelope or can you use a plain manila envelope?

A: You can use any envelope you wish and write "Spoiled Ballots" on the outside.

Q: Are municipal clerks REQUIRED to email or fax ballot?

A: Clerks are required to email or fax ballots to any military or permanent overseas voter who requests it. The One Wisconsin Institute court decision in 2016 allows for ballots to be emailed or faxed to any voter who requests it, but the clerk is not required to do so for regular voters. All voters must return their ballots via regular mail regardless of the method used to send them a ballot.

Q: So the spoiled ballot envelope doesn't go with the voted ballots in the sealed ballot bag to the County?

A: No, it does not. It's returned to the municipal clerk who keeps it with his or her election materials for the retention period.

Q: Absentee Ballots - we normally remake ballots. However, on blank ballots, we override. Correct process?? All is noted in the EL-104. Therefore, both procedures on override is use.

A: One process should be selected, override or remake, and applied uniformly. A blank ballot will not need to be remade.

Q: Our County Clerk provides a spoiled, discarded, and remade ballots envelope that is locked in the ballot bag. Is this not acceptable?

A: Remade ballots are placed in the "Original Ballots" envelope and locked in the ballot bag. Spoiled ballots are placed in the "Spoiled Ballots" envelope and returned to the municipal clerk.

Q: I am confused - when remaking a ballot to you write a new number sequence on the back of the ballot, i.e., 1, 2, 3, etc. or just use the number the voter was issued when receiving their ballot?

A: A serialized number starting with 1, 2, 3... You do not use the voter number.

Q: If we receive a ballot that is not marked with an "x" through the circle, should it automatically be remade or try to send it through to see if the machine reads the mark?

A: The election inspector can send it through the voting equipment first to see if the machine will read the mark.

Q: Can a voter vote in person, in the clerk's office, then return the next day and request to spoil the already submitted ballot?

A: If the voter does it by the applicable absentee deadline. In this case it will be by the end of the clerk's in-person voting hours up to the Sunday before the election.

Q: Are there any special spoiling rules about Xpress Vote ballot cards? are they treated the same?

A: Yes, they are treated the same.

Q: Should you mark a number on the ABS envelope so you know which one was the last one issue?

A: The clerk should mark ballot 2nd or 3rd on the absentee certificate envelope and absentee ballot log if a replacement ballot it issued.

Q: If a voter refuses to vote a new ballot that has been rejected and wants the machine to accept their ballot what should be done?

A: If your municipality uses the override function on the voting equipment, the ballot could be overridden. Otherwise the ballot could be placed in the auxiliary bin to be remade later and put through the voting equipment.

Q: Can an election inspector make the voter's mark on the ballot darker so it will go through the voting equipment?

A: No, the inspectors may not enhance or otherwise overwrite a voter's mark on a ballot.

Q: On Election Day when a ballot is spoiled and noted on the Inspector Statement, is the voter number noted also?

A: Yes, it can be included on the notation.

Q: How does a spoiled ballot get entered in WisVote?

A: Deactivate the absentee ballot and choose "voter spoiled" for a reason the ballot was deactivated.

Q: At the Spring Primary, a voter voted for 2 instead of 1. He didn't want to revote. We just override to take what he voted. Was this wrong? (Say it was an absentee with the same overvote since only one race wouldn't you just override since you can't remake the ballot as can't determine voter intent.)

A: That's the correct procedure if your municipality has adopted the override procedure. If it was an absentee ballot, voter intent needed to be determined. The outcome would be different depending on who the voter voted for. In a vote for one contest, if the voter cast votes for two ballot candidates, neither could be counted. However, if the voter cast a vote for a ballot candidate and a registered write-in, the registered write-in would be counted.

Q: If they request a 2nd or 3rd ballot but only return the first, do you process the one you received even though one or two others may have been sent out?

A: No, the 1st ballot or 2nd ballot was spoiled and can't be counted. Notify the voter if possible that he or she will have to return the last replacement ballot issued.

Q: is that the clerk's choice to override or remake ballots or is that a governing body's decision?

A: It is the clerk's decision.

Q: Do the election inspectors have to sign the spoiled ballot envelope?

A: No.

Q: You can use the override function though if you cannot determine voter intent, correct. This will record participation at least. Then only remake when you can determine intent.

A: That is correct.