

What's New for the 2015 Elections?

Wednesday, November 19, 2014

9:00 a.m. – 11:00 a.m.

Program Presenters

Wisconsin Government Accountability Board Staff

Agenda

- New Elections Administration Staff
- 2014-2015 Elections Calendar
- Municipal Clerks Training Report
- Nomination Paper Review Tips
- Notification of Noncandidacy (GAB-163)
- Canvass Boards and Open Meeting Requirements
- What's on the Ballot for Spring 2015?
- Draft Ballot Format
- Status of Voter Photo ID
- Issues Raised/Lessons Learned in 2014
- Q & A

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State of Wisconsin \ Government Accountability Board

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JUDGE THOMAS H. BARLAND
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: November 17, 2014

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

FROM: Michael Haas
Elections Division Administrator

SUBJECT: Election Wrap Up and New Staff

Now that the G.A.B. has been notified that no state or federal candidates will file a recount petitions, we look forward to certifying official canvass results at the state level and completing other post-election tasks. On behalf of our Board, Director Kennedy, and our entire staff, I want to thank all Wisconsin local election officials, including your staff and election inspectors, for all of your hard work and long hours leading up, during, and after Election Day.

We understand the effort that is required to keep up with changes in the election laws and to ensure that correct procedures are implemented consistently. There was a significant and unique challenge related to this election due to the court decisions regarding the Voter Photo ID Law, especially in administering absentee ballots and minimizing voter confusion. You served the voters well and can be proud of your efforts.

I also want to acknowledge the excellent work of our staff in conducting training, updating forms and other resources, and providing support and technical assistance regarding a wide variety of election administration, SVRS, and canvass issues. I am proud of the teamwork and effort involved, both within our agency and in partnership with local election officials.

Finally, as you may be aware, we have had a number of changes in the Elections Division staff over the past year. I would like to introduce you to three new Elections Specialists who are beginning with us this week, and also note other recent staff changes, so that you have a better sense of the structure of our team as we head into the next election cycle.

We are back to a full team of Elections Administration Specialists with the addition of Marianne Griffin, Matthew Kitzman, and Jennifer Webb. They will be filling the positions left vacant due to the retirement of Steve Pickett last year, and the departure of Sherri Ann Charleston and Jason Fischer earlier this year.

Marianne Griffin earned her undergraduate degree at Lawrence University and her Masters of Public Affairs at the UW's LaFollette School. She has worked with several campus organizations and has been employed most recently by the Wisconsin Alumni Association. Marianne will handle general elections administration duties.

Matthew Kitzman is a graduate of the University of Wisconsin-Oshkosh. He earned his law degree at Thomas M. Cooley Law School and his LLM at George Washington University Law School. Matthew is a licensed attorney in the States of Wisconsin and New York. He will act as the lead specialist handling matters related to voting equipment.

Jennifer Webb comes to the G.A.B. after working at the Department of Justice in its program to process applications for concealed carry permits. Jennifer earned her undergraduate degree at UW-Madison and her Masters of Public Administration at UW-Milwaukee. She also has experience working at the local level in the Milwaukee County Clerk's Office and for the City of West Allis. Jennifer will handle general elections administration duties and assist with voting equipment initiatives.

These individuals will join Diane Lowe and David Buerger on our Elections Administration team. I appreciate the extra duties and responsibilities which Diane and David, along with Allison Coakley and Meagan McCord-Wolfe, have handled during the extended period when we have been short-staffed in this area. Meagan continues to handle voter outreach initiatives as well as serving as our lead staff regarding matters involving military and overseas voters. Richard Rydecki will continue to manage our polling place accessibility programs.

We will also be seeking to fill two SVRS Specialist positions following the departure of two valuable staff members. Lila Walsh left the G.A.B. after the General Election to pursue an opportunity with the Madison Public Library. Finally, Kyle Kundert has transferred to a position with the G.A.B.'s Ethics and Accountability Division, although we will continue to rely on him to assist with some SVRS duties in the short term. Lila and Kyle made significant contributions to our SVRS initiatives, and exemplified the level of professionalism and customer service we strive to provide.

We hope to complete the recruitment process by early next year for those two positions, as well as the Data Manager position previously held by Brian Bell. Brian continues to assist with those duties after also transferring to the Ethics and Accountability Division earlier this year.

Jodi Kitts continues in the position of SVRS Specialist, and Juanita Borton, Michael Nelson, and Christopher Doffing make up our team of SVRS Trainers. Sarah Whitt and Ann Oberle lead our SVRS development and maintenance efforts, and Zach Robinson focuses on SVRS mapping data and issues. Elections Supervisor Ross Hein manages our SVRS and IT projects, and our Help Desk and Customer Support team consists of Steve Rossman, John Hoeth, Tiffany Schwoerer, Michael Kukula, and Tony Bridges.

I hope this provides an updated picture of our staff and their roles, and who you may be working with in our office. Attached is a current staff directory reflecting recent staff changes. If you have any further questions regarding the above information, please contact the G.A.B. Help Desk at (608) 261-2028, or gabhelpdesk@wi.gov.

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JUDGE THOMAS H. BARLAND
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: November 17, 2014

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

FROM: Michael Haas
Elections Division Administrator

SUBJECT: Nomination Paper Printed Name Requirement

This memorandum provides guidance for local election officials implementing the new requirement that signers of nomination papers and other election petitions include a legible printed name.

2013 Act 160 created a new requirement for individuals who sign nomination papers of a candidate or other election petitions. In the statutory sections related to nomination papers of candidates for each election, Act 160 inserted language stating that “. . . in order for the signature to be valid, each signer of a nomination paper shall legibly print his or her name in a space provided next to his or her signature” Similar language was included in Wis. Stat. §8.40 which relates to other election petitions.

While reviewing nomination papers of candidates for the 2014 General Election, G.A.B. staff encountered some practical difficulty in determining an objective standard for a legibly printed name. For example, some signatures were clearly legible but the “printed name” may have been written in cursive, or included some letters that were not separated, as a dictionary definition of “printed” might require.

Based upon this experience as well as the stated legislative intent of 2013 Act 160 and related administrative rules, the Government Accountability Board has developed standards and guidance for local election officials charged with reviewing nomination papers and other election petitions. The legislative record emphasized that the purpose of Act 160 was to preserve the ability of opposing candidates to identify petition signers in order to consider filing challenges, and not to reject signatures that were legible. At its meeting of October 28, 2014, the Board directed its staff and local filing officers to apply the following standards to determine the sufficiency of signatures on nomination papers and other election petitions:

1. The filing officer shall confirm that the signer has completed information in both the "Signature" box and the "Printed Name" box of the nomination paper or other election petition. The signature may be marked as the signer customarily marks his or her signature, including by using an "X" or by using either traditional printed letters or a handwritten signature. Similarly, the signer's printed name is not required to include only letters that are separated from one another.
2. If the filing officer can discern no part of the signer's name, after reviewing both the signature and the printed name, it should be deemed illegible and the signature should not be counted.
3. After reviewing both the signature and printed name of a signer, if the filing officer can discern a possible name, but may not be certain of the exact spelling of the name, the printed name is deemed legible and the signature shall be counted if otherwise valid.
4. The filing officer is not required to consult extrinsic sources of information (voter registration records, telephone directories, etc.), but may do so if it assists the filing officer in discerning a possible name.
5. The signer must print his or her name, and the signer must execute a correcting affidavit if the printed name is missing or insufficient for the signature to be counted. However, a circulator may print the name of a signer with a disability who requests such assistance.

While these standards will continue to require some subjective judgment by filing officers, these standards accurately capture the intent of 2013 Act 160 and do not require a hyper-technical application of the phrase "legibly print." In reviewing nomination papers and other election petitions, G.A.B. staff and local filing officers will be able to apply a common sense approach which does not eliminate legible names simply because letters in a printed name are connected or cross over one another. In essence, the printed name requirement is used to clarify or complete a signature which may not be legible or readable, not to invalidate signatures on the basis of a name failing to meet a literal definition of "printed."

The G.A.B. staff's complete analysis of the printed name requirement, and its recommendation to the Board is attached and may also be viewed at http://gab.wi.gov/sites/default/files/event/74/open_session_complete_packet_with_agenda_pdf_93728.pdf, starting on page 15 of the October 28, 2014 Board meeting materials. If you have any further questions regarding the above information, please contact the G.A.B. Help Desk at (608) 261-2028, or gabhhelpdesk@wi.gov.

GUIDE TO DETERMINING SUFFICIENCY OF NOMINATION PAPERS

Overview of Process

Use a red pen to write the number of signatures counted on the upper, right-hand corner of each sheet. Using a red pen, circle any item on the nomination paper that is questioned (when a signature is not counted) or make a circle where an item is missing. Make a red check mark (✓) to the right of the row to indicate signatures not counted. Make a red question mark (?) to note questionable signatures that have been counted or to note omissions that do not affect the signature count on that page. Place the sheets that do not have all the signatures counted to the back of the bundle of nomination papers.

Criteria for Determining Sufficiency of Signatures on Nomination Papers

1. Top portion of paper clearly identifies the candidate, address, election date, office sought, and district.
2. Signers have indicated name and complete address, and the municipality listed is within the district represented.
3. Signatures are dated within the circulation period, and on or before the date of certification.
4. Certification of circulator is properly completed (including municipality of residence) and signed and dated.
5. Proper number of valid signatures:

See appropriate Ballot Access Checklist (GABIS-_) for number of required signatures

County Nonpartisan Candidates	GABIS-3
School District Candidates	GABIS-5
Municipal Candidates	GABIS-7
County Partisan Candidates	GABIS-16
Multi-jurisdictional Judge Candidates	GABIS-18

The following are examples of the most common questionable areas and the treatment for each question:

If:

Then:

Residential information or dates for different electors are indicated by ditto marks...

Count the signature only if ditto marks follow a valid address or date.

Only a P.O. box is given as the signer's address...

Count only if municipality of residence is entirely in the district.

Ditto marks are used for date of last signer...

Count the signature only if following a valid date.

Date of the first signer is missing...

Don't count the signature.

Date of signer is missing...

Count the signature only if date is bracketed by valid dates. (Mark with a bracket (]) from one valid signature to next.)

<u>If:</u>	<u>Then:</u>
Date of the first or last signer has year Incomplete, i.e. 12/22/201, or 12/2014...	Don't count the signature.
Address of signer is missing but residency can be determined by information on that nomination paper...	Count the signature. (Indicate where information is found. This can occur when circulator or candidate also signs as a voter.)
Municipality of circulator is missing...	Count the signatures on that page <u>only if</u> the municipality can be determined by information on that nomination paper. (Indicate where information is found.)
Any part of the circulator date is missing...	Don't count the signatures on that page.
Circulator signed on the line that should have had the printed name...	Count the signatures on that page.

Note: Administrative rule GAB 2.05 outlines the criteria for determining sufficiency of signatures on nomination papers. http://docs.legis.wisconsin.gov/code/admin_code/gab/2/05

FOR OFFICE USE ONLY

NOTIFICATION OF NONCANDIDACY

I, _____, state that I am currently the
(please print name)
incumbent officeholder for the office listed below.

I will not be a candidate for this office at the next election. I understand that the timely receipt* of this notice will avoid an extension of the deadline for filing ballot access documents.

TITLE OF OFFICE: _____
(print current office, including district #, if any)

NEXT ELECTION DATE: _____

SIGNATURE: _____

DATE OF SIGNING: _____

**Notification must be received by the proper filing officer no later than 5:00 p.m. on the 2nd Friday preceding the deadline for filing ballot access documents to avoid an extension of time for filing such papers.*

The information on this form is filed in accordance with §§.8.05(1)(j), 8.10(2)(a), 8.15(1), 8.20(8)(a), 120.06(6)(b), Wis. Stats. This form is prescribed by the Government Accountability Board, 212 East Washington Avenue, 3rd Floor, P.O. Box 7984, Madison, WI 53707-7984, (608) 266-8005, FAX (608)267-0500, <http://gab.wi.gov> Email: gab@wi.gov.

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JUDGE THOMAS H. BARLAND
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: November 17, 2014

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

FROM: Michael Haas
Elections Division Administrator

SUBJECT: Deadline for Notification of Noncandidacy

As we prepare for the circulation of nomination papers by candidates for the Spring Election, the G.A.B. has received several inquiries regarding the deadline for incumbents to file a Notification of Noncandidacy (GAB-163) in time to avoid extending the deadline for other candidates to file nomination papers. Specifically, several school districts have asked whether the deadline for the Notification of Noncandidacy, which falls on December 26, 2014, may be extended if the school district administration office is closed for winter break on that day. In the opinion of G.A.B. staff, the deadline may not be extended and school district clerks or their designee must be available to receive the Notification form until 5 p.m. on December 26th.

Wis. Stat. §8.10(2)(a) provides that if an incumbent fails to file nomination papers and a declaration of candidacy by the filing deadline for the Spring Election, all other candidates for that office receive a 72-hour extension of the filing deadline. That section states:

No extension of the time for filing nomination papers applies if the incumbent files written notification with the filing officer or agency with whom nomination papers are filed for the office which the incumbent holds, no later than 5 p.m. on the 2nd Friday preceding the [filing deadline], that the incumbent is not a candidate for reelection to his or her office, and the incumbent does not file nomination papers for that office. . . .

Wis. Stat. §120.06(6)(b)3 contains similar language specifically pertaining to candidates for school board. The filing deadline for the 2015 Spring Election is Tuesday, January 6, 2015, and therefore the statutory deadline for an incumbent to file a Notification of Noncandidacy is Friday, December 26, 2014. Neither Section 8.10(2) nor Section 120.06(6) provides an exemption from or postponement for the deadline to file a Notification of Noncandidacy when the office of a filing officer is closed on a day that is not recognized as a state holiday.

Therefore, local filing officers, including school district clerks, or their designees, must be available to receive the Notification form until 5:00 p.m. on Friday, December 26, 2014.

Please note that the filing officer must receive an incumbent's Notification of Noncandidacy by December 26, 2014 in order to avoid extending the nomination paper filing deadline by 72 hours. However, pursuant to Section GAB 6.04, Wis. Adm. Code, the Notification of Noncandidacy may be filed by fax or email provided that the original document is either received by the filing officer or postmarked by the filing deadline, December 26, 2014. The G.A.B. recommends that filing officers reach out to all incumbent office holders early in an effort to avoid potential filing issues during the holiday season.

If you have any further questions regarding the above information or other issues that arise, please contact the G.A.B. Help Desk at (608) 261-2028, or gabhhelpdesk@wi.gov.

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JUDGE THOMAS H. BARLAND
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: October 24, 2014

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

FROM: Michael Haas
Elections Division Administrator

SUBJECT: Canvass Boards and Open Meeting Requirements - Change in Type D Notice Required

This memorandum has been updated to clarify that, if a publication deadline has already passed for the Type D notice, the notice does not need to be re-published, but that any notices which are posted should be updated as described below.

On October 15, 2014, Attorney General J.B. Van Hollen issued a formal opinion in response to a request from the Government Accountability Board which addresses how the open meetings law applies to the activities of canvassing boards, from the local board of canvassers to the official state canvass. While there has historically been little distinction made between the role of election inspectors during voting hours and after the polls close, pursuant to Wis. Stat. §7.51, the inspectors constitute the local board of canvassers after the polls close and are charged with performing specific canvassing duties as a body. Please note that the Attorney General's guidance will require a change in the Type D notice.

The complete Opinion of the Attorney General is attached and can be found here: <http://www.doj.state.wi.us/sites/default/files/formal/OAG-05-14.pdf>. It concludes that meetings of the members of a local board of canvassers are governmental bodies subject to the Open Meetings Law when they convene to carry out statutory canvassing activities after the polls close, but not when they are working only as individual inspectors performing administrative duties during voting hours. In particular, the Opinion states the following:

- 1) While election inspectors make up the local canvassing board after the polls close, during voting hours the election inspectors are performing administrative duties as individuals, not as a collective body. Therefore, the activities of election inspectors while the polls are open are not a meeting of a governmental body that is subject to the Open Meetings Law.

- 2) After the polls close, the election inspectors act as the local board of canvassers and collectively perform tasks assigned to that body, such as reconciling poll lists, counting votes, preparing election returns, certifying certain election results, securing election materials, and delivering election materials to the municipal clerk. Thus, tasks performed after the polls close is a meeting of a governmental body subject to the Open Meetings Law.
- 3) If absentee ballots are canvassed by a separate board of absentee ballot canvassers, that process is considered a meeting of a governmental body subject to the Open Meetings Law.
- 4) Meetings of the municipal board of canvassers are also subject to the Open Meetings Law, including when reconvening for the purpose of processing provisional and late-arriving absentee ballots. Meetings of school district and county canvassing boards are also meetings of governmental bodies subject to the requirements of the Open Meetings Law.
- 5) Activities of permanent and temporary municipal employees assigned to organize election materials that have been delivered to the municipal clerk, and to prepare those materials for delivery to the county clerk are considered administrative activities and are not a meeting of a governmental body subject to the Open Meetings Law.

The Opinion of the Attorney General is consistent with guidance that the G.A.B. has previously issued, with the exception of the conclusion regarding the duties of election inspectors which meet as the local board of canvassers after the polls close on Election Night. For meetings of canvassing boards that are subject to the Open Meetings Law, the following requirements apply:

- 1) Public notice of the meeting must be given at least 24 hours before the meeting unless, for good cause, it is impossible or impractical to give that much notice, in which case as little as two hours' notice may be given. The municipal clerk is responsible for providing public notice for the local and municipal boards of canvassers as well as the meeting of the municipal board of absentee ballot canvassers; school district clerks are responsible for providing public notice for the county canvassing board; and county clerks are responsible for providing public notice for the county board of canvass.
- 2) For meetings of the local board of canvassers, the notice requirement may be met by adding a sentence to each Type D notice indicating that, immediately after the polls close, the election inspectors at each polling place will convene as the local canvassing board for the purpose of conducting local canvass pursuant to Wis. Stat. § 7.51.

When a municipal board of canvassers meets on Election Night in a municipality with only one polling place, the Type D notice should also

indicate that, after or jointly with the meeting of the local canvassing board, the election inspectors will convene as the municipal canvassing board for the purpose of conducting the municipal canvass pursuant to Wis. Stat. § 7.53(1).

Sample language to add to the Type D notice is attached. Any language typically used regarding accommodations for persons with disabilities at other public meetings should also be included.

Because the publication deadline for the Type D notice has already passed for some newspapers, the G.A.B. is advising that the notice does not need to be re-published, but that any notices which are posted should contain the revised language.

- 3) As with other governmental bodies, meetings of canvassing boards must be reasonably accessible to members of the public and open to all citizens at all times. The public is allowed to record, film, or photograph a canvassing meeting. Reasonable limits on public access are permitted to protect the effective and orderly conduct of the canvass. Members of the public are never permitted to inspect the confidential portion of a poll list and are prohibited from touching any election materials or equipment during the counting of the votes at a polling place or at any central counting location. Requests to view or copy election materials may be treated as public records requests in which a reasonable amount of time is permitted to produce documents. However, the G.A.B. encourages chief inspectors to print additional copies of the results tape if requested by a member of the public attending the meeting of the canvassing board on Election Night.
- 4) While the meeting of the local board of canvassers on Election Night is a bit different than most traditional meetings of governmental bodies (typically no agenda is printed and no minutes are approved, for instance), the G.A.B. advises that the chief inspector should announce the convening and adjournment of the meeting. If observers are present, it would also be helpful to describe in general terms what tasks the election inspectors are completing, although a step-by-step narrative is not required. Attached is sample language that may be incorporated into the start of the proceedings after the polls close.
- 5) Because meetings of canvass boards are subject to the Open Meetings Law, members of the public are not required to present a photo ID before attending the meeting. While the G.A.B.'s election observer rules for the 2014 General Election indicate that observers must present a photo ID, this provision is not to be enforced after the polls close or during other canvass board meetings. Observers are also not required to sign in as a condition of attending a public meeting. Election officials may enforce

other provisions of the observer rules, such as designating an observation area.

Please incorporate these requirements into your canvass board procedures. We also recommend that you share this information with your legal counsel who may provide additional guidance. Thank you for your attention to and compliance with the Attorney General's Opinion and with this guidance.

If you have any further questions regarding the above information or other issues that arise, please contact the G.A.B. Help Desk at (608) 261-2028, or gabhhelpdesk@wi.gov.

**LANGUAGE TO BE ADDED TO BOTTOM OF
TYPE D ELECTION NOTICES FOR LOCAL BOARD OF CANVASS**

At the close of voting on Election Day, pursuant to the provisions of Wis. Stat. § 19.84, the Election Inspectors at each polling place will convene as the Local Canvassing Board for the purpose of conducting the local canvass pursuant to Wis. Stat. §7.51. This meeting will be open to the public pursuant to Wis. Stat. §§ 19.81-89.

**LANGUAGE TO BE ADDED TO BOTTOM OF
TYPE D ELECTION NOTICES FOR
LOCAL AND MUNICIPAL BOARDS OF CANVASS**

At the close of voting on Election Day, pursuant to the provisions of Wis. Stat. § 19.84, the Election Inspectors will convene as a joint meeting of the Local Board of Canvassers and the Municipal Board of Canvassers for the purpose of conducting the local and municipal canvasses pursuant to Wis. Stat. §§7.51 and 7.53(1). This meeting will be open to the public pursuant to Wis. Stat. §§ 19.81-89.

**SAMPLE STATEMENT FOR CHIEF INSPECTOR TO RECITE
AT CLOSE OF VOTING ON ELECTION NIGHT**

The election polls are now closed. Pursuant to the provisions of Wis. Stat. §19.84, this body will now convene in open session as the Local Board of Canvassers [and as the Municipal Board of Canvassers, when applicable] under the provisions of the Wisconsin Open Meetings Law for the purpose of conducting the local [and municipal] canvass pursuant to Wis. Stat. §7.51.

Under the provisions of the Wisconsin Open Meetings Law, you will not be asked to sign in or to show identification. This meeting will be open to the public and will be reasonably accessible as required by the open meetings law. Under both the election law and the open meetings law, election inspectors have full authority to maintain order and to enforce obedience to their lawful commands during the election and canvass of the vote.

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JUDGE THOMAS H. BARLAND
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: October 10, 2014

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

FROM: Michael Haas
Elections Division Administrator

SUBJECT: Voter Photo ID Requirement Halted by U.S. Supreme Court
Voter Photo ID Guidance 2014-4

This memorandum has been updated from the version originally posted today. It includes a reference to new uniform instructions for absentee voters in Item 1 and corrected the form number in item 7.

As you may have learned already, last night the U.S. Supreme Court ordered that the photo ID requirement will not be in effect for the November 4, 2014 General Election. The Court, by a 6-3 vote, reinstated an injunction against the law which was previously issued by the federal court in the Eastern District of Wisconsin. The Supreme Court's order will be in effect until either the Court rules on the plaintiff's appeal if an appeal is filed within 90 days, or until the expiration of the appeal deadline in 90 days.

Government Accountability Board (G.A.B.) staff and local election officials have worked diligently to implement the photo ID requirement since the Seventh Circuit Court of Appeals order of September 12, 2014, and we appreciate that effort to assist and educate voters and election inspectors. On behalf of the Board and the State, we thank you for all of your hard work and attention to detail as the photo ID requirement was implemented over the past four weeks. Please convey our appreciation to your staff and election inspectors as well, for their efforts and being flexible in accommodating changes in the voting laws and procedures.

With 25 days remaining before Election Day, we now need to focus on implementing procedures without the photo ID requirement, providing updated training to election inspectors, and informing voters about the proper procedures during absentee voting and at polling places.

We will provide additional guidance to address this transition and questions that arise. To address some of the most immediate issues, please keep in mind the following points as you process absentee ballots, deploy special voting deputies, and prepare for Election Day:

1. All absentee ballots should be processed without requiring that the elector submit a copy of his or her photo ID, including ballots which were issued prior to the Court of Appeals order of September 12, 2014. Any absentee ballot requests which you have been holding because a copy of the photo ID has not been submitted must be immediately fulfilled. Revised uniform instructions have been posted at <http://gab.wi.gov/forms/voters-uniform-military> which we encourage you to use for new absentee ballot requests. Absentee ballots and ballots cast on Election Day by electors who do not submit a photo ID, and which are otherwise valid, are not to be treated as provisional ballots.
2. While election officials are not to require electors to provide or present photo ID as a condition of obtaining a ballot, clerks should continue to process any photo ID that is submitted during the mail-in absentee process. The copy of the Photo ID should be retained with the voter's file and the clerk must keep a record that photo ID has been submitted for that voter, by using either the Statewide Voter Registration System or some other documentation. If the photo ID requirement is reinstated for future elections, a copy that is submitted by a mail-in absentee voter will satisfy the photo ID requirement for future mail absentee requests, provided that the elector does not change his or her name or address.
3. If you have sent absentee ballots to electors who reside in a residential care facility that is eligible for special voting deputy service, but which will not be served by special voting deputies, and who are also not indefinitely confined, a letter should be sent indicating that the photo ID requirement is enjoined and they are not required to either provide a copy of their proof of identification with their ballot or have an authorized representative of the facility verify their identity. The G.A.B. will provide a form letter for this purpose.
4. The Sample Type E Notice posted on the G.A.B. website included a sentence indicating that photo ID was required to obtain an absentee ballot. Because the Type E Notice was to be published by this past Tuesday, October 7, it does not need to be re-published. However, you should be aware that electors who appear for in-person absentee voting may believe a photo ID is required based upon your Type E Notice. For notices which are posted, the last sentence of the first paragraph should be deleted.
5. Emphasize to special voting deputies that the photo ID requirement is not in effect for voters residing in a nursing home or other adult-care facility. While those voters were able to satisfy the requirement by the signatures of the special voting deputies on the certificate envelope, special voting deputies should be reminded that they should not tell the elector that the photo ID requirement is in effect for the General Election.
6. Emphasize to election inspectors that they must not request that an elector present a photo ID before a ballot is issued. If an elector offers to present a photo ID, the inspector should advise the voter that the requirement is not in effect. Inspectors should work to avoid creating an impression for voters waiting in line that they will

need to present a photo ID. No signs should be posted which state or imply that the elector must present a photo ID as a condition of receiving a ballot.

7. The GAB-190 and Wisconsin Election Data Collection System (WEDCS) have been revised to eliminate the option to record provisional ballots issued due to a voter not presenting photo ID. We also plan to revise the Provisional Ballot Tracking System and Form GAB-123(r) to remove the option to record provisional ballot information due to the lack of a photo ID. We will provide additional information about other forms or systems that will be updated to reflect the court injunction for the General Election.

This latest court development will create new challenges for clerks, SVD's, inspectors, and voters to minimize confusion and uncertainty. As always, we appreciate your continuing extraordinary efforts and will do all that we can to answer questions, assist you in implementing the law, and communicate with voters. If you have any questions, please contact the G.A.B. Help Desk at gabhhelpdesk@wi.gov or (608) 261-2028. Thank you.