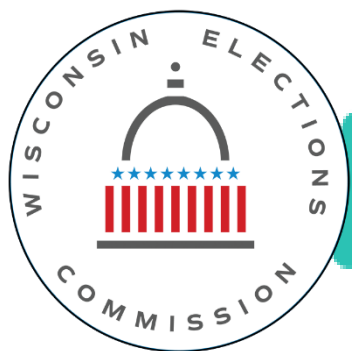


WHAT'S NEW & ELECTION PREP

Participant Guide



Wisconsin Elections Commission
201 W. Washington Ave.
Madison, WI 53703

elections@wi.gov | 608-266-8005

Welcome!

Thank you for attending today's training. This training may be a refresher for some and brand new for others. Instructors will start with the basics and the concepts will get more complicated as we progress. Feel free to ask questions along the way.

This training is designed to be conversational and interactive so the more you put in, the more you will get out of it. The participant guide provides resources for you to reference that are relevant to the content in the presentation.

We hope you find this training beneficial and we appreciate the opportunity to share our expertise!

About WEC

The Wisconsin Elections Commission (WEC) was established in 2016 by the Wisconsin Legislature to carry out a wide range of functions related to statewide elections administration.

The WEC serves as a resource for local clerks by providing them with education, training, and support materials. The agency also fulfills several statewide election responsibilities, such as helping ensure compliance with federal and state election laws, ensuring election accuracy, and maintaining the statewide voter registration database.

The WEC is governed by six Commissioners, with three Commissioners representing the Democratic Party and three representing the Republican Party. Two of the Democrats and two of the Republicans are selected by their respective Legislative leadership. One Democrat and one Republican must be former municipal or county clerks and are appointed by the governor and confirmed by the Senate.



Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

DATE: February 6, 2026

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

FROM: Wisconsin Elections Commission Staff

SUBJECT: High Priority: New Poll Book Military Watermark

1. Summary

- Effective immediately, election officials may see a new watermark in the poll book that reads “MILITARY MUST RGSTR.”
- The watermark indicates the individual is a military voter who previously cast an absentee ballot without registering to vote.
- If the voter is participating as an absentee voter (either by-mail or in-person), no action is necessary.
- If the voter wishes to participate in-person *at the polls on election day*, they must register with proof of residency before they receive a ballot.

2. Background

In 2025, the Wisconsin Elections Commission directed staff to create a poll book indicator for military voters who have not requested an absentee ballot for an election and have not registered to vote.

Wis. Stat. § 6.22, titled “Absentee voting for military electors,” permits military voters to receive an absentee ballot without first registering to vote. The military voter and the absentee ballot requested by the military voter is still required to be tracked by their municipal clerk under Wis. Stat. §§ 6.22(5), 6.36(1)(a)13. and 14., and 7.15(4). In practice, this statute requires a municipal clerk to enter the military voter into the WisVote system like a regular voter. Currently, the clerk can enter a military voter’s information into WisVote and indicate on their record that they are a military member under Wis. Stat. § 6.22. This allows the clerk to issue an absentee ballot to the military voter, and in turn also ensures the military voter shows up in the poll book.

Wisconsin Elections Commissioners




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Administrator
Meagan Wolfe

If a military voter has cast an absentee ballot at a previous election and attempts to vote at their polling place on Election Day, they are required to complete the voter registration process before they can be issued a ballot.

3. Poll Book Indicator Purpose and Example

If this watermark appears by the voter's name, the voter needs to be directed to register to vote just like a regular voter, including providing proof of residence. This watermark appears when a voter was previously exempt from registration as a military voter so they could vote absentee. Military voters do not need to register to vote, or provide proof of residence, when voting by absentee ballot. This includes in-person absentee voting (IPAV). When military voters vote at their polling places on election day, they are no longer exempt from voter registration, and they must register to vote if they want to be issued a ballot at the polling place. **This watermark indicates the voter should be directed to register to vote before casting their ballot in person at the polls.**

BS 01	702730048	Alanzio, Vincent Michael	Vincent Michael Alanzio	5
WD-003		S90W22765 MILWAUKEE AVE		5
68106-003-3822-1		BIG BEND, WI 53103		
CG-05 3822 TC-08 AS-84				
Notes:				
BS 01	702152227	Albertin, Elaine M	Elaine M Albertin	9
WD-001		S80W23775 P	MILITARY MUST RGSTR	6
68106-001-3822-1		BIG BEND, WI 53103	MILITARY MUST RGSTR	
CG-05 3822 TC-08 AS-84				
Notes:				
BS 01	702144637	Albertin, James F	James F Albertin	7
WD-001		S80W23775 PARKVIEW DR	ABSENTEE RETURNED	7
68106-001-3822-1		BIG BEND, WI 53103	ABSENTEE RETURNED	
CG-05 3822 TC-08 AS-84				
Notes:				

Badger Book users will see a notation instead of a watermark, but the process is otherwise the same as for paper users.

4. Questions

Please direct any questions to our Help Desk at elections@wi.gov or 608-261-2028.



Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

DATE: March 20, 2025

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

FROM: WEC Staff

SUBJECT: New Judicial Officer Privacy Law

1. **Summary.** Beginning on April 1, 2025, judicial officers (judges) and certain immediate family members have the right to request that specific personally identifiable information be kept confidential.¹ This memorandum specifically addresses the protection of voter and candidate information. Jurisdictions should consult with an attorney for information about the protection of other forms of information. NOTE: The new law has no effect on the conduct of the April 1 Spring Election. April 1 is the first day that a request may be submitted, but jurisdictions have ten (10) business days from the date of any request to implement the protections.
2. **Who is protected?** Under the Judicial Officer Privacy Law, a judicial officer means a current or former Wisconsin Supreme Court justice; a court of appeals, circuit court, municipal, or tribal judge; temporary or permanent reserve judge; or a circuit, supplemental, or municipal court commissioner.² Federal judges do not appear to be covered under the new law. Judicial officers may also request confidentiality for certain immediate family members including spouse, parents, adult children residing at the same address, or any other person who resides at the judicial officer's residence.³
3. **What information is protected?** Personal information must be made exempt from public disclosure upon the proper submission of a written request by a judicial officer.⁴ Personal information includes:⁵
 - a. Home address
 - b. Telephone number
 - c. Personal email address
 - d. Social Security number, driver's license number, federal tax identification number, or state tax identification number
 - e. The identification of children under the age of 18 of a judicial officer or immediate family member
 - f. Date of birth

¹ 2023 Wisconsin Act 235, <https://docs.legis.wisconsin.gov/2023/related/acts/235>, now codified as Wis. Stat. §757.07. ("Judicial Officer Privacy Law" or "new law")

² Wis. Stat. § 757.07(1)(e).

³ Wis. Stat. § 757.07(1)(d).

⁴ Wis. Stat. § 757.07(2)(a).

⁵ Wis. Stat. § 757.07(1)(g).

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Administrator
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- g. Marital status
- h. Bank account information (except as required for certain campaign finance requirements)

- 4. Where will requests be submitted?** Written requests by judicial officers must be submitted to each entity in possession of the data that is to be protected. Requests will usually arrive on a form prescribed by the Director of State Courts, though the law does permit judicial officers to submit requests directly as well.⁶ The request must be in writing and must specify what personal information shall be maintained as private.⁷ The request must also specify any immediate family members and secondary residences covered by the request.⁸
- 5. When does the new law apply?** The law becomes effective on April 1, 2025. A jurisdiction has ten (10) days to implement the protection upon receipt of a valid request. Written requests are valid for ten (10) years from the date of the request or until after the judicial officer's death, whichever occurs first.⁹
- 6. Why was this new law created?** The Judicial Officer Privacy Law states that it shall be construed broadly to favor the protection of the personal information of judicial officers and the immediate family of judicial officers.¹⁰
- 7. How will WEC implement the protections required?**

- a. **Nomination Papers.** The new law creates a process for a candidate for a judicial office, instead of having his or her name and residential address listed on nomination papers and declarations of candidacy, to file a certification of residence with the Elections Commission before circulating nomination papers.¹¹ A judicial officer circulating nomination papers on behalf of a candidate for a nonpartisan office or signing nomination papers supporting a candidate for a nonpartisan office, may similarly file a certification of residence with the Elections Commission before circulating or signing nomination papers. The law requires the Commission, by rule, to verify the address provided in the certification of residence.¹² The Commission will remove any nomination papers and declarations of candidacy for judicial officers who submit data privacy protection requests from publicly available sources, including Badger Voters.
- b. **Voter Record Data.** Upon receipt of a request, the Wisconsin Elections Commission will flag the appropriate record(s) in WisVote as a Protected Voter. This will both identify the voter record as protected and automatically protect information in MyVote and Badger Voters. Protected records will also be segregated in poll books, so they are easily recognized. You should ensure that observers or the public cannot access this portion of the poll book, just as you would for confidential voters. Finally, the Wisconsin Elections Commission will notify the chief election official for the voter's county and municipality of the request. Note that while this is similar to the process for Confidential Voters, the two processes are separate, and the protections afforded each group are not identical. See "Frequently Asked Questions" below for additional information on the differences between Confidential and Protected voters.

⁶ Wis. Stat. § 757.07(4)(b)1.

⁷ Wis. Stat. § 757.07(4)(d).

⁸ Wis. Stat. § 757.07(4)(d).

⁹ Wis. Stat. § 757.07(4)(e)1.

¹⁰ Wis. Stat. § 757.07(6).

¹¹ Wis. Stat. § 8.10(8).

¹² Wis. Stat. § 8.10(8)(a).

8. Recommendations. The following recommendations are provided to achieve compliance with the new law.

- a. **Consult with your attorney.** This memorandum provides only a concise summary of the new law as it relates to elections. **Protections granted by the law are not limited to elections.** While the Wisconsin Elections Commission can assist with election related inquiries, the agency cannot provide legal counsel to jurisdictions and cannot advise on non-elections matters. Jurisdictions are therefore advised to consult with their own attorney regarding the implementation of the new law.
- b. **Educate Staff and Poll Workers.** As noted above, poll books and other sources of election information will be modified to comply with the new law. Any personnel working in elections, including inspectors, should be familiar with these changes. Noteworthy elements include:
 - 1) New “Protected Voter” status in WisVote to flag voter records protected under the new law.
 - 2) Protected Voter data will not be available through the MyVote Wisconsin website.¹³ This means judicial officers who request protection under the law will not be able to use MyVote to look up their voter record or to request an absentee ballot.
 - 3) Protected Voter data will not be available through the Badger Voters portal.¹⁴
 - 4) Protected Voters will be listed separately in poll books.
 - 5) Protected Voters are not exempt from the requirement to state their name and address out loud if they choose to vote in person at the polls.¹⁵ Only Confidential Voters are exempt from this requirement.¹⁶ This requirement does not apply to the processing of absentee ballots—a poll worker is only required to read the name of an absentee voter, not the address.¹⁷
- c. **WisVote users should understand the WisVote Protected Voter process.** Commission staff will mark voters as Protected Voters for any sufficient request that we receive directly. However, it is possible that judicial officers may reach out to your office to file their request with you directly. Upon receipt of a lawful request under the Judicial Officer Privacy Law, any WisVote user may flag a voter record in their own jurisdiction as a Protected Voter. WisVote users should monitor WisVote news, the WisVote manual, and future training events for more information about this process.
- d. **Notes for Smaller Jurisdictions.** Small jurisdictions are not exempt from any part of the new law. While smaller jurisdictions may not have the extensive records or full-time staff of large jurisdictions, they must still ensure that lawful requests under the Judicial Officer Privacy Law are observed. WisVote relies should work with their providers. Towns may wish to consult with the attorneys at the Wisconsin Towns Association.

¹³ <https://myvote.wi.gov>

¹⁴ <https://badgervoters.wi.gov>

¹⁵ Wis. Stat. §§ 6.79(2) and 6.79(3).

¹⁶ Wis. Stat. § 6.79(6).

¹⁷ Wis. Stat. § 6.88(3)(a).

9. Frequently Asked Questions.

Q1: What are my responsibilities as a filing officer under the new law?

A1: The Commission will transmit to you certificate of residency forms properly completed by judicial candidates who indicate that they will be filing with your office. These candidates will then be able to write “Residence Certified with WEC” in lieu of their residential address on their nomination papers and declarations of candidacy (DOC). Judicial officers will also be able to write “Residence Certified with WEC” in lieu of their residential address when signing or circulating nomination papers for other nonpartisan candidates. If you see “Residence Certified with WEC” on a nomination paper or DOC, check to see if you have received a certificate of residency form from the Commission to determine whether the individual is permitted to withhold a residential address. If you have not received a form from the WEC, please contact us to see if a proper form is on file.

Q2: What are my responsibilities if I receive a request to keep a judicial officer’s data confidential?

A2: The Commission recommends you work with your attorney to review and implement a request; however, you may contact the Wisconsin Elections Commission for assistance with voter data. A written request must be made on a form prescribed by the Director of State Courts and must be signed by the judicial officer.¹⁸ In general, you are required to protect applicable data from public release within ten days of receiving a valid request.

Q3: How is the new Protected Voter type different from Confidential Voters?

A3: These two types of voters are similar but not identical. Confidential Voters are victims of domestic abuse, sexual assault, or stalking as designated in Wis. Stat. § 6.47. They receive a special identification card and are exempt from the requirement to state their name and address out loud at a polling place. Protected Voters are judicial officers, or their family members, as designed in Wis. Stat. § 757.07 (the new judicial officer privacy law). Protected Voters do not receive an identification card, and the law does not exempt them from the requirement to state their name and address out loud at a polling place.

Q4: How does a county know if the person making a written request is actually the judicial officer or an immediate family member of a judicial officer?

A4: A written request must be made on a form prescribed by the Director of State Courts and must be signed by the judicial officer.¹⁹ Any immediate family members also wishing to have their information protected must be included in the judicial officer’s written request and not through a separate request.

Q5: Where does someone find the form prescribed by the Director of State Courts?

A5: The form will only be available to judicial officers directly from the Director of State Courts.²⁰ Election officials will not distribute the forms.

Q6: Should the written request be notarized?

A6: There is no statutory requirement that the written request be notarized.

Q7: What does “home address” mean? Does “home address” include anything more than just the property’s address?

A7: “Home address” is defined by the Act to include “a judicial officer’s permanent residence and any secondary residence affirmatively identified by the judicial officer.” “Home address” does not include a judicial officer’s work

¹⁸ Wis. Stat. §§ 757.07(1)(k) and 757.07(4)(d).

¹⁹ Wis. Stat. §§ 757.07(1)(k) and 757.07(4)(d).

²⁰ <https://www.wicourts.gov/courts/offices/director.htm>

address.”²¹ “Permanent residence” means the place where a person’s habitation is fixed, without any present intent to move, and to which, when absent, the person intends to return.²²

Q8: What if a judicial officer sells his or her home and the home address was included in a written request?

A8: Such information would no longer be exempt under the Act. The jurisdiction would not have an automatic duty to add the new address of the judicial official unless the judicial official submitted a new written request.

10. Additional Questions. Call the WEC Help Desk at 608-261-2028 or e-mail elections@wi.gov.

Enclosures:

- a. Judicial Officer Information Sheet: “2023 Wisconsin Act 235 – Privacy Protections for Judicial Officers”
- b. 2023 Wisconsin Act 235

²¹ Wis. Stat. § 757.07(1)(c).

²² Wis. Stat. § 757.07(1)(f).



Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
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DATE: January 7, 2026

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

FROM: WEC Staff

SUBJECT: Updated Election Observer Forms and Training

The Commission's Election Observer Rule, which can be read online at [Wis. Admin. Code Chapter EL 4](#), took effect on August 1, 2025. Accompanying this rule, the Commission has now updated several forms that will be needed at all observable locations for all elections. **The prior versions of these documents are now outdated and can no longer be used. Use the links below to print new forms.** Please ensure that your elections officials know the new rules and have an adequate supply of these forms for each election.

- The **EL 109** [Elections Observers Log](#) has been updated and the statement signed by each observer now acknowledges that they must follow EL 4 while observing. Please ensure each observable location has enough copies of this log to allow all observers to sign in.
- The **EL 109R** [Election Observers: Rules-at-a-Glance](#) brochure has been thoroughly revised to reflect the new rule and now contains individual sections explaining what observers must, may, and may not do while observing. It also contains explanations of the new process for communications media and lists the specific rules for each type of observable location. Enough copies should be printed so that each observer can receive a brochure. When printing, select "actual size" to fold the document on the lines provided.
- The **EL 110** [Order to Leave Polling Place](#) is now a required form that must be completed and given to any observer who is ordered to leave an observable location. A copy of the order must also be sent to the Commission, ideally by email, within 60 days of issuance. Hopefully, you will not need any of these forms, but a few should be available at any location if the need arises.

Additionally, the Commission now has an [Election Observers 101](#) training on ElectEd, which may be useful for learning about the new rule and training election officials on how to apply the rule.

If you have questions about the observer rule or these forms or training, you can send us an email at elections@wi.gov or call our Elections Help Desk at 608-261-2028.

Wisconsin Elections Commissioners

Ann S. Jacobs, chair | Marge Bostelmann | Don M. Millis | Carrie Riepl | Robert Spindell | Mark L. Thomsen

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Wisconsin Elections Commission

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(608) 266-8005 | elections@wi.gov | elections.wi.gov

DATE: January 8, 2026

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

FROM: WEC Staff

SUBJECT: **New Administrative Rule for Mandatory Use of Uniform Instructions**
Impact to February 17, 2026 Primary

As of February 1, 2026, a new administrative rule will go into effect, which requires all municipal clerks to use the Wisconsin Elections Commission's ("the Commission") uniform instructions for absentee voting ("Uniform Instructions"), and prohibits any substantive edits or additions to those instructions. A copy of the rule text is attached to this memorandum.

The earliest date, theoretically, that absentee ballots could go out to voters is January 14, 2026, and the deadline to send absentee ballots out to voters with requests on file is January 27. Even though EL § 6.05 is not in effect until Feb. 1, the Commission recommends that you prepare to send all your absentee voters the Commission's versions of the Uniform Instructions so that you do not have to remember to switch over to using the Commission's versions after Feb. 1. If you already use the Commission's versions of the Uniform Instructions, without any changes, edits, or additional substantive information, you are already in compliance with the new rule.

The purpose of this rule is to ensure that all Wisconsin voters receive the same instructions for absentee voting, regardless of their municipality. The rule was put in place following reports that some absentee voters were receiving information from their clerks that was contrary to law because those clerks had modified or edited the Commission's Uniform Instructions. Only the Commission has the authority to set the Uniform Instructions. [Wis. Stat. § 6.869](#).

The new rule prohibits clerks from providing their electors with any version of the Uniform Instructions that has not been prescribed by the Commission. Furthermore, clerks are prohibited from stating or implying that any additional information provided to electors constitutes the Uniform Instructions.

There is an exception for clerks to provide electors with additional administrative and logistical instructions, provided they do not substantively conflict with the Commission's Uniform Instructions. Additional administrative and logistical instructions can include office location, office hours, drop box pick up times, or any other non-substantive information related to absentee voting. Additional administrative or logistical instructions must appear on their own page and cannot appear as part of the Commission's Uniform

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Instructions, including on the back of any page. Clerks can still update the “Municipal Clerk Contact Information” on the Uniform Instructions without violating the rule.

Current versions of the Uniform Instructions are available on the Commission’s website:
<https://elections.wi.gov/wec-form/uniform-absentee-ballot-instructions>.

If you have questions, please contact the Commission at 608-266-8005 or elections@wi.gov.

RULE TEXT

SECTION 1. EL 6.05 is created to read:

EL 6.05 **Mandatory use of uniform instructions by municipal clerks.**

(1) Definitions. In this section:

(a) “Commission” means the Wisconsin Elections Commission.

(b) “Municipal clerk” means an individual who meets the definition of s. 5.02(10), Stats.

(c) “Uniform instructions” mean those that are prescribed by the commission pursuant to s. 6.869, Stats. The commission has prescribed four versions of uniform instructions, which are numbered EL-128, EL-128CC, EL-128U, and EL-128UP, as well as Spanish translations of those forms, which use the same form numbers but end in ‘S’.

(2) **Mandatory use.** All municipal clerks are required to provide their absentee electors with the appropriate version of the uniform instructions for absentee voting that has been prescribed by the commission pursuant to s. 6.869, Stats. A municipal clerk shall not provide absentee electors with any version of uniform instructions that has not been prescribed by the commission pursuant to s. 6.869, Stats., or to represent that any additional administrative or logistical instructions are the uniform instructions being provided or required in accordance with s. 6.869, Stats.

(3) Exceptions.

(a) Nothing in sub. (2) shall be interpreted to restrict a municipal clerk’s ability to provide administrative or logistical instructions to absentee electors in addition to the commission’s uniform instructions, provided the additional instructions do not conflict with the commission’s uniform instructions or otherwise violate state or federal law.

(b) In this subsection, additional administrative or logistical instructions conflict with the commission’s versions of the uniform instructions if they provide information that is inconsistent with or contrary to the substantive procedures prescribed by the commission for completing and returning an absentee ballot. Additional administrative or logistical instructions also conflict with the commission’s versions of the uniform instructions if they provide details regarding the substantive procedures for completing and returning an absentee ballot that have not been prescribed by the commission.

(c) If a municipal clerk elects to provide administrative or logistical instructions pursuant to par. (a) in addition to the commission’s uniform instructions, those instructions shall not be added to any page containing the commission’s uniform instructions, including the blank reverse side of any page. They shall appear on a separate, independent page to

distinguish them from the versions of the uniform instructions that have been prescribed by the commission pursuant to s. 6.869, Stats.

(d) Nothing in sub. (2) shall be interpreted to restrict a municipal clerk's ability to complete the "Municipal Clerk Contact Information" section on the versions of the uniform instructions that have been prescribed by the commission.

SECTION 2 **EFFECTIVE DATE.** This rule takes effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

State of Wisconsin



2025 Assembly Bill 35

Date of enactment: October 31, 2025
Date of publication*: November 1, 2025

2025 WISCONSIN ACT 43

AN ACT to create 8.35 (1m), 12.13 (3) (ag) and 12.60 (1) (am) of the statutes; **relating to:** withdrawal of candidacy for certain offices filled at the general election and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 8.35 (1m) of the statutes is created to read:

8.35 (1m) (a) A person who files nomination papers with the commission for an office other than district attorney to be filled at the general election does not qualify under sub. (1) to appear on the ballot at the partisan primary or general election, and the person's name shall not appear on the ballot, if, no later than the 7th business day before the June 10 preceding the partisan primary or no later than the 7th business day before the 4th Tuesday in August preceding the general election, the person does all of the following:

1. Files with the commission the sworn statement and identity verification required under par. (b).
2. Pays a fee of \$2,500 to the commission if the person is a candidate for governor, lieutenant governor, secretary of state, state treasurer, attorney general, U.S. senator, or, with respect to the general election, president and vice president of the United States.
3. Pays a fee of \$500 to the commission if the person is a candidate for U.S. representative in Congress.
4. Pays a fee of \$250 to the commission if the person is a candidate for state senate or representative to the assembly.

(b) 1. Each person withdrawing his or her candidacy

under par. (a) shall complete and file with the commission a sworn statement, which shall be notarized and made under oath, on a form prescribed by the commission attesting that the person withdraws his or her candidacy and that verifies the person's identity, as provided in this paragraph. The form shall include a space for the candidate to state his or her reasons for withdrawing from candidacy, the date of completion of the form, the candidate's printed name, the candidate's signature, and the signature of the witness under subd. 2.

2. The candidate's completion of the form required under subd. 1. shall be personally witnessed by a county clerk, county sheriff, or municipal chief of police in this state, who shall verify the candidate's identity by means of an operator's license issued under ch. 343, an identification card issued under s. 343.50, an identification card issued by a U.S. uniformed service, or a U.S. passport, except that the identity of a candidate for president or vice president who is not a resident of this state may be verified by means of a driver's license or identification card issued by the candidate's state of residence in lieu of such license or identification issued by this state. A copy of the candidate's license, identification, or passport shall be submitted to the commission with the form required under subd. 1.

(c) A candidate's withdrawal of his or her candidacy prior to the partisan primary or general election shall not

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

2025 Wisconsin Act 43

2025 Assembly Bill 35

alter the ballot order of the remaining candidates if upon the candidate's compliance with pars. (a) and (b) the commission has already determined the ballot arrangement for the partisan primary or general election.

(d) No later than the 5th business day before the June 10 preceding the partisan primary or before the 4th Tuesday in August preceding the general election, the commission shall notify the county clerk in each affected county of any person who has withdrawn his or her candidacy by complying with pars. (a) and (b).

(e) A presidential candidate's withdrawal of his or her candidacy under pars. (a) and (b) constitutes a with-

drawal of that candidate's joint ticket for president and vice president of the United States.

SECTION 2. 12.13 (3) (ag) of the statutes is created to read:

12.13 (3) (ag) Intentionally make or file a false statement withdrawing a person's candidacy under s. 8.35 (1m) (b).

SECTION 3. 12.60 (1) (am) of the statutes is created to read:

12.60 (1) (am) Whoever violates s. 12.13 (3) (ag) is guilty of a Class G felony.

WISCONSIN ELECTIONS COMMISSION

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MARK L. THOMSEN, CHAIR

MEMORANDUM

DATE: January 5, 2017

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

FROM: Michael Haas
Administrator

Nathan W. Judnic
Legal Counsel

SUBJECT: Withdrawal of Nomination Papers after Qualifying for Ballot Access

Commission staff has received calls from county and municipal clerks inquiring about whether a candidate who has properly filed nomination papers and qualified for the ballot can withdraw their nomination papers to remove their name from the ballot. The statutory language which addresses this question is clear, and states that “[a]ny person who files nomination papers and qualifies to appear on the ballot may not decline nomination. The name of that person shall appear upon the ballot except in the case of death of the person.” Wis. Stat. § 8.35(1) (emphasis added). Based on this statutory language, the Commission staff has advised that once an individual has filed nomination papers with a filing officer, and has qualified for ballot placement, nomination papers or other ballot access documents cannot be withdrawn to remove a person’s name from the ballot.

Commission staff previously published an answer to a Frequently Asked Question (FAQ) on this very question which can be found here: <http://elections.wi.gov/node/105> The answer to the FAQ was prepared by the staff of the Commission’s predecessor agency, but the statute has not changed and Commission staff believes the answer is still correct. The answer states that “Once a candidate qualifies for ballot status, her name appears on the ballot. The candidate cannot withdraw and have her name removed. Only in case of death of the candidate can the name be removed from the ballot. S. 8.35, Wis. Stats. The candidate can make a statement to notice to the electors that she no longer wishes to seek the office by election, but her name will appear on the ballot. Should the candidate win the election, she may decline to hold that office. This creates a vacancy that is filled following the provisions of Ch. 17.”

Generally, once ballot access documents including nomination papers have been physically transferred to the filing officer, they are considered filed for purposes of Wis. Stat. § 8.35(1). If all ballot access documents have been filed, the individual qualifies for ballot access, and their name will appear on the ballot (with the exception of death of the individual). Although in a slightly different context (retention of records), Wis. Stat. § 7.24 supports the interpretation that once nomination

papers have been transferred and accepted by the filing officer, they are filed. Wis. Stat. § 7.24 states that “[t]he filing of a nomination paper...or other form or statement with the appropriate official or agency responsible for accepting such materials under chs. 5 to 12 irrevocably transfers the legal title to such official or agency, regardless of the sufficiency of the filing. The official or agency shall retain all election materials until destruction or other disposition is authorized under s. 7.23.” At the State level, once a candidate appears at the Commission’s office with their nomination papers (or papers are received by mail) and submits them to be stamped as received, their papers are considered filed, and they can no longer change their mind or request that their papers be returned to remove their name from the ballot.

Local filing officers are ultimately tasked with determining if all ballot access documents have been filed by a candidate seeking office. If all proper ballot access documents have been filed, the candidate’s name “shall appear” on the ballot per Wis. Stat. § 8.35(1). If a complaint were to be filed against a local election official with the Commission under Wis. Stat. § 5.06 for failure to place a candidate’s name on a ballot who filed all required ballot access documents, the Commission’s analysis as to whether the official’s decision was contrary to law, or was an abuse of discretion would begin with this statute.

Polling Places

Identifying and Establishing

- How accessible is the new location?
- Can everyone find it and get into it?
- Is it centrally located for the folks who will vote there?

Layout Considerations:

- How many ballot styles will you have? Where will you be issuing them?
- Have poll workers had sufficient training to avoid mixing up ballot styles?
- Do you use e-pollbooks that need power or paper poll books?



Supplies:

- Poll Book
- Supplemental (Election Day) Poll List (EL – 107)
- Proper Ballots
- Ballot Boxes
- Pencil or proper marker for each voting booth
- Ballot bags with Ballot Container Certificate (EL-101) affixed
- Envelope (brown) for rejected absentee ballots with Certificate (EL-102) affixed
- Envelope (white) for Used Absentee Certificate Envelopes with Certificate (EL-103) affixed.
- Inspectors' Statement (EL-104) & Challenge Documentation (EL-104c)
- General Purpose Tally Sheet (EL-105)
- General Purpose Canvass Report (EL-106)
- Envelope for Provisional Ballots (EL-108)
- Election Observer Log (EL-109)
- Order to Leave (EL-110)
- Election Observer Brochure
- Provisional Ballot Certificate Envelopes (EL-123)
- Provisional Ballot Reporting Form(s) (EL-123r)
- Provisional Voting Information Sheets for electors
- Absentee Ballot Log (EL-124)
- FOR PRESIDENTIAL ELECTIONS, Authorization to Cancel Registration (EL-139)
- FOR PRESIDENTIAL ELECTIONS, Application of New Wisconsin Resident for Presidential Ballot (EL-141)
- Election Day Manual
- Copy of Wisconsin Statutes Chapters 5-11, 12
- Original Ballots Envelope
- Spoiled Ballots Envelope

Posted Notices:

- Type B Information to Electors
- Type C Notice of Referendum
- Type D Polling Place Hours and Locations
- Two samples of each ballot type
- Election Fraud Notice (EL-111)
- FOR PARTISAN PRIMARY, Notice of Crossover Voting (EL-112, paper ballots; EL-112m, electronic voting equipment)
- Notice of Overvote (EL-113)
- FOR PRESIDENTIAL PREFERENCE, Notice of Crossover Voting (EL-114)
- Voter Qualification Poster (EL-115)
- General Information on Voting Rights Under Federal Laws (EL-117)
- Contact Information (EL-118)
- Ward Map and Street Directory

Location:

- Displayed American Flag
- One entrance clearly marked as accessible for people with disabilities
- Verify seals and serial numbers on accessible voting equipment and initial verification on EL-104
- Verify seals and serial numbers on electronic voting equipment (optical scan) and initial verification on EL-104
- At least one voting booth for every 200 electors who voted in the last general election
- Voting equipment counter set at "0"
- Area designated for observers
- Separate area for voters to register at the polling place
- Table inside door for poll book (enough room for 2 election inspectors)
- Accessible Voting Equipment powered on

Order free accessibility supplies from WEC (see the order form link in Resources).

Staffing Polling Places

	Training Hour Requirements	Training Location	Residency
<i>Chief Inspector</i>	6 hrs in 2 years, CIT	Online or in person	Municipality
<i>Election Inspector</i>	Determined by clerk	Online or in person	County
<i>Greeter</i>	Determined by clerk	Online or in person	County
<i>Election Registration Official (ERO)</i>	Voter Registration	Online or in person	County
<i>Tabulator</i>	Counting Votes	Online or in person	County

Qualifications

ALL OFFICIALS

- Qualified elector of a county in which the municipality where the official serves is located
- Able to read and write the English language; Capable; Have "good understanding." Governing body can require examinations to demonstrate these qualifications, including general knowledge of elections law. Wis. Stat. § 7.30(2)(c).
- Not be a candidate for any office to be voted for at an election at which they serve. *Best Practice: no spouse or immediate family members of candidates should work elections where that candidate is on the ballot.*
- *May simultaneously hold a local public office, except in the City of Milwaukee.*
- High School Students who are 16 or 17 with a 3.0 or higher GPA, or meeting the school's criteria, may serve as regular inspectors for one election at a time with parental permission. Wis. Stat. § 7.30(2)(am)

CHIEF INSPECTORS

- Qualified elector of the municipality*

* If no qualified candidate for chief inspector is available or if the chief inspector is appointed to fill a vacancy under par. (b), the person so appointed need not be a qualified elector of the municipality.

VACANCIES

When is there a vacancy?

- When a poll worker is not available to fill a spot at an election.

Who can be appointed?

- Vacancies must be filled from the lists submitted by political parties or from additional names submitted by the parties. Wis. Stat. § 7.30(2)(b).
- The same qualifications apply, except that up to two municipal or deputy clerks may be appointed who do not reside in the county. *Id.*

How are vacancies filled?

- The municipal clerk appoints a replacement. Temporary vacancies lead to temporary appointments. Permanent vacancies lead to permanent appointments. *Id.*

Party Imbalance

5-WORKER STAFFING PLAN FORMULA FOR PARTY IMBALANCE

1. Did you receive lists of poll workers from one or both major parties?
 - a. Yes, go to question 2.
 - b. No, you don't have to worry about this.
2. Who won the presidential vote for that polling place (those reporting units)?
 - a. Republican = R gets 3 and D gets 2
 - b. Democrat = D gets 3 and R gets 2

Note: Use unaffiliated workers to fill any spots not filled by party submissions.

3. Examples of how this might look:
 - a. Full day shift where clerk received 4 Rs and 1 D from party lists and the Democrat won the presidential = D + U + U + R + R

 - b. Split shift where clerk received 5 Rs and no Ds and the Republican won the presidential = R + R + R + U + U in A.M. | R + R + U + U + U in P.M.

DISQUALIFICATIONS

- Wis. Stat. § 7.15(1)(f): "Discharge election officials for improper conduct or willful neglect of duties."
- Wis. Stat. § 7.25(5): "Any person who does not understand the machines [voting equipment] shall not be paid nor be allowed to serve."
- Wis. Stat. § 7.30(6)(c) : "If any election official appointed under this section lacks the qualifications set forth in this section, fails to attend training sessions required under s. 7.15 (1) (e) unless excused therefrom, is guilty of neglecting his or her official duties or commits official misconduct, the municipal clerk or board of election commissioners shall summarily remove the official from office and the vacancy shall be filled under sub. (2) (b)."

Proof of Residence (POR) vs. Proof of Identification (POI)








Document	Issuer	Proof of Residence Requirements (Registration)	Proof of ID Requirements ¹ (Issuing a ballot)
State of WI Driver License or Instructional Permit	State Government	Cannot be used as POR if hole punched May be revoked or suspended Cannot be expired	May be used if hole punched and date visible May be revoked or suspended Must either be valid or expired after the last General Election
State of WI ID Card	State Government	Cannot be used as POR if hole punched Cannot be expired	May be used if hole punched and date visible Must either be valid or expired after the last General Election
WI DOT Driver License Receipt	State Government	Cannot be expired Valid for 45 days	Cannot be expired Valid for 45 days
WI DOT ID Card Receipt	State Government	Cannot be expired Valid for 45 days	Cannot be expired Valid for 45 days
Identification Card Petition Process receipt	State Government	Cannot be expired Valid for 60 days	Cannot be expired Valid for 60 days
Citation or Notice to Revoke or Suspend WI Driver License	State Government	Cannot be expired Must be dated within 60 days of the election	Cannot be expired Must be dated within 60 days of the election
Check or other document issued by a unit of government	Any Governmental Unit	Valid on date of registration ²	Cannot be used for POI
U.S. Passport booklet or card	Federal Government	Cannot be used as POR	Must either be valid or expired after the last General Election
Military ID card issued by a U.S. Uniformed Service	Federal Government	Cannot be used as POR	Must either be valid or expired after the last General Election
Military ID card issued to a veteran by a U.S. Uniformed Service.	Federal Government	Cannot be used as POR	May be expired – some may indicate “indefinite.”
Photo ID issued by the federal Dept. of Veterans Affairs	Federal Government	Cannot be used as POR	Must either be valid, have no expiration date, or expired after the last General Election.

¹ Proof of Identification documents do not have to list a current address to be valid.

² Proof of Residence documents which are valid for use during a specified period must be valid on the day an elector registers to vote. Wis. Stat. 6.34(3) (c).

Document	Issuer	Proof of Residence Requirements (Registration)	Proof of ID Requirements¹ (Issuing a ballot)
Certificate of Naturalization	Federal Government	Cannot be used as POR	Cannot be expired issued not earlier than 2 years before election
Wisconsin University, College or Technical College ID	Educational Institutions	Photo and name required on ID Address not required on ID but a fee payment receipt with address and dated within the last 9 months is presented OR The clerk may verify the ID against the certified housing list showing the address	Photo, date of issuance, student signature and expiration date no later than two years after issuance required. If expired, it can still be used if a separate document proving current enrollment is provided.
ID Card issued by WI governmental body or unit	Local Government	Valid on date of registration ²	Cannot be used for POI
Real estate tax bill or receipt	Local Government	For current year or year preceding date of the election	Cannot be used for POI
ID card issued by federally recognized WI tribe	Tribal Government	None	Expired or unexpired
ID Card issued by employer not a business card	Employer	Valid on date of registration ² Photo required	Cannot be used for POI
Paycheck or stub	Employer	None	Cannot be used for POI
Bank or Credit Union Statement	Financial Institution	Any bank or CU account statement, regardless of the type of account.	Cannot be used for POI
Credit Card Statement	Financial Institution	Any credit card statement, including retail	Cannot be used for POI
Residential Lease	Landlord	Effective on date of registration ² Cannot be used as POR when registering by mail.	Cannot be used for POI
Utility bill Gas, Electric, Phone, Mobile, cable TV, Satellite, Internet, Garbage	Utilities	For period that starts no earlier than 90 days before registration	Cannot be used for POI
Care facility contract or intake document	Care Facility	Must indicate voter resides at facility Is not required to indicate room number	NA

Prescribed by the Commission pursuant to Wis. Stat. § 5.35(6)(c).

Notation on poll book*	What it means	What to do
	An absentee ballot has been issued to the voter	Ask if they have returned it, including putting it in the mail: Yes = voter can't vote in person No = voter may vote
	An absentee ballot has been returned to the clerk's office	Make sure the certificate does not need to be corrected. The voter cannot vote in person but may fix the certificate. E-pollbooks will not allow in-person check-in. (see image 1 below)
	A voter's record has been flagged as the voter possibly having moved	Ask the voter if they moved: Yes = register with updated Proof of Residence (POR) No = voter may vote (note it for the clerk)
	The voter is a confidential voter and should only appear in the confidential section of the poll book.	Voter does not have to state name and address. Will have number on a card or to state.
	The voter is registered as living permanently overseas.	To vote in person, voter must register as a regular voter with POR.
	The voter is registered as a military voter and has only ever voted absentee.	To vote in person, voter must register with POR. E-pollbooks will only allow the voter to register (see image 2 below).
	The voter record has been flagged that the voter is unable to physically sign for themselves.	Ask if the voter is unable to physically sign the poll book: Yes = voter does not need to sign No = voter signs; make note for the clerk.

*E-pollbook notations will appear next to the voter's name (see Images 1 and 2).

Image 1

	Absentee Returned	ANDREW JACOB SMITH
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Image 2

Complete EDR	Military Must RGSTR	John I Abitz
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More than one notation may appear in the voter block. In that instance, address each one individually.

Example:



The voter is registered as permanently overseas and has returned an absentee ballot. They may not vote in person but they may get registered as a regular voter if they meet all the registration qualifications.

Boards of Canvass

Election Inspectors

The election officials in charge of a polling place are called “election inspectors” or “poll workers” until the polls close. When the polls close, the election officials are no longer “election inspectors.” Their duties change and so does their title.

Local Board of Canvassers (LBOC)

- When the polls close, the inspectors are no longer inspectors; they are members of the LBOC
- “Local Board of Canvassers” is the statutory term for the governmental body the inspectors become after the polls close.
- Election inspectors at a polling place become the LBOC after the polls close, regardless of the make-up of the MBOC and regardless of whether there are municipal contests up for election.
- The LBOC reconciles poll lists, tallies write-ins, prints out machine tapes, bags the ballots etc. (I will bet you always thought your inspectors did that, didn't you? All along it was actually the LBOC.)
- LBOC is recognized as a “governmental body,” and therefore a public meeting notice is required.

Determining Eligibility of Write-in Votes Counting votes in an office where write-in votes are present can be complicated and requires a step-by-step approach to systematically separate which write-in votes are “eligible” for counting and which are “ineligible.” There are four principles to assist you in determining write-in vote eligibility and whether marked ballot candidates can be considered.

The Four Principles for Determining Eligibility of Write-in Votes

1. If the number of ballot candidates for a given office is equal to or greater than the number of seats to be filled— Only votes for registered write-in candidates are eligible for counting. (A ballot candidate whose name is written in under a different office than the office where the candidate's name is printed cannot be counted because he or she is not a registered write-in candidate for that office).
2. If there are fewer ballot candidates for a given office than the number of seats to be filled— All write-in votes are eligible for counting. (A ballot candidate whose name is written in under a different office than the office where the candidate's name is printed is counted in this situation).
3. If there are any ballot candidates for a given office and one or more has passed away— All write-in votes are eligible for counting. (A ballot

candidate whose name is written in under a different office than the office where the candidate's name is printed is counted in this situation).

4. If there are enough write-in votes to fill the number of seats up for election (regardless of the eligibility of the write-in votes)– Votes for ballot candidates may not be considered. Note: In nonpartisan elections such as the spring primary and spring election, a ballot candidate's name may be written in under an office other than where the name is printed.

Municipal Board of Canvassers (MBOC)

The MBOC is a governmental body that determines the outcome of municipal election contests and municipal referenda. The MBOC is recognized as a “governmental body,” and therefore a public meeting notice is required.

When do Election Inspectors also serve as the MBOC?

The election inspectors are also members of the MBOC, when:

1. There is only one polling place in the municipality,
2. There are municipal contests on the ballot, and
3. All voters in the municipality are eligible to vote for all municipal offices, for example:

In towns, all voters are eligible to vote for all town offices:

- | | |
|----------------------------------------------------------------|-----------------|
| Town Board Chairperson | Town Treasurer |
| Town Board Supervisors (elected at large or to numbered seats) | Town Assessor |
| Town Clerk | Constable |
| | Municipal Judge |

In Villages, all voters are eligible to vote for all village offices.

- | | |
|---------------------------------------------------------|-------------------|
| Village President | Village Treasurer |
| Village Trustee (elected at large or to numbered seats) | Assessor |
| Village Clerk | Constable |
| | Municipal Judge |

In Cities, all voters are eligible to vote for all city offices, as long as Alderpersons are elected at large.

Mayor
City Clerk
City Treasurer
City Attorney

City Assessor
Constable
Municipal Judge
Aldersperson at large

When the Election Inspectors comprise the MBOC and there are municipal contests up for election, the MBOC canvasses on election night, even if there are outstanding provisional ballots. When there are municipal offices on the ballot, the inspectors serve as three types of officials on election day:

1. Inspector
2. LBOC member
3. MBOC member

If provisional ballots are rehabilitated, the MBOC reconvenes no later than 9 a.m. on the Monday after the election to process the provisional ballots and amend the initial municipal canvass. If all inspectors who made up the MBOC on election night are not available, the MBOC may consist of the clerk (if a resident of the municipality), chief inspector, and another inspector.

When do the election inspectors NOT serve as the MBOC, and a separate MBOC required?

A separate MBOC consists of the municipal clerk (if a resident of the municipality) and two other qualified electors of the municipality appointed by the clerk. A separate MBOC is required when:

1. There is more than one polling place in the municipality,
2. There are municipal contests on the ballot, and
3. There are municipal offices that are elected to districts. For example:
 - A village elects trustees or a city elects alderpersons to districts. When a municipal office is elected to districts, the voters are separated by those districts. While a voter can only vote for trustee or alderperson in their district, the same voter can vote for all municipality-wide offices.
 - This requires the votes for municipality-wide offices, cast in the various aldermanic (or trustee) districts, to be added together to get the total votes for the municipality-wide offices.
 - Whenever votes must be added together because of districts, a separate MBOC is required, even if there is only one physical polling place.

The separate MBOC meets no later than 9 a.m. on the Monday after the election to process rehabilitated provisional ballots and to canvass the results of municipal contests.

If a Separate MBOC is required for certain municipal elections, the Separate MBOC is used for all municipal elections.

Example: If two or more polling places are used for higher turn-out elections, but the number of polling places is reduced to one for low-turnout elections, the Separate MBOC required for multiple polling places is still the MBOC when there is only one polling place. A municipality has only one MBOC. Whether a Separate MBOC or an MBOC composed of the election inspectors, the MBOC members have been appointed to a two-year term, and are required to canvass all municipal elections.

Additional Resources

Manuals & Forms

Election Administration, Election Day, Counting Votes, and Badger Book Manuals: <https://electiontraining.wi.gov/group/10391>

New Polling Place Assessment (EL-501): <https://elections.wi.gov/wec-form/new-polling-place-accessibility-self-assessment>

Accessibility Supplies Order Form (EL-502): <https://elections.wi.gov/wec-form/accessibility-supplies-order-form>

WisVote Manual: <https://electiontraining.wi.gov/group/10476>

Certificate of Election: <https://elections.wi.gov/wec-form/certificate-election>

Oath of Office: <https://elections.wi.gov/wec-form/official-oath>

Webpages

Moving Polling Places: <https://elections.wi.gov/deciding-new-polling-place>

