Election Law & Administration in Wisconsin

Manual for Statutory Requirements & Best Practices

About this Manual

In April 2025, the Wisconsin Elections Commission initiated its first ever line-by-line, comprehensive review of its election administration manuals with the goal of creating a consolidated, updated resource ahead of the 2026 election cycle. Every word in this manual was reviewed by Commission staff, legal counsel, and at least three times by the Commission itself.

For a detailed overview of the project, and a list of dates of when each draft of each chapter was reviewed by the Commission, see the open session materials from the May 28, 2026, meeting.

About the First Edition

The First Edition encompasses the eleven most commonly used of the Commission's manuals:

- Election Administration Manual
- Election Day Manual
- Canvass Reporting System Manual
- Special Voting Deputy (SVD) Manual
- Candidate Ballot Access Procedures Manual
- Military and Overseas Voter (UOCAVA) Manual
- Municipal Boards of Canvassers – Suggested Procedures
- County Boards of Canvassers – Suggested Procedures
- Caucus Manual
- Counting Votes Manual
- Common Nomination Paper Challenges Manual

The First Edition also contains significantly expanded content on several topics, as well as incorporates existing Commission guidance that was previously not covered in the existing manuals.

First Edition Release Notes

As part of the publication and roll out of the First Edition, Commission staff have also prepared a series of Release Notes that explain the major changes in guidance, and expansions of content, for each Part of the manual. The Release Notes are available at elections.wi.gov.

Contents

Part 1
Introduction & General Info

Chapter 1.1: Statutes & Administrative Code 2

Sec. 1.1.1: State Statutes: Chapters 5–10 & 12 2

Sec. 1.1.2: Administrative Code 3

Part 2
Getting on the Ballot

Chapter 2.1: Qualifications for Office 2

Sec. 2.1.1: Federal Offices: 2

Sec. 2.1.2: State & Local Offices 3

Sec. 2.1.3: Specific State-Level Office Qualifications 4

Sec. 2.1.4: County-Level Office Qualifications 5

Sec. 2.1.5: Municipal-Level Office Qualifications 5

Sec. 2.1.6: School District Office Qualifications 6

Chapter 2.2: Ballot Access Procedure 7

Sec. 2.2.1: Filing Officers 7

Sec. 2.2.2: General Procedures 8

Sec. 2.2.3: Ballot Access Documents Required for All Candidates 10

Sec. 2.2.4: Additional Filing Requirements for Certain Offices 11

Sec. 2.2.5: Declarations of Candidacy 12

Sec. 2.2.6: Nomination Paper Procedure 15

Sec. 2.2.7: Nomination Paper Review: Procedure 18

Sec. 2.2.8: Counting Valid Signatures 25

Sec. 2.2.9: Correcting Affidavits 29
Sec. 2.2.10: Public Access of Ballot Access Paperwork 30
Sec. 2.2.11: Frequently Asked Questions 30

Chapter 2.3: Ballot Access Challenges 35
Sec. 2.3.1: Types of Ballot Access Challenges 35
Sec. 2.3.2: Filing Requirements & Deadlines 37
Sec. 2.3.3: Burdens of Proof 40
Sec. 2.3.4: Reviewing the Challenge 40
Sec. 2.3.5: Deciding the Challenge & Appeals 41
Sec. 2.3.6: Common Ballot Access Challenges 43

Chapter 2.4: Nomination by Caucus 59
Sec. 2.4.1: Introduction 59
Sec. 2.4.2: Preparing for a Caucus 60
Sec. 2.4.3: Selecting Candidates at a Caucus 62
Sec. 2.4.4: After the Nomination is Decided 65
Sec. 2.4.5: Frequently Asked Questions 69
Sec. 2.4.6: Appendix I: Sample Notice of Nomination at Caucus 71
Sec. 2.4.7: Appendix II: Receipt of Notice of Nomination 72

Chapter 2.5: Notification of Noncandidacy 73
Sec. 2.5.1: Filing Deadlines 74
Sec. 2.5.2: Frequently Asked Questions 75

Chapter 2.6: Write-In Candidates 76

Part 3
Voter List Maintenance

Chapter 3.1: Voter List Maintenance 2

Sec. 3.1.1: Introduction 2

Chapter 3.2: Four-Year Maintenance (Inactive Voters) 4

Sec. 3.2.1: Commission Responsibilities 4

Sec. 3.2.2: Clerk Responsibilities 4

Sec. 3.2.3: Commission Reporting 4

Chapter 3.3: Voters Who Move 5

Sec. 3.3.1: Commission Responsibilities 5

Sec. 3.3.2: Clerk Responsibilities 5

Chapter 3.4: ERIC Movers 6

Sec. 3.4.1: Commission Responsibilities 6

Sec. 3.4.2: Clerk Responsibilities 7

Chapter 3.5: Deceased Voters 8

Sec. 3.5.1: Commission Responsibilities 8

Sec. 3.5.2: Clerk Responsibilities 8

Sec. 3.5.3: Special Note: ERIC Death Reports 8

Chapter 3.6: Voters Residing in a Condemned Structure 9

Sec. 3.6.1: Commission Responsibilities 9

Sec. 3.6.2: Clerk Responsibilities 9

Chapter 3.7: Voter Requests 10

Sec. 3.7.1: Commission Responsibilities 10

Sec. 3.7.2: Clerk Responsibilities 10

Chapter 3.8: Voters Adjudicated Incompetent by a Court 11

Sec. 3.8.1: Commission Responsibilities 12

Sec. 3.8.2: Clerk Responsibilities 12

Chapter 3.9: Voters Convicted of a Felony/Treason/Bribery 13
Sec. 3.9.1: Commission Responsibilities 13
Sec. 3.9.2: Clerk Responsibilities 13
Chapter 3.10: Duplicates 14
Sec. 3.10.1: Commission Responsibilities 14
Sec. 3.10.2: Clerk Responsibilities 14
Sec. 3.10.3: Other Situations 14
Chapter 3.11: OVR-DMV Check Process 15
Sec. 3.11.1: Commission Responsibilities 15
Sec. 3.11.2: Clerk Responsibilities 15
Chapter 3.12: HAVA-DMV Check Process 16
Sec. 3.12.1: Commission Responsibilities 16
Sec. 3.12.2: Clerk Responsibilities 17
Chapter 3.13: Special Notes for Reliers 18

Part 4
Election Notices

Chapter 4.1: Summary 2
Chapter 4.2: Notice Requirements and Details 3
Sec. 4.2.1: Type A: Notice of Election or Referendum 3
Sec. 4.2.2: Type B: Instructions to Voters & Sample Ballot 4
Sec. 4.2.3: Type C: Referendum 6
Sec. 4.2.4: Type D: Polling Place Location(s) & Hours 7
Sec. 4.2.5: Type E: Absentee Voting 7
Chapter 4.3: Newspaper Publication Procedures 9

Chapter 4.4: Frequently Asked Questions 11

Part 5
Ballots

Chapter 5.1: Ballot Creation Procedures 2
Sec. 5.1.1: Types of Ballots 2
Sec. 5.1.2: Planning & Ordering Ballots: Turnout & Timelines 3
Sec. 5.1.3: Creation of a Ballot: Overview 7
Sec. 5.1.4: Step 1: Commission Approves Ballot Templates 7
Sec. 5.1.5: Step 2: Ballot Order Determined & Candidates Added 9
Sec. 5.1.6: Step 3: County Clerks Add Candidates for Local Races 12
Sec. 5.1.7: Step 4: Ballots are Reviewed and Proofed 14
Sec. 5.1.8: Step 5: County Clerk Distributes Ballots to Municipalities 15
Sec. 5.1.9: Step 6: Municipal Clerks Review & Proof Ballots 16
Chapter 5.2: Ballot Format & Style 18
Sec. 5.2.1: Ballot Formatting 18
Sec. 5.2.2: Write-in Lines, Boxes, & Ovals 21
Sec. 5.2.3: Ballot Endorsement 22
Sec. 5.2.4: Appearance of Candidates' Names 24
Chapter 5.3: Issuing & Processing A/B Ballots 25
Sec. 5.3.1: When are A/B Ballots Used? 25
Sec. 5.3.2: What are A/B Ballots? 26
Sec. 5.3.3: Procedures for Issuing "A" & "B" Ballots 26
Sec. 5.3.4: Organizing & Sorting Returned Ballots 31
Sec. 5.3.5: Processing "A" & "B" Ballots on Election Day 31
Sec. 5.3.6: Does This Affect My Ballot? 33
Sec. 5.3.7: Example Letter 34

Chapter 5.4: Referendum Ballots 35
Sec. 5.4.1: Hand Counted Paper Ballots 35
Sec. 5.4.2: Optical Scan & Consolidated Ballots 35

Chapter 5.5: Presidential-Only Ballots 36
Sec. 5.5.1: Introduction & Who is (and is not) Eligible 36
Sec. 5.5.2: Applying for Presidential-Only Ballots 37
Sec. 5.5.3: Issuing Presidential-Only Ballots to New Residents 38
Sec. 5.5.4: Issuing Presidential-Only Ballots to Former Residents 40
Sec. 5.5.5: Processing Presidential-Only Ballots on Election Day 41

Chapter 5.6: Sample Ballots 47
Sec. 5.6.1: Providing Sample Ballots 47
Sec. 5.6.2: Sample Ballot Format 47

Chapter 5.7: Frequently Asked Questions 49

Part 6
Voter Qualifications & Registration

Chapter 6.1: Voter Qualifications 2
Sec. 6.1.1: Summary 2
Sec. 6.1.2: Voter Certifies that They are Qualified 2
Sec. 6.1.3: Voter Eligibility Requirements 3

Chapter 6.2: Voter Registration Prior to Election Day 8
Sec. 6.2.1: Voter Registration Basics 8
Sec. 6.2.2: Methods of Registration 9
Sec. 6.2.3: Completing the Voter Registration Application 14
Sec. 6.2.4: Proof of Residence 21

Chapter 6.3: Confidential Voters 28
Sec. 6.3.1: Definition 28
Sec. 6.3.2: Eligibility 28
Sec. 6.3.3: Making the Request 29
Sec. 6.3.4: Poll Book Procedure 30
Sec. 6.3.5: Recordkeeping 31

Part 7
Absentee Voting

Chapter 7.1: Deadlines 2
Sec. 7.1.1: Introduction 2
Sec. 7.1.2: General Application Requirements 2
Sec. 7.1.3: A Voter's Agent Possessing the Voter's Power of Attorney (POA) May Not Cast Voter's Ballot 5
Sec. 7.1.4: Absentee Ballot Request Deadlines 5

Chapter 7.2: Types of Absentee Voters 7
Sec. 7.2.1: Indefinitely Confined Voters 7
Sec. 7.2.2: Calendar Year Requests 10
Sec. 7.2.3: Hospitalized Voters 12
Sec. 7.2.4: Sequestered Jurors 15

Chapter 7.3: Types of Absentee Voters: SVDs 17
Sec. 7.3.1: Introduction 17
Sec. 7.3.2: Key Definitions 17
Sec. 7.3.3: Who are Special Voting Deputies? 19
Sec. 7.3.4: What are the SVD Training Requirements? 20
Sec. 7.3.5: When are SVDs Required? 20
Sec. 7.3.6: Arranging for the SVD Visit 22

Sec. 7.3.7: Public Notice of SVD Visits 24
Sec. 7.3.8: Qualifying to Vote by SVD 24
Sec. 7.3.9: Voter Registration Required 25
Sec. 7.3.10: Making the Absentee Ballot Request with SVDs 26
Sec. 7.3.11: Application by an Indefinitely Confined Voter 27
Sec. 7.3.12: Proof of Identification Exemption 27
Sec. 7.3.13: Establishing Residence 30
Sec. 7.3.14: Relatives 31
Sec. 7.3.15: Rules for Observers 32
Sec. 7.3.16: Challenges to Voters in Residential Care Facilities, Qualified Retirement Homes 33
Sec. 7.3.17: Delivery of Ballots and Voting 34
Sec. 7.3.18: Best Practice: Voter Declines a Ballot 37
Sec. 7.3.19: Persons Assisting Voters 38
Sec. 7.3.20: Who May Undertake the Following Actions for Voters Voting by Special Voting Deputy 39
Sec. 7.3.21: Return of Ballots 40
Sec. 7.3.22: Special Advisory for Facility Administrators and Staff 40

Chapter 7.4: Types of Absentee Voters: UOCAVA 42
Sec. 7.4.1: Introduction 42
Sec. 7.4.2: Sec. 7.4.2 Who are Military & Overseas Voters? 43
Sec. 7.4.3: The Federal Voting Assistance Program (FVAP) 43
Sec. 7.4.4: Get to Know the Federal Forms 44
Sec. 7.4.5: Overview: Voting Process for UOCAVA Voters 45
Sec. 7.4.6: Military Voters 46
Sec. 7.4.7: Overseas Voters 52
Sec. 7.4.8: Voter Registration for UOCAVA Voters 56
Sec. 7.4.9: Methods for Voter Registration for UOCAVA Voters 57

Sec. 7.4.10: Requesting Absentee Ballots for UOCAVA Voters 65
Sec. 7.4.11: Process & Requirements for Requesting an Absentee Ballot for UOCAVA Voters 70
Sec. 7.4.12: Reviewing UOCAVA Absentee Ballot Requests & Sending Ballots 71
Sec. 7.4.13: Procedures for Sending Ballots 75
Sec. 7.4.14: Returning Absentee Ballots 81
Sec. 7.4.15: Checking Compliance 84
Appendix 7.4.A: Reviewing the Federal Post Card Application (FPCA) 85
Appendix 7.4.B: Reviewing the Federal Write-In Absentee Ballot (FWAB) 95

Chapter 7.5: Processing Absentee Ballot Requests 104
Sec. 7.5.1: Procedure 104
Sec. 7.5.2: Absentee Ballot Log 106

Chapter 7.6: Proof of Identification for Absentee Voting 107
Sec. 7.6.1: Proof of Identification Generally Required 107
Sec. 7.6.2: Exceptions to Photo ID Requirements 109

Chapter 7.7: In-Person Absentee Voting (IPAV) 110
Sec. 7.7.1: Introduction 110
Sec. 7.7.2: IPAV Hours: Best Practices 110
Sec. 7.7.3: Absentee Ballot Applications, Verification Process 111
Sec. 7.7.4: Issuing the Voter a Ballot 112
Sec. 7.7.5: Witness Requirement 112
Sec. 7.7.6: Alternate Absentee Ballot Sites 112

Chapter 7.8: Cancelling & Issuing Replacement Absentee Ballots 114
Sec. 7.8.1: Introduction 114

Sec. 7.8.2: Spoiling Absentee Ballots 114
Sec. 7.8.3: Frequently Asked Questions 115

Chapter 7.9: Absentee Ballot Return 116
Sec. 7.9.1: Introduction 116
Sec. 7.9.2: Methods of Absentee Ballot Return 117
Sec. 7.9.3: Returning Ballots by Mail 117
Sec. 7.9.4: Returning Ballots in Person to the Clerk's Office or Alternate Absentee Ballot Site 118
Sec. 7.9.5: Returning Ballots in Person Directly to Polling Place or "Central Count" 118
Sec. 7.9.6: Drop Boxes 119

Chapter 7.10: Certificate Envelope Examples 125
Sec. 7.10.1: Introduction 125
Sec. 7.10.2: Overview of the Absentee Certificate Envelope 126
Sec. 7.10.3: Absentee Certificate Envelope for Other Categories of Absentee Voters 129

Chapter 7.11: Review Certificate Envelopes for Sufficiency 132
Sec. 7.11.1: Open or Damaged Envelopes 132
Sec. 7.11.2: Certificate Envelope Sufficiency 133

Chapter 7.12: Witness Address Requirements 134
Sec. 7.12.1: Frequently Asked Questions 134
Sec. 7.12.2: Best Practices for Acceptable Witness Addresses 136

Chapter 7.13: Correcting Defective Certificate Envelopes 137
Sec. 7.13.1: Reviewing the Certificate Envelope 137
Sec. 7.13.2: Returning the Ballot to the Voter 138
Sec. 7.13.3: Setting the Ballot Aside for Rejection 141

Chapter 7.14: Spoiling & Replacement of Absentee Ballots 142

Sec. 7.14.1: Introduction 142

Sec. 7.14.2: When is a Ballot Spoiled or Damaged? 142

Sec. 7.14.3: What to Do with a Spoiled or Damaged Absentee Ballot 143

Sec. 7.14.4: When the Request Must be Made 143

Sec. 7.14.5: Can a Voter Who Spoils a Ballot Still Vote in Person? 144

Sec. 7.14.6: How Many Replacement Ballots Can be Issued? 144

Chapter 7.15: Absentee Ballot Handling, Transfer to Polling Place, & Post-Election Procedures 145

Sec. 7.15.1: Introduction 145

Sec. 7.15.2: Required Processes 146

Sec. 7.15.3: Best Practices for Managing Absentee Ballots 147

Chapter 7.16: Boards of Absentee Ballot Canvassers ("Central Count") 152

Sec. 7.16.1: Establishing a "Central Count" Jurisdiction 152

Sec. 7.16.2: Composition of the Municipal Board of Absentee Ballot Canvassers 154

Sec. 7.16.3: Public Notice 155

Appendix 7.16.A: Sample Central Count Absentee Ballot Processing Procedures 156

Appendix 7.16.B: Sample Memo to Governing Body 161

Appendix 7.16.C: Sample Ordinance to Establish "Central Count" 163

Chapter 7.17: Tips & Tools: Absentee Ballot Data Management 165

Sec. 7.17.1: Data Entry Prior to Election Day 165

Sec. 7.17.2: Share Absentee Ballot Data with Polling Places 166

Sec. 7.17.3: WisVote Reports for Absentee Ballot Management 167

Sec. 7.17.4: How Election Inspectors Can Use Absentee Returned Data.....169

Part 8
Local Election Officials

Chapter 8.1: County Clerks.....2
Sec. 8.1.1: Election & Qualifications.....2
Sec. 8.1.2: Duties.....2

Chapter 8.2: Municipal Clerks.....3
Sec. 8.2.1: Appointment & Qualifications.....3
Sec. 8.2.2: Duties.....3
Sec. 8.2.3: Training Requirements.....3

Chapter 8.3: Election Inspectors (General).....5
Sec. 8.3.1: Duties.....5
Sec. 8.3.2: Number of Election Inspectors Required.....6
Sec. 8.3.3: Qualifications.....6
Sec. 8.3.4: Hiring & Background Checks.....8
Sec. 8.3.5: Term of Office.....9
Sec. 8.3.6: Filling Vacancies.....9
Sec. 8.3.7: Training Requirements.....10
Sec. 8.3.8: Oaths of Office.....11
Sec. 8.3.9: Scheduling of Election Inspectors.....11
Sec. 8.3.10: Removing Election Officials.....12

Chapter 8.4: Nomination & Appointment of Partisan Election Inspectors.....13
Sec. 8.4.1: Nomination by Political Party.....13
Sec. 8.4.2: Determining Party Imbalance at Each Polling Place.....14

Sec. 8.4.3: Contact Nominees for Willingness to Serve....15
Sec. 8.4.4: If Lists are Received but are Insufficient to Fill Need 17
Sec. 8.4.5: If No Lists are Received from Parties....18
Sec. 8.4.6: Appointment of Inspectors by Governing Body 18

Chapter 8.5: High School Student Election Inspectors 20
Sec. 8.5.1: Qualifications 20
Sec. 8.5.2: Written Authorization Required 21
Sec. 8.5.3: Restrictions 21

Chapter 8.6: Chief Election Inspectors 22
Sec. 8.6.1: Designating a Chief Inspector 22
Sec. 8.6.2: Municipal Residents vs. County Residents....23
Sec. 8.6.3: Training Requirements 24

Chapter 8.7: Greeters & Tabulators 25
Sec. 8.7.1: Greeters....25
Sec. 8.7.2: Tabulators....26

Chapter 8.8: Election Registration Officials 27
Sec. 8.8.1: Appointment & Qualifications 27
Sec. 8.8.2: Duties 27
Sec. 8.8.3: Training Requirements 28

Chapter 8.9: Frequently Asked Questions 29

Part 9
Voting Equipment

Chapter 9.1: Types of Voting Equipment Authorized in Wisconsin 2
Sec. 9.1.1: Introduction 2

Sec. 9.1.2: Use of Voting Equipment in Wisconsin 3
Sec. 9.1.3: Types of Voting Equipment 4
Sec. 9.1.4: Types of Results Transmission Methods 4

Chapter 9.2: Hand Count Paper Ballots vs. Electronic Voting Systems 6
Sec. 9.2.1: Introduction 6
Sec. 9.2.2: Which Municipalities May Choose to Hand Count? 7
Sec. 9.2.3: When Electronic Voting Equipment is Required 8
Sec. 9.2.4: What are the Important Considerations when Considering Hand Counting? 9

Chapter 9.3: Voting Equipment Testing & Certification 10
Sec. 9.3.1: Introduction: A Six-Step Process 10
Sec. 9.3.2: Step One: Voting Systems Test Laboratory (VSTL) 11
Sec. 9.3.3: Step Two: Federal Certification with the U.S. EAC 12
Sec. 9.3.4: Step Three: State Certification Application 13
Sec. 9.3.5: Step Four: Commission Staff Review & Testing 14
Sec. 9.3.6: Step Five: Commission Review & Certification 16
Sec. 9.3.7: Step Six: Certification & Approval Letter 16
Sec. 9.3.8: Approved Voting Equipment Vendors 16

Chapter 9.4: Pre-Election Electronic Voting Equipment Testing 17
Sec. 9.4.1: Introduction 17
Sec. 9.4.2: What Equipment is Tested? 17
Sec. 9.4.3: Public Notice 17
Sec. 9.4.4: Procedure 18
Sec. 9.4.5: Testing Protocol 20
Sec. 9.4.6: Securing the Tabulators Following the Public Test 21

Sec. 9.4.7: Election Day Zero-Count Requirement 22

Chapter 9.5: Security Procedures for Electronic Voting Systems (EVS) 23

Sec. 9.5.1: Introduction 23

Sec. 9.5.2: Overview of Legal Requirements for Secure Electronic Voting Systems 23

Sec. 9.5.3: General Electronic Voting System Security Procedures 24

Sec. 9.5.4: Election Day Procedures 25

Sec. 9.5.5: Overview of Legal Requirements for Securing Ballots 25

Sec. 9.5.6: Best Practices for Secure Storage of Voting Equipment 26

Chapter 9.6: Post-Election Audit 27

Sec. 9.6.1: Introduction 27

Sec. 9.6.2: What if There's a Recount? 28

Sec. 9.6.3: Which Reporting Units Will be Audited? 28

Sec. 9.6.4: How are Selected Clerks Notified? 29

Sec. 9.6.5: Procedure for Conducting the Audit 30

Sec. 9.6.6: Additional Resources 32

Chapter 9.7: Frequently Asked Questions 33

Part 10
Introduction to Badger Books

Chapter 10.1: Introduction 2

Chapter 10.2: History of Badger Books 2

Chapter 10.3: How Do Badger Books Work? 3

Chapter 10.4: Pros & Cons of Badger Books 5

Chapter 10.5: Frequently Asked Questions 6

Part 11
Accessibility

Chapter 11.1: Introduction 2

Chapter 11.2: Training Poll Workers: Accessibility 3

Chapter 11.3: Voter Assistance 5

Sec. 11.3.1: Signing a Voter Registration Application 5

Sec. 11.3.2: Stating Name And Address at the Poll Book 5

Sec. 11.3.3: Signing the Poll Book 6

Sec. 11.3.4: Marking a Ballot 7

Sec. 11.3.5: Returning an Absentee Ballot 9

Chapter 11.4: Accommodations 10

Chapter 11.5: Polling Place Self-Assessments 11

Sec. 11.5.1: For New Polling Places 11

Sec. 11.5.2: For Changes to Existing Polling Places 11

Chapter 11.6: Accessibility Supply Program 12

Chapter 11.7: Polling Place Set-Up 13

Sec. 11.7.1: Curbside Voting 13

Sec. 11.7.2: Parking Area 14

Sec. 11.7.3: Exterior Route 18

Sec. 11.7.4: Entrance 19

Sec. 11.7.5: Interior Route 25

Sec. 11.7.6: Voting Area 31

Chapter 11.8: Polling Place Reviews 35

Chapter 11.9: Additional Resources 36

Sec. 11.9.1: Voter Resources 36

Sec. 11.9.2: ADA Compliance 36

Sec. 11.9.3: Local Resources 37

Part 12
Emergency Preparedness & Contingency Planning

Chapter 12.1: Introduction 2

Chapter 12.2: Creating a Basic Emergency Response Plan 3

Sec. 12.2.1: Contact Information for Emergency Response Partners 3

Sec. 12.2.2: Polling Places & Alternate Locations 4

Sec. 12.2.3: Summary of Normal Operating Procedures 4

Sec. 12.2.4: A Plan for Securing & Handling Election Materials 5

Sec. 12.2.5: Common Emergency Scenarios 5

Chapter 12.3: Contingency Planning Additional Topics 7

Sec. 12.3.1: The Clerk's Office 7

Sec. 12.3.2: Alternate Absentee Voting Sites 7

Sec. 12.3.3: Facilities Served by Special Voting Deputies 7

Sec. 12.3.4: Emergencies at Polling Places Prior to Polls Opening 8

Sec. 12.3.5: Emergencies at Polling Places after Polls Opening or During Canvass 8

Sec. 12.3.6: Emergencies at Absentee Canvassing Facilities ("Central Count") 9

Appendix 12.A: Polling Place Extensions by Court Order 10

Appendix 12.B: Sample Contingency Plan 13

Part 13
Polling Places & Supplies

Chapter 13.1: Introduction 2

Chapter 13.2: Polling Place Establishment & Guidance 3

Sec. 13.2.1: Guidance for Choosing Polling Place Locations 3

Sec. 13.2.2: Polling Place Accessibility 4

Sec. 13.2.3: Who Votes Where? Single & Multi-Ward Polling Places 4

Sec. 13.2.4: Combining Polling Places for Multiple Municipalities 5

Chapter 13.3: Closing Polling Places 6

Chapter 13.4: Relocating Polling Places Due to Emergencies 8

Chapter 13.5: Consolidating Polling Places for School District Special Elections 9

Chapter 13.6: Polling Place Supplies 10

Sec. 13.6.1: Voting Booths 10

Sec. 13.6.2: Electronic Voting Systems 11

Sec. 13.6.3: Paper Ballots 11

Sec. 13.6.4: Ballot Boxes 12

Sec. 13.6.5: National Flag 12

Sec. 13.6.6: Election Laws And Manuals 13

Sec. 13.6.7: Tables and Chairs 13

Sec. 13.6.8: Signs 13

Sec. 13.6.9: Observer Area 14

Sec. 13.6.10: Voter Information And Notices 15

Sec. 13.6.11: Election Day Forms And Supplies 16

Sec. 13.6.12: Polling Place Checklist 17

Sec. 13.6.13: Frequently Asked Questions....18

Appendix 13.A: Information Sheet: Proof of Residence vs. Photo ID 19

Appendix 13.B: Elector Challenges Brochure 21

Appendix 13.C: Observer Rules at a Glance Brochure 23

Part 14
Election Day

Chapter 14.1: Election Day Contacts 2

Chapter 14.2: Roles of Election Officials 3

Sec. 14.2.1: Role of the Commission on Election Day 3

Sec. 14.2.2: Role of the County Clerk on Election Day.... 5

Sec. 14.2.3: Role of the Municipal Clerk on Election Day 6

Chapter 14.3: Setting up the Polling Place 7

Sec. 14.3.1: Introduction.... 7

Sec. 14.3.2: Setting up the Registration Area.... 8

Sec. 14.3.3: Setting up the Check-In Area/Poll Book Table.... 8

Sec. 14.3.4: Setting up the Ballot Issuance Table.... 9

Sec. 14.3.5: Setting up the Voting Booths & Accessible Equipment 9

Sec. 14.3.6: Setting up the Tabulator Area 10

Sec. 14.3.7: Setting up the Absentee Processing Area 10

Chapter 14.4: Opening the Polls 11

Chapter 14.5: Election Observers 13

Sec. 14.5.1: Managing Election Observation 13

Sec. 14.5.2: Establishing Observer Areas 14

Sec. 14.5.3: Accessibility 15
Sec. 14.5.4: Supplies 16
Sec. 14.5.5: Observer Check-in Process 16
Sec. 14.5.6: What Observers May Do 18
Sec. 14.5.7: What Observers May Not Do 20
Sec. 14.5.8: Limiting Number of Observers 21
Sec. 14.5.9: Communications Media 22
Sec. 14.5.10: Warning & Removing Election Observers 23
Sec. 14.5.11: Location-Specific Requirements 25
Sec. 14.5.12: After Observation Ends 27

Chapter 14.6: Election Day Registration 28
Sec. 14.6.1: Introduction 28
Sec. 14.6.2: Does the Voter Need to Register? 28
Sec. 14.6.3: Confirming Voter Not on DOC Ineligible List 30
Sec. 14.6.4: Completing the Voter Registration Application 30
Sec. 14.6.5: Proof of Residence 37
Sec. 14.6.6: EDR for Confidential Voters 41
Sec. 14.6.7: Designating a Separate Location for Registration 42

Chapter 14.7: Challenging Electors on Election Day 43
Sec. 14.7.1: What Types of Challenges Exist? 43
Sec. 14.7.2: What is a Challenge "for Cause"? 44
Sec. 14.7.3: What Can be Challenged by Electors? 44
Sec. 14.7.4: What Can be Challenged by Election Inspectors? 45
Sec. 14.7.5: Challenge Procedure & Form EL-104c 45
Sec. 14.7.6: Overview of the Challenge Process 46
Sec. 14.7.7: Challenging Absentee Voters 48

Sec. 14.7.8: Review of Challenges by Boards of Canvassers 51
Sec. 14.7.9: Frequently Asked Questions 52

Chapter 14.8: Getting to Know the Poll Book 61
Sec. 14.8.1: Introduction 61
Sec. 14.8.2: Anatomy of a Voter Entry 61
Sec. 14.8.3: Watermarks 63
Sec. 14.8.4: Parts of the Poll Book 63

Chapter 14.9: Voting Procedure 65
Sec. 14.9.1: Step 1: Voter States Their Name & Address at the Poll Book 65
Sec. 14.9.2: Step 2: Voter Presents Acceptable Photo Identification 67
Sec. 14.9.3: Step 3: Poll Workers Review Poll Book for Watermarks 73
Sec. 14.9.4: Step 4: Voter Signs the Poll Book 79
Sec. 14.9.5: Step 5: Poll Workers Issue Voter Number & Record in Poll Book 80
Sec. 14.9.6: Step 6: Poll Workers Confirm & Issue Ballot 80
Sec. 14.9.7: Step 7: The Voter Casts Their Ballot 81

Appendix 14.9A Acceptable Photo IDs for Voting in Wisconsin 83

Chapter 14.10: Confidential Voters at the Polling Place 84
Sec. 14.10.1: Election Day Registration (EDR) for Confidential Voters 84
Sec. 14.10.2: Voting Procedure for Confidential Voters 85
Sec. 14.10.3: Protected Voters 86

Chapter 14.11: Voter Assistance on Election Day 88
Sec. 14.11.1: Signing a Voter Registration Application 88
Sec. 14.11.2: Stating Name & Address at the Poll Book 88
Sec. 14.11.3: Signing the Poll Book 89

Sec. 14.11.4: Marking a Ballot 90

Chapter 14.12: Curbside Voting 92

Chapter 14.13: Provisional Voting 95

Sec. 14.13.1: Introduction 95

Sec. 14.13.2: Procedure 96

Sec. 14.13.3: Curing a Provisional Ballot on Election Day 98

Sec. 14.13.4: Processing 100

Chapter 14.14: Common Election Day Issues 102

Sec. 14.14.1: Responding to Disruptive or Prohibited Conduct 102

Sec. 14.14.2: Voter Cell Phones and Photography in Polling Area 103

Sec. 14.14.3: Election Observers 104

Sec. 14.14.4: Federal Observers & the COCOA Act 104

Sec. 14.14.5: Media 106

Sec. 14.14.6: Polling Place Accessibility Reviews 107

Sec. 14.14.7: Electioneering 108

Sec. 14.14.8: Solicitations 111

Sec. 14.14.9: Petitions on Election Day 111

Sec. 14.14.10: Exit Polls 112

Sec. 14.14.11: Bake Sales & Fundraising Events at or near Polling Places 112

Sec. 14.14.12: Weapons & Concealed Carry 114

Chapter 14.15: Processing Absentee Ballots: Polling Place 116

Sec. 14.15.1: Introduction 116

Sec. 14.15.2: Polling Place Set-Up & Absentee Processing Area 116

Sec. 14.15.3: How Absentee Ballots Arrive at Polling Places or "Central Count" 118

Sec. 14.15.4: Processing Absentee Ballots at the Polls 118

Sec. 14.15.5: Step 1: Retrieve & Document Absentee Ballot Batches 119
Sec. 14.15.6: Step 2: Review Certificate Envelopes for Sufficiency 120
Sec. 14.15.7: Step 3: Check Ineligible Voter List(s) 121
Sec. 14.15.8: Step 4: Check in Voters at Poll Book 122
Sec. 14.15.9: Step 5: Open Envelopes & Remove & Examine Ballots 123
Sec. 14.15.10: Step 6: Tabulate the Ballots.....126
Sec. 14.15.11: Step 7: Record Details & Preserve Used Certificate Envelopes.....127
Sec. 14.15.12: Absentee Certificate Envelopes 127
Sec. 14.15.13: Absentee Voters at the Polling Place 143
Sec. 14.15.14: Rejecting Absentee Ballots 146

Chapter 14.16: Processing Absentee Ballots: "Central Count" ... 152
Sec. 14.16.1: Observation at "Central Count" 152
Sec. 14.16.2: Voters at "Central Count" 152
Sec. 14.16.3: Processing Absentee Ballots at "Central Count" 153
Sec. 14.16.4: End of Night Procedures..... 155
Sec. 14.16.5: Challenging Absentee Voters at "Central Count"..... 156

Chapter 14.17: Witness Address Requirements..... 157
Sec. 14.17.1: Frequently Asked Questions 157
Sec. 14.17.2: Best Practices for Acceptable Witness Addresses 159

Chapter 14.18: Correcting Defective Certificate Envelopes 161
Sec. 14.18.1: Reviewing the Certificate Envelope 161
Sec. 14.18.2: Returning the Ballot to the Voter 162
Sec. 14.18.3: Setting the Ballot Aside for Rejection..... 165

Chapter 14.19: How to Determine Voter Intent..... 166
Sec. 14.19.1: Determining Voter Intent 166
Sec. 14.19.2: Examples.....167

Chapter 14.20: Counting Votes 170

Sec. 14.20.1: Statutory Authority 170

Sec. 14.20.2: Determining Voter Intent 170

Sec. 14.20.3: Procedure for Hand-Counting Paper Ballots 171

Sec. 14.20.4: Procedure for Counting Optical Scan Ballots 173

Sec. 14.20.5: Defective, Objected To, & Rejected Ballots 175

Sec. 14.20.6: Drawdown Considerations & Procedure 177

Chapter 14.21: Write-In Votes 180

Sec. 14.21.1: General Guidelines for Determining Write-In Votes 180

Sec. 14.21.2: Write-In Scenario Examples with Solutions 183

Sec. 14.21.3: Counting Write-In Votes at a Nonpartisan Election 192

Sec. 14.21.4: Counting Write-In Votes at a Partisan Primary 198

Sec. 14.21.5: Counting Write-In Votes for Governor & Lt. Governor 206

Sec. 14.21.6: Counting Write-In Votes for President & Vice President of the U.S. 207

Chapter 14.22: Overvoted & Crossover Voted Ballots 211

Sec. 14.22.1: Definitions 211

Sec. 14.22.2: Municipalities that Do Not Allow Use of the Override Function ... 212

Sec. 14.22.3: Municipalities that Allow Use of the Override Function 215

Sec. 14.22.4: Procedure: Overvoted & Crossover Voted Absentee Ballots 216

Sec. 14.22.5: Procedure: Overvoted & Crossover Voted Ballots When Voter is Present at the Polling Place 217

Chapter 14.23: Polling Place Accessibility Reviews 218

Chapter 14.24: Closing the Polls, LBOC, & End of Night Process 219

Sec. 14.24.1: Closing the Polls 219

Sec. 14.24.2: Court-Ordered Extension of Voting 219
Sec. 14.24.3: What is the LBOC? 220
Sec. 14.24.4: Tally & Return 220
Sec. 14.24.5: Who Can Attend the LBOC? 220
Sec. 14.24.6: What is the Purpose of the LBOC? 221
Sec. 14.24.7: Central Counting Location for Unified Tabulation 221
Sec. 14.24.8: What is the Correct Order of Operations? 222
Sec. 14.24.9: Completing the Tally 222
Sec. 14.24.10: The LBOC Paperwork "Tells the Story" of Election Day 226
Sec. 14.24.11: Combining the LBOC & Municipal Board of Canvassers (MBOC) 231
Sec. 14.24.12: Routing of Materials 232

Chapter 14.25: Transmission & Posting of Unofficial Results... 235

Sec. 14.25.1: Step 1: Chief Inspector Reports Unofficial Results to Municipal Clerk 235
Sec. 14.25.2: Step 2: Municipal Clerk Proofs Returns before Posting & Sending to County Clerk 236
Sec. 14.25.3: Step 3: Municipal Clerk Makes Unofficial Results Public along with Number of Provisional Voters & Absentee Voters 236
Sec. 14.25.4: Step 4: Municipal Clerk Transmits Unofficial Results to County Clerk within 2 Hours 237
Sec. 14.25.5: Step 5: County Clerks Post Unofficial Results within 2 Hours 238

Chapter 14.26: Election Night Duties 239

Sec. 14.26.1: Election Night Duties of Municipal Clerks 239
Sec. 14.26.2: Election Night Duties of County Clerks 240

Chapter 14.27: Municipal Boards of Canvassers 242

Sec. 14.27.1: What Does "Canvass the Returns" Mean? 242
Sec. 14.27.2: When Does the MBOC Meet? 242

Sec. 14.27.3: Who Serves on the MBOC? 243
Sec. 14.27.4: Broadcasting & Recording the Meeting 244
Sec. 14.27.5: Preparing for the MBOC on Election Night 244
Sec. 14.27.6: Preparing for the MBOC after Election Day 244
Sec. 14.27.7: Conducting the Canvass 246
Sec. 14.27.8: Breaking a Tie in a Municipal Contest 252
Sec. 14.27.9: Canvass Retention 252

Chapter 14.28: Sample Forms 253
Appendix 14.28.A: EL-101: Ballot Container Certificate 255
Appendix 14.28.B: EL-102: Certificate of Rejected Absentee Ballots 256
Appendix 14.28.C: EL-103: Used Certificate Envelopes of Absentee Electors 257
Appendix 14.28.D: EL-104: Inspectors' Statement 259
Appendix 14.28.E: EL-104c: Challenge Documentation 263
Appendix 14.28.F: EL-105: General Purpose Tally Sheet 267
Appendix 14.28.G: EL-106: Board of Canvassers Statement 269
Appendix 14.28.H: Sample Poll List 273
Appendix 14.28.I: EL-107: Supplemental Poll List 274
Appendix 14.28.J: EL-107c: Poll List Certification 275
Appendix 14.28.K: EL-108: Inspectors' Certificate of Provisional Ballots 276
Appendix 14.28.L: EL-109: Election Observer Log 277
Appendix 14.28.M: Election Observer Rules-at-a-Glance 279
Appendix 14.28.N: EL-110: Order to Leave the Polling Place 281
Appendix 14.28.O: EL-119: Ineligible Voter Information Sheet 282
Appendix 14.28.P: EL-122: Absentee Certificate Envelope 283
Appendix 14.28.Q: EL-122m: Absentee Certificate Envelope – Military and Overseas 284
Appendix 14.28.R: EL-122svd: Absentee Certificate Envelope – SVD 285

Appendix 14.28.S: EL-122sp: Special Absentee Certificate Envelope 286
Appendix 14.28.T: EL-124: Absentee Ballot Log 287
Appendix 14.28.U: EL-123: Provisional Ballot Certificate Envelope 288
Appendix 14.28.V: EL-123r: Provisional Ballot Reporting Form 289
Appendix 14.28.W: EL-123is: Provisional Voting Information Sheet 291
Appendix 14.28.X: EL-131: Voter Registration Application 293
Appendix 14.28.Y: EL-133: Certificate of Registration (Sample) 295
Appendix 14.28.Z: EL-139: Authorization to Cancel Voter Registration 297
Appendix 14.28.AA: EL-141: Application for Presidential Ballot 299
Appendix 14.28.AB: EL-148: Identification Card of Protected Elector (Sample) 301
Appendix 14.28.AC: EL-154: Official Oath 302
Appendix 14.28.AD: Picture Guide: Acceptable Photo ID 303

Part 15
Post-Election Activities

Chapter 15.1: Organization & Routing of Election Materials 2
Sec. 15.1.1: Search for Uncounted Absentee Ballots 2
Sec. 15.1.2: Materials Routed to School District Clerk 2
Sec. 15.1.3: Materials Routed to the County Clerk 3
Sec. 15.1.4: Organize And Prepare for Municipal Board of Canvassers (MBOC) Meeting 3
Sec. 15.1.5: Retention of Election Materials 4

Chapter 15.2: Rehabilitating Provisional Ballots 5
Sec. 15.2.1: Deadlines to Rehabilitate Provisionals 5
Sec. 15.2.2: Confirming Photo Identification 5
Sec. 15.2.3: Notifying the MBOC 5

Chapter 15.3: Preparation for the Municipal Board of Canvassers (MBOC) 6

Chapter 15.4: Reconciliation & Voter Participation Entry 7

Sec. 15.4.1: Use the WisVote Manual for Instructions on Completing both Tasks 7

Sec. 15.4.2: Considerations for Jurisdictions with Provider/Relier Relationships 7

Sec. 15.4.3: Legal Requirements for Post-Election Reporting 8

Sec. 15.4.4: Recording Voter Participation 8

Sec. 15.4.5: Election Reconciliation 9

Chapter 15.5: Canvass Reporting System 11

Sec. 15.5.1: Purpose of the System 11

Sec. 15.5.2: Statutory Requirements 11

Sec. 15.5.3: How Clerks Use the System 12

Sec. 15.5.4: Additional Resources 12

Chapter 15.6: County Boards of Canvassers (CBOC) 13

Sec. 15.6.1: What does "Canvass the Returns" Mean? 13

Sec. 15.6.2: When does the CBOC Meet? 13

Sec. 15.6.3: Who Serves on the CBOC? 14

Sec. 15.6.4: Obtaining the Election Materials for the Canvass 14

Sec. 15.6.5: Preparing for the CBOC Meeting 15

Sec. 15.6.6: Procedures for Conducting the CBOC Meeting 16

Sec. 15.6.7: What If There are Issues with the MBOC Returns or Documentation? 20

Sec. 15.6.8: Completing the Canvass Statement 21

Sec. 15.6.9: Breaking a Tie in a County Contest 22

Sec. 15.6.10: Reporting Canvass Results 22

Sec. 15.6.11: Canvass Retention 23
Sec. 15.6.12: What if the CBOC Discovers a Mistake before the Deadline for the Chair to Certify the Election? 23
Appendix 15.6.A: Municipal Returns Checklist 24
Chapter 15.7: Preparation for Commission Certification of Election Results 25
Sec. 15.7.1: What is "certification"? 25
Sec. 15.7.2: When does the Commission Certify the Election? 25
Sec. 15.7.3: Commission Staff Preparation for State Certification 26
Sec. 15.7.4: How does the Commission Certify the Election? 27
Sec. 15.7.5: What If There's a Recount? 27
Chapter 15.8: Issuing Certificates of Election 28
Sec. 15.8.1: Certificates of Election, Generally 28
Sec. 15.8.2: Specific Requirements for County Certificates of Election 29
Sec. 15.8.3: Specific Requirements for Commission Certificates of Election 29
Sec. 15.8.4: Certificates of Ascertainment of Appointment of Presidential Electors 30
Chapter 15.9: EDR Postcards And Handling 31
Sec. 15.9.1: Introduction 31
Sec. 15.9.2: Commission Mails EDR Postcards 32
Sec. 15.9.3: Clerks Receive Undeliverable EDR Postcards 33
Sec. 15.9.4: Step 1: Check for Errors 33
Sec. 15.9.5: Step 2: Record Undelivered EDR Postcards in WisVote 34
Sec. 15.9.6: Step 3: Investigate Circumstances before Inactivating the Voter 35
Sec. 15.9.7: Step 4: Inactivate the Voter Record in WisVote 36
Sec. 15.9.8: Step 5: Provide the Voter Names to the District Attorney 36

Sec. 15.9.9: Commission Reports Data about EDR Undeliverable Postcards....38
Sec. 15.9.10: Frequently Asked Questions 39

Part 22
Specialty Topics

Chapter 22.1: Federal Bilingual Election Requirements....2
Sec. 22.1.1: Introduction 2
Sec. 22.1.2: Wisconsin Section 203 Jurisdictions 2
Sec. 22.1.3: The Commission's Role with Section 203....3
Sec. 22.1.4: When does Section 203 Apply? 4
Sec. 22.1.5: What Bilingual Materials are Required? 4
Sec. 22.1.6: What are the Keys to a Successful Section 203 Program?....8
Sec. 22.1.7: Where Can I Find Additional Information?....10

Part 23
Sample Forms (Non-Election Day)

Chapter 23.1: Sample Forms....2
Appendix 23.1.A: EL-111: Notice of Election Fraud....3
Appendix 23.1.B: EL-112: Effect of Crossover Voting at a Partisan Primary 9
Appendix 23.1.C: EL-113: Notice - Effect of Overvote 10
Appendix 23.1.D: EL-114: Notice of Crossover Vote at Presidential Preference Primary 11
Appendix 23.1.E: EL-115: Voter Qualification Poster....12
Appendix 23.1.F: EL-117: General Information on Voting Rights 13
Appendix 23.1.G: EL-120: Absentee Ballot Mailer Envelope....17
Appendix 23.1.H: EL-120M: Military and Overseas Absentee Ballot Mailer Envelope 18
Appendix 23.1.I: EL-121: Absentee Ballot Request....19

Appendix 23.1.J: EL-132: Missing POR Notification Letter 21
Appendix 23.1.K: EL-140: Previous Wisconsin Resident Application for Absentee Presidential Ballot 23
Appendix 23.1.L: EL-146: Request for Confidential Voter Listing 25
Appendix 23.1.M: EL-151: Nomination Paper Receipt 26
Appendix 23.1.N: EL-153: Certificate of Elections 27
Appendix 23.1.O: EL-155: Oath of Special Voting Deputy 28
Appendix 23.1.P: EL-162: Declaration of Candidacy 29
Appendix 23.1.Q: EL-163: Notification of Noncandidacy 31
Appendix 23.1.R: EL-168: Nomination Paper for Partisan Office 33
Appendix 23.1.S: EL-169: Nomination Paper for Nonpartisan Office 35
Appendix 23.1.T: EL-405: Certificate of Nomination 37
Appendix 23.1.U: EL-501: New Polling Place Accessibility Self-Assessment 39

Part 24
Elections Glossary

Chapter 24.1: Glossary of Election Terms 2

Part 1
Introduction & General Info

Introduction; Statutes; Administrative Code

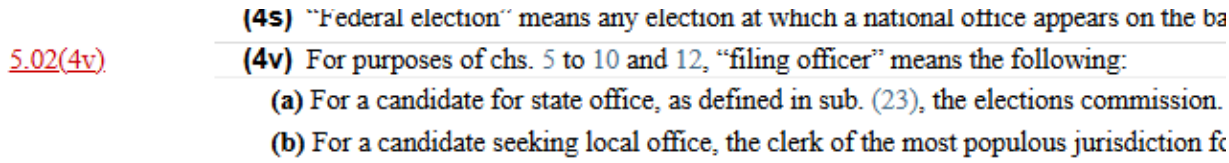
The statutes governing election law and administration are covered in Wis. Stat. Chapters 5 through 10 and 12. Additionally, the Commission and its predecessor agencies have promulgated administrative rules that implement various provisions of Wisconsin election law. Statutes and administrative rules both have the force of law, meaning they must be followed.

Chapter 1.1: Statutes & Administrative Code

The statutes governing election law and administration are covered in Wis. Stat. Chapters 5 through 10 and 12. Additionally, the Wisconsin Elections Commission and its predecessor agencies have promulgated administrative rules that implement various provisions of Wisconsin election law. Statutes and administrative rules both have the force of law, meaning they must be followed.

Sec. 1.1.1: State Statutes: Chapters 5–10 & 12

The Wisconsin State Legislature maintains an interactive website where any member of the public can access current versions of the statutes for free. The web-based version of the online statutes includes a feature where the specific statutory citation is generated in the left-hand margin whenever a user clicks on the text.



The Legislature's website also has each chapter of statute saved as a PDF file, which is ideal when searching for a specific statute. Just open the PDF and use the Control+F (Command+F on a Mac) function to search for specific words or terms.

Note: Not every search term commonly used in elections will be searchable because statutes often use cross references instead of terms. In other words, if you cannot find a term or word in the PDF files of statute, that does not necessarily mean the process you are looking for is not there.

The seven chapters covering election law are mostly organized by topic, though it can be tricky to find specific provisions due to how the law is structured.

Table 1: Overview of the Content Covered by each Chapter of State Statute

Chapter	Summary of General Topics Covered
5	Definitions; Organization of Commission and Authority; Commission Complaints; Form and Layout of Ballots; Electronic Voting Systems
6	Voting Qualifications; Voter Registration; Voting Procedures; Absentee Voting; Challenging Electors
7	Types of Election Officials, Powers and Duties; Destruction of Election Materials; Training and Certification of Election Officials; Vacancies After Nomination; Observer Statute; Canvass Procedures; Certification of Elections
8	Candidate Nomination (Caucus and Nomination Paper); Ballot Access Requirements; Primary Elections; Declarations of Candidacy; Challenges to Residency Qualifications; Special Elections
9	Recounts; Recalls; Direct Legislation
10	Election Notices
12	Prohibited Election Practices

Sec. 1.1.2: Administrative Code

In addition to statutes, it is also important to understand what provisions of administrative code cover election practice and policy. Administrative rulemaking is the process by which state agencies write policies that have the force of law. Rulemaking is a complex process that involves input from the Governor, the Legislature, and the public, often at many different stages. See generally Wis. Stat. Ch. 227. The Legislature also maintains an interactive webpage for administrative code provisions. The administrative code specific to elections can be viewed at docs.legis.wisconsin.gov.

Table 2: Broad Overview of the Content Covered by each Chapter of Administrative Code

Chapter	Summary of General Topics Covered
EL 2	Standards for Review of Nomination Papers, Declarations of Candidacy, Recall Petitions, and other Election Petitions; Procedures for Challenges to Nomination Papers, Declarations of Candidacy, Recall Petitions, and other Election Petitions
EL 3	Voter Registration; Content of Registration Form; Registration Form Handling; Voter Registration Drives; Charges for Voter Registration Data
EL 4	Election Observers
EL 6	Special Registration Statement Sufficiency; Rules for Filing Documents by Fax or Email; Mandatory Use of Uniform Instructions
EL 7	Certification and Approval Process for Electronic Voting Equipment
EL 9	Procedures for Challenges to in Person and Absentee Electors at Polling Places
EL 10	Voter Identification for Student Identification Cards
EL 11	Training and Certification Requirements for Election Inspectors
EL 12	Training and Certification Requirements for Municipal Clerks
EL 19	Certification of Residence for Judicial Candidates and Officers
EL 20	Administrative Complaint Process for Wis. Stat. 5.06 Complaints

Part 2
Getting on the Ballot

Candidate Qualifications; Ballot Access Procedure; Ballot Access Challenges; Nomination by Caucus; Notifications of Noncandidacy; Write-In Candidate Registration

Every federal, state, and local office has qualifications that interested candidates must meet. To appear on the ballot, candidates seek ballot access, either by circulating and signing nomination papers or by being nominated at a caucus. Ballot access paperwork can be challenged if not completed correctly, or if the candidate is not qualified for the office they seek. Candidates can also receive votes, but not have their names printed on the ballot if they register as a write-in candidate by the deadline to do so.

Chapter 2.1: Qualifications for Office

All candidates must meet the office-specific qualifications and complete and file proper ballot access documents to appear on the ballot. **See Chapter 2.2** for Ballot Access Procedure.

This chapter outlines the specific requirements to appear on the ballot in Wisconsin.

Sec. 2.1.1: Federal Offices:

Federal candidates file with the Wisconsin Elections Commission.

Candidates who have been convicted of a felony are still eligible for federal office, even if they have not been pardoned. See Wis. Const. Art. XIII, § 3(2), (3), Wis. Stat. § 8.21(4)(a) (limiting the requirement to "state and local office").

President & Vice President:

A natural born citizen, at least 35 years old, and a resident of the United States for at least 14 years. U. S. Const. Art II § 1.

United States Senator

At least 30 years old, a citizen of the United States for at least 9 years, and an inhabitant of the state on Election Day. U. S. Const. Art. I § 3 ("when elected, be an Inhabitant of that State for which he shall be chosen"). U.S. Senators need not be an inhabitant of the state when circulating nomination papers or submitting ballot access paperwork.

Representative in Congress

At least 25 years old, a citizen of the United States for at least 7 years, and an inhabitant of the state on Election Day. Must also reside in their districts when they take office. U. S. Const. Art I § 2 ("when elected, be an Inhabitant of that State in which he shall be chosen"). Representative need not be a resident of his or her district at the time of filing nomination papers and a declaration of candidacy. 61 Atty. Gen. 155.

Sec. 2.1.2: State & Local Offices

The Wisconsin Constitution and state law specify the requirements needed for a candidate to qualify for state or local office. The text below compiles the legal requirements for each state and local office. It is always incumbent upon each candidate to certify that they meet the qualifications of the office they seek. See Wis. Stat. §§ 8.21(2)(b), (c).

Many state and local offices in Wisconsin require candidates to be "qualified electors" of their jurisdictions, either before they file ballot access paperwork, before election day, on election day, or at the time they take office. "Qualified elector" and "eligible elector" mean the same thing, and both refer to an individual who meets the proper voter eligibility requirements for a jurisdiction, including the residency requirement. Town of Washington v. City of Altoona, 73 Wis. 2d 250, 243 N.W.2d 404 (1976). Eligible electors are U.S. citizens, age 18 or older, who have resided in their jurisdiction for at least 28 consecutive days before an election. Accordingly, when the law requires a candidate to be a "qualified elector" on election day, the candidate must be a U.S. citizen, age 18 or older, who has lived in that jurisdiction at least 28 days prior to election day to be eligible. Additionally, qualified electors cannot be ineligible to vote for any of the reasons listed in Wis. Stat. § 6.03.

Qualifications for All State & Local Candidates

No candidate for state or local office is eligible for that office if they have been convicted of any misdemeanor that violates public trust, or any felony for which they have not been pardoned. Wis. Const. Art. XIII, § 3(2), (3), Wis. Stat. § 8.21(4)(a). Further, no one elected to Congress or "holding any office of profit or trust under the United States except postmaster, or under any foreign power" is eligible for a state or local office in Wisconsin. Wis. Const. Art. XIII § 3(1).

Sec. 2.1.3: Specific State-Level Office Qualifications

State-level candidates file with the Wisconsin Elections Commission.

In addition to the qualifications listed in Sec. 2.1.2, the following offices must meet additional qualifications:

Governor & Lt. Governor
A U.S. citizen, and a "qualified elector" of the state at the time of taking office. Wis. Const. Art. V § 2.

Attorney General
No additional qualifications required, other than those listed in Sec. 2.1.2.

Secretary of State
No additional qualifications required, other than those listed in Sec. 2.1.2.

Treasurer
No additional qualifications required, other than those listed in Sec. 2.1.2.

Superintendent
No additional qualifications required, other than those listed in Sec. 2.1.2.

State Senator or Representative to the Assembly
A resident of the state for one year before and a "qualified elector" of the district at the time of taking office. Article IV, Section 6, Wis. Constitution. See also 65 Atty. Gen. 159 (Representative need not be a resident of his or her district at the time of filing nomination papers and a declaration of candidacy).

Justice of the Supreme Court
A "qualified elector" of the state "at the time of election" and "an attorney licensed to practice law in this state [who has] been so licensed for 5 years immediately prior to election." Wis. Const. Art. VII §§ 10, 24.

Court of Appeals Judge
A "qualified elector" of the appeals court district "at the time of election" and "an attorney licensed to practice law in this state [who has] been so licensed for 5 years immediately prior to election." Wis. Const. Art. VII §§ 5(2), 10, 24.

Circuit Court Judge
A "qualified elector" of the circuit court district "at the time of election" and "an attorney licensed to practice law in this state [who has] been so licensed for 5 years immediately prior to election." Wis. Const. Art. VII §§ 7, 10, 24.

District Attorney
Licensed to practice law in Wisconsin and a resident of the prosecutorial unit (county) at the time of taking office. Wis. Stat. § 978.02

Sec. 2.1.4: County-Level Office Qualifications
County-level offices file either with the county clerk or county election commission. Multijurisdictional judicial candidates, in places that have enacted agreements under Wis. Stat. § 755.01(4), file with the county clerk of the county having the largest portion of the population in the jurisdiction served by the judge. Wis. Stat. § 8.10(6)(bm).

County Supervisor (Including Milwaukee County)
Qualified elector of district at the time of filing nomination papers. Wis. Stat. § 59.20(1)("elector of the supervisory district").

Other County-level Offices (Register of Deeds, Treasurer, etc.)
A qualified elector of the county at the time of filing nomination papers. Wis. Stat. § 59.20(1) ("elector of the county").

Sec. 2.1.5: Municipal-Level Office Qualifications
Municipal-level offices file either with the municipal clerk or city election commission.

Alderperson (Including City of Milwaukee)
A qualified elector of the city on Election Day, and aldermanic district "and actually residing therein." Wis. Stat. § 62.09(2)(a) ("elector of the city").

Other City Office (Including City of Milwaukee)
A qualified elector of the city on Election Day. Wis. Stat. §§ 62.09(2)(a) ("elector of the city"), 64.04(1).

Village Offices
A qualified elector of the village and residing in village on Election Day. Wis. Stat. § 61.19 ("no person not a resident elector in such village shall be elected to any office therein").

Town Offices
A qualified elector of the town at the time of taking office. Wis. Stat. § 60.30(2)(a) ("only an elector of the town may hold a town office"). Town Assessors must be certified under Wis. Stat. § 73.09 before taking office. Wis. Stat. § 60.30(2)(d).

Sec. 2.1.6: School District Office Qualifications
School district offices file with the school district clerk, not the municipal clerk.

School Board Member (At-Large)
A qualified elector of the school district at the time of filing a Declaration of Candidacy. Wis. Stat. § 120.05(1)(d) ("resident of the school district"), 120.06(2)(a) ("electors of the school district"), (6)(b)2. ("any qualified elector of the school district may file a sworn declaration of candidacy"), 120.06(7)(a).

School Board Member Representing an Apportioned Area
A qualified elector of the school district at the time of filing a Declaration of Candidacy and a "resident of the apportioned area" at the time of taking the oath of office. Wis. Stat. § 120.05(1)(d) ("resident of the school district"), 120.06(2)(b), (6)(b)2. ("any qualified elector of the school district may file a sworn declaration of candidacy"), 120.06(7)(a).

Chapter 2.2: Ballot Access Procedure

All candidates must go through an affirmative process to qualify to have their names placed on the ballot. This process is referred to as "ballot access." Candidates seek ballot access either by circulating and filing nomination papers or by being nominated by their local caucus. Major-party presidential and vice-presidential candidates are nominated by their party's national nominating conventions in presidential election years.

Sec. 2.2.1: Filing Officers

"Filing Officer" refers to the government official or entity responsible for accepting and reviewing ballot access paperwork, and making decisions about whether candidates are granted ballot access. Wis. Stat. § 5.02(4v).

Note: It is crucial for candidates to submit their ballot access documents to the correct filing officer. If documents are given to the incorrect filing officer, there is no guarantee that they will be forwarded to the intended recipient in time to meet filing deadlines. For example, if a school board candidate mails their declaration of candidacy to the municipal clerk, instead of the school district clerk, on the day of the filing deadline, that clerk may be unable or unwilling to forward the document to the school district.

Commission as the Filing Officer

The Commission is the filing officer for all federal and state offices. Wis. Stat. §§ 8.10(6)(a) (nonpartisan offices), 8.15(8)(a) (partisan offices), 8.20(7) (independent offices). State office includes District Attorneys and Circuit Court Judges. Wis. Stat. § 5.02(23). The Commission is also the filing officer for seats on the metropolitan sewerage commission (if those seats are elected). Wis. Stat. § 8.10(6)(a).

County Clerk as the Filing Officer

The County Clerk or County Board of Elections Commissioners (Milwaukee) is the filing officer for county offices. Wis. Stat. §§ 8.10(6)(b) (nonpartisan offices), 8.15(8)(b) (partisan offices), 8.20(7) (independent offices).

Multijurisdictional judges file with the County Clerk or County Board of Elections Commissioners (Milwaukee) of the county composing of the largest portion of the population in the area served by the judge. Wis. Stat. § 8.10(6)(bm).

Municipal Clerk as the Filing Officer

The Municipal Clerk is the filing officer for most other local races, including citywide offices, alderpersons, and municipal judges entirely within the local jurisdiction. Wis. Stat. § 8.10(6)(c). Multijurisdictional judges file with the county clerk of the county composing of the largest portion of the population in the area served by the judge. Wis. Stat. § 8.10(6)(bm).

School District Clerk as the Filing Officer

The School District Clerk is the filing officer for school board races. Wis. Stat. § 8.10(6)(d).

Sec. 2.2.2: General Procedures

All candidates, regardless of office sought, must complete the ballot access paperwork required for the office. Ballot access must be granted by the filing officer, meaning the filing officer must take an affirmative step to place candidates on the ballot. For statutory support for this premise, see Wis. Stat. §§ 7.08(2), 7.10(2), 7.15(1)(h), 10.06, 120.06(7). In other words, if a filing officer determines that a candidate is not qualified for the office they seek, the action taken is to refuse to grant access, as opposed to removing a candidate from the ballot. Wis. Stat. § 8.30.

Most candidates are nominated for office through the filing of nomination papers. Wis. Stat. §§ 8.10 (nonpartisan candidates), 8.15 (partisan candidates), 8.20 (independent candidates), 8.50(3) (special elections). However, some towns and villages use the caucus procedure to nominate candidates for town or village office. Wis. Stat. § 8.05(1). For detailed information on caucus procedures, **see Chapter 2.4 on page 59.**

> **Best Practice:** The Commission maintains a number of Ballot Access Checklist resources on its website. Clerks should familiarize themselves with these checklists and make them available to candidates seeking office in their jurisdictions.

Table 3: How to Find Candidate Filing Checklists via Website Paths on Commission's Website

List	Office(s)	Website Pathway
ELIS-14	Federal Candidates	Candidates > Federal Candidates > Congressional offices
ELIS-9	Statewide and Legislative Offices	Candidates > State Candidates > Partisan
ELIS-1	State Non-Partisan Offices	Candidates > State Candidates > Non-Partisan
ELIS-16	County Partisan Offices	Candidates > Local Candidates > Partisan
ELIS-3	County Non-Partisan Offices	Candidates > Local Candidates > Non-Partisan
ELIS-6	Municipal Candidates – Caucus	Candidates > Local Candidates > Non-Partisan
ELIS-5	School District Candidates	Candidates > Local Candidates > Non-Partisan
ELIS-18	Multi-Jurisdictional Municipal Judge Candidates	Candidates > Local Candidates > Non-Partisan

Sec. 2.2.3: Ballot Access Documents Required for All Candidates

All candidates, regardless of the nomination procedure used, must file two documents:

- Campaign Finance Registration Statement (CF-1, CF-1L). Wis. Stat. § 11.0102(1).
- Declaration of Candidacy (EL-162). Wis. Stat. § 8.21.

Campaign Finance Registration Statement

A campaign registration statement is required to be filed with the Wisconsin Ethics Commission for state offices, and this form is filed online. Wis. Stat. § 11.0102(1). For local offices, the statement must be filed with the appropriate filing officer until December 1, 2027. After December 1, 2027, local candidates will file it directly with the Ethics Commission. *Id.*

Candidates who file nomination papers are required to file their CF-1 either before or with their Declaration of Candidacy. Wis. Stat. §§ 8.10(5) (nonpartisan candidates), 8.15(4)(b) (partisan candidates), 8.20(6) (independent candidates), 8.50(3) (special elections). Candidates nominated by caucus also file their CF-1 with their Declaration of Candidacy. Wis. Stat. § 8.05(1)(j).

Any candidate who is required to file a CF-1 and fails to do so by the deadline[1] cannot be placed on the ballot. Wis. Stat. § 8.30(2).

For questions related to the CF-1 or campaign finance, please contact the Wisconsin Ethics Commission at ethics@wi.gov, 608-266-8123, or the local filing officer.

Note: On December 1, 2027, local candidates will begin filing their CF-1s directly with the Wisconsin Ethics Commission instead of their local filing officer. Until then, local candidates should continue filing these forms with their local clerks.

1 Candidates are required to file their CF-1 as soon as practicable after they qualify as a candidate under Wis. Stat. § 11.0101(1). Wis. Stat. § 11.0202(1)(a).

Declaration of Candidacy

Candidates who file nomination papers must file their Declaration of Candidacy no later than the deadline provided for filing their nomination papers. Wis. Stat. § 8.21(1).

- Candidates nominated by caucus must file their Declaration of Candidacy no later than 5 p.m. on the fifth day after the notification is sent. Wis. Stat. § 8.05(1)(j).
- Candidates for U.S. president and vice president from parties that have received ballot status pursuant to Wis. Stat. § 5.62(1)(b) (also known as "major" political parties) are required to file a Declaration of Candidacy. Wis. Stat. § 8.21(1).

> **Best Practice: Wisconsin statutes do not provide a specific deadline for ballot status presidential candidates to file a Declaration of Candidacy, but the Commission advises that these candidates should file this form no later than 5 p.m. on the first Tuesday of September preceding a presidential election. See Wis. Stat. § 8.16(7).**

Any candidate who fails to file a Declaration of Candidacy by the deadline cannot be placed on the ballot. Wis. Stat. § 8.30(4).

Sec. 2.2.4: Additional Filing Requirements for Certain Offices

All state office candidates as well as Municipal judge candidates also need to submit a Statement of Economic Interests to the Wisconsin Ethics Commission in order to meet ballot access requirements. Wis. Stat. §§ 8.05(1)(j)3., 8.10(5), 8.15(4)(b), 8.20(6). Ballot Access Checklists indicate this requirement and the appropriate filing deadline. Forms and instructions are available from ethics.wi.gov or by contacting the Wisconsin Ethics Commission at 608-266-8123.

Additionally, some municipalities may have an ethics ordinance under Wis. Stat. § 19.59(3)(b), requiring a Statement of Economic Interests to be filed with the local filing officer in order to achieve ballot status.

Best Practice: Municipal clerks who are unsure whether their municipality has an ethics statement requirement, should check with their municipal attorney. If a required statement is not filed by the deadline, the candidate's name cannot appear on the ballot. Wis. Stat. § 8.30(3).

Best Practice: Clerks should make "candidate packets" available for all prospective local candidates. All ballot access forms and checklists are available on the respective Wisconsin Elections Commission and Wisconsin Ethics Commission websites.

Candidate packets should include the following forms:

- Campaign Finance Registration Statement (CF-1). This form is available from the Wisconsin Ethics Commission.
- Declaration of Candidacy (EL-162)
- Nomination Paper for Nonpartisan Office (EL-169), if required
- Appropriate Ballot Access and Campaign Finance Checklists located on the Commission's website.

Sec. 2.2.5: Declarations of Candidacy

The Declaration of Candidacy is available on elections.wi.gov as Form EL-162.

Note: School District Candidates use the EL-162sd. Where the requirements below require specific language, that language is already included on the Commission's versions.

Review Procedure

Declarations of candidacy must be filled out correctly by the candidate, and may be filed by the candidate or by proxy. Wis. Admin. Code § EL 2.06(2)(a). The filing officer cannot accept a declaration of candidacy that does not contain all of the information required by Wis. Stat. § 8.21. Wis. Admin. Code § EL 2.06(3)(d).

Upon receipt of a completed declaration of candidacy, the filing officer should immediately review the filed papers to determine sufficiency. See Wis. Admin. Code § EL 2.06(3)(a).

Best Practice: Some filing officers choose to offer an initial review of declarations of candidacy as a courtesy to candidates. This initial review can be used to notify candidates of potential issues so they have the opportunity to remedy defects before the filing deadline. Candidates should understand that facial review is a courtesy only. Facial review is not binding, and will not serve as a defense to a challenge to their declaration of candidacy. Wis. Admin. Code § EL 2.06(3)(a). Candidates are solely responsible for the sufficiency of their declaration of candidacy. Wis. Admin. Code § EL 2.06(2)(a).

Any facially sufficient information which appears on a declaration of candidacy is entitled to a presumption of validity. Wis. Admin. Code § EL 2.06(3)(b). Information is facially sufficient when it is substantially compliant with proper format and does not have one or more elements of missing, illegible, or obviously incorrect information. Wis. Admin. Code § EL 2.05(1)(h). Unlike nomination papers, a declaration cannot be accepted if it is missing required information, even if there has been substantial compliance with the law. Wis. Admin. Code § EL 2.06(3)(d).

Requirements

- **The candidate's name.** Wis. Stat. § 8.21(2). The name must match the name used in the header of the candidate's nomination papers. Wis. Admin. Code § EL 2.06(4)(ar).
- The proper **title of the office** the candidate is seeking. Wis. Stat. § 8.21(2)(a). The name of the office must include the district, branch, or seat number as follows:
  - legislative offices: title and district number
  - district attorneys: title and county
  - circuit court offices: title, county, and branch number
  - municipal and school board offices: title and any district seat number. Wis. Admin. Code § EL 2.06(4)(b).
- A statement that the signer meets, or will at the time he or she assumes office meet, applicable age, citizenship, residency, or voting qualification requirements, if any, prescribed by the constitutions and laws of the United States and of this state. Wis. Stat. § 8.21(2)(b).

- A statement that the signer will otherwise qualify for the office if nominated and elected. Wis. Stat. § 8.21(2)(c).
- The candidate's name in the form that the candidate wishes the name to appear on the ballot. Wis. Stat. § 8.21(3). The preferred ballot name cannot contain the word "incumbent," include a professional title, or include an attempt to manipulate the electoral process. Wis. Admin. Code § EL 2.06(5)(b). An intended name containing a nickname or initial, middle name, or formal legal surname is permitted provided that it does not include quotation marks or parentheses. Wis. Admin. Code § EL 2.06(5)(b).
- The form must be notarized or signed by a person authorized to administer oaths. Wis. Stat. § 8.21(2). **See Chapter 2.3 on page 35** for examples of common challenges resolved by the Commission involving issues or defects with notarizations of declarations of candidacy.

State & Local Candidates Only

- A statement that the candidate has not been convicted of any misdemeanor designated under state or federal law as a violation of the public trust or any felony for which the candidate has not been pardoned. Wis. Stat. § 8.21(4)(a).
- The candidate's municipality of residence for voting purposes, and the street and number, if any, on which the candidate resides. Wis. Stat. § 8.21(4)(b). The residential address must include the street and number, and cannot be a post office box or other address at which the candidate does not reside. Wis. Admin. Code § EL 2.06(5)(a).

Note: Certain judicial candidates or judicial officers may have the line "Residence Certified with WEC" in lieu of their address if they have completed the certification of residence process with the WEC. Wis. Stat. § 8.10(8). Such candidates whose residence is certified are not required to list their residential address on their declaration of candidacy. Local filing officers should check with the Commission to confirm whether a candidate's address has been certified in order to be properly exempt.

Amending Declarations of Candidacy

If any information in a Declaration of Candidacy changes at any time after the original is filed, a state or local candidate must file an amended Declaration of Candidacy before the candidate assumes office or is defeated. Wis. Stat. § 8.21(6). The amended Declaration of Candidacy is filed with the same filing officer as the original. *Id.* If the Declaration of Candidacy that was filed by the filing deadline is later determined to be insufficient, an amended Declaration of Candidacy cannot cure the error(s). Wis. Stat. § 8.21(1) and (2). A Declaration of Candidacy will remain timely if the original Declaration was filed by the statutory deadline, even if an amended Declaration is filed. Wis. Admin. Code § EL 2.06(2)(b).

Correcting affidavits cannot correct or amend declarations of candidacy. Wis. Admin. Code § EL 2.06(3)(c).[2]

Sec. 2.2.6: Nomination Paper Procedure

Nomination papers are the primary method by which candidates in Wisconsin seek ballot access. Candidates circulate nomination papers within the jurisdiction represented by the office sought to collect the required number of signatures. All cities and some villages and towns use the nomination paper process. School board candidates should confirm with their school board clerk or administrative office to determine whether nomination papers are required and how many signatures are required. See Wis. Stat. §§ 8.10(3)(km), (ks), (3s), 120.06(6)(a).

The Commission maintains nomination form templates on its website. Candidates are free to use the template forms, and they may modify the header of the templates to contain their personal campaign information or graphics.

> **Best Practice: Candidates who modify the header of a nomination paper should ensure that it still conforms to all of the nomination paper header requirements of the office they seek.**

Candidates are responsible for the completeness, legibility, and accuracy of the information contained on their nomination papers. Wis. Admin. Code § EL 2.05(3)(a).

---

2 See also EL 26-01, Kyle Schroeder v. Christine Hansen (Decided Jan. 13, 2026).

Nomination Papers for Partisan Office Candidates

- President of the United States
- Vice President of the United States
- U.S. Representative to Congress
- U.S. Senator
- Wisconsin Assembly Representative
- Wisconsin Senator
- Governor
- Lieutenant Governor
- Attorney General
- State Treasurer
- Secretary of State
- County Clerk
- District Attorney

Partisan races in Wisconsin appear on the Partisan Primary ballot and fall General Election ballot in even-numbered years. Wis. Stat. §§ 5.02(5), 5.02(12s). Partisan candidates file nomination papers either with their County Clerk or with the Commission. The form for partisan nomination papers is available on elections.wi.gov as EL-168.

Nomination papers for partisan office candidates may be circulated no sooner than April 15 preceding the general election, and may be filed no later than 5 p.m. on June 1 preceding the partisan primary. Wis. Stat. § 8.15(1).

Note: Independent candidates for president and vice president circulate nomination papers on a different timeline, though the procedure is largely the same. These candidates circulate nomination papers no sooner than July 1 and not later than 5 p.m. on the first Tuesday in August preceding a presidential election. Wis. Stat. § 8.20(8)(am).

Nomination Papers for Nonpartisan Office Candidates

- Superintendent of Public Instruction
- All Judicial Offices
- County Commissioners
- County Executive
- Comptrollers
- County Supervisors
- Mayor
- Village Trustee or Town Board Supervisor
- Alderperson
- School District Board Members

Nonpartisan races in Wisconsin appear on the Spring Primary ballot and Spring Election ballot every year. Wis. Stat. § 5.02(21), 5.02(22). Nonpartisan candidates file nomination papers with municipal clerks, school district clerks, county clerks, and with the Commission. The form for nonpartisan nomination papers is on elections.wi.gov as EL-169.

Nomination papers for nonpartisan office candidates may be circulated no sooner than December 1 preceding the election and no later than 5 p.m. on the first Tuesday in January preceding the election. Wis. Stat. § 8.10(2)(a). If the first Tuesday of January is a holiday, the nomination paper deadline is the next day. *Id.*

Filing Nomination Papers

In order to be timely filed, the original nomination papers must be in the physical possession of the filing officer by the statutory deadline. Wis. Admin. Code § EL 2.05(3)(b). No other format is acceptable. *Id.* Candidates are required to number their nomination papers before turning them in, but neither the absence of a page number nor incorrect or non-consecutive numbering will invalidate the signatures on that page. Wis. Admin. Code § EL 2.05(3)(c).

After a nomination paper has been signed, but before it has been filed, a signature may be removed by the signer or the circulator. Wis. Admin. Code § EL 2.05(4)(d). After nomination papers have been filed, no signature may be added or removed. *Id.* After a nomination paper has been filed, it may be amended, or an error or omission corrected, only through a valid correcting affidavit. *Id.*

> **Best Practice:** The filing officer should issue a receipt to the candidate or candidate's agent when nomination papers are filed. A sample Nomination Paper Receipt (EL-151) is available on elections.wi.gov.

Sec. 2.2.7: Nomination Paper Review: Procedure

Upon receipt of completed nomination papers, the filing officer should immediately review the filed papers to determine sufficiency. See Wis. Admin. Code § EL 2.05(4).

Best Practice: Some filing officers choose to offer an initial review of nomination papers as a courtesy to candidates. This initial review can be used to notify candidates of potential issues so they have the opportunity to remedy defects, including by submitting a correcting affidavit under Wis. Admin. Code § EL 2.05(5), before the filing deadline. However, header defects cannot be amended by affidavit after the paper has been circulated. Wis. Admin. Code § EL 2.05(5)(ag). A facial review before the filing deadline or correcting affidavit deadline is not required by statute or rule, and is separate from a filing officer's ultimate determination of sufficiency. Candidates should understand that facial review is a courtesy only. Facial review is not binding, and will not serve as a defense to a challenge to their nomination papers. Wis. Admin. Code § EL 2.05(4)(a)(2). Candidates are solely responsible for the sufficiency of their nomination papers. Wis. Admin. Code § EL 2.05(3)(a).

Any facially sufficient information which appears on a nomination paper is entitled to a presumption of validity. Wis. Admin. Code § EL 2.05(4)(b). Information is facially sufficient when it is substantially compliant with proper format and does not have one or more elements of missing, illegible, or obviously incorrect information. Wis. Admin. Code § EL 2.05(1)(h). The filing officer must accept the information as complete if there has been substantial compliance with applicable statutes and the administrative code, even if a required item of information on a nomination paper is incomplete. Wis. Admin. Code § EL 2.05(4)(c). Information is substantially compliant when it demonstrates intent to fully comply with the statute and that the purpose of the statute is shown to have been served. Wis. Admin. Code § EL 2.05(1)(r).

Nomination papers must be filled out correctly by the candidate. Wis. Admin. Code § EL 2.05(3)(a). It is also the candidate's responsibility to ensure that all text is legible.

The recommended first step of review for nomination papers is the candidate information in the header (top of form).

Best Practice: Review the header information first because if there is a defect in the header that cannot be cured, all of the signatures on that page are invalid.

All information concerning the candidate must be completed in full before circulating this form to obtain signatures of electors. Wis. Stat. §§ 8.10(2)(b) (nonpartisan candidates), 8.15(5)(a) (partisan candidates), and 8.20(2)(a) (independent candidates).

Reviewing the Header

Name of the Candidate

The candidate must provide their last name and first name. Wis. Admin. Code § EL 2.05(7)(c). They may provide a nickname or initial for their first or middle name. *Id.* In addition to their name, they may also provide a former legal surname. No other abbreviations or titles are permitted. *Id.* Wis. Stat. §§ 8.10(2)(b) (nonpartisan candidates), 8.15(5)(a) (partisan candidates), 8.20(2)(a) (independent candidates).

Best Practice: The candidate's name should be included as it will appear on the ballot.

Note: Nomination papers must be accepted even if they contain biographical data or campaign advertising. Wis. Admin. Code § EL 2.05(7)(e). The campaign finance disclaimers specified in Wis. Stat. § 11.1303(2) are not required on nomination papers. Wis. Admin. Code § EL 2.05(7)(e).

Candidate's (Physical) Residential (Street & Number) Address

The residential address must be the street address where the candidate resides; no other address is acceptable. Wis. Admin. Code § EL 2.05(7)(d). The candidate must also provide their voting municipality. *Id.* Wis. Stat. §§ 8.10(2)(b) (nonpartisan candidates), 8.15(5)(a) (partisan candidates), 8.20(2)(a) (independent candidates).

Note: Certain judicial candidates or judicial officers may have the line "Residence Certified with WEC" in lieu of their address if they have completed the certification of residence process with the WEC. Wis. Stat. § 8.10(8). Such candidates whose residence is certified are not required to list their residential address on their nomination papers. Local filing officers should check with the Commission to confirm whether a candidate's address has been certified in order to be properly exempt.

Candidate's Municipality for Voting Purposes

Candidates must provide their voting municipality in the header. Wis. Admin. Code § EL 2.05(7)(d). "Voting municipality" means where the candidate is eligible to vote on the date of signing. Wis. Admin. Code § EL 2.05(1)(s).

Candidate's Mailing Address

If the candidate's mailing address is different from their residential address, the mailing address must also be provided. Wis. Admin. Code § EL 2.05(7)(d), Wis. Stat. §§ 8.10(2)(c) (nonpartisan candidates), 8.15(5)(b) (partisan candidates), 8.20(2)(b) (independent candidates). If the full residential (physical) address is identical to the mailing address, the mailing address can be left blank. See Wis. Admin. Code § EL 2.05(7)(d).

Type & Date of Election

Wis. Stat. §§ 8.10(2)(b) (nonpartisan candidates), 8.15(5)(a) (partisan candidates), and 8.20(2)(a) (independent candidates). Incomplete or incorrect election dates can be found substantially compliant if the filing officer finds that signers could have determined the correct election date based solely upon information provided in the header. Wis. Admin. Code § EL 2.05(7)(b).

Title of Office

Wis. Stat. §§ 8.10(2)(b) (nonpartisan candidates), 8.15(5)(a) (partisan candidates), and 8.20(2)(a) (independent candidates). The title of office must be listed along with any branch, district, or seat number that clearly identifies the office the candidate is seeking i.e., Town Board Supervisor number, if applicable; aldermanic district number if not an at-large seat. This portion will be valid if the filing officer finds that the signers could determine the office and district the candidate was pursuing based solely upon information provided in the header. Wis. Admin. Code § EL 2.05(7)(a).

Name of Jurisdiction or District in which Candidate Seeks Office
Wis. Stat. §§ 8.10(2)(b) (nonpartisan candidates), 8.15(5)(a) (partisan candidates), 8.20(2)(a) (independent candidates).

Examples: Town of Smith, Village of Jones, City of Green, Aldermanic District 1

Political Party of Candidate
If the race is for a partisan office, the header must include the political party of the candidate, or their statement of interest (for independent candidates). Wis. Admin. Code § EL 2.05(7)(f). If the race is for a non-partisan office, the header must not include the political party of the candidate. *Id.*

Reviewing Elector Signatures

Only eligible electors may sign nomination papers. An elector is anyone who is qualified to vote in the jurisdiction in which the candidate is seeking ballot access. Wis. Admin. Code § EL 2.05(1)(g). Electors need not be registered to vote in order to sign nomination papers.

State law requires each elector signing nomination papers to provide the following:

- Signature
- Printed name
- Address including street number and name
- Municipality for voting
- Date of signing

Each of these required components are discussed in greater detail below.

Each Row Should Contain the Following:

- **Signature of elector:** Wis. Stat. §§ 8.10(4)(b) (nonpartisan candidates), 8.15(2) (partisan candidates), 8.20(5) (independent candidates). An elector must sign his or her own name unless unable to do so because of a physical disability. Wis. Admin. Code § EL 2.05(6)(b). If an elector is unable to sign because of a disability, they must specifically authorize another person to sign on their behalf and be present when that person signs. *Id.*
    - **Signature and Printed Name Legibility:** If the filing officer cannot discern the signer's first and last name, after reviewing both the signature and printed name, it is illegible and should not be counted. Wis. Admin. Code § EL 2.05(6)(h)(6).

Note: A person may not sign nomination papers for his or her spouse, or on behalf of anyone else (except a signer with a disability who has requested assistance), even if they have been given power of attorney. Wis. Admin. Code § EL 2.05(6)(c).

- Signers must live within the circuit, county, district, or jurisdiction that the candidate seeks to represent, otherwise their signature is invalid. Wis. Admin. Code § EL 2.05(6)(h)(5).
- A signature must be counted when identical residential information or dates of signature for different electors are accurately indicated by ditto marks, another form of punctuation, or if an adjacent signer writes "same" or similar words to indicate that the residential information or signature dates are identical. Wis. Admin. Code § EL 2.05(6)(f).
- Signers must be 18 years of age when the nomination paper is signed. This is true even if the person will be 18 years old and eligible to vote at the date of the election. Wis. Admin. Code § EL 2.05(6)(h)(8).
- Signers must not have an adjudication of incompetency or limited competency, or otherwise not be a qualified elector at the time of signing. Wis. Admin. Code § EL 2.05(6)(h)(4). If the signatory becomes an unqualified elector after signing the nomination paper, the signature should not be struck because the signer was a qualified elector when they signed. *Id.*
- The death of a signer after a nomination paper has been signed does not invalidate the signature. Wis. Admin. Code § EL 2.05(6)(i).

- **The elector's printed name,** which must be legible. The signer's last name must be present. Wis. Admin. Code § EL 2.05(6)(h)(7). A nickname or initial cannot be used for a last name. *Id.* Wis. Stat. §§ 8.10(4)(b) (nonpartisan candidates), 8.15(2) (partisan candidates), 8.20(5) (independent candidates).
  - **Legibility:** If the filing officer cannot discern the signer's first and last name, after reviewing both the signature and printed name, it is illegible and should not be counted. Wis. Admin. Code § EL 2.05(6)(h)(6).

- **Elector's address, including street number and name.** Wis. Stat. §§ 8.10(4)(b) (nonpartisan candidates), 8.15(2) (partisan candidates), 8.20(5) (independent candidates). Wis. Admin. Code § EL 2.05(12). No signature can be counted if the address of the signer is missing or incomplete, or the municipality is abbreviated, unless the address can be determined by the information provided on the nomination paper. Wis. Admin. Code § EL 2.05(6)(h)(3). Neither apartment number nor state and ZIP code is required. *Id.*
- **Elector's Municipality for voting.** Wis. Stat. §§ 8.10(4)(b) (nonpartisan candidates), 8.15(2) (partisan candidates), 8.20(5) (independent candidates). Wis. Admin. Code § EL 2.05(12).
- **Elector's complete date of signing.** Wis. Stat. §§ 8.10(4)(b) (nonpartisan candidates), 8.15(2) (partisan candidates), 8.20(5) (independent candidates). Date of signature must be between the first day to circulate and the nomination paper filing deadline. Wis. Stat. §§ 8.10(2)(a) (nonpartisan candidates), 8.15(1) (partisan candidates), 8.20(8) (independent candidates).
    - No signature can be counted if the date of signature is missing, unless the date can be determined by reference to the dates of other signatures on the paper, including those dates above or below the signature. Wis. Admin. Code § EL 2.05(6)(h)(1). For example, if a signature line is missing a date, but all the other signatures on that page are of the same date, which is also the same date as when the circulator signed, it can be assumed that the signature line in question should also be that date.
    - No signature can be counted if the signature is dated after the date on which the qualified circulator signed the certification. Wis. Admin. Code § EL 2.05(6)(h)(2).

Reviewing the Circulator Certification

At the bottom of each nomination paper, there is a certification section that is completed by the person who collected the signatures. There are several required components of this section, and all should be reviewed when examining nomination paper sufficiency.

A nomination paper circulator must be eligible to vote in Wisconsin.[3] Wis. Stat. §§ 8.10(3), 8.15(4)(a), 8.20(3), as amended by 2025 WI Act 126.

Review the Certification of Circulator for the following:

- **Name of Circulator,** which must be legible. The circulator's last name must be present. Wis. Stat. § 8.15(4)(a)
  - Legibility: If the filing officer cannot discern the signer's first and last name, after reviewing both the signature and printed name, it is illegible and should not be counted. Wis. Admin. Code § EL 2.05(6)(h)(6).
- **Address of Circulator** (number and street). This must be a Wisconsin address. Wis. Stat. §§ 8.10(3), 8.15(4)(a), 8.20(3), as amended by 2025 WI Act 126. No signature on the page can be counted when the residency of the circulator cannot be determined by the information given on the nomination paper. Wis. Admin. Code § EL 2.05(6)(g).
- **Signature of Circulator.** Wis. Stat. § 8.15(4)(a). Wis. Admin. Code § EL 2.05(6)(g). Signature need not be legible if the circulator's first and last name can be determined in the printed name line. Wis. Admin. Code § EL 2.05(6)(h)(6).
- **Date of certification.** Date must be on or after the latest date of a signer. Wis. Stat. § 8.15(4)(a), Wis. Admin. Code § EL 2.05(6)(g), 2.05(8)(b).
- **Only one circulation per candidate per office permitted.** If the circulator has circulated nomination papers for two or more candidates for the same office in the same election and different times, the earlier papers are valid and the later papers are invalid. Wis. Stat. § 8.04. Circulators are only allowed to circulate for one candidate, even for at-large seats where voters can vote for more than one candidate. The administrative code makes an exception for signatories to sign the papers of more than one candidate in an at-large race, but not circulators. See Wis. Admin. Code § EL 2.05(6)(d).

---

3 Law Change: 2025 Wisconsin Act 126 amended the circulator qualification statutes for nomination papers and election petitions to require all circulators to be qualified electors of Wisconsin. Previously, circulators were not required to be Wisconsin residents, and could still circulate if they were a U.S. citizen, at least 18 years old, and would be eligible to vote in Wisconsin if they were a resident.

Sec. 2.2.8: Counting Valid Signatures

The number of signatures required depends on the office sought.

> **Best Practice:** The number of signatures required for office should be included in the candidate packet for each office.

Candidates often submit more than the maximum number of signatures necessary, but it is not necessary for a filing officer to review every single one of them. See Wis. Admin. Code § EL 2.05(4)(a)(1). However, filing officers must continue to review as many signatures as the candidate submits to achieve the sufficient minimum number. Wis. Stat. §§ 8.10(7), 8.15(9), 8.20(10).

For example, Candidate A wishes to run for mayor in Badger City, which is a second-class city. Candidate A must submit 200–400 signatures for that office, so Candidate A submits 420. Clerk Clark reviews up to 400 signatures, but finds that only 190 of them are sufficient. State law directs that Clerk Clark must continue to review the remaining 20 signatures until the minimum threshold of 200 sufficient signatures is reached.

Only one signature per person for the same office is valid. Wis. Stat. § 8.04, Wis. Admin. Code § EL 2.05(6)(d). If there are duplicate signatures, the earlier signature is valid, and the later signature is invalid. Wis. Stat. § 8.04. Exception: Where an signer is entitled to vote for more than one candidate for the same office, they may sign the nomination papers of as many candidates for the same office as they are entitled to vote for at the election. Wis. Admin. Code § EL 2.05(6)(d). For these offices, duplicate signatures for different candidates should not automatically be rejected.

Table 4: Required Number of Signatures for Federal, State, and Local Partisan Offices

Office Sought	Signatures	Statute
U.S. President (Independent)	2,000 – 4,000	Wis. Stat. § 8.20(4)
Statewide Offices	2,000 – 4,000	Wis. Stat. § 8.15(6)(a)
U.S. Representative	1,000 – 2,000	Wis. Stat. § 8.15(6)(b)
State Senators	400 – 800	Wis. Stat. § 8.15(6)(c)
State Assembly Representatives	200 – 400	Wis. Stat. § 8.15(6)(d)
District Attorneys *Pop. Over 100,000*	500 – 1,000	Wis. Stat. § 8.15(6)(dm)
District Attorneys *Pop. Under 100,000*	200 – 400	Wis. Stat. § 8.15(6)(dm)
County Offices *Pop. Over 100,000*	500 – 1,000	Wis. Stat. § 8.15(6)(e)
County Offices *Pop. Under 100,000*	200 – 400	Wis. Stat. § 8.15(6)(e)

Table 5: Required Number of Signatures for State and Local Non-Partisan Offices

Office Sought	Signatures	Statute
Statewide Offices	2,000 – 4,000	Wis. Stat. § 8.10(3)(a)
Court of Appeals Judges	1,000 – 2,000	Wis. Stat. § 8.10(3)(am)
Judicial Offices *County Pop. Over 750,000*	1,000 – 2,000	Wis. Stat. § 8.10(3)(c)
All Other Judicial Offices	200 – 400	Wis. Stat. § 8.10(3)(b)
County Executives *Pop. Over 750,000*	2,000 – 4,000	Wis. Stat. § 8.10(3)(cm)
County Executives *Pop. between 100,000–750,000*	500 – 1,000	Wis. Stat. § 8.10(3)(d)
County Executives *Pop. Under 100,000*	200 – 400	Wis. Stat. § 8.10(3)(e)
Comptroller *Pop. At least 750,000*	500 – 1,000	Wis. Stat. § 8.10(3)(cm)
County Supervisors *Pop. At least 750,000*	200 – 400	Wis. Stat. § 8.10(3)(f)
County Supervisors *Pop. Between 100,000–750,000*	100 – 200 **Or 50–200 by ordinance*	Wis. Stat. § 8.10(3)(g) Wis. Stat. § 8.10(3m)
County Supervisors *Pop. Under 100,000*	20 – 100	Wis. Stat. § 8.10(3)(h)
Metro Sewage Commission *Pop. Over 1,000,000*	1,000 – 2,000	Wis. Stat. § 8.10(3)(hm)
Metro Sewage Commission *Pop. Between 200,000–1,000,000*	200 – 400	Wis. Stat. § 8.10(3)(hm)
Metro Sewage Commission *Pop. Under 200,000*	100 – 200	Wis. Stat. § 8.10(3)(hm)
1st Class Cities City Wide Offices	1,500 – 3,000	Wis. Stat. § 8.10(3)(i)

Office Sought	Signatures	Statute
1st Class Cities Alderpersons	200 – 400	Wis. Stat. § 8.10(3)(i)
1st Class Cities Board of School Directors	400 – 800	Wis. Stat. § 8.10(3)(i)
2nd and 3rd Class Cities City Wide Offices	200 – 400	Wis. Stat. § 8.10(3)(j)
2nd and 3rd Class Cities Alderpersons Elected by Alder District	20 – 40	Wis. Stat. § 8.10(3)(j)
2nd and 3rd Class Cities Alderperson Elected At-Large	100 – 200	Wis. Stat. § 8.10(3)(jm)
4th Class Cities City Wide Offices	50 – 100	Wis. Stat. § 8.10(3)(k)
4th Class Cities Alderperson	20 – 40	Wis. Stat. § 8.10(3)(k)
Village and Town Offices	20 – 100	Wis. Stat. § 8.10(3)(L)
School Board Member Territory within 2nd class city	100 – 200 *Or 20 – 100 by resolution	Wis. Stat. § 8.10(3)(km)1. Wis. Stat. § 8.10(3)(km)2.
School Board Member No territory in 1st or 2nd class city	20 – 100	Wis. Stat. § 8.10(3)(ks)

Sec. 2.2.9: Correcting Affidavits

Any insufficiencies, such as incorrectly dated signatures or inaccurate circulator information can be corrected with a correcting affidavit. Wis. Admin. Code § EL 2.05(5)(ag). However, correcting affidavits may not provide new or additional signatures or signature pages in addition to what was originally submitted to the filing official. Wis. Admin. Code § EL 2.05(5)(d).

Affidavits may be submitted by the circulator, the candidate, or a person who signed the nomination paper. Wis. Admin. Code § EL 2.05(5)(ag). The person giving the correcting affidavit must have personal knowledge of the correct information. *Id.* The WEC has templates for correcting affidavits available upon request.

The affidavit must be filed with the filing officer not later than 5 p.m. central time on the 3rd calendar day after the applicable statutory due date for when a challenge to nomination papers may be filed. Wis. Admin. Code § EL 2.05(5)(ar). If a correcting affidavit is submitted on a Saturday, Sunday, or legal holiday, it must be submitted via facsimile transmission or electronic mail directly to the filing officer. *Id.*

The filing officer must determine whether any correcting affidavit resolves the identified insufficiency. Wis. Admin. Code § EL 2.05(5)(c). If a correcting affidavit is accepted, it amends the affected nomination papers on its own, and it is not necessary for the filing officer to edit or mark the nomination papers to be consistent with the changes in the affidavit. Wis. Admin. Code § EL 2.05(5)(b).

Note: Nomination papers with insufficient headers cannot be cured by a correcting affidavit after the paper has been circulated. Wis. Admin. Code § EL 2.05(5)(ag).

Sec. 2.2.10: Public Access of Ballot Access Paperwork

The timeline for filing ballot access challenges is a short one — just three calendar days — so filing officers must prioritize making nomination papers and declarations of candidacy available to the public as soon as they are filed. See Wis. Admin. Code § EL 2.07, 2.08.

Filing officers are required to make nomination papers available for public inspection, either physically or electronically, within one business day of when they are filed. Wis. Admin. Code § EL 2.07(2).

Best Practice: The easiest and quickest way to make nomination papers available to the public is to scan and upload nomination papers and declarations of candidacy and post them to a website where the public can access them at any time. If web access is not feasible, filing officers should take steps to ensure that the public can access filed ballot access paperwork in a timely fashion. Filing officers should plan for how they plan to make paperwork available to the public well before each filing deadline.

Sec. 2.2.11: Frequently Asked Questions

Q Can a candidate who has properly filed nomination papers and qualified for the ballot withdraw their nomination papers to remove their name from the ballot?

A Yes, but only candidates who file nomination papers with the Commission (excluding district attorneys), and only those who follow the specific process to do so, including paying the fee. Wis. Stat. § 8.35(1m)(a). Candidates wishing to withdraw must submit their request and pay the required fee to the Commission 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. Wis. Stat. § 8.35(1m)(a). The withdrawal of a candidate under this process will not affect the ballot order if the order has already been determined. Wis. Stat. § 8.35(1m)(c). The Commission will notify the county clerk if any candidates withdraw. Wis. Stat. § 8.35(1m)(d).

Local candidates may not withdraw their candidacy under Wis. Stat. § 8.35(1m).

State law states that any person who files nomination papers and qualifies to appear on the ballot may not decline nomination, unless they qualify to withdraw as described above. The name of that person shall appear upon the ballot except in the case of death of the person. 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. Wis. Stat. § 8.35(1).

Q Are incumbents required to file ballot access documents?

A Yes. All candidates including incumbents are required to file the appropriate ballot access documents for each election for which he or she is seeking office. Wis. Stat. §§ 8.10(2)(b), 8.15(5), 8.20(2)(a).

Q Where can I find residency requirements for candidates?

A Specific residency requirements and other minimum qualifications can be found within the governing statutes of the office sought. Information can also be found on the relevant candidate page on elections.wi.gov.

Q A prospective candidate wants to give me their Declaration of Candidacy for an election that is two years from now. Can I accept it?

A Yes. Make sure to follow protocol (give them a receipt of acknowledgement) and store it safely until that election.

Q It is not December 1st yet and a prospective candidate wants me to give him a Campaign Finance Registration Statement (CF-1). May I give it to him?

A Yes. As soon as a person takes a candidate action (files nomination papers, is nominated by a political party, receives a contribution), he or she is required to register as soon as practicable. Wis. Stat. § 11.0202(1)(a). Therefore, candidate packets, which include the Campaign Finance Registration Statement (CF-1), should be available for candidates at all times.

Q It is not December 1st or April 1st yet and a prospective candidate wants me to give him nomination paper form (EL-169). May I give it to him?

A Yes. A nomination paper form may be given to a prospective candidate at any time.

Best Practice: The EL-169 should be included in the candidate packet.

Q The filing officer is refusing to review my submitted nomination papers before the deadline. I am worried that I won't have enough time to get more signatures if I fall below the minimum. Are they required to review my nomination papers immediately?

A No. It is up to the discretion of the filing officer whether to do an initial review and when that review would take place. It is not a requirement of the filing officer to ensure that the minimum number of signatures is met.

Best Practice: Filing officers should review nomination papers as they are filed and reach out to any candidate who falls close to the minimum threshold. Candidates should submit more signatures than the minimum required in case of insufficiencies and challenges.

Q What if a candidate is campaigning before the Campaign Finance Registration Statement (CF-1, CF-1L) is filed?

A Failure of the candidate to file a Campaign Finance Registration Statement (CF-1) if they are collecting or spending money toward the campaign is a violation of campaign finance law and should be reported to the Wisconsin Ethics Commission. Wis. Stat. §§ 11.1400, 11.1401(1)(a).

Q What is the deadline to challenge a Declaration of Candidacy?

A Challenges to declarations of candidacy must be filed by 5 p.m. on the third calendar day after the declaration of candidacy filing deadline. Wis. Admin. Code § EL 2.08(2)(b). The challenge must be in the physical or electronic possession of the filing officer by 5 p.m. on the challenge deadline. *Id.* If a challenge is submitted on a Saturday, Sunday, or legal holiday, it must be submitted via facsimile transmission or electronic mail. *Id.*

Q If a candidate brings in paperwork to the filing officer, but the filing officer is not present, it is okay for to leave the paperwork with another staff person?

A Yes. State law does not require candidates to hand their paperwork directly to the filing officer. Each filing officer, however, should establish procedures in their office so that their staff are trained on how to properly accept ballot access paperwork.

Best Practice: The system should be the same for every single candidate so questions do not arise.

Q What happens if no candidates qualify for ballot placement?

A If no candidates properly complete and file ballot access documents in the time frame allotted, the ballot will contain only a space for a write-in candidate. **See Sec. 2.4.3: "Selecting Candidates at a Caucus" on page 62** for information on this topic with respect to the caucus nomination procedure.)

Q What should I do if I believe that an individual filing ballot access documents is a convicted felon?

A The restriction on convicted felon candidates only applies to candidates for state and local office, not federal candidates. Wis. Stat. § 8.21(4)(a). If it is brought to the filing officer's attention that a convicted felon has filed ballot access documents, the matter needs to be resolved in consultation with the municipal attorney or local counsel.

Best Practice: It is the position of the Wisconsin Elections Commission that the municipality should only act on information presented in the form of a sworn ballot access challenge, alleging that a candidate has been convicted of a felony and evidence is provided in support of that allegation. The municipal attorney or local counsel can assist the filing officer in verifying the basis of the challenge.

Once it has been determined that a candidate or an elected official has been convicted of a felony, the municipal attorney can assist the filing officer in determining whether the person's name should not be placed on the ballot

Best Practice: A formal notice should be sent to the candidate or elected official informing him or her of the filing officer's decision not to place his or her name on the ballot.

Q Should the filing officer check to make sure that no candidate has been convicted of a felony?

A The filing officer is not required to verify that every candidate for elected public office has not been convicted of a felony for which they have not been pardoned. The filing officer should rely on the sworn statement of the candidate on the Declaration of Candidacy. Wis. Stat. § 8.21(4)(a).

Q What if the filing officer's office is closed the first Tuesday in January for a holiday?

A If it is a state-recognized holiday, the deadline for filing ballot access documents is extended to the next business day. Wis. Stat. § 990.001(4)(b). **Note:** This only applies to state holidays, not county holidays or federal holidays that are not state holidays (such as Columbus Day and Veterans Day). If it is not, the filing officer must be available for candidates filing ballot access documents.

Q A candidate went to turn in my paperwork and the office was closed. The deadline to turn in paperwork is today. What do they do?

A The candidate should start by contacting anyone they can think of in the municipal or county government who might be able to get ahold of the filing officer. The candidate can also contact the Wisconsin Elections Commission at 608-266-8005 if they don't know who to call, and staff can assist the candidate by putting them in touch with local officials.

Chapter 2.3: Ballot Access Challenges

A ballot access challenge is a verified complaint brought against a proposed candidate. It alleges that the candidate's nomination papers or declaration of candidacy are insufficient or that the candidate is otherwise unqualified for the office sought. Wis. Admin. Code § EL 2.07(2), 2.08(2). Ballot access challenges are not specifically mentioned in statute, but statute does give the Commission the ability to establish administrative rules to determine the validity of nomination papers. Wis. Stat. § 8.07, and see generally Wis. Admin. Code Chapter 2. Accordingly, the rules and procedures authorizing and governing ballot access challenges are covered by administrative code.

Ballot access challenges are filed with the appropriate filing officer for the office the candidate seeks. Wis. Admin. Code § EL 2.07(2), 2.08(2). They are their own special type of complaint governed by the procedures in Wis. Admin. Code §§ EL 2.07, 2.08. They have different standards of review and deadlines than the other types of administrative complaints the Commission considers. Wis. Admin. Code § EL 2.07(2), 2.08(2).

Filing officers must make filed nomination papers and declarations of candidacy available for public inspection, either physically or electronically, within 1 business day of when they are filed. *Id.*

Sec. 2.3.1: Types of Ballot Access Challenges

There are two different types of ballot access challenges, each of which is discussed further below:

Nomination Paper Challenges: Brought by a challenger against a candidate's nomination papers.

Declaration of Candidacy and Candidate Qualification Challenges: Brought by a challenger against a candidate's declaration of candidacy, including the certifications on that document that the candidate is qualified for the office they seek.

Nomination Paper Challenges

The majority of ballot access challenges allege that the challenged candidate's nomination papers are insufficient in some way. Wis. Stat. § 8.07, Wis. Admin. Code § EL 2.07(5).

Nomination paper challenges usually allege one of three general areas of insufficiency:

- Issues with the nomination paper header
- Issues with the circulator certification statement
- Issues with individual signature line challenges

Declaration of Candidacy & Candidate Qualification Challenges

Since 2020, the Commission and local filing officers have received and decided ballot access challenges that allege that the candidate's declaration of candidacy was insufficient or that the candidate was otherwise ineligible for the office they sought. As of Apr. 1, 2026, the administrative code expressly addresses when and how these challenges can be brought and decided. Wis. Admin. Code § EL 2.08.

Declaration of candidacy challenges allege that the challenged candidate's declaration of candidacy is insufficient in some way. Wis. Admin. Code § EL 2.08(4).

Declaration of candidacy challenges usually allege one of three general areas:

- Issues with missing or incomplete candidate information
- Issues with missing or incomplete certification information
- Issues with the qualifications of a candidate

The new rule lists the specific grounds under which individuals can bring challenges to declarations of candidacy. Wis. Admin. Code § EL 2.08(4)(ag). The above three are just the most common.

Sec. 2.3.2: Filing Requirements & Deadlines

A challenge is a short, plain statement of the basis upon which the challenger seeks to invalidate any signatures on one or more nomination papers, or invalidate a declaration of candidacy. Wis. Admin. Code § EL 2.07(3)(ar), 2.08(2)(ar). All factual allegations upon which the challenge relies must be verified by on or more persons who certify that they possess personal knowledge of the facts alleged therein. *Id.* See Wis. Admin. Code § EL 2.07(1)(b)(7). Individuals other than the challenger may support a challenge with sworn affidavits or declarations pursuant to Wis. Stat. § 887.015. Wis. Admin. Code § EL 2.07(3)(ar), 2.08(2)(ar).

A brief or summary of the legal standards applicable to a challenge and their application to the alleged facts may be filed simultaneously with, or as a part of, the challenge pursuant to Wis. Stat. § 887.015. *Id.* The brief or summary need not be verified, but if it is prepared by an attorney, that attorney shall sign the brief and that signature shall meet the requirements of Wis. Stat. § 802.05. *Id.*

> **Best Practice: A challenger's legal representative may prepare and sign a legal brief in support of the challenge, but the actual verified challenge itself must be signed by the challenger.**

Deadline: Filing Challenge

Challenges must be filed by 5 p.m. on the third calendar day after the filing deadline for the challenged papers. Wis. Admin. Code § EL 2.07(3)(b), 2.08(2)(b). The challenge must be in the physical or electronic possession of the filing officer by 5 p.m. on the challenge deadline. *Id.* If a challenge is submitted on a Saturday, Sunday, or legal holiday, it must be submitted via facsimile transmission or electronic mail. *Id.* Challenges received after 5 p.m. on the challenge deadline shall not be accepted. *Id.*

The filing officer must make instructions for filing challenges electronically publicly available no less than 24 hours before the challenge deadline. Wis. Admin. Code § EL 2.07(3)(c)(1), 2.08(2)(c)(1). Challenges that are filed electronically must conform to those instructions. *Id.*

Filing challenges electronically

If the challenge and all supporting materials are filed in electronic form, the filing officer shall electronically transmit a copy of the challenge to the challenged candidate no later than 4 hours after the deadline for filing of the challenge complaint. Wis. Admin. Code § EL 2.07(3)(c)(1), 2.08(2)(c)(1).

Filing challenges in paper form

If the challenge and supporting materials are filed in paper form, the filing officer shall deliver a copy to the challenged candidate, either in paper or electronic form, no later than noon the day after the challenge is filed. Wis. Admin. Code § EL 2.07(3)(c)(2), 2.08(2)(c)(2).

Deadline: Notification of Challenge to Candidate

Regardless of how a challenge is filed, the filing officer must also provide the challenged candidate with a copy of the challenge, notice of the response deadline, notice of how and when the challenged candidate may file rebuttal, as well as notice that either Wis. Admin. Code § EL 2.07 or 2.08 govern the procedures for the type of ballot access challenge. Wis. Admin. Code § EL 2.07(3)(c)(3), 2.08(2)(c)(2).

> **Best Practice:** Send notice of the challenge to the affected candidate by email whenever possible. The Commission recommends that the filing officer get written or verbal confirmation from the candidate that they have received the challenge. This is especially important as challenge filing deadlines often fall on Friday afternoons. If a filing officer cannot contact the challenged candidate by email or phone to confirm receipt of the challenge, they should make arrangements to hire a process server to ensure that a copy of the challenge is delivered to the candidate's residence as provided on their Declaration of Candidacy.

Deadline: Candidate's Response to Challenge

A challenged candidate may submit a response to a challenge. Wis. Admin. Code § EL 2.07(3)(f), 2.08(2)(f). A response to a challenge is a short, plain statement of the basis upon which the challenged candidate asserts that any challenged nomination papers or declarations of candidacy are valid. Wis. Admin. Code § EL 2.07(3)(e), 2.08(2)(e). All factual allegations upon which the response relies must be verified by one or more persons who certify that they possess personal knowledge of the facts alleged therein. *Id.* Individuals other than the challenger may support a challenge with sworn affidavits. *Id.*

A brief or summary of the legal standards applicable to the challenged signatures or pages and the application of those legal standards to the alleged facts may be filed simultaneously with the response and any affidavits. *Id.* The brief or summary need not be verified, but if it is prepared by an attorney that attorney shall sign the brief and that signature shall meet the requirements of Wis. Stat. § 802.05(1).

Deadline

Responses must be filed by 5 p.m. on the third calendar day after the date the challenge was filed Wis. Admin. Code § EL 2.07(3)(f), 2.08(2)(f). The Response shall be in the physical or electronic possession of the filing officer by 5 p.m. on the response deadline. *Id.* If a challenge is submitted on a Saturday, Sunday, or legal holiday, it shall be submitted via facsimile transmission or electronic mail. *Id.* Responses received after 5 p.m. on the challenge deadline shall not be accepted. *Id.*

Deadline: Notification of Response to Challenger

If the candidate files a response, the filing officer must provide the response and any correcting affidavits to the challenger. If filed in electronic form, the filing officer must electronically transmit a copy of the materials to the challenger no later than 4 hours after the deadline for filing of the materials. If filed in paper form, the filing officer must deliver a copy of the materials to the challenger, either in paper or electronic form, no later than noon the day after the materials are filed. Wis. Admin. Code § EL 2.07(3)(f), 2.08(2)(f).

Deadline: Challenger Rebuttal

If the candidate files a response and one or more correcting affidavits, the challenger may file a short rebuttal brief and one or more rebuttal affidavits. Any rebuttals and rebuttal affidavits must be filed electronically by the challenger, and the materials must be in the electronic possession of the filing officer within 24 hours of the filing officer's transmission of the response or correcting affidavits. Whenever the rebuttal deadline would occur after 10 a.m. on the deadline for the filing officer to certify the names of candidates to appear on the ballot, the deadline to file the rebuttal is changed to be 10 a.m. on that day. Paper copies and late submissions will not be accepted. Wis. Admin. Code § EL 2.07(3)(g), 2.08(2)(g).

A rebuttal brief need not be verified, but if it is prepared by an attorney, that attorney shall sign the brief and that signature shall meet the requirements of Wis. Stat. § 802.05. Wis. Admin. Code § EL 2.07(3)(g), 2.08(2)(g).

Sec. 2.3.3: Burdens of Proof

The initial burden is on the challenger to establish any deficiency in the challenged candidate's nomination papers. Wis. Admin. Code § EL 2.07(3)(d), 2.07(4), 2.08(2)(d), 2.08(3). If the challenger makes an initial showing by clear, satisfactory, and convincing evidence that establishes one or more of the challenged candidate's nomination papers is deficient, the burden shifts to the challenged candidate to establish the validity of their nomination papers by clear, satisfactory, and convincing evidence. *Id.*

"Clear, satisfactory, and convincing evidence" means evidence which when weighed against that opposed to it clearly has more convincing power to a reasonable degree of certainty. Wis. Admin. Code § EL 2.05(1)(e). A "reasonable certainty" means persuasion based upon a rational consideration of the evidence. *Id.* Absolute certainty is not required, but a guess is not enough to meet this burden of proof. *Id.* Clear, satisfactory, and convincing evidence cannot be shown by bare assertions that are unsupported by a sworn affidavit or declaration. *Id.*

Sec. 2.3.4: Reviewing the Challenge

A ballot access challenge may challenge the validity of a candidate's nomination papers or a candidate's declaration of candidacy.

In a nomination paper challenge, filing officers must apply the standards Wis. Admin. Code § EL 2.05 to determine the validity of nomination papers. Wis. Admin. Code § EL 2.07(2). In a declaration of candidacy challenge, filing officers must apply the standards in Wis. Admin. Code § EL 2.06 and Wis. Stat. § 8.21. Wis. Admin. Code § EL 2.08(2)(ag).

As a starting point in both kinds of challenges, recall that it is the candidate's responsibility to ensure that his or her nomination papers and/or declaration of candidacy are prepared and ultimately filed in compliance with applicable statutory provision and requirements under the administrative code. Wis. Admin. Code § EL 2.05(3)(a), 2.06(2)(a). This means candidates are also responsible for the work — and potential mistakes — of individuals who are circulating nomination papers or filing a declaration of candidacy on their behalf. *Id.*

Challengers and candidates often submit evidence in support of the challenge or in opposition to any challenge. Filing officers must examine this evidence as part of the challenge if it is offered. Wis. Admin. Code § EL 2.07(3)(d), 2.08(2)(d).

Hearings

A hearing is not required. Wis. Admin. Code § EL 2.07(3)(h), 2.08(2)(h). Filing officers may elect to hold a hearing if they determine that a hearing would assist them in the adjudication of the challenge. *Id.*

If the filing officer elects to hold a hearing, the hearing shall be noticed in advance, per Wis. Stat. § 19.84, and open to the public, per Wis. Stat. §§ 19.83, 19.88, 19.89, and 19.90. Wis. Admin. Code § EL 2.07(3)(i), 2.08(2)(i). The filing officer must conduct the hearing in a manner that affords the same offered rights and opportunities to all parties. *Id.* This includes oral presentations by the parties or their assigned representative, if the filing officer elects to accept oral presentations. *Id.* Factual evidence being offered as oral testimony shall not be received at a hearing unless the filing officer elects to swear in witnesses, in which case all witnesses shall be sworn in. *Id.*

Sec. 2.3.5: Deciding the Challenge & Appeals

Issuing Decision

When there is no hearing, the filing officer shall promptly issue a written decision on the challenge and a signed order memorializing their disposition of the challenge not later than the date for certifying candidates to the ballot. Wis. Admin. Code § EL 2.07(6), 2.08(5).

When there is a hearing and the filing officer announces an oral ruling during that hearing, any party seeking to appeal from the filing officer's adjudication of a challenge decided at the hearing may submit a proposed order, memorializing the filing officer's ruling in writing, to the filing officer for adoption and signature. *Id.*

The filing officer shall promptly transmit all signed orders to the challenger and the challenged candidate electronically. *Id.* The filing officer may draft and sign their own order rather than using a version proposed by any party. *Id.*

Deadlines

The filing officer shall decide the challenge after the deadline for filing any rebuttal brief and rebuttal affidavits, but not later than the date for certifying candidates to the ballot. Wis. Admin. Code § EL 2.07(3)(h), 2.08(2)(h).

Deadline: Filing Extension

In the event an extension is necessary for any office pursuant to Wis. Stat. §§ 8.10(2) (a), 8.15(1), or 8.20(8)(a), the prior deadlines do not apply. Instead, the filing officer must calculate the deadlines for the challenge, response, and rebuttal under this paragraph. The filing officer must calculate the total number of hours between the extended filing deadline and 10 a.m. on the day of the deadline for the filing officer to certify the names of candidates to the ballot. The filing officer must then divide that number by 2 so that there is an equal number of hours allotted to file a challenge and file a response. From each of these totals, the filing officer shall subtract an equal number of hours to form a rebuttal deadline, which shall not exceed 24 hours. The filing officer must communicate the deadlines to the public by all reasonable methods as soon as they know an extension will be necessary. The communication must include the specific office that was extended, and must specify that the extension challenge deadlines are for that office only. Wis. Admin. Code § EL 2.07(3)(j), 2.08(2)(j).

Example: For the office of Circuit Court Judge of Brewer County, the current incumbent did not file a notification of candidacy, and also did not file nomination papers by the statutory deadline of January 6, 2026 (second Tuesday in January).

Extended Deadline to File Nomination Papers: Jan. 9 (Fri) at 5 p.m.

- Remaining Hours on Jan 9 – **7** (between 5 p.m. and midnight)
- Two Full Days (Jan. 10 and Jan. 11) – **48** Hours total
- Hours on Jan. 12 – **10** hours between midnight and 10 a.m.
- Total Hours: **65**
    - 65 divided by two is 32.5. Take 10 hours off each of those halves and we are left with:
        - Challenge Deadline: 22.5 Hours after 5 p.m. on Jan. 9 – 3:30 p.m.
        - Response Deadline: 22.5 Hours after Challenge is Filed
        - Rebuttal Deadline: 20 Hours after Response is Received

Appeal

Any order of a local filing officer disposing of a challenge may be appealed to the commission pursuant to Wis. Stat. §§ 5.05 or 5.06. Wis. Admin. Code § EL 2.07(7), 2.08(6). The party aggrieved by the filing officer's decision shall notify the commission of its intent to appeal within 48 hours of receipt of the filing officer's signed order. *Id.* The commission administrator, in consultation with the commission chair, must establish a briefing schedule that will allow for commission decision before the deadlines for ballot printing. *Id.* Any signed order of the commission disposing of a challenge or adjudicating an appeal from a local filing officer's order disposing of a challenge may be appealed to a circuit court. *Id.*

Sec. 2.3.6: Common Ballot Access Challenges

The Commission and its predecessor agencies have analyzed numerous types of challenges and developed a consistent methodology for resolving the most common challenges that have been filed. This portion of the manual should help candidates and political parties concentrate their efforts on challenges with a supportable legal basis, and reduce the filing of frivolous challenges or those involving legal issues which have been well settled. This portion is also intended to serve as a resource for local filing officers to learn how the Commission has interpreted similar issues in ballot access challenges.

While challenges are not limited to those described in the administrative rules, there are three general categories of challenges:

- **Challenges to the header** of the nomination papers that may result in declaring all signatures contained on nomination papers using that header to be invalid
- **Challenges to the circulator's certification** that also may result in declaring all signatures contained on the affected pages to be invalid
- **Challenges to individual signatures** that do not affect the validity of other signatures on the nomination papers. Wis. Admin. Code § EL 2.07(5).

This portion of the manual summarizes previous decisions of the State Elections Board, the Government Accountability Board and the Wisconsin Elections Commission related to the most common challenges to nomination papers and declarations of candidacy. It is intended to itemize and consolidate previous decisions which state and local filing officers may rely on as guidance

regarding the general legal questions and principles involved. However, the facts of individual circumstances and challenges vary, and the application of these principles must be determined on a case-by-case basis.

General Process Challenges

Nomination papers and declarations of candidacy must be filed by the statutory deadlines governing each election, and they must be filed properly. "Each candidate for public office has the responsibility to ensure that his or her nomination papers are prepared, circulated, signed, and filed in compliance with statutory provisions and requirements under the administrative code." Wis. Admin. Code § EL 2.05(3)(a).

Blurry, Obscured, or Illegible Nomination Paper Language

Q **Challenge: Portions of the header certification language, or circulator certification language, are blurry, obscured, or illegible as the result of bad photocopying, water damage, excessive wrinkling or creasing, or other obstructions.**

A **Analysis:** Candidates have the responsibility to ensure their nomination papers are prepared correctly, including ensuring that the critical certification language is present and legible for their signatories and circulators. Wis. Admin. Code § EL 2.05(3)(a).

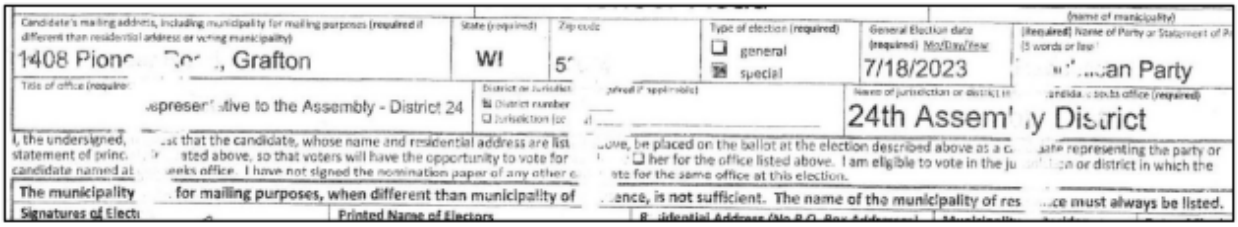
If a few non-critical words are obscured, the page may still be substantially compliant under Wis. Admin. Code § EL 2.05(4)(c) depending on how much of the information was preserved and visible to the signatories. As long as each essential point within the certification language is preserved and legible, the nomination papers are substantially compliant even if there are words missing or obscured.

Example: In the nomination paper header on the following page, poor photocopying caused visual distortions that obscured several words in the header. However, the Commission determined that the header still substantially complied with the law because it was not so obscured or defective that any required piece of information was completely missing.[4]

---

4 The Commission's interpretation in this case was affirmed in litigation. *Hess v. Wis. Elections Comm'n*, 413 Ws. 2d 285, 11 N.W.3d 201 (Wis. Ct. App.), *overruled on other grounds by Brown v. Wis. Elections Comm'n*, 2025 WI 5, 414 Wis. 2d 601, 16 N.W.3d 619.

Figure 1: Obscured Header



Nomination Papers or Challenge Materials were Not Timely Filed

Q **Challenge: A candidate arrived at the filing officer's building at 4:55 p.m., but by the time she got into the building, it was 5:02 p.m. before the filing officer took physical possession of the nomination papers.**

A **Analysis:**

Statute specifies that the nomination paper filing deadlines are as follows:

- First Tuesday in January by 5 p.m. for Spring Election.
- June 1 by 5 p.m. for the General Election.
- First Tuesday in August by 5 p.m. for independent presidential candidates.
- By 5 p.m. on the specified filing deadline for special elections. Wis. Stat. §§ 8.10(2)(a), 8.15(1), 8.20(8)(am), and 8.50(3)(a).

Papers are timely filed so long as they are in the physical possession of the filing officer by 5:00:00 p.m. on the day of the deadline. See e.g. Wis. Admin. Code § EL 2.05(5)(ar).

5 p.m. means 5 p.m. on the dot, and any nomination papers received after 5:00:01 p.m. are untimely filed. This interpretation was confirmed by the Brown County Circuit Court upon litigation filed by an independent presidential candidate who filed his nomination papers with the Commission at 5:00:14 p.m. and was considered untimely. See Kanye West et al v. Wisconsin Elections Commission, Case No. 2020CV000812, (Brown County Circuit Court, Sept. 11, 2020) (decision denying plaintiffs' relief).

Best Practice: Plan ahead for nomination paper filing deadlines. Make sure that all doors are unlocked prior to 5 p.m., and consider posting a staff member in the lobby of the building. It is also a best practice to video record the window between 4:55 and 5:00 p.m. to create a time-stamped record of when candidates arrive to avoid factual disputes of when papers were submitted.

Important: Timely filed is not the same as sufficiently filed. Nomination papers may still be rejected due to other insufficiencies even if they are received in a timely manner. The filing officer determines the sufficiency of nomination papers, not the individual tasked with accepting the paperwork in the office.

Q **Challenge: The complaint filing, or the response filing, for a ballot access challenge were untimely filed, and should not be accepted or considered.**

A **Analysis:** Challenges to nomination papers must be filed "by 5 p.m. on the 3rd calendar day" after the deadline to file the nomination papers. Wis. Admin. Code § EL 2.07(3)(b). The response to the challenge must be filed "by 5 p.m. of the 3rd calendar day" after the date the challenge was filed. Wis. Admin. Code § EL 2.07(3)(f).

Delays caused by technology or circumstances outside the candidate's control do not exempt parties from these deadline requirements for challenge filings. See Wis. Admin. Code § EL 6.04(4) ("any document which is filed by facsimile process or by email process under this rule shall be considered received at the time of transmission as recorded and entered by the receiving equipment by the filing officer's staff when the facsimile copy or email copy is delivered to the filing officer's offices"). Candidates and challengers should take extreme care not to leave their filings until the last minute in case of any unexpected issues.

Declaration of Candidacy Challenges

As of April 1, 2026, the Commission now has administrative rules specific to declaration of candidacy sufficiency standards and challenges to the declaration of candidacy itself. See Wis. Admin. Code § EL 2.06, 2.08.

Challenges to Candidate Qualifications

Q **Challenge: A challenger wants to challenge the candidate's general qualifications for office.**

A **Analysis:** This is a permissible ground for a declaration of candidacy challenge, but must be limited only to the certifications that candidates are required to make under Wis. Stat. § 8.21. Wis. Admin. Code § EL 2.08(4)(b). When completing and submitting a declaration of candidacy, a candidate is certifying that they meet, or will meet, the applicable age, citizenship, residency, or voting qualification requirements for the office sought, and that they will otherwise qualify for the office if nominated or elected. Wis. Stat. § 8.21(2)(c). State and local candidates are required to make additional certifications, including that they have not been convicted of disqualifying criminal offenses. Wis. Stat. § 8.21(4)(a).

Example: In 2024, an independent candidate for U.S. President filed nomination papers with the Commission. A challenger claimed he did not meet the constitutional requirements for that office because he had not been born in the United States. The candidate conceded that he was not a natural born citizen. The Commission voted to sustain the challenge to exclude the candidate and his running mate from the ballot under Wis. Stat. § 8.30(4) because he did not meet the qualifications for the office he sought, even though he had certified to them on the declaration of candidacy. The candidate's name was not placed on the ballot.[5]

5 See EL 24-81, *Michael Hoffman v. Shiva Ayyadurai*.

Issues with Notarization on Declaration of Candidacy

Q Challenge: The candidate's notarization was completed in another state, and did not confirm to that state's notary requirements.

A Analysis: Wisconsin law provides that a notarial act performed in another state "has the same effect under the law of this state as if performed by a notarial officer" of Wisconsin. Wis. Stat. § 140.11(1). Wis. Stat. § 140.26 includes all authorized notaries within Chapter 140, including out of state notaries. Accordingly, the failure of an out of state notarial officer to perform a duty or meet a requirement does not invalidate a notarial act performed by the out of state notarial officer.[6]

Q Challenge: The candidate's spouse completed the notarization of the declaration of candidacy.

A Analysis: A spouse may not notarize any documents for their partner in Wisconsin. Wis. Stat. § 140.04(2) provides, "a notarial officer *may not perform a notarial act with respect to a record to which the officer or the officer's spouse or domestic partner is a party* or in which either of them has a direct beneficial interest. A notarial act *performed in violation of this subsection is voidable*." (Emphasis added). If the candidate did not file an amended declaration of candidacy by the appropriate deadline, this is an incurable error and the candidate cannot be placed on the ballot.[7] The candidate was not placed on the ballot.

Candidate Information (Header Portion of Paper)

None of the information in the header of the nomination paper (i.e., candidate's name, candidate's residential address, candidate's municipality for voting purposes, candidate's mailing address, type of election, election date, office sought, and name of jurisdiction or district in which candidate seeks office), may be altered, amended, corrected or added after circulation of the nomination paper. Wis. Admin. Code § EL 2.05(5)(ag). See Wis. Stat. §§ 8.10(2)(b), 8.15(5)(a), 8.20(2)(a) (requiring certain information to appear in the header of nomination papers). This is the nomination information that each signatory saw and relied upon in deciding to sign the paper in support of placing the candidate's name on the ballot, and therefore cannot be changed.

---

6 See EL 24-80, *David Strange v. Cornel West et al*.

7 See *Kyle Schroeder v. Christine Hansen* (EL 26-01)

Office Title & District Designation

Q Challenge: Irregularities in the name of the office as required by Wis. Stat. §§ 8.10(2)(b), 8.15(5)(a), 8.20(2)(a).

A Analysis: The Commission has typically allowed for variances in listing the office name, such as "Assembly," "State Representative," "State Assembly," plus the district number. Abbreviations are common such as "AD" for "Assembly District" or "SD" for "Senate District." The Commission determined that the papers were substantially compliant as long as the electors could determine the office and district the candidate was pursuing by the information provided in the nomination paper heading. Wis. Admin. Code § EL 2.05(7)(a). Additionally, where the title or district designations are illegible or in the incorrect boxes, the Commission has found these pages to substantially comply when the required information could be determined elsewhere in the nomination paper heading.

However, the Commission has consistently interpreted "name of office" to require the district or jurisdiction number necessary to identify the office. Wis. Stat. §§ 8.10(2)(b), 8.15(5)(a), 8.20(2)(a). "State Assembly" alone, for example, would not be substantially compliant, as it is missing the district number that identifies that office. Likewise, circuit court judges must identify the branch number of the office they are seeking.

Election Date

Q Challenge: Incomplete or missing date of election as required by Wis. Stat. §§ 8.10(2)(b), 8.15(5)(a), 8.20(2)(a).

A Analysis: When a date of election is completely missing from the header, the Commission has sustained the challenge and struck all the signatures on those pages. When a date is listed but incomplete or incorrect (e.g., using the date of the primary, not indicating the year, indicating the month and year but not the day, indicating an incorrect date, or incorrectly indicating "general" as the type of election on the petition heading), the date can be found substantially compliant if there was sufficient notice to signers to determine the correct election date based solely upon information provided in the header. Wis. Admin. Code § EL 2.05(7)(b).

Candidate Address

Q **Challenge: The candidate has not specified a municipality for voting purposes.**

A **Analysis:** This is now required by Wis. Admin. Code § EL 2.05(7)(d).

Q **Challenge: The space in the header for candidate street number, fire number, rural route number, box number if a rural route and street name is blank.**

A **Analysis:** When the candidate's basic address information (number and name of street) is blank in the header, the Commission has approved the challenge and struck the signatures on those pages. Wis. Admin. Code § EL 2.05(7)(d) and Wis. Stat. §§ 8.10(2)(b) and (c), 8.15(5)(a) and (b), and 8.20(2)(a) and (b). A residential address means the street and number, if any, and municipality for voting purposes, all of which must be accurate. Wis. Admin. Code § EL 2.05(1)(a).

Best Practice: If a candidate's residential address contains an apartment number or unit number, and that number is missing from the header, the filing officer should assess whether the nomination paper is still substantially compliant with the law. If the rest of the address is complete, leaving off an apartment number or unit number likely means there is still substantial compliance unless the challenger demonstrates that the residence cannot be determined. Leaving off an apartment number usually means the header is still substantially compliant because it still contains the street, number, and municipality of where the candidate lives. In rare cases, lack of an apartment number could raise questions over where the candidate actually resides, and accordingly, whether they meet the residency requirement for the office sought. In that circumstance, the challenger bears the burden of demonstrating how the missing apartment number affected whether signatories knew where the candidate resides.

Q Challenge: A candidate has listed inconsistent mailing addresses on their nomination papers and declaration of candidacy.

A Analysis: These types of challenges are fact-intensive inquiries, and should always be handled on a case-by-case basis. The filing officer may, but is not required to, consult extrinsic sources of information, such as seeking information on how mail is handled in the municipalities listed. Wis. Admin. Code § EL 2.05(3).

In some instances, USPS can confirm that overlaps exist in ZIP codes, and mail delivered to either municipality is interchangeable. In instances where two different addresses (usually differing municipalities) refer to the same physical location, the challenge should not be sustained.

Where the two addresses are totally different, and cannot be explained by overlapping ZIP codes, the filing officer should examine whether the candidate has met the legal requirements to provide correct address information. If they have not, the challenge should be sustained.

Candidate Certification

Q Challenge: The candidate has not completed the gender identification checkbox in the candidate certification statement.

A Analysis: Gender identification is not required in the header of nomination papers. Wis. Admin. Code § EL 2.05(8)(a).

Candidate Dates of Circulation

Q Challenge: The candidate circulated nomination papers prior to the date he or she filed a campaign registration statement or declaration of candidacy.

A Analysis: The Commission has dismissed these challenges. Candidates are not required to file campaign registration statements prior to circulating nomination papers.

Wis. Stat. §§ 8.10(5), 8.15(4)(b), 8.20(6) provide that if a candidate has not filed a campaign registration statement prior to the time of filing nomination papers, "the candidate shall file the statement with the papers." Wis. Stat. § 8.21(1) provides that each candidate shall file a declaration of candidacy "no later than the latest time provided for filing nomination papers."

Circulator Information

Circulator Address

Q Challenge: The circulator's address, required by Wis. Stat. §§ 8.10(3), 8.15(4)(a), or 8.20(3) is insufficient because it is missing the municipality of residence.

A Analysis: The circulator must include their residential address, including their voting municipality, for it to substantially comply with the statutory and administrative code requirements. See Wis. Admin. Code § EL 2.05(6)(g). Signatures cannot be counted when the nomination paper lacks the circulator's address. The only exception is when the circulator's residential address could be determined by the information on the nomination paper. For example, signatures may be counted when the circulator's residence is not included, but the circulator is the candidate and the candidate has included their residential address in the header of the nomination paper.

Q Challenge: The circulator's address, required by Wis. Stat. §§ 8.10(3), 8.15(4)(a), or 8.20(3) is insufficient because the circulator has not indicated type of municipality of residence (e.g., "Town of" or "City of").

A Analysis: Staff has recommended dismissing these challenges. Wis. Stat. § 8.15(4)(a) (which both 8.10(3) and 8.20(3) incorporate) states in the relevant portion that "the certification of a qualified circulator stating his or her residence with street and number, if any, shall appear at the bottom of each nomination paper, stating he or she personally circulated the nomination paper and personally obtained each of the signatures." There is no separate requirement that the circulator indicate the type of municipality of residence.

Circulator Date and Signature

Q Challenge: The date of certification is incomplete or incorrect, as required by Wis. Stat. §§ 8.10(3), 8.15(4)(a), or 8.20(3).

A Analysis: A circulator may correct date errors in their certificate via a correcting affidavit filed with the filing officer no later than 5 p.m. on the 3rd calendar day after the deadline to file a challenge. Wis. Admin. Code § EL 2.05(5)(ag).

Correctable date errors include the circulator failing to sign or otherwise complete the certificate, or entering inadvertently erroneous data (for instance: the circulator dated the certificate before circulation, not after). If the circulator has not corrected these errors by affidavit by the correction deadline, the challenge must be approved and the signatures on those pages struck.

Elector Signatures

Only one signature per person for the same office is valid. Wis. Stat. §§ 8.10(4)(b), 8.15(2), 8.20(5), Wis. Amin Code § EL 2.05(6)(d). In addition to his or her signature, 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 and shall list his or her municipality of residence for voting purposes, the street and number, if any, on which the signer resides, and the date of signing. Wis. Stat. §§ 8.10(4)(b), 8.15(2), 8.20(5). Wis. Admin. Code § EL 2.05(6)(e).

Multiple Signatures

Q **Challenge: The elector has signed nomination papers for more than one candidate for the same office.**

A **Analysis:** Only the elector's first signature is valid. See Wis. Stat. §§ 8.10(4)(b), 8.15(2), 8.20(5), Wis. Admin. Code § EL 2.05(6)(d). Where the elector has signed another candidate's papers prior to the signature on the challenged papers, the later signatures should be struck. **Exception:** Where an elector is entitled to vote for more than one candidate for the same office, they may sign the nomination papers of as many candidates for the same office as they are entitled to vote for at the election. *Id.* For these offices, duplicate signatures for different candidates should not automatically be rejected.

Signature

Q **Challenge: The elector has "signed" with a printed name.**

A **Analysis:** There is no requirement that a signature needs to be in cursive or script. Wis. Admin. Code § EL 2.05(6)(b) requires that the elector "sign his or her own name." Wis. Admin. Code § EL 2.05(1)(p) defines "signature" as a "tangible symbol … that evidences the signing of a nomination paper." The rule does not require that the signature be made in cursive.

Q **Challenge: The elector's signature is illegible.**

A **Analysis:** There is no requirement that a signature must be legible, and individual signers may mark their signatures in a wide variety of ways (e.g., by marking an "X"). *Id.*

Printed Name

Q **Challenge: The elector's printed name is illegible or in cursive.**

A **Analysis:** The statutory requirement is that "…in order for the signature to be valid, each signer of a nomination paper shall legibly print[8] his or her name in a space provided next to his or her signature…" Wis. Stat. §§ 8.10(4)(b), 8.15(2), 8.20(5).

If the filing officer cannot discern the signer's first and last name, after reviewing both the signature and printed name, it is illegible and should be struck. Wis. Admin. Code § EL 2.05(6)(h)6. The filing officer may, but is not required to, consult extrinsic sources of information if it assists in discerning a possible name. *Id.* If the printed name is illegible, but the signer's full first and last name are legible in their signature, the name should not be struck.

Best Practice: A filing officer can correctly discern a signer's name even if it is not spelled correctly. For example, "Michale" is perfectly discernible as "Michael."

Signatory Address

Wis. Stat. §§ 8.10(4)(b), 8.15(2), 8.20(5) require that an elector who signs a nomination paper "shall list his or her municipality of residence for voting purposes, the street and number, if any, on which the signer resides." In order for the signature to be valid, the address must be complete or otherwise determinable by the information provided on the nomination paper. Wis. Admin. Code § EL 2.05(6)(h)(3). A signature should not be invalidated due to an abbreviated municipality or absence of an apartment number or ZIP Code. *Id.* Errors in which the elector used an address or listed a municipality which does not reflect his or her actual residence or wrote an incomplete address may be corrected by the elector or by the circulator in a correcting affidavit filed by the correction deadline. Wis. Admin. Code § EL 2.05(5).

---

8 The phrase "legibly print" was added to the existing statutes by 2013 Wisconsin Act 160. 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.

Q Challenge: The elector's address is not a valid address or does not exist because the challenger couldn't find it on MyVote or using commercial third-party websites.

A Analysis: Only registered voters' addresses will be searchable on MyVote. MyVote is not a database of all existing residential addresses in the state. Signatories need not be registered voters in order to sign, they just need to be eligible electors. Wis. Stat. §§ 8.10(2)(b), 8.15(5)(a), and 8.20(2)(a). Without more, the fact that a signatory's address does not return a result in MyVote does not establish clear, convincing, and satisfactory evidence that the address does not exist.

Challenges that addresses are not valid and do not exist based on other evidence, including commercial third-party websites, should be examined on a case-by-case basis. In some circumstances, certain evidence may be sufficient to meet the challenger's burden of insufficiency. In those cases, the burden would then shift to the candidate to demonstrate that the address is valid. These types of challenges are often fact-intensive.

Q Challenge: The elector's address as written is not a valid residential address because the elector has written down the wrong municipality. For example, the elector's house is located in Exampleville but they put down Mailville because that's how USPS formulates their address when delivering mail.

A Analysis: The law requires signatories to list their "municipality for voting purposes," in addition to other required fields. Wis. Stat. §§ 8.10(4)(b), 8.15(2), 8.20(5). "Voting municipality" means the municipality in which the signer is eligible to vote at the date of signing. Wis. Admin. Code § EL 2.05(1)(s). The Commission's nomination paper template labels this field as "Municipality of Residence," and further instructs "check the type and write the name of your municipality for voting purposes." Municipality for voting purposes and municipality of residence refer to the physical location of the residence and the municipal jurisdiction in which it resides. In the example above, the Mailville address formulation is a mailing address, and is insufficient to meet the legal requirements for elector address. Accordingly, signatures should be struck on this ground.

Q Challenge: The elector's address is missing an apartment number.

A Analysis: A signature should not be invalidated because an apartment number is not included. Wis. Admin. Code § EL 2.05(6)(h)(3).

Q Challenge: The elector's address is missing the municipality designation or the elector has checked a box in error.

A Analysis: The Commission has advised candidates and challengers that a signatory's failure to check the correct box to indicate "Town, Village or City" is not a basis for disqualifying a signature unless a challenger can show that the given address is outside the subject jurisdiction or district.

For instance, the challenger needs to show that a given address has to be in the Village of X, not in the Town of X and, therefore is outside District Y. The signatory's error or omission in checking a box on a form, without more, is not sufficient evidence for a challenge.

Q Challenge: The elector's address is incomplete because the elector has abbreviated the name of the municipality.

A Analysis: If the municipality can be determined by other information contained on the nomination paper, a challenge to a signature that includes an abbreviated municipality name should be rejected. Wis. Admin. Code § EL 2.05(15)(c).

For instance, the municipality of "WFB" was determined by the mailing address to indicate "Whitefish Bay," or "Gtown" was determined by the ZIP code to indicate "Germantown."

Q Challenge: The elector has used a P.O. Box, or other commercial courier address, as his or her address.

A Analysis: The plain text of the statute requires signatories to provide the "street and number on which they reside." Wis. Stat. §§ 8.10(4)(b), 8.15(2), 8.20(5). See also Wis. Admin. Code § EL 2.05(1)(a). Accordingly, a challenge should be sustained and signatures struck in instances where the signatory has provided a P.O. Box address instead of a residential address. This guidance also applies if the challenger meets the burden to show that the address provided is a mailing address of a commercial courier, such as FedEx or UPS.

Q Challenge: The signer lives outside the candidate's district.

A Analysis: A challenger's bare assertion, without more, of the signer's non-residency is not sufficient to sustain the challenger's burden of proof, which is clear, convincing and satisfactory evidence. Wis. Admin. Code § EL 2.07(3)(d), 2.07(4). A complaint challenging the eligibility of a signatory to a nomination paper based on the signer's non-residency can be accompanied by reference to MyVote Wisconsin or "Who is My Legislator?" web searches, by a map of the district demonstrating that the address is outside the district, or by a signed statement from the election official, (municipal clerk or deputy clerk), whose responsibility it is to determine the residency of electors of the district. Time permitting, Commission staff, or local filing officers, may attempt to verify the location of the address via MyVote Wisconsin and WisVote.

Signature Date

Q Challenge: The date of the elector's signature, as required by Wis. Stat. §§ 8.10(4)(b), 8.15(2), 8.20(5), is incomplete or missing.

A Analysis: An incomplete or missing date can survive an incomplete date challenge if "the date can be determined by reference to the dates of any of the other signatures on the paper, including those dates above or below the signature." Wis. Admin. Code § EL 2.05(6)(h)(1). For example, if a signature line is missing a date, but all the other signatures on that page are of the same date, which is also the same date as when the circulator signed, it can be assumed that the signature line in question should also be that date.

Q Challenge: The elector's signature is dated after the date of the circulator's certification.

A Analysis: A signature may not be counted if it is dated after the date of the certificate of the circulator. Wis. Admin. Code § EL 2.05(6)(h)(2).

Pre-Filled Signatory Information

Q **Challenge: It appears as if the municipality of residence and date of signature columns were pre-filled, or all filled out by the same person in the signatory information section.**

A **Analysis:** The law states that, in order for a 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 and shall list his or her municipality of residence for voting purposes, the street and number, if any, on which the signer resides, and the date of signing." Wis. Stat. §§ 8.10(4)(b), 8.15(2), and 8.20(5). The Commission has taken the position that the signatory is only required to print their name and sign. Nothing in the statutes cited above requires that the signatory be the one to write the other required information, such as their address, municipality, and date of signing.

Chapter 2.4: Nomination by Caucus

Sec. 2.4.1: Introduction

The caucus is a method that may be used by towns and villages for nominating local candidates to be placed on the Spring Election ballot.

- The caucus is open to the public, but only qualified voters of the municipality may nominate and vote for candidates.
- A person is not required to be a registered voter in order to participate in the caucus.
- Caucuses cannot be used for nominating candidates for the office of Town Sanitary District Commissioner or Multi-Jurisdictional Municipal Judge.
- Candidates for these offices must use nomination papers.

There is no spring primary for town or village offices when candidates are nominated by caucus. However, there may still be a spring primary held within the municipality for state, county, or school district office.

Table 6: Caucus Timeline

Timeline	Requirement
Between Dec 1 and Jan 1 preceding spring election	Decide caucus date
Five days before caucus	Publish/post public notice
Between Jan 2 and Jan 21	Hold caucus • If Jan. 21 falls on weekend, deadline is extended • Preference should be given to holding caucus on Jan. 21
Day of caucus	Either complete filing paperwork at caucus or send out by mail the next day
Five days after caucus	Deadline for candidate paperwork filing Deadline for posting reconvene notice IF caucus needs to be reconvened
Eight days after caucus	Deadline for extended filing IF nominated incumbent fails to file Deadline for clerk to draw lots for ballot order (11 days if filing deadline was extended)
10 days after caucus	Deadline for reconvening caucus IF reconvention was needed

Sec. 2.4.2: Preparing for a Caucus

Timing: When to Hold the Caucus

- Between December 1 and January 1 preceding a spring election, the governing body of a town or village nominating candidates by caucus must decide the date on which the caucus will be held.
- The caucus must be held between January 2 and January 21.
- The deadline to hold a caucus is not extended if January 21 falls on a weekend.
- When possible, preference should be given to having the caucus on January 21. The caucus is not required to be conducted on a Tuesday.[9]

9 Wis. Stat. § 8.05 (1)(a).

Public Notice of the Caucus

The municipal clerk must give proper public notice of the caucus by posting a notice in the clerk's office and publishing a notice in a newspaper at least five days before the date of the caucus. This notice must contain the location, date, and time of the caucus.[10] If a newspaper is not published within the municipality, clerks can meet the publishing requirement by posting the notice of the caucus in at least three locations within the municipality.[11] The clerk must post these no later than five days before the date of the caucus. The notices should be where they are most likely to be seen by voters, or in one location within the municipality and on the municipality's website.

Caucus Personnel

Town Chairperson/Village President

The caucus is conducted by the town board chairperson or the village president as long as they are not a candidate at the Spring Election.

What If They are a Candidate?

If the chairperson or president is a candidate, they must call for an election of officials to conduct the caucus. This can be done either by ballot or acclamation (voice vote).

Municipal Clerk

The municipal clerk serves in an administrative capacity and usually takes the minutes.[12]

Tellers

The voters must also select two tellers to canvass the vote for each office to be nominated at the caucus.[13]

---

10 Wis. Stat. § 8.05 (1)(b).

11 Wis. Stat. § 10.05.

12 The Commission recommends that clerks keep a sign-in sheet of all attendees so they can be contacted if the caucus is reconvened.

13 Wis. Stat. § 8.05 (1)(c).

Sec. 2.4.3: Selecting Candidates at a Caucus

Who May Nominate Candidates at a Caucus?

Only qualified voters of the municipality may nominate and vote for candidates at a caucus.

Qualified voters are:

- United States citizen
- Eighteen years of age or older
- Resided within the municipality for at least 28 days before the caucus

The voter list from a previous election or voter information from MyVote may be used as an aid in determining if a person qualified as a voter in the municipality at the last election. Any person whose name does not appear on the voter list or on MyVote may be asked to provide documentation that they are a qualified voter of the municipality.[14] Any qualified voter of the municipality may nominate themselves as a candidate for office.

Candidate Eligibility

A candidate does not have to be a qualified voter or resident of the village or town **at the time of the caucus.** A candidate may be nominated for more than one municipal office. There is no requirement that a candidate be a registered voter in the municipality.

Villages

A candidate for a village office must be a qualified voter and a resident of the village **by the time of the election**.[15]

Towns

A candidate for a town office must be a qualified voter of the town **at the time of taking office**, except an assessor appointed under Wis. Stat. § 60.307.

---

14 For more information on valid proof of residence documents, consult the document "Proof of Residence (POR) vs. Proof of Identification (POI)" available at elections.wi.gov.

15 Wis. Stat. § 61.19.

Table 7: Residency Requirements and Timing

Type of Candidate	Nomination Requirements	Qualified voter/resident at time of caucus?	Required to be registered voter?	May be nominated for multiple offices?
Village	Qualified voter and an actual resident of the village at the time of election.	No	No	Yes
Town	Qualified voter of the town at the time of taking office.	No	No	Yes

Procedures for Nomination

Nomination Method

Nominations can be made separately for each office that will appear on the Spring Election ballot. This can be done in one of two ways, either **by taking nominations from the floor** ("acclamation" or voice vote) or by **conducting a vote by secret ballot.**

The chairperson should announce the method to be used before asking for nominations, in case there are objections to using that nomination method.

Note: Incumbents must be nominated at the caucus and follow the same ballot access procedures as any other municipal candidate. Incumbents are not automatically nominated or placed on the ballot.

Floor Nominations

When nominations are taken from the floor, each nomination must receive a second. After each nomination is made and seconded, the caucus chairperson must ask, "Are there any more nominations?" and if hearing none, must announce, "Nominations are closed."[16] The chairperson should ensure that all eligible attendees have the opportunity to nominate a candidate if they wish to do so.

16 Wis. Stat. § 8.05 (1)(d).

Secret Ballot Nominations

If nominations are made by secret ballot, the tellers will distribute a piece of paper to each voter, which will serve as a ballot. The voters will be instructed to write in the name of his or her nominee for the office. The ballots will then be collected and tallied by the tellers.

Selecting Candidates

After nominations are made, the caucus chairperson should announce the names of the nominees. They may use a flip chart or chalkboard to record these names. If voting is necessary, only these nominees will be voted on at the caucus.

Offices with a Single Candidate

For offices where only one person is to be elected and no more than two candidates are nominated, there is no need to conduct a vote. If more than two persons have been nominated, the chairperson should conduct a vote at the caucus to reduce the number of candidates to two. If a vote is required, the caucus chairperson will announce the names of all candidates. Each voter at the caucus may vote for one candidate. The two candidates receiving the highest number of votes are nominated and certified to the municipal clerk by the caucus chairperson and tellers.[17]

Offices with Multiple Seats

Nominations for the offices of town supervisors elected to unnumbered seats should be considered together with nominations for the offices of village trustee. If there are nominations for more than twice the number of candidates to be elected, conduct a vote to reduce the number of candidates to twice the number of seats to be filled. Each voter at the caucus *may* vote for as many candidates as there are seats to be filled at the election.

Example: If three village trustees are to be elected, each person can vote for three candidates. The six candidates who receive the most votes at the caucus will be nominated and certified to the municipal clerk by the caucus chairperson and tellers.

---

17 Wis. Stat. §§ 8.05 (1)(f), (g), (h).

In Case of a Tie

If two or more candidates receive an equal number of votes, but not the greatest number of votes, so that only one of the candidates with equal votes may advance to the election, the tie between the candidates with equal votes may be broken either by drawing lots or by conducting another vote.[18]

Sec. 2.4.4: After the Nomination is Decided

Notify Candidates of Their Nomination

As soon as the nominated candidates are certified by the chairperson and tellers to the municipal clerk, the clerk is responsible for notifying the candidates, in writing, of their nomination.

The clerk must also inform each candidate of the requirements to file:

- Campaign Registration Statement (CF-1L).[19]
- Declaration of Candidacy (EL-162).[20]
- Candidates for municipal judge must also be informed of the requirement to file a Statement of Economic Interests with the Wisconsin Ethics Commission.[21]

A copy of the Campaign Registration Statement (CF-1L) and the Declaration of Candidacy (EL-162) should be provided by the clerk to each nominated candidate.[22]

If any of the nominated candidates are present at the caucus, the municipal clerk can provide them with a written notice, the Campaign Registration Statement (CF-1L), and the Declaration of Candidacy (EL-162). Because the candidates are to receive a notification of nomination in writing, it is suggested that the clerk prepare a notification form that can be completed at the caucus with the name of the candidate and the office to which he or she was nominated. The clerk should also prepare a receipt that can be dated and signed by the candidate stating that he or she received a written notice of nomination at the caucus. **A sample Notification of Nomination and Receipt of Notification of Nomination can be found at the end of this chapter.**

---

18 The chairperson should decide upon the method by which a tie is broken at the beginning of the caucus.

19 Wis. Stat. §§ 11.0202, 11.0203.

20 Wis. Stat. §§ 8.05 (1)(j), 8.21.

21 Wis. Stat. §§ 8.05 (1)(j), 19.43(4).

22 Except for the CF-1L, the forms mentioned in this chapter are available on elections.wi.gov. For the CF-1L form, please contact the Wisconsin Ethics Commission.

If a candidate is not present at the caucus, the written notification, the Campaign Registration Statement (CF-1L) and the Declaration of Candidacy (EL-162) should be delivered to the candidate as soon as possible. Delivery can be made in person or by mail. If the written notification is delivered in person, the clerk should use a prepared receipt that can be dated and signed by the candidate. If the notification is mailed, it should be sent by certified mail. Certified mail will provide the clerk with a receipt showing the date that the notification was received by the candidate.

Best Practice: Get a Receipt

Clerks can deliver required notifications and forms in person or by mail.

If the written notification is delivered in person, the clerk should use a prepared receipt that can be dated and signed by the candidate.

If the notification is mailed, it should be sent by certified mail. Certified mail will provide the clerk with a receipt showing the date that the notification was received by the candidate.

It is important to have a receipt. If the notification is personally delivered, the candidate has five days after the date personal delivery is made to file the necessary forms with the clerk. The five-day period begins the day after the date indicated on the receipt.

Notification of Noncandidacy (EL-163)

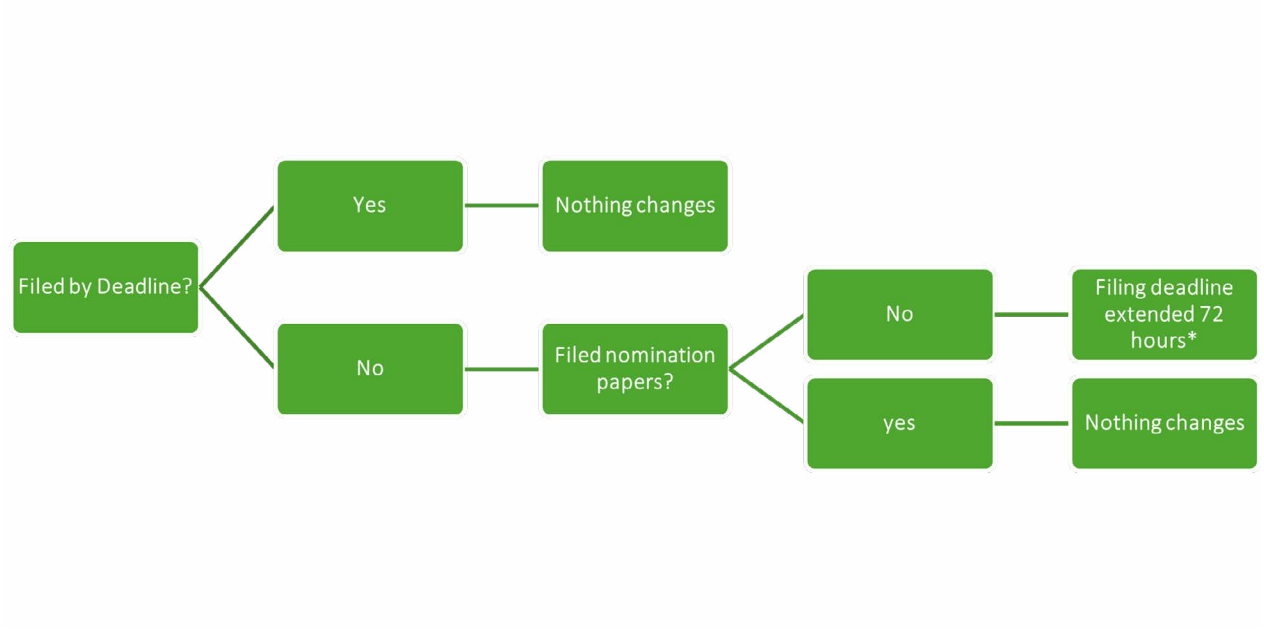
An incumbent is required to file a notification of non-candidacy to put everyone, especially the clerk, on notice that they do not intend to be a candidate at the upcoming spring elections. For this reason, the clerk may want to send the Notification of Noncandidacy form to all incumbent officeholders whose term of office is up the next election.

If a filing officer receives a notification of noncandidacy from an incumbent, the filing officer is required to promptly post public notice of that fact on their website, or, if they do not have a website, they can post that information in at least three different locations within the jurisdiction.

In addition, if an incumbent fails to file a declaration of candidacy by the filing deadline of five days after the notification of nomination after a caucus, the filing officer is required to post that information on their website or in three locations withing the jurisdiction. **See Figure 2** below.

In jurisdictions where caucus is used, if an incumbent is nominated at caucus but does not file either a notification of noncandidacy or a declaration of candidacy by 5:00 p.m. on the fifth day after notification of their nomination from the caucus, the filing deadline for that office is extended by 72 hours after the original deadline for all candidates certified at caucus except the incumbent.[23]

Figure 2: Notification of Noncandidacy



*For everyone except incumbent.

23 Wis. Stat. § 8.05(1)(j)2., 8.05(1)(j).

Qualifications for Ballot Placement of Candidates

In order to qualify for ballot placement, each candidate nominated at the caucus is required to complete and file the two forms listed below. The candidate must file these forms with the municipal clerk no later than 5:00 p.m. on the fifth day after receiving written notification that they have been nominated for office. The municipal clerk or someone appointed by the clerk must be available until 5:00 p.m. on the fifth day following the candidate's receipt of the written notice.

- Campaign Registration Statement (CF-1L)
- Declaration of Candidacy (EL-162)

A candidate for municipal judge must also file a Statement of Economic Interests with the Wisconsin Ethics Commission no later than 4:30 p.m. on the fifth day after receiving written notification that he or she has been nominated.

If a candidate fails to file any of the required forms within five days after receipt of written notification, the candidate does not qualify for ballot placement and the clerk cannot place the candidate's name on the ballot.[24] When a candidate fails to file the required forms on time, the clerk should treat that failure as declining nomination. If no candidates for an office qualify for ballot placement, the ballot will contain only a space for a write-in candidate. The number of write-in lines on the ballot must match the number of seats to be filled, so a "vote for two" contest would have two write-in lines.[25]

Selecting Order of Candidates on the Ballot

No later than the end of the third day following the qualification of candidates, the municipal clerk must conduct a drawing of lots for each office to determine the order in which the candidates' names will be placed on the Spring Election ballot.[26] The drawing of candidate order does not require a public meeting notice.[27]

---

24 Wis. Stat §§ 8.05 (1)(j), 8.21, 8.30(2), (3).

25 Clerks are encouraged to remind candidates of the filing requirement as the deadline approaches to avoid allegations that the requirements were not clear.

26 Wis. Stat. § 8.05 (1)(j).

27 Candidates may attend, but the clerk is not required to notify or invite them to the drawing. Municipal clerks should document the drawing of ballot order in writing and to not conduct the drawing alone.

Reconvening the Caucus

The town board chairperson or the village president may reconvene the caucus to correct a procedural error. The caucus can also be reconvened to nominate a candidate for a position for which no candidate was nominated at the original caucus, or when no candidate nominated at the original caucus qualifies for a position. The reconvened caucus must be held within 10 days of the date of the original caucus, and public notice must be given in the same manner as notice of the original caucus. Wis. Stat. § 8.05 (1)(k).

The reconvened caucus may be held after January 21, as long as that day is within 10 days of the original caucus and proper notice has been given. The only office(s) addressed at a reconvened caucus are those where a procedural error occurred or where there were no nominations. The clerk must notify the attendees of the original caucus to inform them if the caucus is reconvened. For further information, contact an elections administration specialist at the Commission at (608) 261-2028 or elections@wi.gov.

Sec. 2.4.5: Frequently Asked Questions

Q Does Wisconsin's photo ID law apply to caucus procedures?

A No. The attendee may need to provide some type of documentation that proves he or she is a qualified voter of the municipality in order to nominate candidates.

Q Can members of the governing body nominate candidates?

A Yes. Any qualified voter of the municipality may nominate candidates at the caucus.

Q Can a person who was nominated at the caucus but not selected run as a registered write-in candidate?

A Yes. Any qualified voter can run as a registered write-in candidate.

Q If a candidate fails to submit the required documents by the deadline, can a person who was nominated but not selected be chosen as a replacement?

A Not automatically. The caucus would have to be reconvened to take nominations for that office.

Q What is a teller?

A A teller is a person selected at the caucus to count the votes if necessary.

Q What if the clerk is not available on the deadline to receive the ballot documentation through 5:00 p.m. on the fifth day?

A The clerk should appoint someone to be available through the deadline. This person must be prepared to conduct the tasks the clerk would on ballot documentation.

Q What if the municipal clerk is on the ballot?

A The municipal clerk can be present at the caucus and nominate candidates. The clerk's duties at the caucus are only administrative.

Q Is the clerk required to notify candidates that their name will not be on the ballot due to not submitting the required documentation by the filing deadline?

A No, but it's recommended that the clerk inform candidates if they fail to qualify for ballot status.

Notification of nomination by caucus can be sent by certified mail or personally delivered. If personally delivered, the candidate should sign a receipt indicating that notification was received. **Sample Notice of Nomination at Caucus** and **Receipt of Notice of Nomination** are included on the following pages. Wis. Stat. § 8.05 (1)(j).

Sec. 2.4.6: Appendix I: Sample Notice of Nomination at Caucus

SAMPLE

Notice of Nomination at Caucus

I, _____, clerk of the (Town or Village) of
(insert name of village or town clerk)

_____, certify that _____
(insert name of town or village) (insert name of nominee)

was nominated for the office of _____,
(insert name of office and district or number, if any)

at the caucus held on _____.
(insert date of caucus)

A Campaign Registration Statement (CF-1) and a Declaration of Candidacy (EL-162) are enclosed with this notification. These forms must be completed by the nominee and returned to the clerk's office within five days of receipt of this written notification.

Date _____

_____

(Signature of Town or Village Clerk)

(Rev. 2025-2026)

Sec. 2.4.7: Appendix II: Receipt of Notice of Nomination

Receipt of Notice of Nomination

I understand that my name will appear on the ballot only if the Campaign Registration Statement (CF-1) and Declaration of Candidacy (EL-162) forms, enclosed with this notice, are completed with me and filed with the municipal clerk by 5:00 p.m. on

_____.

(insert date of filing – 5 days after this receipt)

Chapter 2.5: Notification of Noncandidacy

An incumbent officeholder who does not intend to run again for the position they currently holds can file a Notification of Noncandidacy (EL-163) with the appropriate filing officer. This alerts the public and potential candidates that the incumbent does not intend to run for re-election. Wis. Stat. §§ 8.05(1)(j)2. (caucus nominations), 8.10(2)(a) (spring election candidates), 8.15(1) (partisan election candidates), 8.20(8)(a) (independent candidates), 120.06(6)(b)3, 120.06(6)(b) (school district candidates).

> **Best Practice:** While incumbent officeholders are not legally required to file a Notification of Noncandidacy, incumbents who know they will not seek reelection should still file an EL-163 with their filing officer for smoother ballot access and nomination processes.

Clerks are required to promptly provide public notice of all Notification of Noncandidacy information received from incumbents on the municipal, county, or school district internet site or by posting notice in three places if no internet site is maintained. Wis. Stat. §§ 8.05(1)(j)2m., 8.10(2)(am), 8.15(1m), 8.20(8)(ae), 120.06(6)(b)3m.

> **Best Practice:** During November before the Spring Election and March before the Fall Election, the filing officer should remind each incumbent to file a Notification of Noncandidacy (EL-163) if they do not intend to seek re-election to the office they currently hold. The Notification of Noncandidacy (EL-163) is used in municipalities using nomination papers.

Incumbents in nomination paper jurisdictions who have filed a Notification of Noncandidacy by the deadline retain the option of filing nomination papers for ballot access or running as a write-in candidate for the office. Wis. Stat. §§ 8.05(1)(j)2m., 8.10(2)(am), 8.15(1m), 8.20(8)(ae), 120.06(6)(b)3m.

In jurisdictions where caucus is used, if an incumbent is nominated at caucus but does not file a declaration of candidacy by 5:00 p.m. on the fifth day after notification of their nomination from the caucus, the filing deadline for that office is extended by 72 hours after the original deadline for all candidates certified at caucus except the incumbent. Wis. Stat. § 8.05(1)(j)2.

Sec. 2.5.1: Filing Deadlines

- For nomination paper jurisdictions, the deadline for filing a Notification of Noncandidacy (EL-163) is the second Friday before the deadline for filing nomination papers. Wis. Stat. §§ 8.10(2)(a) (spring election), 8.15(1) (partisan primary), and 8.20(8)(a) (independent candidates).
- For nomination paper jurisdictions, if an incumbent candidate fails to file a Notification of Noncandidacy (EL-163) on time and does not file the appropriate documents to qualify for the ballot on time:
  - The deadline for filing ballot access documents is extended by 72 hours for that office.
  - This means that anyone, except the incumbent, can file the required ballot access documents and sufficient nomination papers within the extension period and qualify for placement on the ballot.
- For jurisdictions who nominate candidates by caucus, if an incumbent whose name is certified as a nominee fails to file a declaration of candidacy by the applicable deadline, and also fails to file written notification that they do not intend to be a candidate, the deadline for each certified candidate, except the incumbent, to file a declaration of candidacy is extended 72 hours after the latest time allowed to file a declaration of candidacy. Wis. Stat. §§ 8.05(1)(j)2., 8.05(1)(j)(2m).

Sec. 2.5.2: Frequently Asked Questions

Q Can an incumbent file a Notification of Noncandidacy, change their mind, and still run for reelection?

A Yes. The non-candidacy form is non-binding, so the incumbent could change their mind and decide to run.

Q Our district lines have changed. Some of the incumbent officeholders have been redistricted out of their current district and/or have had their district's number change because of the update. What does the Notification of Noncandidacy look like for them?

A The incumbents should file a Notification of Noncandidacy for their current district unless they plan to move into the new district and run again for the same office.

Q Is an electronic copy sufficient for a Notification of Noncandidacy, or should the filing officer require the physical original?

A The Wisconsin Elections Commission accepts electronic receipt as sufficient for Notification of Noncandidacy.

Q An incumbent would like to run for a different office within the same municipality/county. Do they still file a Notification of Noncandidacy?

A Yes. If the incumbent does not plan to seek another term for the office they currently hold, they should file a Notification of Noncandidacy.

Q The incumbent officeholder was appointed to fill a vacancy for the remainder of a term but does not intend to run for the office. Do they still need to file a Notification of Noncandidacy to prevent an extension of the deadline?

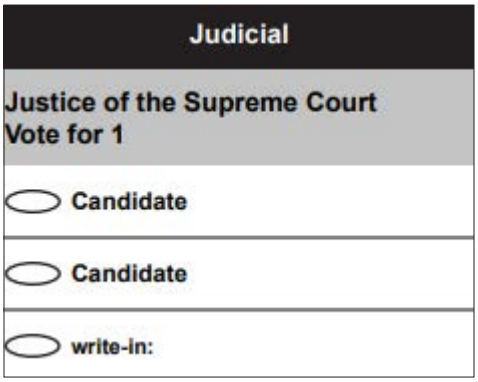
A Yes.

Chapter 2.6: Write-In Candidates

A write-in candidate is someone who does not circulate nomination papers, is not nominated at caucus, and whose name does not appear printed on the ballot. All offices that appear on all ballots are required to have a line for write-in candidates. See generally Wis. Stat. §§ 5.58, 5.60, 5.62, 5.64, 5.65, 5.82. Voters can write whatever candidate or name they choose as write-in vote, but most write-in votes can only be counted if the write-in candidate has filed the necessary paperwork by the applicable deadline, which is discussed below.

In this chapter, a "registered write-in candidate," means a candidate who has filled out the necessary paperwork by the correct deadline. Except in a few unique circumstances, only votes for registered write-in candidates may be counted. In other words, if someone wants to cast a write-in vote for Bucky Badger, they are free to write that on the ballot. But the vote will only count if Bucky Badger became a registered write-in candidate by the appropriate deadline.

Figure 3: Example of how a write-in line appears on an optical scan ballot



A candidate who wishes to run as a registered write-in must file a Campaign Finance Registration Statement (CF-1 for state candidates, CF-1L for local candidates) with the appropriate filing officer before collecting or spending any money on the campaign and no later than 12:00 p.m. on the Friday preceding the election. Wis. Stat. §§ 7.50(2)(em), 11.0202(1)(a).

Important Law Change: As of December 1, 2027, the Wisconsin Ethics Commission will become the filing officer for local candidates filing a CF-1L. 2025 Wisconsin Act 7, amending 2023 Wisconsin Act 126. Until that date, write-in candidates for local office will continue to file their reports with the local filing officer. If the candidate has already filed a CF-1 with the filing officer and subsequently decides to run as a write-in, the Commission recommends that the candidate submit a short written statement to the filing officer reflecting their intent to run as a write-in.

In general, votes cast for write-in candidates who have not filed a campaign registration statement cannot be counted. Wis. Stat. § 7.50(2)(em). **See Chapter 14.21** for detailed guidance on how to count write-in votes.

Best Practice: The Commission, and other filing officers, post the names of registered write-in candidates online ahead of Election Day. The Commission recommends that clerks prepare a list of registered write-in candidates for use on Election Day if a voter asks to see it. The Commission does not recommend that clerks post this list at the polling place, or direct voters' attention to it as doing so could be seen as inadvertently electioneering in support of one of the write-in candidates.

Part 3
Voter List Maintenance

Voter List Maintenance Processes; Registration List Alerts; Individuals Ineligible to Vote; Deceased Voters; Voter Requests; Duplicate Registrations

This section of the manual attempts to provide a simplified overview of each of the processes conducted in Wisconsin. It is not a complete description of each process. To better understand list maintenance, clerks should also review relevant law, the WisVote manual, and the Commission's clerk communications. As always, local election officials may also wish to consult with their own attorneys regarding these processes.

Chapter 3.1: Voter List Maintenance

Sec. 3.1.1: Introduction

The statewide voter registration list, also known as the official voter registration list, is maintained electronically within a Commission-developed database called WisVote. Registration list maintenance refers to the processes performed by election officials to update the status of voter records in WisVote. As described below, some of the processes are simple and well-defined in statute. Other processes are complex and may have several pathways.

This section of the manual attempts to provide a simplified overview of each of the processes conducted in Wisconsin. It is not a complete description of each process. To better understand list maintenance, clerks should also review relevant law, the WisVote manual, and the Commission's clerk communications. As always, local election officials may also wish to consult with their own attorneys regarding these processes.

A Note about Providers and Reliers

Sometimes, a municipal clerk (a relier) enters into agreement with another clerk (a provider) for the provider to complete WisVote work on the relier's behalf. Wis. Stat. § 6.33(5)(b). The provider can be either a county clerk or another municipal clerk. Reliers and providers enter into a Memorandum of Understanding (MOU) that governs how the data entry and list maintenance work will be covered between them.

This section of the manual covers:

- Introduction
- Four-Year Maintenance
- Voters Who Move
- ERIC Movers
- Deceased Voters
- Voters Residing in a Condemned Structure
- Voter Requests for Deactivation
- Voters Adjudicated Incompetent by a Court
- Voters Convicted of a Felony/ Treason/Bribery
- Duplicate Voter Records and Other Situations
- OVR-DMV Check Process
- HAVA-DMV Check Process
- Special Notes for Reliers

The requirements for the state's Official Registration List (WisVote) are described in Wis. Stat. § 6.36(1)(a).

Many (but not all) registration list maintenance processes are described in Wis. Stat. § 6.50.

Chapter 2 of the WisVote manual provides instructions on how to perform specific list maintenance processes in WisVote.

Chapter 3.2: Four-Year Maintenance (Inactive Voters)

By June 15 of every odd numbered year, the Commission is required to identify registered voters who have not participated in an election for four or more consecutive years. Wis. Stat. § 6.50(1). Thus, this process occurs **every two years**, in the summers of odd-numbered years. The identified voters receive a postcard from the Commission advising them that their voter registration will be suspended if they do not request continuation within 30 days. Wis. Stat. § 6.50(2).

Sec. 3.2.1: Commission Responsibilities

When post cards are mailed by the Commission, the voter records are automatically changed in WisVote from "Active-Registered" to "Active-Suspended." Active-Suspended serves only as a label to indicate the voter record may be deactivated after 30 days. Voters who fail to request continuation within 30 days are automatically changed to "Inactive-4-Year Maintenance," and thus changed to ineligible on the voter registration list. Wis. Stat. § 6.50(2).

Sec. 3.2.2: Clerk Responsibilities

Voter requests to continue their registration are sent to their municipal clerk.[1] The municipal clerk (or their designated Provider) may then change the voter's status from "Active-Suspended" back to "Active-Registered." No other notice to the Commission is required.

Sec. 3.2.3: Commission Reporting

No later than August 1 of each year when Four-Year Maintenance postcards go out, the Commission will publish data on the number of postcards that were mailed, the number that were returned as undeliverable, the number of voters who requested to continue their status, and the number of postcards not returned, among other fields. Wis. Stat. § 6.50(2r). Voter list maintenance data can be accessed under the Statistics and Data menu on elections.wi.gov.

---

1 This manual section exclusively uses the term "municipal clerk," however the term also applies to a Board of Election Commissioners for large cities. Wis. Stat. § 7.20.

Chapter 3.3: Voters Who Move

Voters who move to a different municipality must re-register to vote. Wis. Stat. § 6.27 (requiring most voters to register before voting in any election). If the municipal clerk reasonably believes a voter has moved to a different municipality, they must mail the voter a "30-Day Notice" to the address listed on the voter's registration advising the voter of a pending change in registration status. Wis. Stat. § 6.50(3). A municipal clerk may reasonably believe a voter has moved if a registration verification postcard is returned as undeliverable, in response to an ERIC movers notification, or by personal knowledge in their community. If the voter fails to respond, or confirms that they have moved to a different municipality, the municipal clerk may change the voter's status from "Active-Registered" to "Inactive-Moved." Wis. Stat. § 6.50(3). If a voter has moved within the municipality, the clerk may simply update the voter's home address and send the voter a notice of the change. Wis. Stat. § 6.50(3).

> **Best Practice:** The old voter record should be merged into the new record for continuity.

Sec. 3.3.1: Commission Responsibilities

When the Commission receives notice that a voter may have moved, the notice is provided to the municipal clerk. Wis. Stat. §§ 6.50(3), 7.15(1) (giving clerks charge and supervision of elections and registration in their municipalities). The Commission also performs a quarterly review of possible movers identified by ERIC (the Electronic Registration and Information Center).

Sec. 3.3.2: Clerk Responsibilities

The municipal clerk should review potential movers to identify voters they reasonably believe no longer reside in their municipality. Wis. Stat. § 6.50(3) (requiring action "upon receipt of reliable information"). Likewise, if a new voter moves into the municipality, clerks may receive a registration list alert for a duplicate record (from the voter's previous residence).

> **Best Practice:** In these cases, the old record should be merged into the new record. Do not alter or otherwise attempt to transfer the old record.

Registration list alerts are covered in Section 2.4 of the WisVote manual.

Chapter 3.4: ERIC Movers

Wisconsin law requires the state to be a member of the Electronic Registration Information Center (ERIC). Wis. Stat. § 6.36(1)(ae)1. ERIC is a nonprofit, nonpartisan membership organization created by and composed of its member states and the District of Columbia. ERIC facilitates the exchange of information between states to identify voters who move, voters who die, and voters who attempt to vote in more than one state. More information about ERIC is available on ericstates.org.

To identify potential movers, ERIC obtains data from a variety of sources, such as the Wisconsin Department of Transportation (WI DOT), other member states' data, and the National Change of Address (NCOA) database from the United States Postal Service. ERIC provides the State of Wisconsin with a list of voters who may have moved each quarter.

Sec. 3.4.1: Commission Responsibilities

The ERIC membership agreement, which is a legally-binding contract that Wisconsin is required to enter into by law, requires the commission to contact these voters. Wis. Stat. § 6.36(1)(ae)1. A notification postcard informs voters that a transaction they completed with one of the entities listed above (i.e., WI DOT Division of Motor Vehicles, NCOA, etc.) indicates their address may be different than their most recent voter registration address.

Voters who receive the postcard and have moved within the State of Wisconsin may choose to reregister online, by mail, at their clerk's office, or at their polling place on the next Election Day. Wis. Stat. § 6.30.

The postcard also provides the following options for the voter to affirm the address on their record:

- Return their signed postcard to their municipal clerk,
- Visit the MyVote Wisconsin website and click the "Confirm Your Address" button, or
- Vote in the next election where they can affirm with poll workers that they have not had a change of address.

Sec. 3.4.2: Clerk Responsibilities

The voter records identified for this mailing remain eligible to vote and appear in "Active-Movers" status. A "Have you Moved?" watermark will also appear by these names in the poll book. Clerks have discretion to assess each case individually and may elect to deactivate records or restore records to "Active-Registered" status. Wis. Stat. § 6.50(3). Clerks may want to contact their municipal counsel for assistance when they are not sure how to proceed with this process under this statute.

If a Movers postcard comes back to the clerk's office as undeliverable, and the clerk would like to deactivate the record, they are required to send the voter the Undeliverable 30-Day Notice letter to the address the voter is registered to in WisVote. Wis. Stat. § 6.50(3). The letter template is available in the voter record within WisVote.

Should the Undeliverable 30-Day Notice letter come back as undeliverable, the clerk can inactivate the voter record, changing it from "Active-Movers" to "Inactive-Undeliverable." Wis. Stat. § 6.50(3). If there is a forwarding address, the new voter record status may instead be "Inactive-Moved." Wis. Stat. § 6.50(3). If the clerk does not receive a response to the letter, they can inactivate the voter record with a voter status of "Inactive-Moved." Wis. Stat. § 6.50(3).

Should a voter receive the Undeliverable 30-Day Notice and respond that they still reside at that address, the clerk may return the voter record to "Active-Registered" status. If a voter changes their residence within the municipality, the clerk must change the registration and mail the voter a notice of the change. Wis. Stat. § 6.50(3).

Chapter 3.5: Deceased Voters

When a municipality learns that a registered voter has died, the municipal clerk changes the voter record status from "Active-Registered" to "Inactive-Deceased." Wis. Stat. § 6.50(4). Municipal clerks discover voter deaths through the Commission's registration list alerts (discussed further below), but may also learn this by personal knowledge in their community. See also Wis. Stat. § 6.21 regarding counting ballots of deceased voters.

Sec. 3.5.1: Commission Responsibilities

The Commission facilitates the exchange of information between public health officials and local election officials. When the Wisconsin Department of Health Services reports a deceased voter to the Commission, the information is relayed to municipal clerks through the registration list alert process. Wis. Stat. § 6.50(4).

Sec. 3.5.2: Clerk Responsibilities

Review registration list alerts regularly to identify deceased voters. Wis. Stat. § 6.50(4). Clerks may also act independently if they receive reliable information from other sources that a voter has died. Wis. Stat. § 6.50(4). **Registration list alerts are covered in Section 2.4 of the WisVote manual.**

Sec. 3.5.3: Special Note: ERIC Death Reports

Wisconsin law requires the state to be a member of the Electronic Registration Information Center (ERIC). Wis. Stat. § 6.36(1)(ae)1. To identify potential deceased voters, ERIC obtains data from a variety of sources, such as member states and the Social Security Administration. ERIC provides the State of Wisconsin with a list of voters who may have died each month.

If a voter record identified by ERIC as deceased is not already marked as deceased, the Commission creates a registration list alert for the municipality. Wis. Stat. § 6.50(3).

Chapter 3.6: Voters Residing in a Condemned Structure

The law requires municipal clerks to investigate whether voters are registered at addresses of buildings their municipalities have condemned for human habitation. Wis. Stat. § 6.50(5).

Sec. 3.6.1: Commission Responsibilities

None.

Sec. 3.6.2: Clerk Responsibilities

When a municipality learns that a registered voter resides in a structure condemned for human habitation under Wis. Stat. § 66.0413(1)(j), the municipal clerk must investigate the situation to determine if the voter no longer resides at the address. Wis. Stat. § 6.50(5). If the voter has moved, the municipal clerk may change the voter record status from "Active-Registered" to "Inactive-Moved." Wis. Stat. § 6.50(5). If the voter left a forwarding address with the U.S. Postal Service, the clerk must send a notice of change in status to the forwarding address provided. Wis. Stat. § 6.50(5).

Chapter 3.7: Voter Requests

Voters may voluntarily ask to be changed from active to inactive status and thus no longer be actively registered to vote. Wis. Stat. § 6.50(6). Such requests do not result in the deletion of voter information from WisVote — even inactive voter records must be preserved as public records. Wis. Stat. § 19.35(1)(a).

Sec. 3.7.1: Commission Responsibilities

None. When the Commission receives these requests from voters, the Commission directs the voters to contact their municipal clerk. Wis. Stat. § 7.15(1).

Sec. 3.7.2: Clerk Responsibilities

A clerk receiving a request for inactivation shall change the voter record from "Active-Registered" to "Inactive-Voter Request." Wis. Stat. § 6.50(6). Note that, once inactivated, the only way for the voter to become active again is to re-register. Wis. Stat. § 6.27.

Chapter 3.8: Voters Adjudicated Incompetent by a Court

Wisconsin competency proceedings are governed by Wis. Stat. Chapter 54 of state statutes. A person may be disqualified from voting if a court determines they are incapable of understanding the objective of the electoral process and are therefore ineligible to vote. Wis. Stat. § 6.03(1)(a). The grant of a guardianship order alone is not sufficient. A court must make a specific finding of incompetence to vote under Wis. Stat. § 54.25(2)(c)1.g. Once made, an incompetency determination "shall be communicated in writing by the clerk of court to the election official or agency charged … with the responsibility for determining challenges to registration and voting." Wis. Stat. § 54.25(2)(c)1.g. Some county Registers in Probate choose to send a notice of such guardianship orders, or changes, to the Commission, while others send notice to municipal or county officials, and opt not to communicate with the Commission. The notice forms are called Notice of Voting Eligibility (NVE) forms, or GN-3180 (CCAP) forms. The NVE, or GN-3180, does not contain a copy of the court order itself, and only informs election officials that a court order exists.

Best Practice: The NVE forms contain substantively the same information as the court order itself, which is a confidential record under law. Wis. Stat. § 54.75 ("All court records pertinent to the finding of incompetency are closed" subject to few exceptions). The NVE form is exempt from disclosure under both public records law and Wis. Stat. § 54.75. *Wisconsin Voter Alliance v. Reynolds*, 2023 WI App 66, 410 Wis. 2d 335, 1 N.W.3d 748. Once an individual is adjudicated incompetent to vote, their right to vote can only be restored by a court order. Wis. Stat. §§ 6.03(1)(a), 6.03(3), 54.25.

Sec. 3.8.1: Commission Responsibilities

The Commission has no role in determining if, when, or why a court may find that an individual is incapable of voting. When the Commission receives notice from the Court System, the information provided is recorded in a small searchable database. A daily query compares court orders in the database with voter records, and possible matches result in a notice for the appropriate municipal clerk. Municipalities may also review the database on their own to identify voters in their municipality.

Sec. 3.8.2: Clerk Responsibilities

If the clerk identifies a match between a person named in a court notice and a voter registration record, they may change the voter record status from "Active-Registered" to "Inactive-Incompetent." Wis. Stat. §§ 6.03(1)(a), 7.15(1). If the clerk does not assess a match, then no action is taken. **Adjudicated Incompetent recordkeeping is covered in Section 2.6 of the WisVote manual.**

Chapter 3.9: Voters Convicted of a Felony/Treason/Bribery

A person is not eligible to vote if they are convicted of a felony and still serving their term of imprisonment, probation, parole, or extended supervision for the crime. Wis. Stat. § 6.03(1)(b). The Wisconsin Department of Corrections provides felony conviction information to the Commission pursuant Wis. Stat. § 301.03(20m). The information is provided to municipalities through two processes: (1) the registration list alert process, and (2) the ineligible felon list. Registration list alerts are used by clerks to identify registered voters who have become ineligible to vote due to a felony conviction. The ineligible felon list is used by clerks to review new voter registration applications to ensure the applicant is not currently ineligible to vote. Wis. Stat. §§ 6.29(2)(am) (for use during late registration), 6.55(2)(cs) (for use on election day), 6.79(2)(dm) (for use on election day), 6.56(3m) (for use during reconciliation).

Sec. 3.9.1: Commission Responsibilities

The Commission facilitates the exchange of information between the Wisconsin Department of Corrections and local election officials. Information about felony convictions is provided to municipalities through the registration list alert process and the Ineligible Felon list.

Sec. 3.9.2: Clerk Responsibilities

Review registration list alerts regularly to identify ineligible voters. These voters will have their status changed from "Active-Registered" to "Inactive-Felon." Wis. Stat. § 6.03(1)(b).

Best Practice: The clerk may then send notice to the voter using a letter template in WisVote titled "Felon Letter." Clerks should review new voter registration applications against the Ineligible Felon List to identify applicants who may be ineligible due to a felony conviction. Wis. Stat. § 6.03(1)(b).

Best Practice: Clerks may call the Commission to obtain updated information from the Wisconsin Department of Corrections, particularly in situations where a person may recently have satisfied their sentence and regained their eligibility to vote. Registration list alerts are covered in Section 2.4 of the WisVote manual. The Ineligible list is covered in Section 4.6 of the WisVote manual.

Chapter 3.10: Duplicates

Duplicate records are a common occurrence because voters who move often register in their new municipality without notifying their old municipality that they have moved. Duplicate records may also be created when a registered voter believes they are not registered and submits a new registration request. In addition to being good database management practice, reviewing the voter list for duplicates and resolving them is required by the federal Help America Vote Act (HAVA). 52 U.S.C. § 21083(2)(B)(iii). The registration list alert process identifies possible duplicate records. When identified, duplicate records are merged into the newest record. During a merge, the old record changes from "Active-Registered" to "Inactive-Merged" status.

Sec. 3.10.1: Commission Responsibilities

The Commission provides the registration list alerts for possible duplicate records. **Registration list alerts are covered in Section 2.4 of the WisVote manual.**

Sec. 3.10.2: Clerk Responsibilities

Review registration list alerts regularly to identify duplicate records. Wis. Stat. § 7.15(1). Note that possible duplicates must be reviewed by the clerk (or clerk staff) to confirm a duplicate exists. The automated registration list alert process may incorrectly identify possible duplicates because of similar names or birth dates. For example, junior/senior situations may sometimes trigger a false duplicate alert.

Sec. 3.10.3: Other Situations

The registration list maintenance processes described above represent the most common processes, but other situations may arise where a voter's eligibility is called into question. In these other situations, the appropriate mechanism to review eligibility is the Wis. Stat. § 6.48 challenge process. This process requires both the challenger and the challenged voter to present evidence that establishes the voter's eligibility or ineligibility. Municipal clerks are encouraged to familiarize themselves with Wis. Stat. § 6.48 before a challenge is presented. The standard for such challenges is beyond a reasonable doubt, the highest burden of proof under law. Wis. Stat. § 6.325.

Chapter 3.11: OVR-DMV Check Process

OVR-DMV checks are required by state law to validate online voter registration requests. Wis. Stat. § 6.30(5). The OVR-DMV check occurs nearly instantly to verify that a voter's name, date of birth, license number, and residency match DMV records. If the OVR-DMV check does not match, the voter is not permitted to register online. Therefore, all records with a source of "Online Registration" passed the OVR-DMV check with a 100% match.

Sec. 3.11.1: Commission Responsibilities

OVR-DMV checks occur automatically when the statewide voter registration system attempts to match data from voters with data from the Wisconsin Department of Transportation. Wisconsin law requires anyone who registers to vote online to correctly match four separate fields from their DMV record. Wis. Stat. § 6.30(5). OVR-DMV checks occur in real time, and there must be an exact match for the voter's name, date of birth, DMV number and residence jurisdiction. This check is required for proof of residence in registration. Wis. Stat. § 6.34(2m).

Sec. 3.11.2: Clerk Responsibilities

The OVR-DMV checks do not require clerk action. Online voter registration requests are only forwarded to clerks if the voter passed the check. **Online Registration is covered in Section 2.7 of the WisVote manual.**

Chapter 3.12: HAVA-DMV Check Process

HAVA-DMV Checks are comparisons between a voter registration record and a DMV or Social Security record. The checks were created by the federal Help America Vote Act of 2002.[2] They are designed to catch typos and data entry errors to improve the quality of the voter registration list. **HAVA-DMV checks are not a list maintenance process, but they are an important tool to improve data quality.**

Sec. 3.12.1: Commission Responsibilities

HAVA-DMV checks occur automatically for all voter registrations when the statewide voter registration system attempts to match data from voters with data from the Wisconsin Department of Transportation and the Social Security Administration. The checks are run in batches overnight on voters who register on a paper form, whether in person or by mail. This check attempts to match the voter's name, date of birth and driver license (or state ID) number with WI DMV records once the registration information is entered into WisVote by the clerk. If the voter does not have a Wisconsin driver license or state ID card, the system tries to match the name, date of birth and the last four digits of their Social Security Number.

---

2 HAVA is the Help America Vote Act of 2002, which was passed in the wake of the problems in Florida following the 2000 election. Among other things, HAVA required Wisconsin to create a statewide voter registration database and provided funding for that system. Before 2006, when the system went online, Wisconsin law only required voter registration in larger cities. In smaller towns, there was no voter registration, just a book where poll workers would write the names of voters when they came to vote.

Section 303 of HAVA, titled "Computerized Statewide Voter Registration List Requirements and Requirements for Voters Who Register by Mail," mandates the creation of a computerized list containing the name and registration information of every legally registered voter in the State, which shall serve as the official voter registration list for federal and state elections. HAVA § 303(a)(1)(A) codified at 52 U.S.C. § 21083(a)(1)(A). HAVA requires that individuals, upon registering to vote, provide a current driver license number, if they have one, or last four digits of their Social Security Number, for those who do not. Voters who have neither a driver license nor a Social Security Number are assigned a separate identification number for purposes of the official registration list. HAVA § 303(a)(5)(A) codified at 52 U.S.C. § 21083(a)(5)(A).

Sec. 3.12.2: Clerk Responsibilities

When the nightly DMV check identifies a mismatch, in most cases, it is the result of errors. The most common error (63%) is a mismatched name, often due to misspelling, name variation (Bob instead of Robert), nickname or a missing suffix missing (Jr. or Sr.). The next most common error (22%) is a driver license or state ID number mismatch. Wisconsin DMV numbers have one letter and 13 digits, and non-matches often result from writing the number incorrectly on the voter registration form or entering it incorrectly in the voter database. Other innocent reasons for mismatches include typos in the data. For example, one voter registered at the polling place on Aug. 11, 2020. The clerk inadvertently recorded the voter's birth date as July 5, 1990, instead of July 15, 1990, resulting in a non-match.

When there is a non-match, a registered voter is never "removed" from the statewide voter database. Neither Wisconsin nor federal law requires a match, and Wisconsin law does not permit clerks or the Commission to remove a voter from the list for not matching.[3]

Instead, the voter's record is flagged in the statewide voter database for clerks to review, and the clerk receives a DMV Check alert. Clerks are asked to review non-matches to ensure a data entry error was not responsible for the non-match result. Clerks often can identify data entry errors but should also attempt to contact voters whose non-matches they cannot resolve. WisVote provides a standardized letter for voters called a "DMV Check Non-Match Letter." **DMV Checks are covered in Section 2.5 of the WisVote manual.**

---

3 The issue of what happens with a HAVA Check mismatch was extensively litigated in 2008 when the Wisconsin Attorney General sued the Government Accountability Board (The Commission's predecessor agency). In *J.B. Van Hollen et. al v. Government Accountability Board et. al*, the court found that none of the provisions of HAVA affect the fundamental voter eligibility qualifications. HAVA establishes no additional voter qualifications, except in the limited case of a first-time voter who registered by mail and who must either provide a photo identification or current proof of residence, or else must vote by provisional ballot. A successful HAVA match eliminates this additional requirement.

The court further determined that HAVA does not mandate the imposition of a consequence or penalty for a voter whose voter registration data does not precisely match information contained in the DOT or SSA databases. The HAVA match process also does not alter the voter eligibility requirements established by state law. The court ultimately concluded that HAVA Checks are intended to assist in improving the quality of voter data in the State's official voter registration list on an ongoing basis, not to convert an otherwise qualified voter into an ineligible voter. The GAB adopted the court's findings on Jan. 15, 2009. *J.B. Van Hollen et. al v. Government Accountability Board et. al*, Dane County Court Case 08CV4085

Chapter 3.13: Special Notes for Reliers[4]

Best Practices: While WisVote reliers may not perform the processes described above in WisVote, they are responsible for ensuring compliance with the law and should be familiar with the nature of each process. Clerks who do not use WisVote should still ask their Provider to share relevant information about these processes (for example, their registration list alerts). Better still, relier clerks may ask their Providers to show them the various processes in WisVote so as to better appreciate the actual work that must be performed. Reliers seeking information about any of the processes described in this manual are encouraged to contact the WEC Help Desk at elections@wi.gov.

4 **A note about providers and reliers:** Sometimes, a municipal clerk (a relier) enters into agreement with another clerk (a provider) for the provider to complete WisVote work on the relier's behalf. Wis. Stat. § 6.33(5)(b). The provider can be either a county clerk or another municipal clerk. Reliers and providers enter into a Memorandum of Understanding (MOU) that governs how the data entry and list maintenance work will be covered between them.

Part 4
Election Notices

Type A; Type B; Type C; Type D; Type E; Publication Procedures; Frequently Asked Questions

An election notice is a statutorily required posting containing specific information relating to each election. The Type A notice gives the basic information of the upcoming election, including the date, offices to be elected, and filing deadlines to get on the ballot. The Type B notice provides voting instructions for the ballot format and equipment to be used at the election. The Type C notice is used when there are referendum questions on the ballot, and provides the question and a statement explaining the effects of a "yes" and "no" votes. The Type D notice provides polling place locations and hours. The Type E notice is specific to absentee voting and also contains the office hours and location(s) for in-person absentee voting.

Chapter 4.1: Summary

County, municipal, and school district clerks are responsible for publishing five basic election notices:

- **Type A:** Notice of Election
- **Type B:** Sample Ballot and Voting Instruction Notice
- **Type C:** Notice of Referendum
- **Type D:** Polling Place Location and Hours Notice
- **Type E:** Absentee Voting Notice

> **Best Practice:** Sample election notices can be found on elctions.wi.gov. These samples require modification based on offices up for election and voting equipment used in the municipality.

Additionally, Wisconsin law requires that meetings of all state and local governmental bodies, including governmental sub-units, shall be publicly noticed, held in places reasonably accessible to members of the public, and shall be open to all citizens at all times unless otherwise expressly provided by law. Wis. Stat. § 19.84. Election-related meetings such as the Board of Canvassers, voting equipment testing, post-election audits, etc., fall under this requirement, and the municipal clerk must properly notice such meetings. Please consult with a municipal attorney with specific questions about requirements for open meetings notices.

Chapter 4.2: Notice Requirements and Details

Sec. 4.2.1: Type A: Notice of Election or Referendum

Wis. Stat. §§ 10.01(2)(a), 10.06

Required Information

- Titled “Notice of Election”
- Election date
- Offices to be elected
- Incumbent names
- Term lengths and expiration dates
- Nomination paper circulation dates or date of caucus
- Filing deadlines
- Filing Officer
- Date of primary if required
- Where to obtain district boundary information
- Referendum
- Referendum Question text
- How to obtain resolution ordering referendum

Clerk Who Publishes

County, State, Federal offices and referenda: County Clerk

Municipal offices and referenda: Municipal Clerk

School district offices and referenda: School District Clerk

Templates for Layout/Format

- Type A Notice: Caucus
- Type A Notice: Nomination Papers
- Type A Notice: Referendum
- Type A Notice: School District

Publishing Deadlines

Spring: 4th Tuesday in Nov., before election

General (fall): 2nd Tuesday in April before election

Referendum: 4th Tuesday prior to election

Special:

- County: 4th Tuesday prior to primary or election
- Municipal or School District: At least 40 days prior to primary or election

Sec. 4.2.2: Type B: Instructions to Voters & Sample Ballot

Wis. Stat. §§ 10.01(2)(b), 10.02, 5.94

Required Information

- Voting instructions for the ballot format and equipment used
- Sample ballot for each ballot type
- Date of election

Clerk Who Publishes

Same as Type A or the county may publish one for all jurisdictions in the county and prorate the cost

Templates for Layout/Format

- Type B Notice: Referendum Election
- Type B Notice: Special Elections
- Type B Notice: Spring Elections
- Type B Notices: Fall Elections
- Type B Notices: Recall Elections

Publishing Deadlines

Spring & General: Monday before primary and election

Referendum: Monday before election

Special: Day before primary and election

Combining Type B Notices & Costs

If the ballots in the wards or election districts within a county or municipality are identical except for the names of different candidates, districts or seats, the sample ballot may show the ballot for one ward or election district, accompanied by a list of candidates, districts and seats to be voted upon in the other wards or election districts, Wis. Stat. § 10.02(2)(c).

Best Practice: Notices may be combined under Wis. Stat. § 10.07:

"(1) Except as provided in sub. (2) in the case of voting machine ballots, whenever any county clerk or municipal or school district clerks within the same county are directed to publish any notice or portion of a notice under this chapter on the same date in the same newspaper, the text of which is identical, the clerks may publish one notice only. The cost of publication of such notice or the portion of the notice required shall be apportioned equally between the county and each municipality or school district sharing in its publication.

(2) When a voting machine ballot or ballot to be used with an electronic voting system includes 2 or more levels of government, the cost for publishing the type B notice shall be prorated under Wis Stat. § 5.68(3)."

Sec. 4.2.3: Type C: Referendum

Wis. Stat. § 10.01(2)(c)

Required Information

- Titled “Notice of Referendum”
- Election Date
- Entire text of the proposed enactment
- Question text on ballot
- A statement explaining the effects of “yes” and “no” votes

Clerk Who Publishes

County, State, Federal offices and referenda: County Clerk

Municipal offices and referenda: Municipal Clerk

School district offices and referenda: School District Clerk

Templates for Layout/Format

Type C Notice: Referendum

Publishing Deadlines

Spring & General: Monday before election

Referendum: Monday before election

Special: Day before election

Sec. 4.2.4: Type D: Polling Place Location(s) & Hours

Wis. Stat. § 10.01(2)(d)

Required Information

- Polling place locations
- Wards served by each polling place
- Polling hours (7:00 a.m. to 8:00 p.m.)
- Statement about accessibility for elderly voters and voters with disabilities for each polling place

Clerk Who Publishes
Municipal

Templates for Layout/Format
Type D Notice

Publishing Deadlines

Spring & General: Monday before primary and election

Special: Day before primary and election

Form of the Type D Notice & Descriptions of Polling Places
"In cities over 500,000 population, the board of election commissioners shall determine the form of the notice. In other municipalities and special purpose districts, the clerk of the municipality or special purpose district shall give the polling place information in the manner the governing body of the municipality or special purpose district decides will most effectively inform the electors." Wis. Stat. § 10.01(2)(d).

Sec. 4.2.5: Type E: Absentee Voting

Wis. Stat. § 10.01(2)(e)

Required Information

- Qualifications for voting absentee
- How to obtain an absentee ballot
- Procedures and Deadlines for requesting and returning an absentee ballot
- Office hours and location(s) for in person absentee voting (IPAV)

Clerk Who Publishes

Municipal

Templates for Layout/Format

Type E Notice

Publishing Deadlines

Spring & General: 4th Tuesday before primary and election

Special:

- 4th Tuesday before primary
- 3rd Tuesday before election not held with spring or general

Note about IPAV on the Type E

In-person absentee voting may begin "no earlier than 14 days preceding the election and no later than the Sunday preceding the election." Wis. Stat. § 6.86(1)(b). The hours when in-person absentee is available in the clerk's office or alternate site must be listed on the Type E notice. Wis. Stat. § 10.01(2)(e). The hours may be the same each day or vary from day to day. The municipal clerk may not conduct absentee voting outside of the hours listed in the Type E Notice. If in-person voting will be "by appointment," the Type E Notice must specify when the clerk will be available for appointments.

Chapter 4.3: Newspaper Publication Procedures

Election notices must be published in the newspapers designated for the municipality and qualifying under Ch. 985 unless an exception applies. Wis. Stat. §§ 10.04 and 10.05.

County clerks must publish notices in all newspapers unless the county board provides otherwise by resolution. Wis. Stat. § 10.04(2)(a). In counties with populations over 200,000, whenever there is a requirement to publish more than one insertion, a jurisdiction may accomplish it by "publication in one or more newspapers on the dates prescribed or in different newspapers at least equal in number to the number of insertions required. When different newspapers are used, the publications shall always be in each newspaper's latest issue preceding the last given date for publishing that notice." Wis. Stat. § 10.04(3)(b).

If a weekly newspaper is designated, the notice must be published in the closest preceding issue to the required publication date. Wis. Stat. § 10.04(3)(a). When the publication date is the day before an election, a county or municipal clerk can determine that, due to the method of delivering newspapers in the municipality, more effective notice will be provided by an earlier publication; the clerk may publish the notice no more than three days before the election. *Id.*

The board of election commissioners or governing body of a municipality can, by resolution, decide to publish in more than one newspaper. Wis. Stat. § 10.04(2)(b).

Posting in Lieu of Publication is governed by Wis. Stat. § 10.05, which explains that: "Towns, villages, and school districts may post election notices in lieu of publication whenever there is not a newspaper published within the respective jurisdiction."

- Only the governing body can change between posting and newspaper publication, and, if it changes manner of notices, a notice must be given in the current manner before it can take place.
- The same manner of notification must be used for all notices pertaining to an election.

- Posting must be done in at least three conspicuous locations within the municipality. It is also possible under Wis. Stat. §§ 985.02(2)(a) and 985.05(1) to post in one location within the municipality and on the municipality's website.
- For notices required to be published within one week of the primary or election (Types B, C, and D), posting must be done at least one week before the election. For all other notices (Type A and E), posting must be done no later than the required publication dates.
- Posting may also be done to supplement publication.

Best Practices: If clerks add notice information into MyVote, such as the Type D and Type E, they will need to make sure to keep that updated for voters to ensure they are supplied with accurate information. Please note that any notices that are posted physically should be in 18-point font or larger. The Commission also strongly recommends always posting notices to the municipal or school district website regardless of whether posting or newspaper publishing is used.

Chapter 4.4: Frequently Asked Questions

Q When can jurisdictions combine their notices to save on printing costs?

A Jurisdictions may combine their notices if the information on the notice is identical and when the levels of government share the same official newspaper. For example, only one Type B notice with sample ballots for each type of equipment, along with a list of candidates, districts and seats to be voted on in each municipality, needs to be published.

Q Who writes the explanatory statements for referendum questions?

A For statewide referenda, the explanatory statement is prepared by the Attorney General. For county questions, the statement is prepared by the county's corporation counsel, and for municipal or school district referenda, the statement is prepared by the attorney representing the jurisdiction. Wis. Stat. § 10.01(2)(c).

Q What should a municipal clerk do if they miss a publication date for a notice or their newspaper of record makes an error?

A Clerks should attempt to fix any errors as soon as possible through an amended notice. If a periodic newspaper makes an error, it may not be possible to submit a timely correction. In this situation, municipal clerks should post the notice on their website, in their office, and anywhere else that may provide voters with needed information.

Q If an officeholder was appointed to finish a term, should they still be listed as an incumbent on the notice?

A Yes.

Q We accidentally published the notice early. Do we have to publish again?

A Yes. The notice needs to be published on the date designated by statute or as close to that date as possible.

Part 5
Ballots

Ballot Procedures; Ballot Format and Style; A/B Ballots; Referendum Ballots; Presidential-Only Ballots; Sample Ballots

There are a variety of different ballot styles used in Wisconsin. Designing, creating, printing, and distributing ballots is a multi-step process in which the WEC, county clerks, and municipal clerks all play a role. Ballots must be formatted in specific ways. The law permits specialty ballot types for certain types of voters. Ballots are designed and printed to be used with all certified electronic voting systems.

Chapter 5.1: Ballot Creation Procedures

Ballot creation, review, and printing is a multi-step process in which the Commission, county clerks, and municipal clerks all play an important role. This chapter will discuss the different types of ballot formats used across the state, as well as will outline the seven-step process by which ballots are created.

Sec. 5.1.1: Types of Ballots

There are three different ballot types in use in Wisconsin, depending on the type of ballot marking and tabulation system that is in use:

- Optical scan ballots
- Direct recording electronic (DRE) ballots
- Paper (hand-counted) ballots.

Some jurisdictions use separate ballots for different races, but most use consolidated, single ballots that contain all races for all jurisdictions. Wis. Stat. § 5.655(1).

Optical Scan Ballots

Most Wisconsin jurisdictions use optical scan ballots, in which voters mark their choices on a paper ballot by filling in an oval or completing an arrow in specific locations. An optical scan, electronic tabulator then reads the marks on the paper ballot to record the vote. Over 80 percent of the ballots cast in Wisconsin are optical scan ballots.

Direct Recording-Electronic (DRE) Ballot

Jurisdictions that use direct recording equipment (DRE) allow voters to mark their choices on a screen or interface, and those choices are then printed on a specially-formatted paper ballot that is inserted into the tabulator. With DRE technology, like optical scan, the voter is able to verify how they voted by reviewing that the paper ballot is marked as they intended before the vote is tabulated. It's estimated that about 10 percent of ballots cast in Wisconsin use DRE technology.

Paper (Hand-Counted) Ballots

And finally, some jurisdictions hand-count ballots. In these municipalities, voters use a paper ballot where a voter completes a box with an "X" for their choices and the votes are tabulated by the poll workers. State law only allows small jurisdictions, under 7,500 in population, to opt to use hand count ballots. All other jurisdictions are required to use electronic tabulation equipment. Wis. Stat. § 5.40. All jurisdictions are required to offer electronic, accessible ballot marking devices. Wis. Stat. § 5.25(4)(a). 52 U.S.C. § 21081(a)(3)(A) (HAVA provision requiring accessibility). **See Sec. 11.3.4: "Marking a Ballot".**

Sec. 5.1.2: Planning & Ordering Ballots: Turnout & Timelines

Before ballots are constructed, proofed, ordered, or printed, it is important that clerks understand how many ballots they will need, and when they need to be sent out.

Predicting Turnout & How Many Ballots to Order

County clerks are responsible for ordering enough ballots to be printed for each of their municipalities. Wis. Stat. §§ 5.66(1); 7.10(1)(a). Municipal clerks are required to certify to the county clerk the approximate number of electors in their municipality no later than the first day of the second month before a primary. Wis. Stat. § 5.66(1).[1] This number is used by the county clerk to determine the number of ballots to print for the election.

> **Best Practice:** Municipal clerks should also plan to give their county clerks updated estimates ahead of general elections, especially in high turnout years where there may be large voter registration drives between the primary and the general election.

1 The statute only references the primary election, and doesn't clarify whether municipal clerks should provide updated data to their county clerks ahead of the general election. In practice, most county clerks reach out to their municipalities ahead of the general to ask them to confirm an estimate. See the "Best Practice" on the next page.

In municipalities that use direct recording electronic (DRE) equipment, the clerk must ensure that sufficient paper ballots are provided in case of equipment malfunction and to accommodate absentee ballot requests, assisted voters, and any other person who may request a paper ballot. Municipalities using DREs should also ensure that all machines have a full roll of paper and that there are paper rolls in reserve should they be needed.

Best Practice: Anticipated turnout can be challenging to predict, but before each election, clerks should consider past turnout as well as special considerations depending on what races are on the ballot. Ideally, clerks should always plan for one hundred percent turnout to ensure they don't run out of ballots, but this is not always realistic given the cost. Past turnout is usually a good measure of future turnout, with a few exceptions.

First, in recent years, statewide races have generated high interest with voters, leading to higher-than-usual turnout at the Spring Election. State supreme court races, particularly when the outcome of the race will change the ideological makeup of the court, will likely mean higher voter turnout.

Second, at times, local races can also generate intense voter interest at the Spring Election. This can also occur when the Presidential Preference vote occurs during the Spring Election, or if a particular Partisan Primary in August is driving a lot of voter engagement.

Likewise, statewide referenda can appear on Election Days that are typically low turnout, so it is important to keep all of these possibilities in mind when ordering ballots.

If a clerk is unsure of how many ballots to order, they can contact the Commission for help analyzing past turnout data.

Important: Clerks should always assume that they have underestimated voter turnout. It is better to have extra ballots that are not used than to scramble on Election Day because polling places are running low or running out of ballots.

Ballot Deadlines

State and federal law have specific deadlines for when absentee ballots must be sent to military and overseas voters (UOCAVA), as well as all other voters with absentee requests on file. There are also deadlines for when county clerks must deliver ballot materials to municipal clerks ahead of each election. These deadlines often result in an extremely tight window (between 1-3 weeks) for clerks to arrange, proof, order, print, and finalize their ballots before they must go out to voters. The following chart illustrates these deadlines, along with example election dates to illustrate how these deadlines fit together.[2]

Important: County clerks must be aware of absentee ballot delivery deadlines to ensure that they order and print their ballots on time. Refer to the chart below for the applicable deadlines.

Table 8: Important Ballot Preparation and Delivery Deadlines

Election	WEC Type B Notice Deadlines[3]	Ballot Prep/Proof/ Print Window	County Ballot Delivery Deadline	UOCAVA Deadline[4]	State Deadline[5]
February Primary	**2nd Tuesday in January**	**Varies** Between Type B Notice Issuance and 22 days before election	**22 days before Election**	**N/A**	**21 days before election**
Example Election Day: 2/18/2025	1/14/25	12 calendar days	1/27/25	N/A	1/28/25
April General Election	**1st Tuesday in March**	**Varies** Between Type B Notice Issuance and 22 days before election	**22 days before election**	**N/A**	**21 days before election**

2 The deadlines in this chart are required by Wis. Stat. §§ 7.10(1), (3)(a), 120.06(8)(d), and 7.15(1)(cm).

3 Candidates are Officially Certified to Appear on the Ballot

4 to send Absentee Ballots to Military and Overseas Voters with Requests on File (Federal Elections Only)

5 to send Absentee Ballots to Voters with Requests on File

Election	WEC Type B Notice Deadlines[3]	Ballot Prep/Proof/ Print Window	County Ballot Delivery Deadline	UOCAVA Deadline[4]	State Deadline[5]
Example Election Day: 4/1/2025	3/4/25	5 calendar days	3/10/25	N/A	3/11/25
April General Election with Federal Contest[2]	**1st Tuesday in March**	**Varies[2]** Between Type B Notice Issuance and 48 days before election	**48 days before election**	**47 days before election**	**21 days before election**
Example Election Day: 4/2/24	3/4/24[2]	N/A A/B Ballots Required	2/14/24[2]	2/15/24[2]	2/15/24[2]
August Primary	**June 10**	**Varies** Between Type B Notice Issuance and 48 days before election	**48 days before election**	**47 days before election**	**47 days before election**
Example Election Day: 8/13/24	6/10/24	15 calendar days	6/26/24	6/27/24	6/27/24
November General Election	**4th Tuesday in August**	**Varies** Between Type B Notice Issuance and 48 days before election	**48 days before election**	**47 days before election**	**47 days before election**
Example Election Day: 11/5/24	8/27/24	21 calendar days	9/18/24	9/19/24	9/19/24

Sec. 5.1.3: Creation of a Ballot: Overview

The Commission, county clerks, and municipal clerks all have statutory responsibilities in creating the official ballots. The following sections explain that process, starting with the Commission's approval of the ballot templates ahead of each election.

- **Step 1:** Commission Approves Ballot Templates
- **Step 2:** Ballot Order Determined & Candidates Added
- **Step 3:** County Clerks Add Candidates for Local Races
- **Step 4:** Ballots are Reviewed & Proofed
- **Step 5:** County Clerks Print & Review Ballots
- **Step 6:** County Clerk Distributes Ballots to Municipalities
- **Step 7:** Municipal Clerks Review & Proof Ballots

Note: Wisconsin law does not permit third party vendors to design or arrange ballots. Wis. Stat. § 7.08(1)(a).

Sec. 5.1.4: Step 1: Commission Approves Ballot Templates

Ahead of each election, the Commission approves the templates of the ballots that will be used across the state during the election. Wis. Stat. § 7.08(1)(a). The templates approved by the Commission do not have candidate names or the specifics of contests, but they do provide the look, feel, and format of each type of ballot. For instance, the Commission establishes the columns, spacing, and the appearances of lines and stylistic elements that separate contests on the ballot. The ballot templates contain spaces for all offices that could have candidates for the upcoming election. The ballot templates are approved by the Commission during a public meeting, usually three months ahead of each election. Wis. Stat. §§ 7.08(1)(a), 5.05(1e).

The Commission's purpose in designing and approving ballot templates is twofold: 1) to ensure that all ballots used statewide conform to the specific layout and design components that are required by law; and 2) to ensure that the offices are listed in the correct, or suggested, order for all jurisdictions. Wis. Stat. §§ 5.51; 5.58, 5.60, 5.62, 5.64, and 5.65.

The format of all ballots in use in Wisconsin must conform to the templates that are approved by the Commission. Wis. Stat. §§ 5.51(6) and (8), 7.08(1)(a). **See Sec. 11.3.4: "Marking a Ballot"** for specific information on the style and formatting requirements for ballots.

When the Commission approves ballot templates, it also sets the order of offices (not candidate names) on the ballot. Generally speaking, federal contests appear first, then statewide, then county, and then local.

Office Order for Nonpartisan Spring Election Ballots

Nonpartisan Elections occur in the spring of each year. The ballots for a nonpartisan spring election or primary are different from the partisan elections in the fall as the contests and candidates are not differentiated by political parties. Spring nonpartisan election ballots typically contain more contests than partisan elections as most municipal, county, and judicial races are nonpartisan.

> **Best Practice:** State law does not specify the order of the offices on nonpartisan ballots. The Commission's consistent practice is to list the offices in the following order: state, judicial, county, municipal, school district, and referendum. Wis. Stat. §§ 8.10(3), 5.60. In a Presidential Preference Vote year, that "office" will always appear as the first contest on the Nonpartisan Spring Election ballot.[6]

6 In the Presidential Preference Vote, the party receiving the greatest number of votes for governor at the preceding election has its presidential candidates listed first, and the remaining parties proceed in the same manner. Wis. Stat. § 5.60(8)(am), (c). Within each party, the order of presidential candidates on the Spring Election ballot is determined by the drawing of lots by the Commission. Wis. Stat. § 5.60(8)(am).

Office Order for Partisan Primary Election Ballots

The partisan primary ballot is organized by political party. Wis. Stat. § 5.62(1)(a). The political party whose candidate received the most votes for president or governor at the last election is listed first, and the other parties are arranged in descending order based on their votes for president or governor. Wis. Stat. § 5.62(1)(a). After those parties, the political parties with ballot status are listed next. Wis. Stat. § 5.62(1)(a) and (b). In the partisan primary, the offices for each political party are listed in the following order for each political party participating in the primary: governor, lieutenant governor, attorney general, secretary of state, state treasurer, U.S. senator, U.S. representative in congress, state senator, representative to the assembly, district attorney, and county offices. Wis. Stat. § 5.62(3).

Office Order for Partisan General Election Ballots

The office order for the general election ballot is the same as the partisan primary except the ballot is no longer organized by political party.

Sec. 5.1.5: Step 2: Ballot Order Determined & Candidates Added

After the ballot templates have been approved by the Commission, the next step is adding and arranging the names of the candidates who qualified for ballot access.

While the ballot templates are approved a few months prior to each election, the candidate order cannot be determined until the candidates are certified, which occurs after the ballot access challenge period following the filing deadline.

Certifying Candidates to Appear on the Ballot

Before the filing officer can determine the order of candidate names on the ballot, candidates must first be certified, meaning the filing officer has determined they meet the requirements to be granted access to the ballot. **See Chapter 2.1: "Qualifications for Office"** for more information on ballot access.

Note: Municipal and school district clerks use form EL-405 Certificate of Nomination to certify candidates and referenda to their county clerks. The form is available on elections.wi.gov and in the appendix.

Where a caucus is held, the names of candidates must be certified to the county clerk as soon as possible following the qualification of candidates, but no later than the 3rd day after qualification of candidates. Wis. Stat. § 8.05(1)(j)4.

After any primary, the names of candidates advancing must again be certified to the county clerk as soon as possible after the canvass, but no later than the third day after completion of the municipal or school district canvass. Wis. Stat. § 5.60(1)(b), (5), (6).

The municipal and school district clerks must certify any names of candidates and any referenda to the county clerk as soon as possible following the deadline for filing nomination papers or declarations of candidacy, but no later than the deadline for drawing for ballot order. Wis. Stat §§ 5.58, 5.60.

The filing officer for each office is responsible for determining the order and arrangement of candidate names This means that the Commission determines the candidate order of some races on the ballot, and the county, municipal, and school district clerks determine the candidate name order of their races. Candidate order is completed after the filing officer certifies candidates to the ballot and before the Type B notice is issued. With a few exceptions (such as offices like U.S. president where candidate name order is based on votes share of the candidate's party in the last general election), candidate name order on the ballot is completed by random draw.

Recommended Procedures for Random Draw

> **Best Practice:** The statutes that refer to random draw use the phrases like "drawing lots." Any purely random process satisfies these requirements, including drawing names out of a hat or container, or flipping a coin if there are only two candidates to be arranged. It is not necessary for candidates to be present at the drawing, but as a courtesy they may be invited to attend. If all candidates are present, they may draw for themselves. Drawing of lots is not required to be done at a board meeting and should not be delayed for this reason.

When conducting the drawing of lots for placement of names on the ballot, the Commission recommends that at least three people participate in the drawing, the policy used by the Commission. The three people are generally the clerk and two other people selected by the clerk. The drawing should be properly documented.

This can be achieved by making a video recording of the ballot draw (the practice used by the Commission) or by recording minutes. Documentation is important in case a candidate later contests the order of their name on the ballot. The documentation should include the date of the drawing for ballot order, the ballot order drawn, the signature of the people who actually drew out the names, and the signature of the two people who witnessed the drawing.

Candidate Order for Nonpartisan Spring Election Ballots

The Commission determines the order of the arrangement of candidate names for state superintendent of public instruction, Wisconsin supreme court justice, court of appeals judge, and circuit court judges. Wis. Stat. § 5.58(2). The Commission also determines the order of metropolitan sewerage commissioners. Wis. Stat. § 5.60(1)(b). The Commission determines the order of these candidates by drawing lots no later than the second Tuesday in January, or the next day if the first Tuesday is a state holiday. Wis. Stat. § 5.60(1)(b). Once the Commission certifies its candidates and determines candidate order, it publishes the Type B notice and transmits the candidate list to county clerks. Wis. Stat. § 10.06(1)(c), (e).

The city clerk or executive director of the city election commission arranges city candidates, also by random draw. Wis. Stat. §§ 5.60(3)(ag) , 5.62(4). School district candidate arrangement is determined by the school district clerk or the executive director of the city board of election commissioners, also by random draw. Wis. Stat. § 5.60(4)(c). Candidates for village and town offices are likewise arranged by random draw by the municipal clerk. Wis. Stat. §§ 5.60(5)(ar); 5.60(6)(a); 5.60(1)(b).

For a spring election, drawing of lots is held not later than seven days after the deadline for filing nomination papers. Wis. Stat. § 5.58. The drawing is done at this time for those offices requiring a primary and also for the election ballot for those offices where a primary is not required. Following the primary for any office, the names are of those advancing are redrawn for that office to determine the order of names on the election ballot. Wis. Stat. § 5.60(1)(b), (5), (6).

Where the caucus procedure is used for nominating candidates for municipal office, the drawing is held no later than the end of the third day following qualification of all candidates. Wis. Stat. § 8.05(1)(j)4. **See Chapter 2.4: "Nomination by Caucus"** for more information on Caucus procedure.

Candidate Order for Partisan Primary & General Election Ballots

The Commission determines the candidate order for statewide offices and district attorney races by random draw. Wis. Stat. §§ 5.62(3); 5.60(1)(b). The county clerk or county board of election commissioners determines the ballot arrangement for county offices by random draw. Wis. Stat. §§ 5.62(4)(ag); 5.60(1)(b).

In the general election, partisan races will appear on the official ballot in the following order: president and vice president, statewide offices, federal congressional offices, state legislative offices, district attorneys, county offices, and county referendum. Wis. Stat. §§ 5.64(1)(d), 5.62(3).

Presidential and vice-presidential candidates are listed in the order in which their respective parties received votes in the gubernatorial race preceding the election, with the party with the most votes having the first position. Wis. Stat. § 5.64(1)(es). Independent presidential candidates are determined by random draw by the commission and appear after the ballot status candidates. Wis. Stat. § 5.64(1)(es).

Best Practice: For a fall election, the county clerk (for county offices) and Commission (for federal and state offices) draw for ballot order for the primary ballot not later than seven days after the deadline for filing nomination papers. Wis. Stat. § 5.62(1)(a).

Sec. 5.1.6: Step 3: County Clerks Add Candidates for Local Races

In addition to inputting candidate names to program their ballots, County and local clerks also enter information about local contests into WisVote.

Clerks can use reports from WisVote to determine which contests and candidates should appear on each ballot style. These documents provide the basis for the county clerks to begin the process of preparing the ballots. Wis. Stat. § 7.10(1)(a).

Important: Remember to use new WisVote reports not reports from previous elections!

County clerks construct a ballot style for each of their municipalities for all local contests. Wis. Stat. § 7.10(1)(a). Depending on the districts and wards on the ballot for the election, a county could have hundreds of ballot styles to construct for their municipalities. The county clerks use resources available from the Commission, from their own office as filing officer for county races, and information from their municipal and school district clerks to ensure that each ballot style has the correct districts, wards, contests, and candidates. Wis. Stat. § 7.10(1)(a). County clerks also ensure that the instructions are correct (such as vote for no more than 2 candidates), that candidates' names are spelled correctly, and that referenda are displayed correctly. Wis. Stat. § 7.10(1)(a).

Best Practice: County clerks should compare their constructed ballots to the reports generated from WisVote twice: once as the ballot is being prepared and again when the proofs and printed copies are received. County clerks should pay special attention to making sure that each of the contests, and the candidates in them, appear in the correct ballot style. **See Sec. 5.1.7: "Step 4: Ballots are Reviewed and Proofed" on page 1414.**

Exceptions to County Clerk Preparation of Ballots

Municipalities with populations over 500,000 may prepare their own official and sample ballots. Wis. Stat. § 7.15(2)(b). All other municipalities may prepare their own ballots with the consent of their county clerk wherever voting machines or electronic voting equipment are used, and whenever the election contains local races in addition to national, state, and county offices. Wis. Stat. § 7.15(2)(c).

Important: If a municipality chooses this option and obtains consent, then they are taking on all of the statutory responsibilities of the county in proofing and preparing ballots as described above.

The Commission recommends generating and using the District Combo Compare report and the Contests reports. Previous reports may not contain critical updated information, such as changes in boundaries of legislative districts, that have occurred more recently.

Sec. 5.1.7: Step 4: Ballots are Reviewed and Proofed

Once candidate order is determined for all federal, statewide, county, and local races, and once those names are arranged properly on the ballots, county clerks begin the process of reviewing and proofing. Wis. Stat. § 7.10(1)(a). County clerks should review the ballot periodically as it is being prepared, and again, in detail, once they receive the prepared proof back before placing their print order.

Ballot Proofing Best Practices

Additionally, every step of ballot proofing should review at least the following aspects:

- The ballot used is the current form
- The ballot contains all and only the offices up for election
- All office titles are correct, spelled correctly, and in the correct order
- All candidates' names are spelled correctly and are in the correct order
- The form of each candidate's name reflects the candidate's desire as indicated on the Declaration of Candidacy. Wis. § Stat. 8.21(3).
- On optical scan ballots, the candidate names are justified so that the names are closest to the oval or arrow.
- The number of write-in lines is equal to the "Vote for…" number.

Commission Review of Ballot Proofs

County clerks are required to submit one proof of each of their ballot formats to the Commission for review. Wis. Stat. § 5.72(1). The proofs should be submitted to the Commission as soon as possible but no later than 3 weeks before the election. This means if a county has municipalities who use optical scan equipment and hand count, the county should submit to the Commission an example of an optical scan ballot and a hand count ballot. County clerks do not need to send individual ballot styles (each possible combination of contests and candidates) to the Commission to proof.

The Commission reviews the proofs and notifies the clerks of any errors as soon as possible, but no later than 7 days after submission. Wis. Stat. § 5.72(2). The Commission will proof the format to ensure that the structure of the ballot complies with what was approved by the Commission. Wis. Stat. § 7.10(1)(a).

Note: The Commission does not proof ballot styles for correct local contests, candidates, or things like spelling of names or referenda. If Commission staff notice an error like this in review, they will alert the clerk, but clerks should not expect this to be part of the Commission's facial review process.

Best Practice: The Commission encourages county clerks to work with each of their municipalities and school district clerks during the ballot proofing and review stage. Before ballots go to print, it's a best practice to have municipalities proof each of their ballot styles to ensure all ballot styles are included, and that all contests and candidates are displayed correctly.

Note: It is recommended that the county clerk also proof the final product as soon as they receive it from the printer so that any errors can be identified and corrected immediately

Sec. 5.1.8: Step 5: County Clerk Distributes Ballots to Municipalities

For an election or primary that contains a contest for a federal office, such as President of the United States or Representative to Congress, state law requires county clerks to distribute ballots to their municipal clerks no later than the 48th day before the election or primary. Wis. Stat. § 7.10(3). For elections or primaries with only state or local level contests, state law requires county clerks to distribute ballots to their municipal clerks no later than 22 days before the election or primary. Wis. Stat. § 7.10(3).

Best Practice: When county clerks distribute ballots to municipalities, it is a good idea to get the "sign off" of each municipal clerk. This could be requiring a signed or emailed acknowledgment that the ballots were received timely and that the municipal clerk has reviewed the ballots they received and acknowledges that they are accurate.

Sec. 5.1.9: Step 6: Municipal Clerks Review & Proof Ballots

There are some best practices that municipalities should consider so they can ensure that voters receive the correct ballots. Counties will likely ask municipalities to review an electronic proof of the ballots before they go to print, but a second review should be completed when the ballots are delivered as well. Municipal clerks are often most familiar with the nuances of their districts, wards, and candidates, so they play an important role in ensuring ballots are correct.

Upon taking custody of the ballots from the county clerk, check each ballot style to ensure all contests and candidates are correct. Municipal clerks can rely on deputy clerk staff or experienced poll workers to help proof their ballots. The Commission provides reports that the municipality can use to assist with this proofing. Municipal clerks should use these reports, along with their own information about local races, to make sure that all of the information is correct.

Best Practice: Clerks should use the mandatory public test of voting equipment as another opportunity to review the ballot styles to catch any errors or mistakes that may have been missed. Wis. Stat. § 5.84(1). While this is too late to catch errors that were made on absentee ballots, it is an important time for municipal clerks to ensure that their ballots and their voting equipment is accurately reflecting contests and candidates before Election Day. If there is an error identified during the public test, it should be escalated to the county clerk and the Commission immediately.

Certificate of Nomination

General Instructions: ***Please Review Fully***

Fill in the circles as appropriate. This form is used to document the transmission of candidate information. Candidate names should be listed on the form in the order they should appear on the ballot. After entering information into WisVote, Providers should file this form for reference.

Jurisdiction Information

1	Clerk Last Name	
	Clerk First Name	
2	School Dist. ○ Union ○ Unified ○ Common	
3	**Relier Information**	
	Municipality ○ Town ○ Village ○ City	
	County	HINDI #
4	**Provider Information**	
	County	HINDI #
	Municipality ○ Town ○ Village ○ City	HINDI #

Election Information

5	Date of Election (MM/DD/YYYY)	/ /
	Type of Election	
	Office	
	○ Vote for 1 ○ Vote for not more than:	(Please Specify)

Candidate Information

6 — Ballot Position

○ Town ○ Village ○ City ○ Sch. Dist.

I, _____, Clerk for the _____ of _____, certify that the names of the candidates in Section 6 are for the office at the election on the date listed in Section 5, as determined by law, and that such names must be placed on the official ballot in the order listed.

7	**Comments**	

Signature

School Clerk Signature	X	Date (MM/DD/YYYY)	/ /
Relier Signature	X	Date (MM/DD/YYYY)	/ /
Provider Signature	X	Date (MM/DD/YYYY)	/ /

Chapter 5.2: Ballot Format & Style

Before preparing any ballots, the clerk must ensure they are working from the Commission's most recently approved ballot templates. Using outdated ballot templates may result in missing required changes to statutory language or failure to meet ballot uniformity standards. The Commission approves the ballot templates ahead of each election cycle, which are available on elections.wi.gov. Wis. Stat. §§ 5.51, 7.08. **See Sec. 5.1.4: "Step 1: Commission Approves Ballot Templates" on page 7** for more information on ballot template approval.

The ballot templates provided on elections.wi.gov contain virtually all offices (but not candidates) that could appear on each ballot. As such, it is important for clerks to confirm that only the offices up for election appear on their ballots, so they will need to modify the existing templates to eliminate any office from the ballot that is not up for election or add any offices that may be up for election that may be missing from the template ballot. Wis. Stat. §§ 5.51(6); 7.15(1)(c).

Sec. 5.2.1: Ballot Formatting

There are several basic requirements that apply to the preparation of all ballots, regardless of the type of election. These requirements are set out below.

Size

Ballot size depends on the number of offices and candidates that must be included. There is no actual size requirement for a ballot, but all ballots must be of sufficient width and length to provide space for all required information to be clearly printed on them. Wis. Stat. § 5.51(3). For jurisdictions that use a hand-count paper ballot for partisan primary elections, each separate party ballot must be the same size. Wis. Stat. § 5.51(3), (6).

Columns

All ballot columns must be separated by lines at least one-eighth inch (1/8") wide, except for ballots used with an electronic voting system. Wis. Stat. § 5.51(3).

Type Face

Ballots must use a clear, easy-to-read type face. Wis. Stat. § 5.51(1). The Commission has interpreted "easy to read type face" as follows:

- The font is sans-serif font (Arial).
- Except for certain headings, all print should be in mixed case. In no case should the font size be smaller than 8 point.
- A sample of 8-point font is given below. Larger print should be used whenever possible.

8 POINT – 3.2 characters per pica
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890

Justification

Paragraphs, office titles, districts, candidate names, and "vote for" instructions should be left-justified. Wis. Stat. §§ 5.51(3); 5.56, 7.08.

Date

The date of the election must appear on the face of the ballot beneath the title of the ballot. Wis. Stat. § 5.55.

Paper Weight

Wisconsin statutes set a standard weight for hand-counted paper ballots: 35 pounds per ream of 24" by 36" sheets. Wis. Stat. § 5.51(2).

Ballots will never be that large, so the paper weight must be proportionately equivalent. Clerks should work with their printer to ensure this requirement is being met. Clerks should contact the Commission if their printer has questions about how to properly fulfill ballot printing orders.

Paper Color

Statute does not require ballots to be a specific color (though the color of each ballot type must be uniform), and different colors may be used for each ballot type in an election. Wis. Stat. § 5.51(5).

The only legal requirements concerning the color of ballots are:

- Paper hand-count referendum ballots must be printed on paper of a color that is different from other ballots used at the election. Wis. Stat. § 5.51(5).
- At a partisan primary, paper hand-count ballots for each separate party must be printed on the same color paper and be the same size. Wis. Stat. §5.51(7)
- Sample ballots cannot be the same color as the official ballots and cannot be white. Wis. Stat. §§ 5.51(7), 5.66(2).

Best Practices: When to Use Ballot Color Coding

Using different colors to distinguish one type of paper (hand count) ballot from another (federal, state, county ballots, municipal ballots, school district ballots, and referendum ballots) helps to ensure that the inspectors give one of each type of ballot to the voter. Wis. Stat. § 5.51(5). A block of color is sufficient, the ballot need not be printed on a full page of color.

Color coding is particularly helpful when two reporting units share a single polling place and can prevent mix-ups in shared polling places. Color coding makes it easier for the voter to deposit his or her ballot in the proper ballot box and also makes separating and counting of ballots much easier for the election inspectors.

Color coding can also be used to distinguish between ballots if the municipality uses optical scan equipment.

For example, ballots containing School District A offices and/or referenda could be a different color than the ballots containing School District B offices and/or referenda.

Using different color-coded ballots requires coordination among county, municipal, and school district clerks to ensure that the ballot prepared by each clerk is of a different color.

Note: Within WisVote, each ballot style can be given its own specific name, which appears next to the voter's name on the poll list. For example, a ballot style for a certain school district can be named "green" to match the color of the ballot for that school district. This helps election workers to quickly identify which type of ballot to give to the voter.

Sec. 5.2.2: Write-in Lines, Boxes, & Ovals

The ballot must contain a number of write-in lines equal to the number of candidates to be elected for each office. This is true for both primaries and elections.[1] **See Chapter 14.21: "Write-In Votes"**

For Paper (Hand Counted) Ballots

Do not include a box or oval on the write-in line.

The voter is not required to place an X or any other mark on the ballot when voting for a write-in candidate. Wis. Stat. § 7.50(2)(d). The voter needs only to write the name of the write-in candidate.

For Optical Scan Ballots

An oval is required to appear next to each write-in line. The voter is not required to fill in the oval when writing in a name in order to have the vote counted. Wis. Stat. § 7.50(2)(d). A completed oval next to a write-in line signals to most tabulating equipment types to deflect the ballot into the write-in compartment.

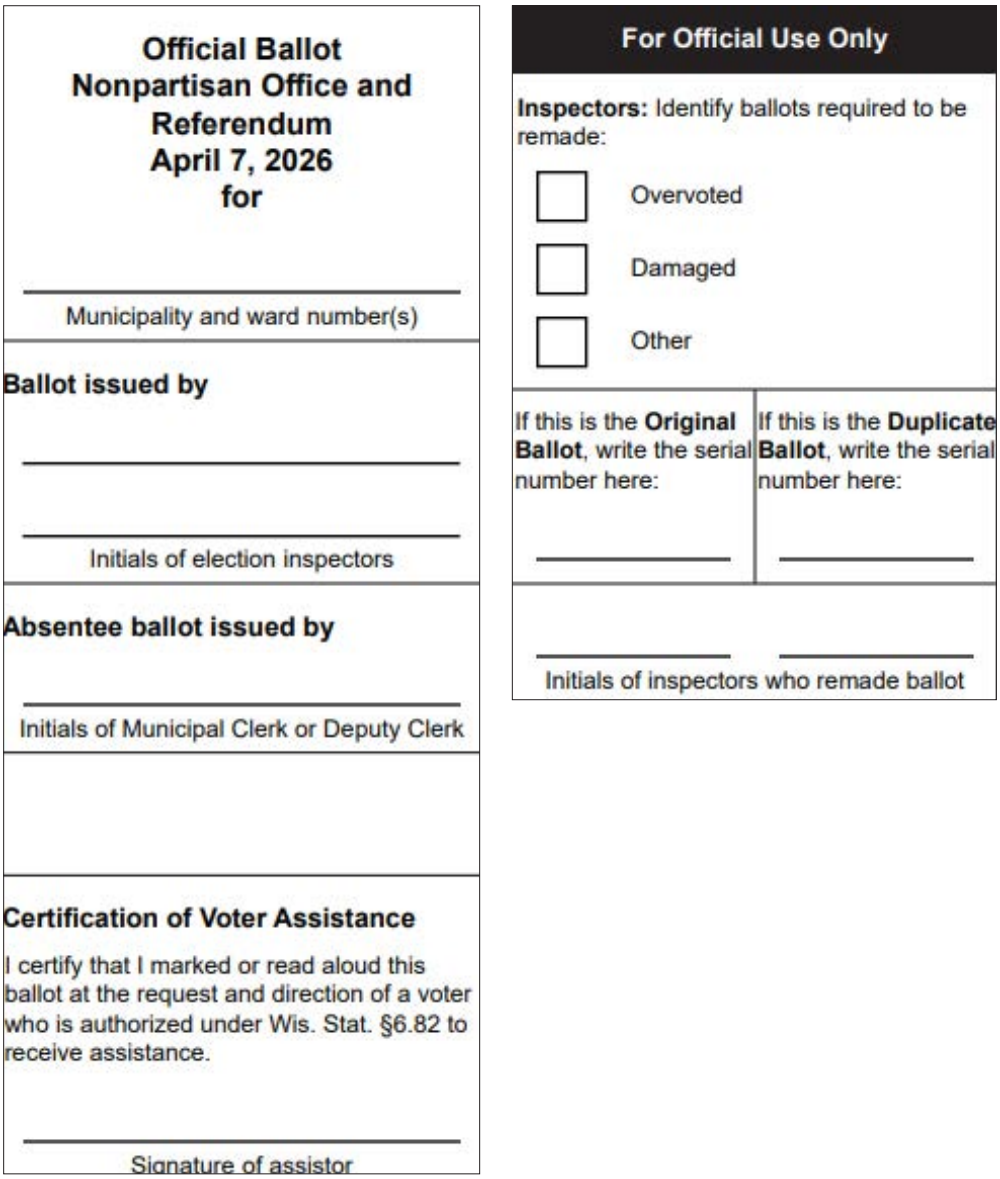
---

1 Wis. Stat. §§ 5.58(1a) (spring primary), (1g) (school district primary), 5.60(1)(ar) (spring election), (4)(c) (school district spring election), (5)(ar) (village spring election), (6)(a) (town spring election); (8)(am) (presidential preference), 5.62(1)(b)2. and (2)(b) (partisan primary), 5.64(1)(ar)(1m) (general election, president and vice president), (1)(ar)(2) (general election, governor and lieutenant governor), (1)(g) (general election, other offices).

Sec. 5.2.3: Ballot Endorsement

Every ballot must have an endorsement. A ballot endorsement section contains important information about the election, and records information to show that the ballot was properly issued to the voter. Wis. Stat. §§ 5.55, 7.08(1)(a). On optical scan ballots, the endorsement looks like this:

Figure 1: Example endorsement on an optical scan ballot.



The endorsement must contain the following, as required by Wis. Stat. §§ 5.55:

- The title and date of the election.
- The municipality and wards applicable to the ballot. If all reporting units use the same ballot style, all reporting units may be printed on the ballot rather than printing separate ballots for each reporting unit. A rubber stamp may also be used to apply ward numbers to the endorsement.
- Two lines for the official(s) issuing the ballot to initial before giving a ballot to a voter.
    - Two inspectors initial before issuing a ballot on Election Day. Wis. Stat. § 6.80(2)(d); Wis. Stat. § 5.54.
    - The municipal or deputy clerk initials when issuing an absentee ballot. Wis. Stat. §6.87(1); Wis. Stat. § 5.54.
- A certification to be signed by a person who may assist a voter in marking the ballot. Wis. Stat. §§ 6.82(2)(a), 7.08(1)(a). This assistance should also be recorded in the poll book, preferably in a separate section. Wis. Stat. §§ 6.82(2)(a), (d). **See Chapter 14.11: "Voter Assistance on Election Day"** for more information on voter assistance at the polling place.
- A "For Official Use Only" area where inspectors record remaking an optical scan ballot. Wis. Stat. § 7.08(1)(a).

Endorsement Location

For paper (hand counted) ballots, the endorsement appears on the reverse side of the ballot. The Commission prescribes the required endorsement language for the back of hand counted ballots on the Reverse Side of Official Ballots (EL-229), which is available on elections.wi.gov. If a jurisdiction is using consolidated hand-count paper ballots under Wis. Stat. § 5.655, the endorsement section may appear at the bottom of a column or on the back of the ballot.

For optical scan ballots, an endorsement section containing the Reverse Side of Official Ballots (EL-229) language, including the "For Official Use Only" section, may appear on the back of the ballot or at the bottom of any column.

Sec. 5.2.4: Appearance of Candidates' Names

All candidates' names must be printed in the same font size, style, and color. Wis. Stat. §§ 5.51(6). The font size, style, and color of printing are established by the Commission in the ballot templates. Wis. Stat. §§ 5.51(6), 7.08(1)(a). **Please see "Sec. 5.2.1: Ballot Formatting" on page 18** for further details.

The candidate indicates on the Declaration of Candidacy (EL-162) how he or she wishes his or her name to appear on the ballot. Wis. Stat. § 8.21(3). **See Part 2: "Getting on The Ballot"** for guidance on the proper formatting of candidate names on the ballot.

Chapter 5.3: Issuing & Processing A/B Ballots

In rare circumstances, municipal clerks may need to issue a second absentee ballot to a voter due to errors on the printed ballot or timing constraints caused by the Presidential Preference vote every four years at the April General Election. When this happens, the ballots are called A/B Ballots. This chapter outlines what A/B Ballots are, when an A/B Ballot situation may be needed, and how to issue and process the A/B Ballots to preserve voter confidence and ensure ballot integrity. A/B Ballots are a way to address the complicated situation when a clerk must issue two ballots for the same election. Currently, Wisconsin law does not address this situation. The Commission therefore provides this guidance as a "best practice," and strongly recommends that it be followed.

Sec. 5.3.1: When are A/B Ballots Used?

There are only two extremely limited circumstances where A/B Ballots are ever used:

In Presidential Preference Vote Years. This is done to meet federal and state law absentee ballot delivery deadlines when the Presidential Preference vote appears on the April General Election Ballot. Clerks are required to send absentee ballots to UOCAVA voters 47 days before a federal election, and the Presidential Preference vote is a federal election. Wis. Stat § 7.15(1)(cm). This means that in Presidential Preference vote years, clerks are required to send April General Election absentee ballots to UOCAVA voters before they know the results from the February primary for the state and local contests that also appear on the April General Election ballot. To avoid a statutory impossibility, A/B Ballots are used. The A Ballot is only the presidential preference vote, and the B Ballot is both the presidential preference vote and the state and local elections.

To Correct Mistakes on Ballots that Have Gone Out. This is also done in rare and exceptional cases where mistakes on ballots were discovered after absentee ballots were sent out. Despite best efforts by multiple layers of government to proof ballots, sometimes mistakes do still happen. These ballot content errors can include missing contests or candidates; incorrect ballot instructions; or misspelled or incorrectly listed candidates.

Note: Municipal and county clerks are strongly encouraged to contact the Commission if there are any mistakes on ballots that have gone out. The Commission can assist with setting up WisVote to record A/B Ballots, and can also assist with drafting the voter notification letter.

Sec. 5.3.2: What are A/B Ballots?

"A" Ballot

The "A" ballot is the original absentee ballot issued to a voter.

"B" Ballot

The "B" ballot is a corrected ballot issued after the "A" ballot.

- It is sent to the voter in a return envelope clearly marked "B" Ballot.
- It is accompanied by an explanation of the A/B ballot process.
    - In Presidential Preference vote years, the Commission provides this explanation for clerks to provide to voters. The Presidential Preference vote instructions to voters are available on the Commission's website, most recently as part of a January 23, 2024 clerk communication.
    - The Commission has advised that clerks draft this letter in situations where A/B Ballots are used to correct ballot errors. **See Sec. 5.3.3: "Procedures for Issuing "A" & "B" Ballots" on page 2626** for more detail on what to include in this letter.

Sec. 5.3.3: Procedures for Issuing "A" & "B" Ballots

A municipal clerk will sometimes know in advance when an A/B Ballot situation will arise. Other times, a clerk may need to respond quickly to resolve a ballot printing error.

Procedures for Presidential Preference Vote Years

Notably, when a Spring Primary is needed for a state or local office during a year with a Presidential Preference primary, and there are absentee ballot requests pending for a UOCAVA voter who can vote for that office. In this case a "B" ballot will be needed because the results of the state or local office primary will not be finalized until after the ballot must be mailed. Wis. Stat §§ 5.02(21) and (22), 7.15(1)(cm).

Procedures for Ballot Printing Errors

In circumstances involving a ballot error, a clerk will not know that a "B" ballot is needed until the clerk discovers the error. After an error is discovered, whether to issue "B" ballots is a decision that must be made by the municipal clerk in consultation with the clerk's local counsel, though clerks are encouraged to immediately contact the Commission if an error is discovered. If B Ballots are necessary due to ballot error, they should be prepared and mailed out with the utmost urgency.

The Commission recommends considering the following factors when making this decision:

The Severity of the Error

- If a *contest or a candidate was omitted* from a voter's ballot, the Commission strongly recommends issuing "B" ballots.
- If the *instructions for the ballot are likely to mislead voters,* such as if the ballot instructs voters to vote for an incorrect number of candidates for a given office (ex. a "vote for two" instructs voters to vote for only one), the Commission strongly recommends issuing "B" ballots.
- If a *candidate's name is misspelled*, the Commission recommends only issuing a "B" ballot if the error is likely to cause confusion to voters.

Whether the Error Affects Multiple Voters

If a clerk can determine that an error affects multiple voters, such as an error present on all ballots or a group of voters being sent a ballot for the incorrect ward, the Commission strongly recommends issuing "B" ballots.

The Time Remaining before the Election

If there is a reasonable chance that the "B" ballot can be received by voters and returned before 8 p.m. on an Election Day, the Commission recommends issuing the "B" ballots. If there is not enough time, the Commission would not recommend issuing "B" ballots.

Issuing "B" Ballots

When issuing "B" ballots, either during a Presidential Preference vote year or as the result of a ballot error, the municipal clerk, or the clerk's provider, should:

1. Generate a report of all voters with active absentee ballot requests.
2. Identify voters who may have received the incorrect "A" ballot using the absentee ballot log.
3. Coordinate with the county clerk to obtain a sufficient number of corrected "B" ballots.
4. Notify the Commission of the decision to issue "B" ballots, so that the additional "B" ballot record can be created and tracked. The municipal clerk or the clerk's provider will need to track both ballot records for one individual in these instances.

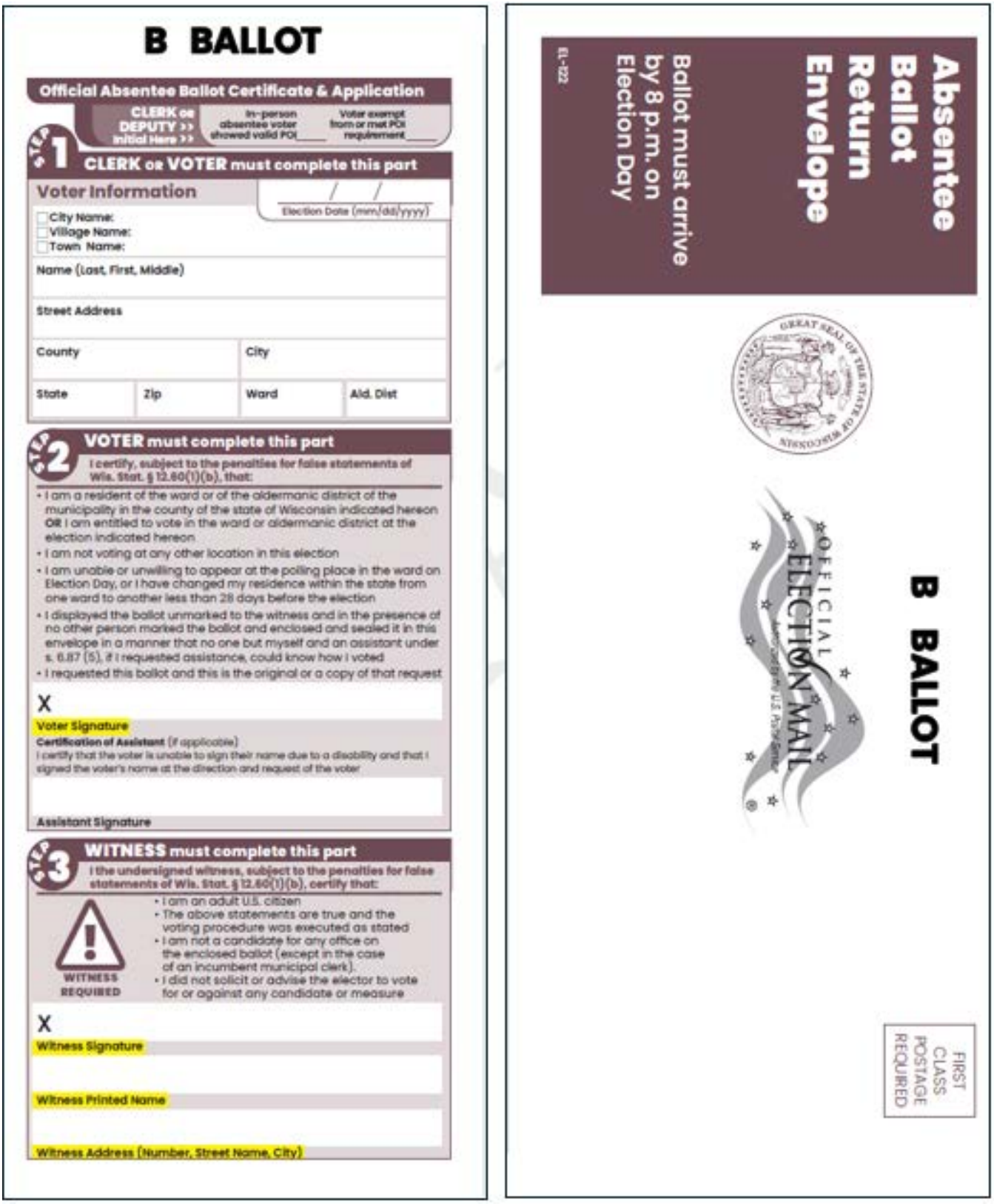
As soon as a clerk has identified who needs to be sent a "B" ballot, the clerk should prepare a new absentee ballot packages with the following:

- The corrected "B" ballot.
- A return certificate envelope clearly marked with a "B" to ensure poll workers can clearly identify "B" ballots prior to opening and processing a sufficient absentee ballot envelope. Clerks should add "B Ballot" to the margin or reverse site of the certificate envelope in a way that does not appear within any of the text or graphics of the certificate itself. The words "B Ballot" can be handwritten, as long as it is written neatly. **See Figure 2 on page 30.**
- An informational insert that:
- Explains that the voter is receiving a second ballot.

- Avoids referencing the specific error (e.g., missing candidate name, issue with office listed, etc.). The Commission has advised that clerks instead notify voters that there was an error, such as a misspelled name or an incorrect ballot instruction, without specifying exactly what the error is. Specifically stating the exact error ("John Doe's name was spelled wrong in the Mayor contest") can draw negative, unwanted attention to a specific candidate or race. **See Sec. 5.3.7: "Example Letter" on page 34** for what this voter notice should look like.
- Provides clear instructions for returning the "B" ballot.

Once these steps have been accomplished, the clerk should mail the "B" ballots as soon as possible and the clerk or the clerk's provider should complete the "Date Ballot Sent" entry in WisVote. If the ballot is returned, the Date Ballot Returned entry must be completed.

Figure 2: Example: Placement of "B Ballot" Language on "B Ballot" Certificate envelope



B BALLOT

Official Absentee Ballot Certificate & Application

CLERK or DEPUTY >> Initial Here >>

In-person absentee voter showed valid POI____

Voter exempt from or met POI requirement____

STEP 1 CLERK or VOTER must complete this part

Voter Information

Election Date (mm/dd/yyyy)

City Name:
Village Name:
Town Name:

Name (Last, First, Middle)

Street Address

County | City

State | Zip | Ward | Ald. Dist

STEP 2 VOTER must complete this part

I certify, subject to the penalties for false statements of Wis. Stat. § 12.60(1)(b), that:

- I am a resident of the ward or of the aldermanic district of the municipality in the county of the state of Wisconsin indicated hereon OR I am entitled to vote in the ward or aldermanic district at the election indicated hereon
- I am not voting at any other location in this election
- I am unable or unwilling to appear at the polling place in the ward on Election Day, or I have changed my residence within the state from one ward to another less than 28 days before the election
- I displayed the ballot unmarked to the witness and in the presence of no other person marked the ballot and enclosed and sealed it in this envelope in a manner that no one but myself and an assistant under s. 6.87 (5), if I requested assistance, could know how I voted
- I requested this ballot and this is the original or a copy of that request

X

Voter Signature

Certification of Assistant (if applicable)

I certify that the voter is unable to sign their name due to a disability and that I signed the voter's name at the direction and request of the voter

Assistant Signature

STEP 3 WITNESS must complete this part

I the undersigned witness, subject to the penalties for false statements of Wis. Stat. § 12.60(1)(b), certify that:

WITNESS REQUIRED

- I am an adult U.S. citizen
- The above statements are true and the voting procedure was executed as stated
- I am not a candidate for any office on the enclosed ballot (except in the case of an incumbent municipal clerk).
- I did not solicit or advise the elector to vote for or against any candidate or measure

X

Witness Signature

Witness Printed Name

Witness Address (Number, Street Name, City)

Absentee Ballot Return Envelope

Ballot must arrive by 8 p.m. on Election Day

EL-122

GREAT SEAL OF THE STATE OF WISCONSIN

OFFICIAL ELECTION MAIL

B BALLOT

FIRST CLASS POSTAGE REQUIRED

Sec. 5.3.4: Organizing & Sorting Returned Ballots

In an election with A/B Ballots, it is vital that all returned absentee ballots are properly organized. The following steps should be used whenever A/B Ballots are necessary.

1. Separate the returned "A" ballots from the returned "B" ballots
2. Separate the returned "A" ballots into different stacks depending on if the certificate envelopes are sufficient or not. **See Sec. 14.15.12: "Absentee Certificate Envelopes"** for examining absentee certificate envelope sufficiency. Each stack should be alphabetized, banded, and labeled appropriately.
3. Separate the returned "B" ballots into two different stacks depending on if the certificate envelopes are sufficient or not. **See Sec. 14.15.12: "Absentee Certificate Envelopes"** for examining absentee certificate envelope sufficiency. Each stack should be alphabetized, banded, and labeled appropriately.

Sec. 5.3.5: Processing "A" & "B" Ballots on Election Day

On Election Day, the processing of "A" and "B" ballots must follow a structured approach to ensure accuracy and compliance. It is critical that only one ballot per voter is counted.

Note: The Commission issues detailed A/B Ballot guidance to clerks ahead of Spring Elections with a Presidential Preference Vote, which should be reviewed alongside the guidance in this section.

Keep these general principles in mind:

- For voters who returned both an "A" and a "B" ballot, the "B" ballot will be counted (if it is sufficient), and the "A" ballot will be rejected.
- For voters who returned only an "A" ballot, the ballot should not be counted until after polls close at 8 p.m. in case a "B" ballot arrives later.

- Returned "B" ballots with sufficient certificate envelopes can be processed throughout Election Day.

Process the Following Absentee Ballots During Election Day

Assuming they have sufficient certificate envelopes, the following types of absentee ballots can be processed at any time during the day on Election Day:

- "A" ballots of permanent overseas voters when A/B Ballots are used during a Presidential Preference Vote year. These "A" ballots can be counted during the day because permanent overseas voters won't have a "B" ballot since they can only vote for federal contests. If the A/B ballots are used due to a ballot error, this guidance may not apply.
- "B" ballots of all voters no matter why A/B Ballots are used. This is because the "B" ballot will always be considered the accurate ballot.
- If a "B" ballot is counted, the corresponding "A" ballot should be rejected.

Hold the Following Absentee Ballots until after 8:00 p.m.

- ALL "A" ballots for voters who have not returned a "B" ballot. The "A" ballot should never be opened or counted until after 8:00 p.m., after which poll workers can confirm that no "B" ballot for that voter has arrived.
- Exception: If A/B Ballots are used because of the Presidential Preference Vote, permanent overseas voters will only ever have an "A" ballot, and those can be processed throughout Election Day.
- ALL "A" or "B" ballots that have insufficient certificate envelopes. These should be set aside until 8 p.m. because the voter can correct the insufficiency, if the municipal clerk permits. **See Sec. 14.15.12: "Absentee Certificate Envelopes"** to Certificate Envelope Sufficiency. If the voter corrects the insufficiency, the "A" ballot can still be counted if the "B" ballot is not returned, or if it is returned and the "B" ballot envelope is insufficient.

Take the Following Actions after 8:00 p.m.

The following types of "A" ballots should be rejected:

- "A" ballots of permanent overseas voters in Presidential Preference Vote years with insufficient certificate envelopes that the voter did not correct by 8:00 p.m.

- "A" ballots that were not already rejected when the corresponding "B" ballot was opened and counted.
- Any other "A" ballot with an uncorrected insufficient certificate envelope.

The following types of "A" ballots should be counted:

- "A" ballots for all voters who did not return a "B" ballot
- "A" ballots for all voters who did return a "B" ballot, but the "B" ballot certificate was insufficient and not corrected by the voter.
- "A" ballots of permanent overseas voters in Presidential Preference Vote years with insufficient certificate envelopes that the voter did correct by 8:00 p.m.
- "A" ballots with corrected certificate envelopes with returned "B" ballots that did not have a sufficient certificate envelope.

After processing, a thorough reconciliation must be conducted to match the total number of voters with the number of ballots processed. Any discrepancies must be carefully documented in the Inspector's Statement (EL-104) and reported to the municipal clerk.

Sec. 5.3.6: Does This Affect My Ballot?

If you have already voted your absentee ballot and do not wish to make any changes, no further action is required, and your vote will be counted [unless the error is that a race is missing]. If you do wish to make a change, a corrected ballot has been enclosed with this notice. If you vote and return the enclosed ballot, the first ballot you returned (containing the mistake) will be rejected without penalty to you, and this ballot will be counted instead.

Example Language: Wisconsin Statutes Sections 5.64(1)(e)1. and 5.64(1)(es) allow independent candidates to include a statement of principle, if any, in five words or less, along with their name on the ballot. Due to an administrative error by state level election officials, county clerks in United States Congressional District 2 did not receive all required information to include on the applicable ballots before having those ballots printed.

Sec. 5.3.7: Example Letter

Important: Contact the Comission for assistance with drafting this notice

Important Notice To Voters

The ballot you received has a mistake in the listing for the [NAME OF OFFICE, INCLUDING SEAT NUMBER].

The ballot should have read:

Vote for 1
⬭ **Candidate Name** **(Party - If Applicable)**
⬭ **Write in:**

All candidates for [NAME OF OFFICE, INCLUDING SEAT NUMBER] remain the same despite this mistake. Votes cast on your ballot will not be affected by this mistake.

Does this Affect My Ballot?

If you have already voted your absentee ballot and do not wish to make any changes, no further action is required, and your vote will be counted [unless the error is that a race is missing]. If you do wish to make a change, a corrected ballot has been enclosed with this notice. If you vote and return the enclosed ballot, the first ballot you returned (containing the mistake) will be rejected without penalty to you, and this ballot will be counted instead.

Questions About this Notice?

If you have any questions about this notice, please contact your municipal clerk's office. You can find their information at MyVote.wi.gov/en-us/My-Municipal-Clerk. You may also contact the Wisconsin Elections Commission's Helpdesk at (608) 266-8005 or toll free at (866) VOTE-WIS.

What was the Mistake?

This section should not be overly detailed, and should not point out the specific candidate involved. An example has been included below from a real voter notice letter from 2022.

Example Language: Wisconsin Statutes Sections 5.64(1)(e)1. and 5.64(1)(es) allow independent candidates to include a statement of principle, if any, in five words or less, along with their name on the ballot. Due to an administrative error by state level election officials, county clerks in United States Congressional District 2 did not receive all required information to include on the applicable ballots before having those ballots printed.

Chapter 5.4: Referendum Ballots

The Commission approves templates of both types of referendum ballots ahead of each election, and those templates can be found on elections.wi.gov in the "Forms and Ballot Template" section.

Sec. 5.4.1: Hand Counted Paper Ballots

- A separate ballot is required for referenda. Wis. Stat. § 5.60(7), Wis. Stat. § 5.64(2). However, "more than one referendum question may appear on the same referendum ballot whenever the questions are numbered and all electors voting the ballot are entitled to vote upon all questions appearing thereon." Wis. Stat. § 5.64(2)(c).
- Statewide and county referenda can be placed on the same ballot, but a separate ballot must be prepared for municipal and special purpose district referenda, which includes school districts. *Id.*

Sec. 5.4.2: Optical Scan & Consolidated Ballots[1]

- There must be a separate referendum column or row section on the ballot whenever a separate ballot would be required above.
- The ballot should clearly differentiate between state, county, municipal, and school district referenda. Wis. Stat. § 5.64(2)(c).
- The title and endorsement of the ballot must include the language "and Referendum." Wis. Stat. § 5.64.

1 See Wis. Stat. § 5.655.

Chapter 5.5: Presidential-Only Ballots

The Presidential-only ballot only allows voters to cast votes for president and vice-president, but no other offices. Wis. Stat. §§ 6.15(1), 6.18.

Sec. 5.5.1: Introduction & Who is (and is not) Eligible

There are two types of individuals who may receive a Presidential-only ballot: new residents who move to Wisconsin after the 28th day before a presidential election, and former residents who left Wisconsin no more than 24 months before a presidential election and who are ineligible to qualify as an elector in the new state.

Examples of Individuals Who Do Not Qualify for Presidential-only Ballots:

- Residents of other states who are only here temporarily or are passing through (e.g. over the road truckers passing through Wisconsin, people in the state temporarily for work). These individuals likely have not established Wisconsin residence. Wis. Stat. § 6.15(2)(a).
- Individuals who qualify as Military voters under Wis. Stat. § 6.22: Military voters should be issued the full ballot with all contests included.
- Individuals who qualify as Permanent overseas voters under Wis. Stat. § 6.24: Permanent overseas voters receive the federal-only ballot with only contests for federal office included (President, Senate, and Representative to Congress for 2024 General Election).
- Temporary overseas voters: Temporary overseas voters are issued the full ballot with all contests included.
- New Residents Only: Voters who meet the residency qualifications but do not have proof of residence: These voters will have to find an acceptable proof of residence document in order register and receive a ballot.

- Voters who moved within Wisconsin and do not meet residency requirements at a new address: Voters who have moved within the state but have not achieved residency at their new address are allowed under state law to vote either in person or absentee from their former address. Wis. Stat. § 6.02(2).
- Voters who have proof of residence, but not photo ID. If a voter does not have valid photo ID, they are eligible to vote a provisional ballot, but should not use the Presidential-only ballot process.

Ballot Style

The ballot templates for Presidential-only ballots are prescribed by the Commission. Most municipal clerks choose to use the optical scan style of these ballots because they more closely resemble the rest of the ballots at the polling place, and because they contain the endorsement information needed to remake the ballots. If electronic voting equipment is used, the ballots will need to be remade before being tabulated.

Some municipal clerks opt to use the hand count style of these ballots either because they are a hand count jurisdiction or because the ballots will need to be remade onto optical scan ballots to be tabulated anyways.

Sec. 5.5.2: Applying for Presidential-Only Ballots

Regardless of whether the voter gets their Presidential-only ballot from the municipal clerk or at their polling place, the set of documents they must produce and complete is the largely same.

The individual must:

- Complete an Application for Presidential Ballot – New Wisconsin Resident (EL-141) or Application for Presidential Ballot – Former Wisconsin Resident (EL-140). Wis. Stat. §§ 6.15(1), 6.18(1). The El-141 and EL-140 will be entered into WisVote using the application type "Presidential-only."
- Complete an Authorization to Cancel Registration (EL-139). Wis. Stat. § 6.15(2)(b). New residents only.

- Provide proof of identification (both) and proof of residence (new residents only). The clerk or election inspector must enter on the application form the type of document submitted as proof of residence, the name of the entity that issued the document, and, if the document includes a number unique to the individual, the last 4 digits, or, in the number has 6 or fewer digits, the last two digits. Wis. Stat. § 6.15(2)(bm).

Sec. 5.5.3: Issuing Presidential-Only Ballots to New Residents

Any resident who moves to Wisconsin fewer than 28 days before a presidential election would not be able to meet the residency requirement for electors provided in Wis. Stat. § 6.02(1) and, as such, would not be able to register and vote a full regular ballot. However, if the individual is otherwise qualified to vote in Wisconsin, the individual can be issued a Presidential-only ballot. Wis. Stat. § 6.15(1). The individual does not need to have been registered in the previous state to cast a Presidential-only ballot in Wisconsin. *Id.*

> **Best Practice:** Individuals in this situation may wish to first check with their former state of residency to see what voting options may be available for them there. This might be preferable to the voter because they may be able to vote a full ballot in their previous state of residence, though of course, that ballot would not have Wisconsin contests.

To get a Presidential-only ballot, the individual must appear in person in the clerk's office between 27 days before the election and 5 p.m. the day before the election, or at the polling place for their new residence. Wis. Stat. § 6.15(2)(a).

Voting the Presidential-Only Ballot at the Clerk's Office

> **Note:** This process is distinct from in-person absentee voting as authorized by Wis. Stat. § 6.86(1)(a)2.

- Immediately mail the EL-139 Authorization to Cancel Registration to the proper election official of the individual's former state of residence. Wis. Stat. § 6.15(2)(c).
- Issue the voter a Presidential-only ballot and the voter privately, but in the clerk's presence, votes the ballot. Wis. Stat. § 6.15(2)(d)1r.
- The ballot is then placed in an envelope provided by the clerk, and then then clerk encloses that envelope in a carrier envelope endorsed with the clerk's name and containing this statement: "This envelope contains the vote for president and vice president of a new resident and shall be opened only at the polls during polling hours on Election Day." Wis. Stat. § 6.15(2)(d)2.
- The EL 141 form must be available to the election inspectors processing these ballots and thus must be transported to the polling place or board of absentee ballot canvassers. Wis. Stat. § 6.15(4)(a). The Commission recommends keeping this paperwork with the voted ballot, and transporting it to the polling place along with the other voted absentee ballots. **See Sec. 14.15.3: "How Absentee Ballots Arrive at Polling Places or "Central Count""** for procedures on transporting absentee ballots to the polling place or "central count."
- For transporting them, it is recommended to either enclose the form within the carrier envelope but outside of the envelope containing the ballot, or keep them separate and transport the EL 141s to the polling place or board of absentee ballot canvassers, while ensuring that the chief inspector knows where to find them.
- On Election Day, the clerk must then deliver all such envelopes to the proper polling place or to the board of absentee ballot canvassers for processing. Wis. Stat. § 6.15(4)(a).

The clerk must keep a list of all individuals who vote a Presidential-only ballot in the clerk's office containing the voter's name, address, and application date. Wis. Stat. § 6.15(2)(d)3.

Best Practice: Clerks should use the Presidential-only process in WisVote to record this information. Clerks should also add this information to the public absentee ballot log with "Presidential Only" notated on log line for notes.

Voting the Presidential-Only Ballot at the Polling Place

The voter can also request a Presidential-only ballot at their polling place if they're unable or unwilling to do so at the clerk's office ahead of the election.

Clerks should prepare copies of the Authorization to Cancel Registration (EL-139) and Application for Presidential Ballot – New Wisconsin Resident (EL-141) with the rest of the materials for the registration tables at each polling place. Wis. Stat. § 6.15(3).

Once the voter has completed the necessary forms, the election inspector gives the voter a Presidential-only ballot to vote in the same manner as a regular elector. Wis. Stat. § 6.15(3). The election inspector working with the voter must return the EL-139 cancellation form to the clerk, and the clerk must then mail it to the proper election official of the individual's former residence. *Id.* If the tabulator has been programmed to accept Presidential-only ballots, then the voter may place their ballot in the tabulator. If the tabulator has not been programmed to accept Presidential-only ballots, then the voter returns their ballot to the election inspector. The ballot is then remade to reflect the presidential vote and placed in the tabulator. If the municipality hand counts its ballots then the voter deposits their ballot into the ballot box.

Sec. 5.5.4: Issuing Presidential-Only Ballots to Former Residents

Former residents of Wisconsin who are unable to meet the eligibility requirements to register in their new state may request and vote a Presidential-only absentee ballot in their former Wisconsin municipality. Wis. Stat. § 6.18. Former residents may apply for a ballot up to 24 months after leaving Wisconsin. *Id.* Former residents may not receive and vote a Presidential-only ballot at a Wisconsin polling place, they must instead do so by mail. Wis. Stat. § 6.18.

To issue a Presidential-only absentee ballot to a former resident, the individual must:

- Complete an Application for Presidential Ballot – Former Wisconsin Resident (EL-140) – and return it to the former municipal clerk. *Id.* The EL-140 must be notarized or sworn, or contain an unsworn declaration, to be considered a valid request. Wis. Stat. § 6.18.

- Provide proof of identification (proof of residence is not required) unless the voter would have been exempt from providing it due to being indefinitely confined under Wis. Stat. § 6.87(4)(b)2., had already provided proof of ID for an absentee ballot for the old residence and has not changed names under Wis. Stat. § 6.87(4)(b)3, or was an overseas or military voter. *Id.*

There is no fixed deadline by which a former resident must provide a complete EL-140 and, if required, proof of identification. The required documentation must be received with sufficient time for a ballot to be mailed and returned prior to the election. *Id.*

Note: As with new residents, these voters are not required to complete and provide an EL-131.

Sec. 5.5.5: Processing Presidential-Only Ballots on Election Day

Whether absentee ballots are counted at polling places or at locations of the board of absentee ballot canvassers ("central count"), the steps for processing Presidential-only ballots are largely the same.

Presidential-only ballots will be prepared and sent to each polling place in a separate carrier envelope but with the other returned absentee ballots. Wis. Stat. § 6.15(4)(a).

Processing Presidential-Only Ballots Received before Election Day

Best Practice: State law provides detailed procedures for how election inspectors should process Presidential-only ballots for New Residents, but the same statutes do not exist for Former Residents. Compare Wis. Stat. §§ 6.15(4) with 6.18. Accordingly, election inspectors should follow the New Resident processes for Former Resident Presidential-only ballots as a best practice.

Step 1: Confirm the Affidavit (Application) is included with the Ballot

New Residents Only. The election officials must check the affidavit enclosed in the carrier envelope to ensure it has been completed properly and that the voter is otherwise qualified to vote in the ward. Wis. Stat. § 6.15(4)(b). If the affidavit (application) is not included, check the rest of the ballot materials to see if it was stored somewhere else, and if not, contact the municipal clerk.

Former Residents will not have an affidavit (application) included with their ballot, because they would have sent it in to the municipal clerk to get their ballot, and accordingly wouldn't have it to include with the ballot when they sent it back. Wis. Stat. § 6.18.

Step 2: Open the Envelope & Retrieve the Ballot

Then, the election officials shall open the inner envelope containing the ballot and ensure only that the clerk has initialed it without examining the voted ballot. Wis. Stat. § 6.15(4)(c). If the voter is not otherwise qualified in the ward, or if the envelope is open and has been resealed, the election officials must reject the ballot, which is treated the same as other rejected absentee ballots under Wis. Stat. § 6.88(3)(b). Wis. Stat. § 6.15(4)(e). **See Sec. 14.15.14: "Rejecting Absentee Ballots"**

Step 3: Enter Voter Information into Supplemental Poll List

If everything is sufficient, then the election officials enter the voter's full name, address, and serial number on the supplemental poll list. Wis. Stat. §§ 6.15(4)(d), 6.79(2)(c), (4). **New Residents Only:** Election inspectors will also enter POR document type and issuing entity on the supplemental poll list

An indication, such as "6.15" (New), "6.18" (Former) or "Presidential Only," that a voter voted under Wis. Stat. § 6.15 or must also be added to the supplemental poll list. Wis. Stat. § 6.15(4)(d). These voter names will not be printed in the poll book like other voters.

Step 4: Remake & Tabulate the Ballot

Presidential-only ballots will need to be remade by election inspectors before they can be tabulated by electronic voting equipment. Even though the ballot format for Presidential-only ballots is prescribed by the Commission, most voting equipment is not programmed to be able to read this ballot type because it is so uncommon.

Hand-count jurisdictions will not need to remake the ballots, and the Presidential-only ballots can be tabulated and counted along with other ballots. **See Chapter 14.22: "Overvoted & Crossover Voted Ballots"** for detailed procedures on how to properly remake ballots.

Application for Absentee Presidential Ballot - Previous Wisconsin Resident

For Presidential Election to be held on November _____, _____.

I, _____, hereby swear or affirm that:
(name of voter)

1. I am a citizen of the United States and will be at least 18 years of age by the Presidential Election. For 28 days before leaving the State of Wisconsin on _____, I resided at:
(insert date)

(check one)

_____ Town: ☐
(insert street address)

_____ Village ☐
(insert municipality)

_____ City ☐
(insert county and state)

2. I do not qualify to register or vote under the laws of the state where I am presently residing which is:

_____
(insert state of residence)

3. In order to be eligible to register or vote at my present address, a citizen must be a resident for:

_____
(insert length of time)

4. My legal residence in the State where I presently reside was established on:

_____.
(month, day, year of establishing residence)

I request an Official Presidential Ballot, in accordance with Wis. Stat. § 6.18.

Mail Ballot To:

Name _____

Address _____

City _____ State _____ Zip _____

_____
(signature of applicant)

State of _____)
)ss.
County of _____)

Subscribed and sworn to before me this _____ day of _____, _____.

_____
(signature of person authorized to administer oaths)

My commission expires_____ or is permanent ☐. Notary Public ☐ , or _____
(title if other than notary)

Penalties for Violation. Whoever swears falsely to any absent elector affidavit under Wis. Stat. § 6.18, may be fined not more than $1,000 or imprisoned not more than 6 months, or both. Whoever intentionally votes more than once in an election may be fined not more than $10,000 or imprisoned not more than 4 years and 6 months, or both.

INSTRUCTIONS FOR
APPLICATION FOR ABSENTEE PRESIDENTIAL BALLOT - PREVIOUS WISCONSIN RESIDENT

A previous Wisconsin resident who has moved from Wisconsin to another state within 24 months of the date of the presidential election, and is ineligible to vote for president and vice president at his or her new residence, may receive an absentee presidential ballot from the municipal clerk of his or her previous Wisconsin residence by completing this application.

1. The previous Wisconsin resident must contact the municipal clerk of the town, village, or city, where he or she resided in the State of Wisconsin and request an Application for Absentee Presidential Ballot - Previous Wisconsin Resident (EL-140).

2. The previous Wisconsin resident must complete the application form (EL-140), swear to or affirm the contents of the application before a person authorized to administer oaths, and indicate where the absentee presidential ballot should be sent.

3. The previous Wisconsin resident delivers the completed application and acceptable proof of identification to the municipal clerk.

3. The municipal clerk or the deputy clerk shall initial an absentee Presidential-Only ballot, enclose it in an absentee ballot certificate envelope (EL-122), and send it to the mailing address indicated on the application.

4. The municipal clerk must enter the previous resident’s name and address on the absentee log and indicate the previous resident was issued a Presidential-Only ballot. Wis. Stat. § 6.18.

5. The municipal clerk shall deliver the returned absentee presidential ballot on Election Day to the polling place serving the elector's previous address.

6. The election inspectors shall review the absentee certificate envelope (EL-122), enter the elector's name on the poll list along with an indication that the elector voted by absentee ballot, and that the elector voted only for president and vice president. The absentee ballot is then placed in the ballot box to be counted after the polls close.

Application for Presidential Ballot - New Wisconsin Resident

For Presidential Election to be held on November ____, _____.

To the Clerk of _____,
State of Wisconsin.

(check one):
Town ☐
Village ☐
City ☐

I, _____, do solemnly swear that:

1. I am a citizen of the United States, and before establishing my present residence in Wisconsin, my legal residence was at:

_____
(previous street address)

_____
(previous state)

(check one):
Town ☐
Village ☐
City ☐

2. On the day of the next Presidential Election, I will be at least 18 years of age, and I have been a legal resident of the State of Wisconsin at the following address since the date indicated:

_____
(date established residency)

_____
(present street address)

_____
(present municipality and county)

(check one):
Town ☐
Village ☐
City ☐

3. I am qualified to vote for President and Vice President at the election to be held on November ____, ____ .

4. I have resided in Wisconsin for less than 28 days, and I am not voting at any other place in this election.

I request an Official Presidential Ballot, in accordance with Wis. Stat. § 6.15.

Signature of applicant _____

Residence address _____

City _____**, State** _____ **Zip** _____

State of Wisconsin)
) ss.
County of _____)

Subscribed and sworn to before me this _____day of _____, _____.

_____
(signature of municipal or deputy clerk or election inspector)

Penalties for Violation. Whoever swears falsely to any absent elector affidavit under Wis. Stat. § 6.15, may be fined not more than $1,000 or imprisoned not more than 6 months, or both. Whoever intentionally votes more than once in an election may be fined not more than $10,000 or imprisoned not more than 4 years and 6 months, or both.

EL-141 (Rev.2020-07)
The information on this form is required by Wis. Stat. § 6.15.

INSTRUCTIONS FOR
APPLICATION FOR PRESIDENTIAL BALLOT - NEW WISCONSIN RESIDENT

Any person who is a United States citizen, at least 18 years old on Election Day, who has moved into the State of Wisconsin less than 28 days before the presidential election, and is ineligible to vote absentee in his or her state of previous residence, may vote for president and vice president by completing this application, providing acceptable proof of residence and providing acceptable voter ID.

A new Wisconsin resident making application for a presidential ballot need not be registered.

A new Wisconsin resident can complete this application and vote for president and vice president either by absentee ballot in the office of the municipal clerk, or by voting at the polling place on Election Day.

In addition to completing this application form (EL-141), providing a acceptable proof of residence and voter ID, the elector also must complete a voter registration cancellation card (EL-139).

Both of these items are provided by the municipal clerk. They also can be obtained from an election inspector at the polling place on Election Day.

PROCEDURE FOR MAKING APPLICATION IN THE MUNICIPAL CLERK'S OFFICE

1. The new Wisconsin resident shows acceptable proof of residence and acceptable voter ID, completes the application form (EL-141), and the voter registration cancellation card (EL-139).

2. If the new Wisconsin resident chooses to vote an absentee presidential ballot in the clerk's office, the municipal clerk provides the person with an absentee ballot certificate envelope (EL-122) and a presidential ballot. The clerk must keep a list which includes the name, address, date of application, and the date on which the ballot was cast.

3. If the new Wisconsin resident making this application chooses to go to the polling place on Election Day to vote, the municipal clerk must provide the person with a copy of the completed application form (EL-141) to take to the polling place.

4. The municipal clerk must keep a separate list of all new Wisconsin residents who vote under the provisions of Wis. Stat. § 6.15. The list must include the person's name, address, and date of application, and if voting by absentee ballot, the date of receipt of the voted ballot.

5. The municipal clerk shall send the voter registration cancellation card (EL-139) to the elector's municipality of previous residence.

PROCEDURE FOR VOTING FOR PRESIDENT AT THE POLLING PLACE

1. The new Wisconsin resident must show acceptable proof of residence and voter ID, complete this application (EL-141), and complete the voter registration cancellation card (EL-139) at the polling place, or bring a copy of the application form that was completed in the municipal clerk's office.

2. The election inspector will provide the person with a paper ballot to vote for the offices of president and vice president only.

3. The election inspectors shall indicate on the voter list next to the new Wisconsin resident's name that he or she received only a presidential ballot.

4. The application form (EL-141) and the voter registration cancellation card (EL-139) are returned to the municipal clerk along with the voter lists and other election documents.

Chapter 5.6: Sample Ballots

Two samples of each type of ballot must be posted at each polling place on Election Day. Wis. Stat. § 5.35(6)(a)3.

Sec. 5.6.1: Providing Sample Ballots

Unless a municipality supplies its own ballots, the county or board of election commissioners must print a sufficient number of sample ballots for each municipality. Wis. Stat. § 5.66(2). Once printed, approximately 45% of the sample ballots should remain in the county office, 45% in the municipal clerk's office or alternate sites, and 10% reserved by the municipal clerk to be sent to the polling places on Election Day. *Id.* The number of ballots printed for each municipality should be in proportion to the number of electors residing in the municipality as certified to the county by the municipal clerk under Wis. Stat. § 5.66(1).

Note: Sample ballots must be available to voters who request them.

Sec. 5.6.2: Sample Ballot Format

Sample ballots cannot be printed on white paper. They must be printed on colored paper and *the color must be different* than the color used for the official ballots. Wis. Stat. §§ 5.51(5), 5.66(2). The word 'SAMPLE' must be overprinted on all sample ballots. *Id.* The endorsement does not have to be printed on sample ballots. *Id.*

Electronic Voting Systems

Sample ballots that are marked by an electronic voting systems (i.e. ES&S ExpressVote) must be the same size as the actual ballots used in electronic voting machines. *Id.*

Best Practice: The sample ballots in hand-count municipalities should also be an actual size copy.

Voting Machines

Voting machine sample ballots shall be a reduced size diagram of the face of the board or screen inside the voting machine with all candidates, issues and voting instructions as they will appear on the official ballot. *Id.*

Best Practice: Neither "Reduced sized diagram" nor "face of the board or screen inside the voting machine" is further defined in statute, and the Commission recommends that municipalities use the sample ballots described under Electronic Voting Systems to meet this requirement because the screens used on accessible voting equipment display the same candidates in the same order.

Chapter 5.7: Frequently Asked Questions

Q For each office, the ballot indicates how many votes can be cast in that office. What is the proper format of that instruction?

A The number of candidates an elector is allowed to vote for, whether at a primary or an election, is the same as the number of officers to be elected. If there is only one position to be filled, such as with the office of mayor, the instruction is "Vote for 1." If there are three trustee positions up for election, the instruction is "Vote for not more than 3." Wis. Stat. §§ 5.52, 7.08(1)(a).

Q How many write-in lines are required?

A The number of write-in lines required is equal to the number of candidates for which the elector is allowed to vote. If there is only one position to be filled, such as with the office of mayor, the instruction is "Vote for 1." Therefore, one write-in line is required. If there are three trustee positions up for election, the instruction is "Vote for not more than 3." Three write-in lines are required. Wis. Stat. §§ 5.58(1a) and (1g)(c); 5.60(4)(c), (5)(ar), (6)(a), (8)(am); 5.62(1)(b)2. and (2)(b); 5.64(1)(e)2.; and 5.82.

Q In a primary, how many candidates may go on to the general election?

A The number of candidates that proceed from a primary to an election is equal to twice the number of candidates for which the elector can vote. Wis. Stat. § 5.58(3).

Example 1: If the instruction is "Vote for 1," the two candidates receiving the highest number of votes will appear on the election ballot.

Example 2: If the instruction is "Vote for not more than 2," the four candidates receiving the highest number of votes will appear on the election ballot.

Example 3: If the instruction is "Vote for not more than 3," the six candidates receiving the highest number of votes will appear on the election ballot.

Q Can a municipality prepare a partially-consolidated ballot for some races, and use a packet ballot for others[1]?

A No. If a municipality chooses to provide consolidated ballots, all races must appear on the consolidated ballot. Wis. Stat. § 5.655. A municipality cannot use a consolidated ballot for statewide and county races, for example, and then also use a packet ballot for municipal and school district races. All active contests should be listed on the same ballot whenever consolidated ballots are used.

Q Are stickers allowed to be placed on ballots?

A **Generally, no.** State law prohibits election officials from attaching any type of sticker to a ballot. The only exception is under the circumstance where a vacancy occurs because a candidate has died after his or her name has been printed on the ballot. Wis. Stat. §§ 5.51(4), 7.37(6). To the Commission's knowledge, this has never occurred.
The Commission is aware that some write-in candidates prepare stickers for their voters to attach to ballots. State law does not prohibit *a voter* from affixing a sticker to their ballot, but neither *does it permit it*. Stickers can cause automatic tabulators to jam or otherwise stop functioning, so **the Commission strongly discourages their use.**

1 Packet ballots are the opposite of consolidated ballots wherein a separate ballot is prepared for each race or contest. Partially-consolidated ballots are a hybrid between consolidated and packet ballots.

Part 6
Voter Qualifications & Registration

Voter qualifications and eligibility; pre-Election Day registration; proof of residence; confidential and protected voters.

Most electors are required to register as a condition of voting. When a voter registers, they are certifying that they meet all of the legal requirements to vote, including age, citizenship, and residence, and that they are not disqualified due to a felony conviction or adjudication of incompetency. Most electors are required to present proof of their residence when registering. Some types of voters, such as confidential voters, have additional procedures and protections in place to protect their information.

Chapter 6.1: Voter Qualifications

Sec. 6.1.1: Summary

The Wisconsin Constitution grants the right to vote to all qualified electors (voters)[1] and sets out the base elector qualifications that are further codified in statute. Wis. Const., Part. III, § 1(2). In the State of Wisconsin, a qualified elector must be registered to vote before being issued a ballot. Wis. Stat. § 6.27. The municipal clerk is responsible for maintaining records in order to track voter registration in the WisVote system, ensure elector qualifications, and possibly consider challenges to those qualifications. See Wis. Stat. § 7.15(1) ("Each municipal clerk has charge and supervision of elections and registration in the municipality.")

Sec. 6.1.2: Voter Certifies that They are Qualified

When electors register to vote, they acknowledge that falsification of any of the information provided, or certified to, on the registration form is punishable under Wisconsin law as a Class I felony. Wis. Stat. § 6.33(1). In this way, clerks may rely on the voter's assertions that they meet the legal requirements to vote, including their age, citizenship, residency, and felony status. It is not necessary to test or examine the voter's qualifications to vote unless the municipal clerk "knows or has reliable information that the proposed elector is not qualified." Wis. Stat. § 6.32(2). No one may be disqualified as an elector unless the municipal clerk, or challenger, demonstrates "beyond a reasonable doubt" that the person is not qualified to vote. Wis. Stat. § 6.325. Clerks cannot set voting requirements not set by law.

---

1 For clarity, Part Six will use the word "voter" instead of "elector," but "elector" is the correct statutory term.

Sec. 6.1.3: Voter Eligibility Requirements

In order to register to vote, an individual must:

- Be a U.S. citizen. Wis. Stat. § 6.02(1).
- Be age 18 or older on or before Election Day. Wis. Stat. § 6.02(1).
- Have resided in an election district or ward for 28 consecutive days, with no present intent to move, before any election where the citizen offers to vote. Wis. Stat. § 6.02(1).

The following persons shall not be allowed to vote in any election:

- Any person convicted of treason, felony, or bribery that has not been pardoned or completed the terms of their sentence including any term of probation, parole, or extended supervision. Wis. Stat. § 6.03(1)(b).

> **Best Practice:** Clerks can contact the Wisconsin Department of Corrections to determine if the term of sentence of a potential elector has been fully completed, including whether the voter has completed any term of probation, parole, or extended supervision. This is often referred to as being "off paper."

- A person whom a court has declared as not competent to exercise the right to vote due to being incapable of understanding the objective of the elective process. Wis. Stat. § 6.03(1)(a). A court order granting guardianship or otherwise declaring a person's incompetency should specifically declare if the person is incompetent to exercise the right to vote. If the order does not include a specific finding of incompetency to vote, the person retains the right to vote. Wis. Stat. § 54.25(2)(c)1.g., (2)(c)4.
- Anyone who has made or become interested, directly or indirectly, in any bet or wager depending upon the result of the election. Wis. Stat. § 6.03(2).

Residency

An individual's residency in a ward or municipality for voting purposes is determined by the individual's fixed habitation and present intent not to move from that location. Wis. Stat. § 6.10(1). The burden is always on the voter to declare their voting residence. The clerk facilitates the registration, then assesses whether that residence qualifies them to vote in their jurisdiction. See Wis. Stat. §§ 6.02, 6.10(1).

Temporary Presence/Absence

Residency is not lost when a person leaves home and goes to another location temporarily, with an intent to return home. Persons who have temporarily left their homes are still residents of the home municipality despite their temporary absence. Wis. Stat. § 6.10(5).

Residency cannot be established in any ward, town, village, city, county, or in this state, while living in that location for temporary purposes only. Wis. Stat. § 6.10(8).

Moving

A person loses their residency if they move to another state with an intent to make a permanent residence there, or, if while there, the person exercises the right to vote in that state. Such a person cannot continue to vote at their previous Wisconsin residence without re-establishing residency. Wis. Stat. § 6.10(10). If a person moves to a different municipality within Wisconsin without intent to return to their previous address, they should register to vote in the new address. Wis. Stat. § 6.02(2), unless they have not lived there for 28 consecutive days yet, in which case they should vote in the previous municipality. Wis. Stat. § 6.10(3).

Student Status

Student status cannot be considered in determining residence. A student may choose to establish residency in the municipality where they live to attend school, or the student may base residency on an intent to return to their former municipality, thus continuing their existing residency. Wis. Stat. § 6.10(4), (12).

If a student registers to vote in the municipality where they attend school, the student loses residency in their prior municipality and must re-establish residency in the prior municipality and register to vote there. Wis. Stat. §§ 6.36(1)(d), 6.10(3).

"Part-Time" Residents

A person may only register as an elector and vote in one municipality each election. Wis. Stat. § 12.13(1)(c), (1)(e). To vote in a municipality, a person with part-time residency in a municipality must consider that location their fixed habitation with no intention to move and therefore is their residence for voting purposes. Wis. Stat. § 6.10(1).

Merely owning property in a municipality is not sufficient to claim residency. A person must have established a fixed habitation paired with the intent to make that address their permanent residence. Wis. Stat. § 6.10(1).

New Residents

If a voter has not resided in a Wisconsin municipality for at least 28 days, they may not vote in any federal, state, or local contest in Wisconsin except for the office of U.S. President during a presidential year. Wis. Stat. § 6.15(1).

> **Best Practice:** A person who has not resided in any ward in Wisconsin for at least 28 days should be advised to check with their former state of residence about any voting options they may have as former residents of that state.

New Wisconsin residents who do not meet the 28 day residency requirement may be eligible to vote by Presidential-only ballot. Likewise, former Wisconsin residents who do not qualify to vote for president and vice president in their new state may also be able to vote a Presidential-only ballot. **See Chapter 5.5** for more information on these procedures.

Table 9: Other Common Residency Scenarios

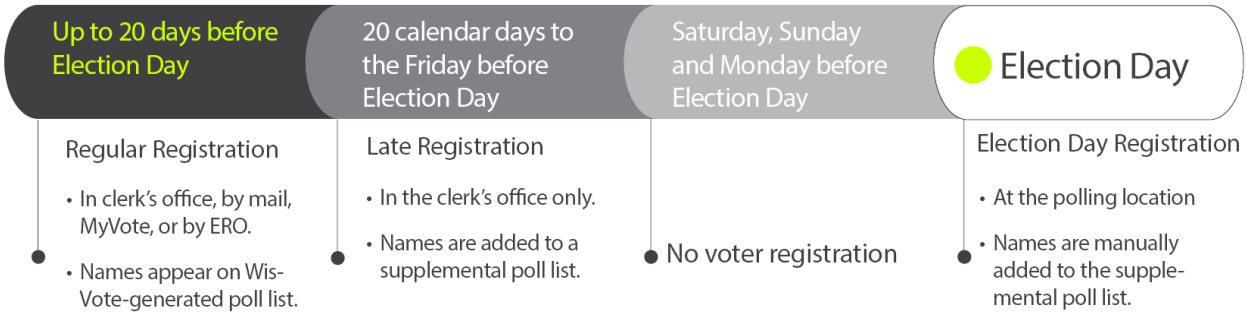
Voter Situation	Voting Location
Has moved from one ward to another in the same municipality at least 28 consecutive days before an election	In the new ward. Wis. Stat. §§ 6.02(2), 6.10(3).
Has moved from one municipality to another at least 28 consecutive days before an election	In the new municipality. Wis. Stat. § 6.02(2).
Has moved from one ward to another in the same municipality less than 28 consecutive days before an election	In the old ward. Wis. Stat. § 6.10(3).
Has moved from one municipality to another less than 28 consecutive days before an election	In the old municipality. Wis. Stat. § 6.10(3).
Has moved to a different ward or state temporarily with intent to return	In the ward or municipality from which they moved. Wis. Stat. § 6.10(8).
Has moved to a different state without intent to return or exercises to vote in the new state.	In the new state. Wis. Stat. § 6.10(10).
Resides in one ward or municipality and conducts business in another	In the ward or municipality where the individual resides. Wis. Stat. § 6.10(1), (2), (6).
Lives in a public or private facility, such as a federal or state institution, county home or hospital, nursing home or group home	In the municipality where the facility is located or in the municipality of residence before entering the facility. Wis. Stat. § 6.10(7m).
Is on active duty as a member of the armed forces serving in the U.S. or overseas	In the municipality or ward of residence before entering the armed services. Wis. Stat. §§ 6.10(6), 6.22(2)(a).

Voter Situation	Voting Location
Is the spouse or dependent of a member of the armed forces	In the ward or municipality of residence of the military elector or if a Wisconsin resident, municipality or ward of residence before entering the armed services. Wis. Stat. § 6.10(13).
Is a civilian overseas employee of the U.S. Government	In the municipality or ward of residence before entry into federal employment. Wis. Stat. § 6.22(2)(a).
Is a U.S. Citizen living outside the United States with no present intent to return	For national office only, in the municipality or ward where they last resided or where their parent last resided before leaving the United States. Wis. Stat. § 6.24(2).

Chapter 6.2: Voter Registration Prior to Election Day

Sec. 6.2.1: Voter Registration Basics

Figure 1: Voter registration timeline



Note: while registration is not permissible during the Saturday and Sunday before Election Day, in-person absentee voting is allowed.

"ERO" means an "Election Registration Official"

All voters must be registered before being issued a ballot unless specifically exempt from registration. Wis. Stat. § 6.27. New and former Wisconsin residents voting Presidential-only ballots are not required to register, and military electors voting by absentee ballot are also not required to register. Wis. Stat. §§ 6.15, 6.18, 6.22(3). Note: Although military voters are not required to register, they may still choose to do so. Military voters can utilize special federal forms to accomplish registration. For more information about how military voters may register to vote, **see Sec. 7.4.9: "Methods for Voter Registration for UOCAVA Voters."**

Sec. 6.2.2: Methods of Registration

Note: There are only four acceptable methods[1] to register to vote. Voters cannot scan and email or fax voter registration applications. Wis. Stat. § 6.30(4).

Method 1: By Mail

Application

The voter must complete and sign a Voter Registration Application (EL-131), enclose a copy of their proof of residence, and mail the completed application to the municipal clerk's office. Wis. Stat. §§ 6.30(4), 6.34(2).

The Commission has determined that voter registrations made "by mail" also include registrations that are submitted to the municipal clerk by people or groups on behalf of voters. Statute does not further define "by mail" in the context of the voter registration statute, but a provision of the Commission's administrative code defines it to mean "the completing and signing of a voter registration application form other than in the presence of a special registration deputy, county clerk, deputy clerk, or municipal clerk." Wis. Admin. Code § EL 3.01(4). Accordingly, registrations need not solely be returned by USPS, FedEx, or UPS to be considered submitted "by mail" under Wis. Stat. § 6.30(4).

Incomplete Applications

Registrants who submit incomplete voter registration applications or fail to provide a copy of proof of residence when required shall be contacted within five days, if possible, by their municipal clerk. Wis. Stat. § 6.32(2). The registrant should be instructed that the registration is incomplete and notified about how to repair the deficiency. Wis. Stat. § 6.32(2). Statute directs that the clerk request that the voter appear at the clerk's office or another registration location to complete the registration. Wis. Stat. § 6.32(2).

1 Excluding military voters.

Best Practice: The Missing POR Notification Letter (EL-132) is a customizable template letter that a clerk should send to anyone who has not submitted proof of residence with their voter registration when required.

Any insufficiency must be rectified no later than the 20th day before the election, by mail, or delivered in-person no later than 5:00 p.m. the Friday before the election. They can also register again on Election Day at the polls despite the prior insufficient registration attempt. Wis. Stat. § 6.32(3).

Administrative Follow-Up

The clerk or deputy should review the application and the enclosed proof of residence to ensure the application is legible and complete before signing and dating the application. Wis. Stat. § 6.32(1). The clerk shall then enter the registration information into WisVote. Wis. Stat. § 6.32(4).

The Commission will mail a voter verification postcard to the voter's residential address as listed on the Voter Registration Application. Wis. Stat. § 6.32(4).

Timing

The application must be postmarked no later than the 20th day (which is the third Wednesday) before the election. Wis. Stat. § 6.28(1)(a).

A registrant who postmarks their application after the 20th day before the election should be advised, preferably in writing, that their application cannot be processed until after Election Day. Wis. Stat. § 6.32(3). Clerks are required to make a "good faith effort" to contact voters who submit by-mail voter registration applications after the close of registration. Wis. Stat. § 6.32(3). The registrant should also be advised of any remaining opportunities to register to vote in the coming election. Wis. Stat. § 6.32(3).

Method 2: Online

Note: The deadline for online registration is 11:59 p.m. on the 3rd Wednesday preceding the election. Wis. Stat. § 6.28(1).

An eligible elector who holds a current, valid Wisconsin driver's license or ID card can register to vote online at MyVote.wi.gov. Wis. Stat. § 6.30(5). When registering online, a voter gives the Commission authorization to obtain an electronic copy of their signature from the Wisconsin Department of Transportation for use in signing the application. Wis. Stat. § 6.30(5). The Commission then notifies individual clerks of new online registrations. Wis. Stat. § 6.30(5). Voters can also update their registration online. Wis. Stat. § 6.30(5).

Voters who register online are not required to provide proof of residence if they provide their driver's license number, ID number, name, and date of birth, and the Commission is able to verify their information. Wis. Stat. § 6.34(2m), 6.34(4). The Commission performs this verification instantly during the online registration process. Wis. Stat. § 6.34(4). If the instant match cannot be verified, the voter is directed to the Department of Transportation's website so they can first update their information with DOT. Wis. Stat. § 6.34(4). Once they do, they can register online.

Method 3: In Person with the Municipal Clerk

Registration in person with the municipal clerk is available to voters until the third Friday before the election. Wis. Stat. § 6.29(2)(a), 6.30(1).

Best Practice: This type of registration, also known as "late registration," can also be completed during in-person absentee voting, either at the clerk's office or an alternate absentee ballot site. While the late registration statute does not refer to in-person absentee voting, the Commission believes that the intent of the late registration statute is to ensure that election officials can confirm that voters are registered before they vote, and that the failure to refer to the in person absentee voting was Legislative oversight and would lead to an unreasonable result.

The voter must sign a completed Voter Registration Application (EL-131) in the presence of the clerk or deputy. Wis. Stat. § 6.33(1).

The voter must present the clerk or deputy with proof of residence. Wis. Stat. § 6.32(2). The clerk or deputy must record the type, issuing entity, and the last few digits of the unique number associated with the proof of residence, if any. Wis. Stat. § 6.36(1)(a)12. If such number is seven or more digits in length, the last four digits must be recorded. Wis. Stat. § 6.36(1)(a)12. If the unique number is six or fewer digits in length, only the last two digits are required. Wis. Stat. § 6.36(1)(a)12.

The clerk or deputy should first review the application to ensure the application is legible and complete and then sign and date the completed application. Wis. Stat. § 6.33(1).

For all registrations in the clerk's office after the 20th day before the election, the clerk or deputy must issue a Certificate of Registration (EL-133) to the voter, which they should present at the polling place before being issued a ballot. Wis. Stat. §§ 6.55(2)(c)2., 6.29(2)(b).

Note: The EL-133 must be issued even if the voter is also voting in-person absentee at the same time.

Late Registration In-Person

For all registrations in the clerk's office after the 20th day before the election, the clerk or deputy must review the Ineligible Voter List to confirm that the voter will not be ineligible to vote on the day of the election. Wis. Stat. § 6.29(2)(am).

- If the name of the voter appears on the list, the clerk shall inform the voter that they are ineligible to register to vote per the Department of Corrections. Wis. Stat. § 6.29(2)(am).
- If the voter agrees that they are ineligible, the registration should be rejected. Wis. Stat. § 6.29(2)(am).

Best Practice: If the voter maintains that they are eligible to vote in the election, the clerk should make a reasonable effort to contact the Commission to verify their felony status.

- **If the Commission confirms the voter is eligible to vote**, the clerk should document on the Voter Registration Application (EL-131) that they confirmed the voter's status with the Commission and then allow them to proceed to register to vote.
- **If the Commission confirms that the voter is NOT eligible to vote** or if the clerk is unable to contact the Commission, and the voter still maintains that they are eligible, the clerk should:
    - Give the voter the Ineligible Voter Information Sheet (EL-119) that explains what they need to do to resolve the issue with the Department of Corrections.
    - AND
    - Permit the voter to register to vote, but mark the Voter Registration Application (EL-131) and Certificate of Registration (EL-133) as "ineligible to vote per Department of Corrections." Wis. Stat. § 6.29(2)(am).

Note: The late-registration application must be received no later than close of business or 5:00 p.m., whichever is later, on the Friday before the election. Wis. Stat. § 6.29(2)(a).

Method 4: At the Polling Place on Election Day (Election Day Registration)

For information on the EDR process, **see Chapter 14.6: "Election Day Registration."** See Wis. Stat. § 6.55.

Sec. 6.2.3: Completing the Voter Registration Application

Proper completion of the Voter Registration Application (EL-131) will ease the process of entering information into WisVote and ensure the voter will appear on the poll list for Election Day. Wis. Stat. § 6.36(2)(a). It is the municipal clerk's responsibility to notify voters of any insufficiency in their registration application within 5 days, if possible. Wis. Stat. § 6.32(2).

Best Practice: If the voter is missing proof of residence, the Missing POR Notification Letter (EL-132) is a customizable template that is available for this purpose.

Note: Any version of the EL-131 should be accepted by mail or in person as long as it contains proper voter information. Voter registration forms cannot be scanned and emailed or faxed.

Front Side of Voter Registration Application

This is a summary of each entry on the EL-131 voting registration form:

1. Qualifications

Registrants must be able to check each of the four boxes in this section. These boxes correlate with the legal qualifications for voting. Wis. Stat. §§ 6.02, 6.03.

The registrant can register at 17 years old if they will be 18 years old by the time of the next election. Wis. Stat. § 6.05. Note: a person less than 18 years of age cannot vote in a primary election even if they will be 18 years old on the date of the general election.

2. Your Name

The registrant should provide their full name as it appears both on their Wisconsin Driver License or Wisconsin DOT-issued Identification Card, if applicable, and the proof of residence document provided for box 8 on the form. Wis. Stat. § 6.33(1).

3. About You

Date of Birth

Month, day, and year of birth is required. Wis. Stat. § 6.33(1).

> **Best Practice:** Voters should be encouraged to use all four digits of their year of birth (e.g. "1989" instead of "89"), but if someone writes the last two digits, the application should not be rejected.

Contact Information – Phone Number and Email Address (OPTIONAL)

Registration applications should not be rejected because a voter has failed to, or refuses to, provide their phone number or email address. Voters are not required to provide their phone number or email address, but doing so is useful in case the clerk needs to contact the voter to correct errors in the registration form or paperwork. Wis. Stat. § 6.32. Clerks can still contact voters at the addresses they provide, but email or phone may be quicker and more efficient to resolve issues in a timely manner.

> **Note:** Be advised, any phone or email address provided becomes a public record.

4. The Address Where You Live

This is the voter's address where they reside, which may be different than their mailing address. Wis. Stat. § 6.10.

This section will also be used to indicate military or permanent overseas statuses. Military voters are not required to register to vote but some choose to do so anyways. Wis. Stat. § 6.22(3). Overseas voters, both permanent and temporary, are required to register. Wis. Stat. §§ 6.24(3), 6.27. For more information on military and overseas voter registration, **see Chapter 7.4: "Types of Absentee Voters: UOCAVA."**

5. Your Mailing Address (OPTIONAL)

Voters are not required to provide mailing addresses to register, though doing so is often a good idea in case their municipal clerk needs to contact them. **Registration applications should not be rejected because a voter has failed to, or refused to, provide a mailing address.**

> **Best Practice:** If the registrant does not receive mail at their residential address, a mailing address should be provided. Failure to provide a valid mailing address may result in the voter registration being inactivated since they would not be able to receive the verification postcard.

6. Prior Registration Information

Name Change

A voter is required to re-register if they change their legal name. Wis. Stat. § 6.33(5)(a)1.

> **Best Practice:** As it may take some time for a voter to receive proper documentation of their new legal name, a registered voter may continue to vote using their former name until the necessary documentation to re-register is received.

Address Change

A registered voter is required to re-register if they wish to vote from their new residence. Wis. Stat. §§ 6.10(1), 6.33(5)(a)1.

7. Identification

To complete the Voter Registration Application (EL-131) or online voter registration, the registrant must provide either a Wisconsin Driver License number or Wisconsin DOT-issued Identification Card number, or the last four digits of their Social Security Number. Wis. Stat. § 6.33(1). This does NOT require visual confirmation by the clerk or an election inspector, and the voter may write down or recite the number if they choose. A voter cannot be required to show their WI Driver License, WI DOT-issued ID card, or Social Security card as a condition of registration, unless the voter is offering it as acceptable proof of residence. Wis. Stat. §§ 6.33(1), 6.34(2), (2m).

Wisconsin Driver License or Wisconsin DOT-issued ID Card Number

If the registrant has been issued either a WI Driver License or WI DOT-issued ID Card that is unexpired or not canceled, they must provide the number and expiration date, even if the registrant's driving privileges were revoked or suspended. Wis. Stat. § 6.33(1) (requiring a "valid" license or ID).

> **Best Practice:** If the registrant has a WI Driver License or WI DOT-Issued ID Card that is unexpired but does not have the number or expiration date readily available, they may call DMV at (608) 266-1069, option 1 to look up the information.

If the registrant has either a WI Driver License or WI DOT-Issued ID Card that is currently expired or canceled, they must provide the last 4 digits of the Social Security Number instead. Wis. Stat. § 6.33(1).

Social Security Number – Last Four Digits

If the registrant has not been issued a WI Driver License or WI DOT-Issued ID Card or the document is expired or canceled, the registrant must provide the last 4 digits of their Social Security Number. Wis. Stat. § 6.33(1).

If the registrant does not have either a WI Driver License or WI DOT-Issued ID Card and has not been issued a Social Security Number, they may indicate this by checking the box signifying they have none of these documents. Wis. Admin. Code § EL 3.04(3) (implementing 52 U.S.C. § 21083(5)(A)(ii)). **Voters in this circumstance check the appropriate box on the EL-131 but still must be permitted to register to vote.**

8. Proof of Residence

The registrant will affirm that they are providing a valid form of proof of residence with this application. The document must list the voter's complete name and Wisconsin residential address. Wis. Stat. § 6.34(3)(b).

9. Signature and Certification

The registrant should read this language before certifying that they are an eligible elector and have resided in the ward for at least 28 days. Wis. Stat. § 6.33(2)(b). They will provide their signature and the date they are signing. Wis. Stat. § 6.33(2)(b).

10. Assistant

If the registrant required another person to complete this form on their behalf due to a physical disability, the assistant should sign and provide their residential address here. Wis. Stat. § 6.33(2)(a).

Official Use Only Section

The election official receiving the application (clerk, election inspector, election registration official)[2] should review the proof of residence. Wis. Stat. §§ 6.32(2), 6.33(1), 6.34.

Proof of Residence Types

At the top of the section, the official will circle the Proof of Residence type. Wis. Stat. § 6.33(2)(a).

The following are the Proof of Residence types listed by their abbreviations in the Voter Registration Application (EL-131). For more specific information on what constitutes sufficient proof of residence or is required in each category, **See Sec. 6.2.4 on page 21.**

- **WI DL** – Wisconsin-Issued Driver License.
- **WI ID** – Wisconsin DOT-Issued Identification Card.
- **UTIL** – Any form of utility bill.
- **BANK/CC** – A bank or credit card statement.
- **PYCK** – Paycheck or Paystub.
- **STDNT ID** – A student ID that includes a photo (address not required).
- **GOV DOC** – Any government-issued document.
- **LSE** – A residential lease (may not be used to register by mail).
- **GOV ID** – Any other identification card or license issued by a Wisconsin governmental body or unit.
- **EMPL ID** – An identification card issued by an employer in the normal course of business and bearing a photo of the card holder.

---

2 Any staff member, or any other individual, appointed as an ERO would need to complete election official training before registering any qualified elector to vote." Wis. Stat. § 7.315(4).

- **RES CARE** – A contract or intake document from an occupant of a residential care facilities that specifies the occupant currently resides in the facility.
- **TAX** – A real estate tax bill or receipt for the current year or the year preceding the date of the election.
- **HMLSS** – A signed letter on public or private social security agency letterhead identifying a homeless voter and describing the individual's residence for voting purposes.

Proof of Residence Issuing Entity

The clerk should write the name of the entity that issued the proof of residence document. Wis. Stat. § 6.33(1). This is necessary to ensure that the proof of residence satisfies one of the legal types. Wis. Stat. § 6.34(3)(a).

Examples: WI DMV, MG & E, WE Energies, etc.

Proof of Residence Number, if any

If a unique number associated with the proof of residence is seven or more digits in length, the last four digits should be recorded here. Wis. Stat. § 6.36(1)(a)12. For example, bank accounts are usually ten digits long, but only the last four digits should be recorded.

If a unique number associated with the proof of residence is six or fewer digits in length, only the last two digits are recorded here. Wis. Stat. § 6.36(1)(a)12. For example, if an ID has five digits, only the last two would be recorded.

Date Complete/POR Received

If the application is received via mail, the clerk should check the box indicating as such and enter the date in which it was received. Wis. Stat. § 6.33(1).

> **Best Practice:** If the application is complete and the proof of residence is acceptable (see below), the election official who received the application (election registration official, clerk or election inspector) should date it.

Election Day Voter Number

If registering on Election Day, the voter will be issued a voter number before they are given their ballot. Wis. Stat. § 6.79(2)(b). This number should also be recorded on the supplemental poll list. Wis. Stat. § 6.79(2)(c). For more information on the Election Day Registration (EDR) procedures, **see Chapter 14.6: "Election Day Registration."**

WisVote ID

This number is assigned by the clerk only once the registration has been entered in WisVote. Wis. Stat. § 6.36(1)(a)4.

Confidential Elector ID

If the registrant has registered through the confidential elector process, they will be issued a number that should be listed here. Wis. Stat. §§ 6.33, 6.47(3).

Submitted by mail

If registrant mailed their voter registration application, check this circle. Wis. Stat. § 6.33(1).

Official's signature

The election official first receiving the application (election registration official, clerk, election inspector) should review the form for completeness and legibility before signing. Wis. Stat. §§ 6.32, 6.33(1).

If the application is incomplete or illegible, the election official should not sign the form. Wis. Stat. § 6.32(2).

If the registrant is still available, ask the registrant to complete the missing information or print more clearly. Wis. Stat. § 6.32(2).

> **Best Practice:** If the registrant is no longer available, the election official should submit this form to the clerk with a note explaining the deficiency.

The clerk should contact the registrant within 5 days of receipt of any incomplete or illegible applications. Wis. Stat. § 6.32(2).

Bottom Row

The clerk should record this information to properly determine the offices and referenda for which a voter is eligible to vote. This is entered when the registration is processed. In the case of Election Day registrations, it must be done right away to make sure the voter gets the correct ballot. Wis. Stat. § 6.33(1).

- Ward
- Sch. District
- Alder
- City Supr.
- Ct. of App
- Assembly
- St. Senate
- Congress

Back Side of Voter Registration Application

If the registrant resides somewhere without a designated address, the registrant should use the map in box 4 on the backside to diagram where they reside in relation to known streets or landmarks. Wis. Stat. § 6.10(1).

If the registrant needs accommodations at their polling place (curbside voting, braille materials, etc.), they should make those requests on the bottom of the application. Wis. Stat. § 6.36(1)(a)10.

If the registrant is interested in being a poll worker, they can indicate in the checkbox on the bottom of the application.

Sec. 6.2.4: Proof of Residence

Everyone (except military and permanent overseas electors and new and former Wisconsin residents) who wishes to register to vote or update their voter registration must present a proof of residence document to prove that the person resides at the address listed on the Voter Registration Application (EL-131). Wis. Stat. § 6.34. If the person is registering in-person with an election official, they do not need to provide a copy of the document for the election official to keep; they may simply show it to the election official so the official can verify the registration in real time. Wis. Stat. §§ 6.32, 6.34.

Best Practice: Electronic versions of proof of residence are acceptable and can be displayed on a phone or other electronic device. The document must contain the voter's current and complete name and current and complete Wisconsin residential address. Wis. Stat. § 6.34(3)(b). If the document has an expiration date, it must not be expired on the day registration is made. Wis. Stat. § 6.34(3)(c). Note that some documents (like a utility bill) do not have an expiration date and are still considered valid.

Note: Types of acceptable proof of residence are specifically listed by state law. Wis. Stat. § 6.34. If a proof of residence document does not fall into one of the following categories, it cannot serve as acceptable proof of residence.

The following documents constitute acceptable proof of residence:

- An unexpired Wisconsin Driver License or receipt for license, even if driving privileges were revoked or suspended. Wis. Stat. § 6.34(3)(a)1.
- An unexpired Wisconsin DOT–Issued Identification Card or receipt for identification card. Wis. Stat. § 6.34(3)(a)2.
- Any other official identification card or license issued by a Wisconsin governmental body or unit, unless otherwise prohibited by state law. Wis. Stat. § 6.34(3)(a)3. See Wis. Stat. § 66.0438 for special guidelines for locally-issued identification documents.
- Any identification card issued by an employer in the normal course of business and bearing a photo of the card holder, but not including a business card. Wis. Stat. § 6.34(3)(a)4.
- A real estate tax bill or receipt for the current year or the year preceding the date of the registration. Wis. Stat. § 6.34(3)(a)5.
- A utility bill for the period commencing not earlier than 90 days before Election Day. Wis. Stat. § 6.34(3)(a)8.
    - Examples include gas, electric, water, sewer, telephone/cell phone, cable/satellite, TV, Internet, etc.

- **A residential lease.** A residential lease should contain, at minimum:
    - Landlord Name
    - Tenant Name
    - Address Subject to Lease
    - Term
    - Rent
    - Landlord Signature
    - Tenant Signature
    - If one or more of these are missing, it is up to the clerk to determine if the information contained is sufficient for proof of residence.

Note: A residential lease cannot be used as proof residence if a voter is registering by mail or online. Wis. Stat. § 6.34(2).

- **A university, college or technical institute identification card** (must include photo, address not required) with one of the following:
    - A fee payment receipt issued to the cardholder by the university, college, or technical college dated no earlier than 9 months before the date of the election. Wis. Stat. § 6.34(3)(a)7.a.
    - A certified and current list of students who reside in housing sponsored by the university, college, or technical college. Wis. Stat. § 6.34(3)(a)7.b.

Note: This list should be provided by the university, college, or technical college and the election official must verify that the student presenting the card is included on the list.

- **Bank statement.** Wis. Stat. § 6.34(3)(a)9. This can include:
    - A bank statement issued by a bank or credit union
    - A mortgage statement issued by a bank or credit union
    - A home equity credit line statement issued by a bank or credit union
    - A credit card statement issued by a bank or credit union, but not an offer for a credit card
    - Paycheck or paystub documentation of direct deposit. Wis. Stat. § 6.34(3)(a)10.

- **A check or other document issued by a unit of government.** Wis. Stat. § 6.34(3)(a)10.
  - Units of government include federal, state, county, municipal, school district, tribal, etc., both foreign and domestic.
  - **Examples of government documents** (not an exhaustive list):
    - Vehicle registration
    - BadgerCare/Medicare statements[3]
    - Social Security statements[3]
    - Public school correspondence
    - Federal student loan notices[3]
    - Change of Address letter from the USPS.
    - Government-owned medical facilities, such as UW Hospitals and Clinics, county-owned health care clinics and VA Hospitals
    - A signed letter on public (government) social service agency letterhead identifying a homeless voter and describing the individual's residence for voting purposes.
- **A contract or intake document from an occupant of a residential care facility,** such as a nursing or group home, or community-based residential facility that specifies that the occupant currently resides in the facility. A room number is not required. Wis. Stat. § 6.34(3)(a)12.
- **An identification card issued by a federally recognized Native American Wisconsin tribe.** Wis. Stat. § 6.34(3)(a)(13).

3 If issued by a government agency

Electronic Proof of Residence

Otherwise valid proof of residence documents presented electronically on a device such as a laptop, smartphone, or tablet are acceptable for voter registration purposes.[4] Electronic forms of proof of residence are not prohibited by state law. Wis. Stat. § 6.34, which requires only "an identifying document."

The standard of review should be the same whether the document is physically presented to an election official or viewed in an electronic format. Wis. Stat. § 6.34.

Election officials **may not reject** an otherwise valid proof of residence merely because it is in an **electronic format.** See *Id.* (requiring only "an identifying document").

If the document is not readable in the format presented or the election official is otherwise unable to determine that it constitutes a valid proof of residence, the election official may reject the document and require the registrant to present another form of proof of residence. *Id.*

Election officials are not required to provide computers or Internet access for voters to use to obtain electronic copies of proof of residence to facilitate voter registration. It is the responsibility of the registrant to show or provide a copy of their proof of residence. *Id.*

Election officials are not required to handle a registrant's electronic device but may do so with the registrant's permission.

> **Best Practice:** If the proof of residence is presented using the registrant's electronic device, the election official may ask the registrant to expand the size of the type or image, or otherwise navigate the document or image so that the election official may view any required information (i.e., name of the registrant, address, account number, date, type of document, and issuing entity or institution).

4 On August 28, 2012, the G.A.B. voted unanimously to allow electronic versions of acceptable proof of residence during the voter registration process.

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 Requirements[1] (Issuing a ballot)
Certificate of Naturalization	Federal Government	Cannot be used as POR	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).

Chapter 6.3: Confidential Voters

Confidential voters require additional administrative steps during registration to ensure that their personally identifiable information remains confidential. Confidential voters will almost always apply for confidential status and then complete their voter registration with the clerk.

Sec. 6.3.1: Definition

Confidential voters are victims of domestic abuse, sexual assault, continued stalking, or those who meet other statutory considerations which make them eligible to vote while also being qualified to have their name and address confidential to the public. Wis. Stat. § 6.47.

Sec. 6.3.2: Eligibility

An individual is eligible for a confidential listing in the poll list if the person:

- Has been granted a protective order that is in effect. Wis. Stat. § 6.47(1)(am)1.
- Is a victim of domestic abuse, sexual assault, or stalking where a person has been charged with or convicted of such an offense, and the victim reasonably continues to be threatened by that individual. Wis. Stat. § 6.47(1)(am)2.
- Resides in a shelter. Wis. Stat. § 6.47(1)(am)3.
    - "Shelter" means a place where at least four unrelated individuals reside that provides residential shelter to individuals whose personal security is or may be threatened by family members or other persons with whom the individuals have had contact. Wis. Stat. § 6.47(1)(e).
- Received services from a domestic abuse or sexual assault victim services provider within the last 24 months. Wis. Stat. § 6.47(1)(am)4.

Note: The Commission regularly posts lists of eligible domestic abuse or sexual assault victim services providers on elections.wi.gov under Confidential Voters.

- Is a participant in the Wisconsin Department of Justice's Safe at Home Address Confidentiality Program.[1] Wis. Stat. § 6.47(1)(am)5.

Sec. 6.3.3: Making the Request

An eligible person may request a confidential listing by submitting a written request or Request for Confidential Listing (EL-146) to their municipal clerk along with one of the following:

- A copy of a protective order that is still in effect. Wis. Stat. § 6.47(2).
- A completed Affidavit of Sheriff, Chief of Police, or District Attorney (EL-147), dated within 30 days of the date of the request. *Id.*
- A statement signed by the operator or an authorized agent of the operator of a shelter that is dated within 30 days of the date of the request, which indicates that the operator operates the shelter and that the individual making the request resides in the shelter. *Id.*
- A statement signed by an authorized representative of a domestic abuse victim service provider or a sexual assault victim service provider that is dated within 30 days of the request. *Id.*
- Confirmation from the Department of Justice that the requester is a participant of the Safe at Home program. *Id.*

A physically disabled individual who appears personally at the clerk's office, accompanied by another voter of this state, may designate that voter to make a request under this subsection on his or her behalf. *Id.* A confidential voter must still register to vote the same as any other voter. Wis. Stat. §§ 6.27, 6.47(2).

1 wisdoj.gov/Pages/CrimeVictimServices/safe-at-home-address-confidentiality-program.aspx

If the individual provides the necessary documentation to obtain a confidential listing, the clerk issues an Identification Card of Protected Individual (EL-148) to the protected individual and notes the identification serial number on the voter registration form in the space provided. Wis. Stat. § 6.47(3). The ID serial number is the HINDI (DOA Code) number assigned to the municipality plus a sequential number e.g., "13251-01."

Note: The Identification Card of Protected Individual (EL-148) is not available on elections.wi.gov and can only be obtained by contacting the Wisconsin Elections Commission. Wis. Stat. § 6.47(3).

Sec. 6.3.4: Poll Book Procedure

The confidential portion of the poll list will appear at the end of the poll list as a separate section containing the name of each confidential voter and their confidential voter identification number. **See Sec. 14.6.6: "EDR for Confidential Voters"** for how confidential voters request and cast their ballot at their polling place.

The confidential portion of the poll list is NOT open to public inspection. Wis. Stat. §§ 6.87(6m), 6.47(2).

The municipal clerk may, upon request, disclose the existence of the list, the number of voters whose names appear on the list, and the number of those voters who have voted at any point in the proceedings. Wis. Stat. § 7.41(4).

Sec. 6.3.5: Recordkeeping

The confidential voter's voter registration should be kept in a separate confidential file, ordered alphabetically by confidential voter name or alphabetically and sequentially by street name, street number, and voter name at each address. Wis. Stat. § 6.35(1), (1m).

> **Best Practice:** For the sake of uniformity, voter registration records for non-confidential and confidential voters, though stored separately, should be ordered in the same manner.

Confidential listings expire when any of the following occur, whichever is earlier:

- The day the protective order expires. Wis. Stat. § 6.47(4)(a).
- When the confidential voter no longer resides in a shelter. *Id.*
- When updated information is received from Wisconsin DOJ Safe at Home program, sheriff, chief of police, or district attorney that indicates the person is no longer qualified for a confidential listing. *Id.*, (5)(a)1.
- 24 months have passed since the creation/renewal of the confidential listing. Wis. Stat. § 6.47(4)(a).
    - Exception: Participants in Wisconsin DOJ's Safe at Home program can keep their confidential status longer than 24 months. Their CV status expires on the date their participation in Safe at Home expires, or the date that they cancel their enrollment or are disqualified. Wis. Stat. § 6.47(4)(b). Participants can stay enrolled in Safe at Home for five years. Wis. Stat. § 165.68(3)(b)4.a.

When a confidential listing expires, the clerk shall change the registration of the confidential voter to inactive unless the confidential voter files a new request for a confidential listing or registers as a non-confidential voter. Wis. Stat. § 6.47(6).

Important: Inactive confidential voter registrations must be kept confidential until destroyed under Wis. Stat. §§ 7.23(1)(c), 6.47(6).

Note: An individual whose listing is canceled may file a new request and requalify for confidential status. Wis. Stat. § 6.47(5)(b).

If the municipal clerk has notice that a confidential listing is scheduled to expire (end of the 24-month period or end of five years for Wisconsin DOJ Safe at Home program), the clerk shall provide 30 days' notice to the confidential voter of the scheduled expiration of the listing. Wis. Stat. § 6.47(7)(a). The notice letter can be downloaded or printed from WisVote. The clerk can go to the confidential voter record, click on the "Letters" tab and select "Confidential Voter 30 Day Expiration Notice Letter" from the list, download or print it to send to the voter.

If the advance notice is not provided, the clerk shall notify the confidential voter upon changing their voter registration to inactive. Wis. Stat. § 6.47(7)(b). The notification could be sent via notice letters, which can be printed or downloaded from the voter record in WisVote. The clerks can click on "Letters" tab and select "Deactivation of Confidential Voter Notice Letter."

Clerks should also cancel a voter's confidential listing if any of the following occur:

- Upon receipt of a law enforcement affidavit explaining that the person who was charged or convicted for the qualifying offense that led to the protected status is no longer charged or the conviction was vacated. Wis. Stat. §§ 6.47(5)(a)1., 6.47(10).
- The voter legally changes their name or changes their address without notifying the clerk. Wis. Stat. § 6.47(5)(a)2., 3.
- The clerk finds out that the confidential voter provided false information in order to obtain the listing. Wis. Stat. § 6.47(5)(a)4.

Part 7
Absentee Voting

Deadlines for Requests; Types of Absentee Voters; Special Voting Deputies; Military and Overseas Voters (UOCAVA); In-Person Absentee Voting (IPAV); Absentee Ballot Return; Certificate Envelope Requirements; Correcting Certificate Envelopes; Ballot Spoiling; Managing and Transporting Absentee Ballots; "Central Count" Jurisdictions.

Any voter who is unable or unwilling to vote at their polling place on Election Day may request and return an absentee ballot. Special absentee voting procedures exist for certain voter types, including indefinitely confined voters, military and overseas voters, and those who vote with the assistance of Special Voting Deputies (SVDs). Voters can return their absentee ballots by mail, in person, or by drop box. Absentee ballots are enclosed in certificate envelopes, which is where the witness will enter their information (where required). Municipal clerks can work with voters to help them correct errors or insufficiencies in the certificate envelope. In certain circumstances, absentee voters can receive a replacement ballot if theirs is spoiled or damaged. Municipal clerks are responsible for managing and transporting ballots either to their polling places or to a "central count" location. Some jurisdictions choose to count all of their absentee ballots at one location, instead of having each polling place do it.

Chapter 7.1: Deadlines

A qualified voter who is unable or unwilling to appear at the polling place on Election Day may vote by absentee ballot. Wis. Stat. § 6.85(1).

Sec. 7.1.1: Introduction

The Legislature has described a policy concerning absentee voting, which states that:
The legislature finds that voting is a constitutional right, the vigorous exercise of which should be strongly encouraged. In contrast, voting by absentee ballot is a privilege exercised wholly outside the traditional safeguards of the polling place. The legislature finds that the privilege of voting by absentee ballot must be carefully regulated to prevent the potential for fraud or abuse, to prevent overzealous solicitation of absent electors who may prefer not to participate in an election, to prevent undue influence on an absent elector to vote for or against a candidate or to cast a particular vote in a referendum, or other similar abuses. Wis. Stat. § 6.84(1).[1] The Legislature has also provided an interpretation that: Notwithstanding Wis. Stat. § 5.01(1), with respect to matters relating to the absentee ballot process, Wis. Stat. § 6.86, 6.87(3)–(7), 9.01(1)(b)2. and 4. shall be construed as mandatory. Ballots cast in contravention of the procedures specified in those provisions may not be counted. Ballots counted in contravention of the procedures specified in those provisions may not be included in the certified result of any election. Wis. Stat. § 6.84(2).

Sec. 7.1.2: General Application Requirements

Registered electors[2] wishing to vote absentee must submit an absentee ballot request in writing to the municipal clerk, or make their application in person during in-person absentee voting (IPAV). Wis. Stat. § 6.86(1)(a).

---

1 The Wisconsin Supreme Court has found that this section "is merely a declaration of legislative policy setting forth that 'absentee balloting must be carefully regulated.' The subsequent statutes do just that. See Wis. Stat. §§ 6.84–6.89. Again, nothing in subsec. (1) provides any rule of interpretation applying to the statutes that follow." *Priorities USA v. Wis. Elections Comm'n*, 2024 WI 32, ¶132, 412 Wis. 2d 594, 8 N.W.3d 429.

2 With exceptions for new residents, former residents, and military electors who are not required to register prior to voting. Wis. Stat. §§ 6.15, 6.18, 6.22.

This section describes the general process of requesting an absentee ballot. However, there are many specific types of absentee voting, which are described in detail later in this chapter.

Making a Written Request

The written request for an absentee ballot can appear on the Commission's prescribed Application for Absentee Ballot (EL-121) form or within a letter, email, or fax written by the voter. As long as the request includes all the information necessary to provide the voter with an absentee ballot, it must be processed and an absentee ballot sent. Wis. Stat. § 6.86.

Exception: For indefinitely confined, calendar year, and hospitalized voter absentee ballot requests, the voter must use the Form EL-121, due to a statutory quirk that requires the use of the actual form. If a clerk receives an absentee ballot request from one of these voter types that is not on the EL-121, the clerk should contact the voter and direct them to resubmit the request on the EL-121 form. Wis. Stat. § 6.86(2), (2m), (3) (each requiring the use of an application form "prescribed by the Commission").

Note for Email Requests Submitted through MyVote: Clerks are still fully responsible for determining if an absentee ballot request submitted through the Commission's MyVote website is sufficient. MyVote enables voters to make the request, but does not guarantee that it is fully sufficient, nor does it guarantee that the voter has submitted acceptable photo ID if required. Additionally, clerks must take action to issue the absentee ballot — MyVote won't do it automatically. Clerks are responsible for contacting the voter if there are any insufficiencies with absentee requests submitted through MyVote. **See Chapter 3.5 of the WisVote Manual** for instructions on reviewing and issuing absentee ballots from MyVote requests.

Components of a Sufficient Written Request

The written request must include the voter's:

- Name. Wis. Stat. § 6.86(1)(ar).
- Residential address. Wis. Stat. § 6.87(3)(a).
- Mailing address, if different than residential address. Wis. Stat. § 6.87(3)(a).
- Signature (unless requested via email or fax). Wis. Stat. § 6.86(1)(ac). A voter who is unable to write the voter's name due to a disability may authorize another individual to make an absentee ballot application. The request must state that assistance has been provided at the voter's "request and by authorization of a named elector who is unable to sign the application due to physical disability." Wis. Stat. § 6.86(1)(ag). On the EL-121, there is an assistant declaration section for the assistant to sign.
- Proof of identification (shown and verified if in person; provided as a copy if by mail, email, or fax, but not required for military, overseas voter, indefinitely confined, SVD, or confidential voters or for voters who have provided proof of ID for a prior absentee ballot under the voter's current name and address). Wis. Stat. §§ 6.86(1)(ac) and 6.87(1).

Submitting the Written Request

Any absentee ballot request, which may be a scan of a paper form, can be submitted by an voter via fax or email and the process for handling the request is exactly the same except that such a request does not need to contain the signature of the voter to be valid. Wis. Stat. § 6.86(1)(ac).[3]

Any registered voter may also submit an absentee ballot request by mail. Wis. Stat. § 6.86(1)(a)1. However, a voter can only deliver an absentee ballot request in person to a municipal clerk during the in-person absentee voting period. Wis. Stat. § 6.86(1)(a)2., (ar) and (b).

---

3 The elector requesting via fax or email is required to provide a copy of the request with the voter's original signature when the ballot is returned, and the Commission has designed the certificate envelope to function as a copy of the request, with the signature of the certificate therefore fulfilling this requirement. Wis. Stat. § 6.86(1)(ac) and see *Thomas Oldenburg v. WEC et al.*, (Marinette County Circuit Court, Branch 2, 2024CV000043; July 29, 2024 Oral Ruling). Additionally, the certificate envelope also functions as an absentee ballot request by mail, which does not require a copy of the request to be provided because the certificate envelope already contains the voter's signature.

Best practice: If someone attempts to deliver an absentee ballot request outside of the in-person absentee voting period, the clerk should explain that it cannot be accepted, but that the request can be mailed to the clerk, or an application can be completed on MyVote.

Sec. 7.1.3: A Voter's Agent Possessing the Voter's Power of Attorney (POA) May Not Cast Voter's Ballot

A voter's agent under a POA may NOT vote the ballot for the voter because only an voter is able to make the voter's own voting choices. Wis. Stat. §§ 6.80 (polling place) 6.87(2) and 6.87(4)(b)1. (absentee), and see Wis. Stat § 12.13(1)(d) (prohibiting impersonating an voter). An agent operating under a voter's POA may serve as an assistant in all the same ways that any person may serve as an assistant. Wis. Stat. §§ 6.82 (assistance in voting the polls), 6.86(1)(ag) (assisting in signing an absentee request), and 6.87(5) (assistance in voting an absentee ballot).

Sec. 7.1.4: Absentee Ballot Request Deadlines

Table 10: Deadlines for Different Types of Absentee Voters to Request an Absentee Ballot

Applicant	Method of Request	Type of Election	Deadline to Submit Request
Regular – specific election request	Mail/email/fax	All	Received by 5:00 p.m. on the fifth day before the election. Wis. Stat. § 6.86(1)(b).
Regular – calendar year request	Mail/email/fax	All	5:00 p.m. on the Friday before the election. Wis. Stat. § 6.86(1)(b), (2m).

Applicant	Method of Request	Type of Election	Deadline to Submit Request
Regular	In-person	All	Clerks may begin in-person absentee voting no earlier than 14 days before an election. Voting may not occur the Monday before the election. Wis. Stat. § 6.86(1)(b).
Hospitalized	By authorized agent	All	Not earlier than 7 days before an election and not later than 5:00 p.m. on Election Day. Wis. Stat. § 6.86(3)(c).
Indefinitely confined	Mail/email/fax	All	5:00 p.m. on the Friday before the election. Wis. Stat. § 6.86(1)(b), (2).
Military (not away)	Mail/email/fax	All	5:00 p.m. on the Friday before the election. Wis. Stat. § 6.86(1)(c).
Military (away)	Mail/email/fax	All elections that do not include a national office	5:00 p.m. on the Friday before the election. Wis. Stat. § 6.22(4)(b).
Military (away)	Mail/email/fax	All elections for national office	5:00 p.m. on Election Day. Wis. Stat. § 6.86(1)(b).
Overseas	Mail/email/fax	All	5:00 p.m. on the 5th day (Thursday) before the election. Wis. Stat. § 6.86(1)(b).
Sequestered juror	Mail/email/fax	All	5:00 p.m. on Election Day. Wis. Stat. § 6.86(1)(b).
SVD facility occupant	By Special Voting Deputy	All	Received as part of a facility visit starting no later than 5:00 p.m. on the Monday before the election. Wis. Stat. § 6.875(6)(a).

Chapter 7.2: Types of Absentee Voters

"Regular" absentee voters are those who request and return their absentee ballots without qualifying or using any of the specialized procedures covered in Chapters 7.2, 7.3, and 7.4.

There are additional procedures for various special categories of absentee voters. All absentee voting information specific to these topics are contained in these sections and chapters.

Table 11: Absentee Request Types

Absentee Voter Type	Manual Section or Chapter
Indefinitely Confined Voters	Sec. 7.2.1
Calendar Year Requests	Sec. 7.2.2
Hospitalized Voters	Sec. 7.2.3
Sequestered Jurors	Sec. 7.2.4
Voters using Special Voting Deputies	Chapter 7.3
Military and Overseas Voters	Chapter 7.4

Sec. 7.2.1: Indefinitely Confined Voters

A voter who is indefinitely confined because of age, physical illness or infirmity, or is disabled for an indefinite period may sign a statement to that effect and request that absentee ballots be sent to the voter automatically for every election. Wis. Stat. § 6.86(2)(a). A voter must determine on their own whether they are indefinitely confined, and that determination must be based only on the voter's own age, physical illness, or infirmity. *Jefferson v. Dane Cty., 2020 WI 90, ¶2, 394 Wis. 2d 602, 951 N.W.2d 556.*

Indefinitely Confined Voters Cannot Also be Military or Overseas Voters

Section 6 of the Application for Absentee Ballot (EL-121) contains a space for the voter to indicate they qualify as indefinitely confined. If this request is made, a voter cannot also select the Military or Overseas voting options. See Wis. Stat. § 6.86(1)(a)3. If a voter is away on active duty, or is outside of the United States, the voter should select the Military or Overseas voting options.

Photo ID Exempt

Indefinitely confined voters are exempt from the photo ID requirement to receive an absentee ballot as long as their witness completes the certification on their absentee certificate envelope. See Wis. Stat. § 6.87(4)(b)2.

Indefinitely Confined Absentee Ballots are Not Forwardable

The envelope containing the indefinitely confined voter's ballot should be clearly marked as not forwardable with "return service requested." Wis. Stat. § 6.86(2)(a).

Grounds for Loss of Indefinitely Confined Status

There are three different ways a voter can lose their indefinitely confined status: 1) by not returning a ballot in an election, 2) if the municipal clerk reliably believes the voter does not qualify, and 3) the voter requests to disqualify themselves. Each is explained further below.

Not Returning a Ballot

If an indefinitely confined voter fails to cast and return a Spring, General or Special Election ballot, the clerk shall send a First-Class letter or postcard informing the voter that their name will be removed from the list unless the voter applies for renewal within the 30-day period. See Wis. Stat. § 6.86(2)(b).[1] A ballot has been returned even if it is ultimately rejected at the polls. See Wis. Stat. § 6.88. The voter is required to submit a renewal of their absentee request in writing, but a full Application for Absentee Ballot (EL-121) is not required. See Wis. Stat. § 6.86(1)(a), (2)(b).

Note: This includes voters who vote in person at the polls or who cast an absentee ballot in person in the clerk's office or alternate site because such voters will necessarily fail to return the absentee ballot that was mailed to them under this process. See Wis. Stat. § 6.86(2)(b).

1 The Commission unanimously approved this interpretation in the Open Session Minutes for the November 2, 2023 Commission meeting.

If an indefinitely confined voter returns a blank ballot, that is sufficient indication that they wish to retain their indefinitely confined status even though they did not make any ballot choices. For maintenance of indefinitely confined status, it does not matter if the blank ballot is returned in a blank (not completed) absentee certificate envelope, a completed certificate envelope, or a separate envelope. The clerk must notify the voter of the action within 5 days, if possible. Wis. Stat. § 6.86(2)(b).

Best Practice: The Commission has designed a Notification of Indefinitely Confined Absentee Request Cancellation (EL-145) form that clerks should use when a voter fails to return the by-mail absentee ballot for a Spring, General, or Special Election. It contains the notice and a request for renewal that a voter can return to the clerk. Notification letters can be generated from WisVote if using the absentee functionality. Voters should be aware that in the weeks following a General, Spring, or Special Election, this "30-day" letter will arrive in the mail, and voters may return this letter asking the clerk to keep them on the mailing list for future absentee ballots.

Upon Reliable Information that the Voter is No Longer Qualified

If the municipal clerk has reliable information that the voter is no longer qualified for indefinitely confined status, the clerk may revoke their eligibility. Wis. Stat. § 6.86(2)(b). The clerk must notify the voter of the action within 5 days, if possible. Wis. Stat. § 6.86(2)(b).

Best Practice: The Commission strongly recommends that clerks work with their local counsel if they believe they have reliable information that a voter who has certified that they qualify to receive absentee ballots as an indefinitely confined voter is no longer indefinitely confined. A belief that someone is no longer indefinitely confined that is not based on "reliable information" is insufficient to remove an individual from the mailing list. Not all medical illnesses or disabilities are visible, or may only impact the voter intermittently, so clerks should use caution before determining that reliable information shows that an individual no longer qualifies. Even if a voter has voted in-person absentee or at the polls, that does not mean that they no longer qualify for this service and may return the Notification of Indefinitely Confined Absentee Request Cancellation letter and remain active on the mailing list.

Voter Requests Removal

A voter can lose eligibility for indefinitely confined status if they request that their name be removed from the list. Wis. Stat. § 6.86(2)(b).

> **Best Practice:** Clerks can contact voters to confirm that the voter still qualifies to receive absentee ballots under the indefinitely confined procedures. The Commission has designed a template form and instructions that clerks can use to send to the voters who have made this selection to clarify that it is still correct or to allow the voter to cancel the request under this status. No action should be taken regarding voters who do not return this form to the clerk, as those voters still have a valid request to receive absentee ballots on file, and the clerk has gained no information from the voter indicating that the status is incorrect.

Review of Indefinitely Confined Voter Statuses

The Commission has published guidance relating to how clerks can "clean up" their lists of indefinitely confined voters by sending voters a letter to allow the voter to confirm that they qualify for indefinitely confined status. That guidance, as well as a template of the letter, can be found on elections.wi.gov.

Sec. 7.2.2: Calendar Year Requests

Certain voters are eligible to indicate that they'd like to receive an absentee ballot for every election in their jurisdiction for a given calendar year. Wis. Stat. § 6.86(2m)(a). Calendar year requests under this statute are not available to indefinitely confined voters, military voters, or permanent overseas voters.[2] Wis. Stat. § 6.86(2m)(a).

Making the Request

Calendar year requests under *Id.* can be made using the Commission's regular Application for Absentee Ballot (EL-121), which the Commission has prescribed as the designated form for this type of request. If requested, a clerk should provide a voter with the paper form and also inform the voter about the MyVote process. See *Id.* .

---

2 Indefinitely confined voters receive absentee ballots for each election continuously until they fail to return one or otherwise fail to qualify. Wis. Stat. § 6.86(2). Military and overseas voters also continue to receive absentee ballots for the calendar year, but under their own statutes, not under this specific statute for "calendar year requests" under Wis. Stat. § 6.86(2m)(a).

Upon receipt of a sufficient absentee ballot request, and as long as the voter remains registered and qualified, the municipal clerk must mail an absentee ballot to the voter for each election in the voter's jurisdiction. *Id.* As with all absentee ballots, the envelope must be marked as not forwardable. *Id.*

What if a Calendar Year Request Voter Moves?

It is the voter's responsibility to notify the clerk if the voter no longer resides at the same address as indicated on the application, and if notified, the clerk must either change the voter's registration status to ineligible if the voter has moved outside of the municipality or update the address if the voter has moved within the municipality. Wis. Stat. §§ 6.50(3),(6), 6.86(2m)(a). If the voter notifies the clerk that the voter has moved to another Wisconsin municipality, the clerk shall forward the calendar year request to the new municipal clerk and the municipal clerk must honor that request, provided that the voter properly registers. See Wis. Stat. § 6.86(2m)(b).

When Does a Voter No Longer Qualify for a Calendar Year Request?

There are three circumstances in which voters will no longer qualify to receive calendar year absentee requests:

- When the municipal clerk receives reliable information that the voter is no longer qualified to vote
- If the voter fails to return any absentee ballot mailed to them
- At the voter's request

Reliable Information that the Voter is Not Qualified to Vote

The municipal clerk must remove the voter from the calendar year absentee ballot mailing list if the clerk receives reliable information that the voter no longer qualifies as a voter of the municipality. Wis. Stat. § 6.86(2m)(a). The clerk should also follow any other registration list procedure based on the information. For example, if the reliable information is that the voter has died, the clerk must remove the voter from the registration list. Wis. Stat. 6.50(4).

Failure to Return an Absentee Ballot

Further, the municipal clerk must remove the voter from the calendar year absentee ballot mailing list if the voter fails to return *any* ballot that was mailed to the voter. Wis. Stat. § 6.86(2m)(a).

Voter's Request

A voter may request that the clerk no longer send them an absentee ballot for each election in a calendar year. See Wis. Stat. § 6.86(2m)(a).

Notifying the Voter & Voter Regaining Calendar Year Status

If a clerk removes a voter's name from the mailing list for any reason other than at the voter's request, the clerk must notify the voter of the action within five days, if possible. Wis. Stat. § 6.86(2m)(a). If the voter remains qualified, the voter can send a written notification to the municipal clerk that the voter wishes to be added back to the calendar year mailing list for the remainder of the year. *Id.* If received, the clerk should resume mailing absentee ballots to the voter as described in this section.

Sec. 7.2.3: Hospitalized Voters

Special absentee voting procedures exist for voters who cannot appear at their polling places on Election Day because they have been hospitalized. Hospitalized voters appoint an agent to conduct the absentee ballot request and delivery process, as well as the voter registration process (if needed), on the voter's behalf. Wis. Stat. § 6.86(3)(a)1. and 2.

This section provides an overview of this process, but hospitalized voters, their agents, and municipal clerks serving these voters should also carefully review the Commission's Hospitalized Voter Guide for full procedures.

> **Best Practice:** Municipal clerks should share a copy of this section of the manual, along with the Hospitalized Voters Guide with any local hospitals ahead of an Election Day so that hospital staff know there is a resource to provide voters who ask how they might be able to vote. The clerk may also refer voters or agents with questions to this form, as well as this section of the manual.

Deadlines

The hospitalized voter may not request a ballot by agent more than 7 days before an election or after 5:00 p.m. on Election Day. Wis. Stat. § 6.86(3)(c).

Voter Registration (If Required)

If the voter is not registered, the voter must complete a Voter Registration Application and provide proof of residence. Wis. Stat. § 6.86(3)(a)2. If the voter is hospitalized in a location that is not their residence, they should *not* register to vote in the jurisdiction where the hospital is located. Instead, they should register in the jurisdiction of where they actually reside.

The voter's agent must bring the completed Voter Registration Application and proof of residence to the clerk with the application for the absentee ballot and the voter's photo ID. Wis. Stat. § 6.86(3)(a)2.

Procedures for Making the Absentee Ballot Request by Agent

The hospitalized voter must complete an Absentee Ballot Request Form, and the hospitalized voter must send their proof of identification with the agent to the municipal clerk unless the voter is a confidential voter. Wis. Stat. § 6.86(3)(a)1. The agent must provide their name, signature and address in Section 7 of the absentee application.

The agent for the hospitalized voter then must deliver the voter's completed absentee ballot application and proof of identity, along with any registration form and proof of residence, to the municipal clerk for the hospitalized voter's municipality of residence. Wis. Stat. § 6.86(3)(a) and (b). See the Commission's Proof of Residence (POR) vs. Proof of Identification (POI) page for more information about acceptable forms that the agent can bring to the clerk.

An agent must provide the agent's own proof of identification before the municipal clerk may issue an absentee ballot to the agent on behalf of the voter. The clerk should ensure that the identification matches the information on the application. Wis. Stat. § 6.86(3)(b). The clerk must also initial the application form and indicate that the voter's proof of identity was provided. Wis. Stat. § 6.86(3)(a).

> **Best Practice:** The clerk may initial in the space next to "Temporarily Hospitalized Voters Only" and write "POI provided."

Issuing the Voter's Absentee Ballot via Agent

If the forms have been properly completed, the voter's proof of identification conforms to the information on the absentee application form, and the voter is qualified to vote, the municipal clerk must issue an absentee ballot, absentee

certificate envelope–checking the box that ID was provided–and uniform instructions in an absentee carrier envelope to the agent for the hospitalized voter. Wis. Stat. § 6.86(3)(b).

> **Best Practice:** The clerk should inform the agent concerning how best to return the completed certificate envelope, including informing the agent of the voter's polling place location or, if applicable, "central count" location.

Facilitating the Voting of the Ballot

The agent then must transport the absentee ballot to the hospitalized voter, who may then vote the ballot in the presence of a witness. Wis. Stat. § 6.86(3)(c). The agent may also be the witness provided the agent is a voter and not a candidate. Wis. Stat. § 6.87(2).

The hospitalized voter then places the voted ballot in the absentee certificate envelope, seals and signs the envelope. Wis. Stat. § 6.86(3)(c). The witness signs the envelope and provides their printed name and address. Wis. Stat. § 6.87(2).

Returning the Voter's Absentee Ballot

The agent must deliver or mail the absentee certificate envelope to the municipal clerk. Wis. Stat. § 6.86(3)(c).

For in person delivery on Election Day the certificate envelope must be returned by the agent directly to the voter's polling place or a board of absentee ballot canvassers location by 8:00 p.m.

> **Important:** Due to the limited timeframe by which hospitalized voters can request absentee ballots under this process (within 1 week of Election Day), agents should ***not*** attempt to return the voter's absentee ballot by mail. Instead, the agent should deliver the voter's ballot in person, either to the municipal clerk or directly to the voter's polling place or "central count" location.

What if the Hospitalized Voter Needs Assistance Due to a Disability?
If the hospitalized voter is unable to sign the registration or absentee ballot request due to physical disability, they may authorize an assistant — who must be an elector — to sign on their behalf. Wis. Stat. § 6.86(3)(a). The assistant must also sign their name in the assistant section on the Voter Registration Application, if needed, and the absentee ballot request form and provide their address. *Id.* The agent may also act as the assistant as long as the agent is a voter, meaning that the agent is qualified to vote, or the voter may choose another qualified individual to assist them. *Id.*

If the hospitalized voter is unable to mark the ballot due to disability or has difficulty reading, writing, or understanding English, the agent or another designee of the voter may assist in filling out the ballot and should sign the ballot as the assistant. Wis. Stat. § 6.87(5). The agent, assistant, and witness may be the same person, but the assistant in marking the ballot may not be the voter's employer, the employer's agent, or an officer or agent of the voter's union. *Id.*

Maintaining Records of Hospitalized Voters
The clerk must keep a list of the names of hospitalized voters to check that the voters vote only once. Wis. Stat. § 6.86(3)(c).

> **Best Practice:** Clerks should also include the name of the agent on this list. Hospitalized voters will get the same Absentee Issued/Absentee Returned watermarks on the poll book so that poll workers will know if the hospitalized voter later tries to show up to vote an in person ballot.

Sec. 7.2.4: Sequestered Jurors
Similar to hospitalized voters, special absentee voting provisions exist for voters who may find themselves sequestered as jurors before or on Election Day.

Sequestered juries are under the order of a judge to be kept together, without separating, and often cannot have any contact with the world outside the courtroom while the trial is ongoing. See Wis. Stat. § 972.12. Merely being summoned for jury duty on Election Day is not sufficient for this process — the juror must be under an order of sequestration from a judge, which is very rare.

If a voter indicates in their written request for an absentee ballot that they are a sequestered juror, the following special procedures apply:

- The municipal clerk must receive the sequestered juror's absentee request and proof of identification no later than 5:00 p.m. on Election Day. Wis. Stat. § 6.86(1)(b).
  - If the application is received at or before 5:00 p.m. on the Friday before the election, the clerk may mail the absentee ballot to the sequestered juror. See *Id.*
    - **Note:** The Commission cautions against using this process as it likely does not leave enough time for the sequestered juror to receive the ballot by mail, let alone complete and return it before 8 p.m. on Election Day.
  - If the application is received after 5:00 p.m. on the Friday before the election the clerk or the clerk's agent must immediately take the ballot to the court in which the voter is serving as a juror and deliver the ballot to the judge. The judge must recess court, as soon as convenient, and give the voter the ballot. The clerk or agent must wait to receive the ballot back from the voter. *Id.*
    - The judge then must serve as witness for the sequestered juror and return the voted ballot to the clerk or clerk's agent. *Id.*

Chapter 7.3: Types of Absentee Voters: SVDs

Sec. 7.3.1: Introduction

The Wisconsin Legislature has established a separate absentee voting process for individuals residing in Residential Care Facilities such as nursing homes, community-based residential facilities (CBRFs), qualified retirement homes, residential care apartment complexes (RCACs), and adult family homes. Wis. Stat. § 6.875. If an individual residing in one of these facilities requests an absentee ballot, it will first be brought to the voter by Special Voting Deputies, who are specially trained election officials who will act as witnesses for the voter and may provide assistance if the voter requests assistance. *Id.*

Sec. 7.3.2: Key Definitions

Adult Family Home: A facility that is certified or licensed to operate as an adult family home under Wis. Stat. §§ 50.032 or 50.033. Wis. Stat. § 6.875(1)(ab).

Community-Based Residential Facility (CBRF): A facility licensed under Wis. Stat. § 50.01(1g), except that it must be occupied by at least 10 unrelated adults who are not related to the operator or administrator. Wis. Stat. § 6.875(1)(ae).

Nursing Home: A facility occupied by 10 or more unrelated individuals for the primary purpose of obtaining full-time personal or nursing care which is necessitated by their physical or mental conditions, but does not include a hospital. Wis. Stat. § 6.875(1)(am).

Note: This definition of nursing home is different than that in Wis. Stat. § 50.01(3).

Proof of Residence: A document listed under Wis. Stat. § 6.34(3) that shows where the individual resides. Regarding SVD voting, a resident of a Residential Care Facility may use a contract or intake document specifying that the individual currently resides in the facility. Wis. Stat. § 6.34(3)(a)12.

Qualified Retirement Home, Retirement Home: A Retirement Home is a facility occupied as a primary place of abode by 10 or more unrelated individuals. Wis. Stat. § 6.875(1)(c). The clerk is not required to send SVDs to a Retirement Home, however, the municipal clerk or board of election commissioners may determine that SVDs will be sent to the Retirement Home if a significant number of the occupants lack adequate transportation to the appropriate polling place, need assistance in voting, are aged 60 or over, or are declared as indefinitely confined voters. Wis. Stat. § 6.875(1)(at), (2)(c). The clerk's decision to send SVDs to a "Retirement Home" makes it a "Qualified Retirement Home." *Id.*

Relative: A spouse or individual related within the 1st, 2nd or 3rd degree of kinship under Wis. Stat. § 990.001(16), as illustrated in the table below. Wis. Stat. § 6.875(1)(b).

Table 12: Degrees of Kinship

Kinship	Relative
1st degree	The voter's children or parents
2nd degree	The voter's grandparents, grandchildren, brothers and sisters
3rd degree	The voter's great-grandparents, great grandchildren, uncles, aunts, nephews, nieces

Residential Care Facility: An adult family home, community-based residential facility, nursing home or residential care apartment complex. Wis. Stat. § 6.875(1)(bm).

Retirement Home: A facility occupied as a primary place of abode by ten or more unrelated individuals. Wis. Stat. § 6.875(1)(c).

Same Grounds: To determine whether a retirement home that is not a qualified retirement home is located on the "same grounds" as one or more residential care facilities. A clerk may look at several factors, including (but not limited to) whether the facilities are under the same ownership, whether they were built at the same time, whether their services are coordinated, or whether they are in the same geographic vicinity. See Wis. Stat. § 6.875(3)(b).

Note: Facilities do not need to be on the same parcel of land or on the same side of the street to be considered on the same grounds. See Wis. Stat. § 6.875(3)(b).

Special Voting Deputies (SVDs): Individuals appointed by a municipal clerk or board of elections to conduct absentee voting at certain care facilities. Wis. Stat. § 6.875(4).

Working Day: Any day except Saturday, Sunday and the holidays listed below:

- January 1 (New Years' Day)
- Third Monday in January (MLK Day)
- Last Monday in May (Memorial Day)
- July 4 (Fourth of July)
- First Monday in September (Labor Day)
- Fourth Thursday in November (Thanksgiving Day)
- December 24 (Christmas Eve)
- December 25 (Christmas Day)
- December 31 (New Years' Eve)

The day following if January 1, July 4 or December 25 falls on Sunday.

Wis. Stat. §§ 6.875(1)(d), 227.01(14), and 230.35(4)(a).

Sec. 7.3.3: Who are Special Voting Deputies?

Special Voting Deputies (SVDs) are appointed by the municipal clerk to bring absentee ballots to residential care facilities and qualified retirement homes. Wis. Stat. § 6.875(4)(a). The two major political parties may submit a list of nominees to the municipal clerk. Wis. Stat. § 6.875(4)(b). If lists are submitted, then SVDs who represent each of the political parties must be selected from the lists, and those appointed as SVDs serve the same two-year term as other election officials. Wis. Stat. § 6.875(4)(a). A clerk may revoke an appointment at any time. Wis. Stat. § 6.875(4)(b).

Best Practice: Notify the two political parties before November of each odd numbered year if there are any residential care facilities or qualified retirement homes in your municipality and provide an estimate of how many SVDs you are likely to need from each party.

Requirements to be an SVD:

- Must be a qualified voter of the county. Wis. Stat. § 7.30(2)(a).
- Must attend training. Wis. Stat. § 7.315(1)(b)1.
- May not currently be employed by the facility. Wis. Stat. § 6.875(4)(b).
- May not have been employed by the facility within two years of the appointment. Wis. Stat. § 6.875(4)(b).
- May not be an immediate family member of anyone employed by the facility within two years of the appointment. Wis. Stat. § 6.875(4)(b).
- Must take the Oath of Special Voting Deputy (EL-155). Wis. Stat. § 6.875(5).

Though there is not a specific deadline by which a clerk must appoint SVDs, the SVDs will serve all elections within the period of a two-year election official term, spanning January 1 of an even numbered year and ending on December 31 of the following odd numbered year. Wis. Stat. §§ 6.875(4)(b), 7.30(6)(a), 7.315(1)(b)1.

Sec. 7.3.4: What are the SVD Training Requirements?

Before serving at any election, Special Voting Deputies must attend at least one training program every two years and must have attended training within two years of any election at which they serve beginning on January 1 of each even-numbered year and ending on December 31 of the following odd-numbered year. Wis. Stat. § 7.315(1)(b)1. A Special Voting Deputy may not deputize other individuals to administer the voting process. See Wis. Stat. §§ 6.875. A clerk, if necessary, may appoint an individual who has not received training if, due to sickness, injury, or other unforeseen occurrence, a trained SVD is unavailable to serve at an election. Wis. Stat. § 7.315(1)(b)2. Such an appointment may only be for a specific election, and no individual appointed may be appointed to serve again within an election period without receiving training. *Id.*

Sec. 7.3.5: When are SVDs Required?

Municipal clerks are required to use SVDs in residential care facilities (see above definitions) if there are at least five registered voters of the municipality who are occupants of the facility and if the clerk has at least one absentee ballot application from an occupant of the facility. Wis. Stat. § 6.875(4)(a), (am).

Retirement homes may be served by SVDs if the municipal clerk makes the retirement home into a qualified retirement home by determining that a significant number of the occupants lack adequate transportation to the appropriate polling place, need assistance in voting, are aged 60 or over, or are declared as indefinitely confined voters. Wis. Stat. § 6.875(2)(c).

However, once the clerk has made this determination, the qualified retirement home will require SVD service for all elections until the clerk makes a contrary formal determination as to the facility's eligibility for future SVD service. See Wis. Stat. § 6.875(1)(at), (2)(c).

Best Practice: Clerks should ***not*** switch a retirement home's SVD eligibility in the period between a partisan primary and a general election, between a spring primary and a spring election, or between a special primary and a special election. The decision to make a retirement home a qualified retirement home is significant for all individuals who are occupants of the facility, and the Commission recommends carefully looking into the issue before making the designation, including consulting with the administrator of the facility.

The Commission recommends that designations changing a retirement home into a qualified retirement home, and vice versa, be communicated to the administrator of the facility in writing so that the administrator can properly inform the facility's occupants regarding any change in status. Clerks, or a clerk's provider, should also immediately make this change in WisVote.

If a municipal clerk is uncertain if there are any licensed facilities in their municipality or whether a certain facility qualifies for service by SVDs, check facility directories on the Wisconsin Department of Health Services website, which are updated monthly. Then search the facility address in WisVote to identify voters registered at the facility and see if any of them have an absentee request on file.

These links may be helpful in identifying facilities:

- Adult Family Home Directory
- Community Based Residential Facility Directory
- Residential Care Apartment Complex Directory
- Nursing Home Directory

Once a municipal clerk has identified all qualifying facilities in their jurisdiction, the clerk should also understand the size and scope of each facility. For example, a Residential Care Facility encompasses the area or location that is defined by the license which governs its operations. There may be several facilities along with a Retirement or Qualified Retirement Home within a single building or complex located, for instance, on separate floors or in separate wings. It is important for a clerk to be aware of the different types of facilities to ensure that SVDs are being sent to the correct places.

Sec. 7.3.6: Arranging for the SVD Visit

The municipal clerk should arrange one or more convenient times with the administrator of each residential care facility and qualified retirement home to conduct absentee voting for the election. Wis. Stat. § 6.875(6)(a). Though the statute says that SVDs themselves shall arrange the visits, the Commission strongly recommends that municipal clerks take on all scheduling duties, contact all such administrators in advance of the sixth Monday before an election to schedule the dates and times of all visits, ideally within the first allowable week of SVD voting.

Deadlines

The administrator of the facility must be contacted no later than 5:00 p.m. on the sixth working day before an election. *Id.* Absentee voting may be conducted no earlier than the fourth Monday before the election and no later than 5:00 p.m. on the Monday before the election. *Id.*

Best Practice: Neither municipal clerks nor SVDs should wait until the statutory deadline of six business days before Election Day to contact the administrators of the qualifying facilities to set up SVD visits. Doing so, while legally permitted, creates a very short timeline for SVD voting, which could risk disenfranchising voters if something does not go to plan, and may affect residents' abilities to cast a vote due to absence or illness.

Understand Facility Types and Make Lists of Eligible & Ineligible SVD Voters

If there are any retirement homes that are not qualified retirement homes on the same grounds as a residential care facility the municipal clerk must obtain a list of names and addresses of the retirement home occupants, who cannot vote with the SVDs, from the retirement home administrator to provide to the SVDs so that the SVDs know who is not able to cast a ballot when they serve the qualified locations. Wis. Stat. § 6.875(3)(b). See Same Grounds under Definitions.

Compile a List of Voters with Absentee Requests on File for Administrators

Best Practice: The municipal clerk should compile a list of occupants at the facility who have absentee ballot requests on file before contacting the facility administrator. This list should be shared with the facility administrator. The social worker for the facility may be consulted if there is a question of voter competency. The administrator should survey the occupants on the list to inform them of the date and time of the SVDs' visit. The administrator should also note on the list which individuals will be able to meet the SVDs for voting and which are unable or unwilling to meet the SVDs at the designated time. Early, detailed communication between municipal clerks and facility administrators will make the SVD voting process much easier to administer.

Sec. 7.3.7: Public Notice of SVD Visits

As soon as possible after arrangements are made for the visit, but no less than five working days before the visit, the municipal clerk shall prepare, post, and distribute a notice detailing the date and time of the visit and that absentee voting by SVDs will take place at that facility (see Sample Notice). Wis. Stat. § 6.875(6)(a). The notice must be posted at the facility and on the municipality's internet site, provided to those news media who have filed a written request for such notice, to the municipality's official newspaper or, if none exists, to a news medium likely to give notice in the area. Wis. Stat. §§ 6.875(6)(a) and 19.84(1) and (2). A municipality that does not have an internet site may instead post the notice in three public places likely to give notice to people affected, or by a paid publication in a newspaper likely to give notice. Wis. Stat. §§ 6.875(6)(a) and 19.84(1)(b).

> **Best Practice:** Notice of multiple visits to a facility may be made and posted at the same time.

Upon the request of a relative of an occupant of a qualified retirement home or residential care facility, the administrator may notify the relative of the time or times at which SVDs will conduct absentee voting and permit the relative to be present in the room where the voting is conducted. Wis. Stat. § 6.875(6)(c)2.

Sec. 7.3.8: Qualifying to Vote by SVD

Any qualified voter who for any reason is unable or unwilling to appear at the polling place on Election Day may vote by absentee ballot. Wis. Stat. § 6.85. A qualified voter is a United States citizen, age 18 or older on Election Day, who has resided in an election district for 28 consecutive days before Election Day and is not currently serving a felony sentence (including any term of extended supervision) or has not been adjudicated incompetent to vote. Wis. Stat. §§ 6.02(1), 6.03.

Adjudications of incompetency to vote are only made by a judge after a court proceeding. Wis. Stat. § 6.03(3). It is not a medical or family decision or a determination of facility staff. If a person has a guardian appointed to them, the guardianship order must specifically indicate that the person's right to vote has been removed, otherwise they retain their right to vote. See Wis. Stat. § 54.25.

If an individual has been adjudicated incompetent to vote, that information is provided to their clerk or the Wisconsin Elections Commission, and the clerk may then inactivate the registration. See Wis. Stat. §§ 6.03(1)(a) and 6.325.

Sec. 7.3.9: Voter Registration Required

Occupants of care facilities must be registered to vote prior to being issued an absentee ballot. Wis. Stat. § 6.875(3)(a).

Deadlines & Registration Methods

If an individual is not registered to vote, or now resides at the residential care facility or qualified retirement home and is not registered at that address, the individual may register to vote a variety of ways:

- A qualified voter may register to vote by mail no later than the third Wednesday before an election. Wis. Stat. §§ 6.28(1)(a) and 6.30(4).
- A voter may also register in-person at the municipal clerk's office until 5:00 p.m. the Friday before the election. Wis. Stat. § 6.29(2).
- Voters may also register to vote in-person at the polling place on Election Day. Wis. Stat. § 6.55(2).
- Election Registration Officials (EROs) may be assigned by the municipal clerk to register individuals at qualified care facilities and retirement homes until the third Wednesday before an election. Wis. Stat. § 6.28(1)(a).

Note: The Election Registration Official registration window only overlaps with the Special Voting Deputy window for three days.

- **See Chapter 14.6: "Election Day Registration"** for more information on these registration options.

Best Practice: Schedule at least one SVD visit during the first three allowable days of SVD voting and appoint SVDs as EROs, so that they can register residents of the facility if necessary. Alternatively, it can be helpful to appoint a staff member of the facility as an ERO so they can register occupants to vote as they move to the facility throughout the year.

Proof of Residence Required

Occupants of care facilities are required to present proof of residence when registering to vote. Wis. Stat. § 6.34(2). For more information on the variety of proof of residence documents, please see the voter registration section. Notably, an intake document at a residential care facility can be used as proof of residence. Wis. Stat. § 6.34(3)(a)12.

Note: When registering an occupant of a residential care facility, be sure that the voter registers at the proper address, which is where the voter resides. See Wis. Stat. § 6.10(1). While this may be the address of the residential care facility, it may also be another address within the municipality if the individual intends to return to that address. See Wis. Stat. § 6.875(3)(a). Further, the individual's residence might be outside of the municipality, in which case the individual will need to register with that municipal clerk.

Sec. 7.3.10: Making the Absentee Ballot Request with SVDs

Any voter wishing to vote absentee at an election must make a written request to the municipal clerk or board of election commissioners. Wis. Stat. § 6.875(3)(a). **See Chapter 7.6: "Proof of Identification for Absentee Voting" on page 107** for information on submitting a written request for an absentee ballot to a municipal clerk. Unique to SVD voting, the SVDs are also able to accept an application for an absentee ballot by a voter who has not properly filed one with the municipal clerk and issue a ballot to that voter provided they complete a sufficient application and otherwise qualifies. Wis. Stat. § 6.875(6)(c)1. With a single application, a voter may request an absentee ballot for a single election, all elections in a calendar year or as an indefinitely confined voter, which leads to ballots being sent for all future elections until the request is deactivated. with a single application. Wis. Stat. §§ 6.86(1), (2), (2m) and 6.875(3)(a).

SVDs are the exclusive method by which absentee voting in person may be conducted within a qualified retirement home or residential care facility. Wis. Stat. § 6.875(2)(a). This means if a municipal clerk receives an application for an absentee ballot from an occupant of such a home or facility, the clerk must send the ballots with the SVDs and cannot send it, initially, by mail. Wis. Stat. § 6.875(4)(a).

Alternatively, occupants of such a home or facility may vote by absentee ballot at the clerk's office or alternate absentee voting site, or at the polls on Election Day. Wis. Stat. § 6.875(4)(a). If an occupant's residence is somewhere other than the facility or home, the voter may also apply for an absentee ballot by mail at that residence. Wis. Stat. § 6.875(4)(ar)2.

Occupants of retirement homes that are not qualified retirement homes, meaning that they are not served by SVDs, may not vote with SVDs, and may vote using the methods available to all other voters within the municipality. Wis. Stat. § 6.875(3)(b). If a retirement home is located on the same grounds as one or more residential care facilities served by the SVDs, the municipal clerk must obtain from the management of the retirement home a list of the names and addresses of occupants, and provide that list to the SVDs to ensure that only occupants of the correct facilities are voting with the SVDs. *Id.*

Sec. 7.3.11: Application by an Indefinitely Confined Voter

Many occupants of the facilities visited by SVDs may qualify as "indefinitely confined voters," which means they are confined indefinitely due to age, physical illness, infirmity, or because they are otherwise disabled for an indefinite period. Wis. Stat. § 6.86(2)(a). To qualify, the voter must determine that he or she is indefinitely confined and complete an absentee ballot application certifying that fact to the municipal clerk. Wis. Stat. § 6.86(2)(a). **See Chapter 7.3: "Types of Absentee Voters: SVDs" on page 17** regarding the processes for requesting an absentee ballot as an indefinitely confined voter and how the list of such voters is maintained. Once a proper application is received, the municipal clerk will automatically send the voter an absentee ballot for each election. *Id.*

Indefinitely confined voters residing in a home or facility served by SVDs must receive their absentee ballot from the SVDs rather than by mail. Wis. Stat. § 6.875(4)(a).

Sec. 7.3.12: Proof of Identification Exemption

Voters who cast absentee ballots with SVDs are exempt from providing proof of photo identification when making their absentee ballot request because the SVDs verify the voter's address. Wis. Stat. § 6.875(6)(c)1.

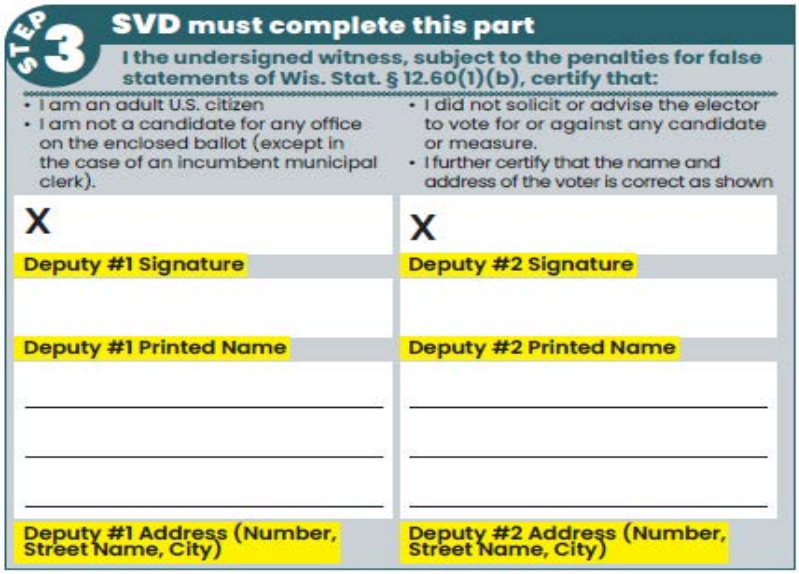
Absentee Voter Residing in a Care Facility or Qualified Retirement Home Served by SVDs

Voters living in residential care facilities or qualified retirement homes who vote with SVDs are not required to provide proof of identification, regardless of whether the resident has applied for ballots as indefinitely confined. Wis. Stat. § 6.875(6)(c)1.

The signatures of both SVDs in the "Certification of Witness" section on the EL-122SVD Absentee Ballot Certification envelope verifies that the name and address of the voter is correct, which satisfies the photo ID requirement. Wis. Stat. § 6.875(6)(c)1. However, if the voter does submit an acceptable photo ID, the SVDs must make a copy of the ID and enclose it in the certificate envelope. Wis. Stat. § 6.875(6)(c)1. State law does not specify any required steps to verify the voter's name or address, so the SVDs or witness can use any available information to verify the voter's name and address are correct as shown on the absentee certificate envelope. Wis. Stat. § 6.875(6)(c)1.

Note: Often times, this can be as simple as verifying the voter's name and checking to see that the voter's address is the home or facility address.

Figure 1: SVD Certification of Witness


STEP 3

SVD must complete this part

I the undersigned witness, subject to the penalties for false statements of Wis. Stat. § 12.60(1)(b), certify that:

- I am an adult U.S. citizen
- I am not a candidate for any office on the enclosed ballot (except in the case of an incumbent municipal clerk).
- I did not solicit or advise the elector to vote for or against any candidate or measure.
- I further certify that the name and address of the voter is correct as shown

X	X
Deputy #1 Signature	Deputy #2 Signature
Deputy #1 Printed Name	Deputy #2 Printed Name
Deputy #1 Address (Number, Street Name, City)	Deputy #2 Address (Number, Street Name, City)

Voters Living at Facilities Not Served by SVDs

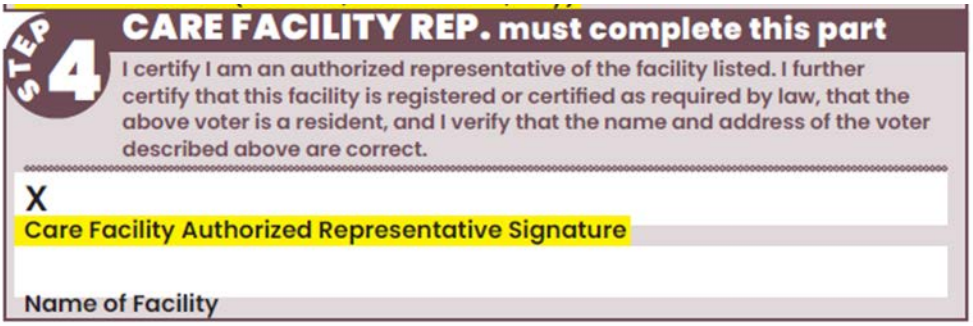
A voter who has requested an absentee ballot as an indefinitely confined voter and who is living at home, at a residential care facility or at a retirement home not visited by SVDs, only needs the signature and address of a witness to satisfy the photo ID requirement because the EL-122 Standard Absentee Certificate Envelope contains the name and address of the voter and the witness verifies that the information on the certificate is correct. Wis. Stat. § 6.87(4)(b)2.

Similarly, a voter at a residential care facility or at a retirement home not visited by SVDs who has not changed his or her name or residence and has previously provided a proof of identification for an absentee ballot is not required to provide it again in order to receive another absentee ballot, and therefore should also receive the EL-122 Standard Absentee Certificate Envelope. Wis. Stat. § 6.87(4)(b)3.

Special Circumstance Requiring EL-122SP Certificate Envelope

A voter who is an occupant of a residential care facility or qualified retirement home that is not served by SVDs has not applied as indefinitely confined, has not previously or provided photo ID for an absentee received an absentee ballot at that address, and has not provided a photo ID with the current request should be sent the EL-122SP Absentee Certificate Envelope with their ballot. Wis. Stat. § 6.87(4)(b)5. The EL-122SP Absentee Certificate Envelope contains a certification of care facility authorized representative section in step 4, which satisfies the photo ID requirement. *Id.* The Representative may also serve as the witness. See Wis. Stat. § 6.87(2).

Figure 2: Care Facility Certification of Witness



Best Practice: Because this circumstance is rare, instead of keeping an inventory of EL-122SP envelopes, the text of the envelope may be downloaded from the Commission website, cut to fit, and taped or glued onto an EL-122 standard envelope as needed.

Sec. 7.3.13: Establishing Residence

Like any other voter, a person living in a residential care facility or qualified retirement home for at least 28 consecutive days before any election, who considers the residential care facility or qualified retirement home their permanent residence, must register to vote using the facility or retirement home address if the individual desires to vote. See Wis. Stat. § 6.02(1), 6.10(1). If such a voter requests an absentee ballot by mail, the ballot will be sent as described in this chapter. Wis. Stat. § 6.875(3)(a).

Such a voter may also vote in person at the voter's polling place, or in person at an In Person Absentee Voting site in the voter's municipality. Wis. Stat. § 6.875(4)(ar)1.

Voters Temporarily Residing in Qualifying Care Facilities & Retirement Homes

A voter who is temporarily residing in a residential care facility or qualified retirement home may continue to vote using the address of the voter's permanent residence, so long as he or she continues to have an intent to return to that residence. Wis. Stat. § 6.10(5) and (8), and 6.875(3)(a). Voters temporarily residing in a residential care facility or qualified retirement home may vote in person at the voter's polling place, or in person at an In Person Absentee Voting site in the voter's municipality. Wis. Stat. § 6.875(4)(ar)1. Such a voter may also apply for and receive an absentee ballot by mail at the voter's permanent residence. Wis. Stat. § 6.875(4)(ar)2. Finally, if the voter wishes for an absentee ballot to be delivered to the residential care facility or qualified retirement home where they are temporarily residing, and that facility is served by SVDs, the SVDs must bring the ballot of that voter's residence when they make their visits. See Wis. Stat. § 6.875(3)(a) and (4)(a).

Example: The voter lives in Partyville but is temporarily residing in Safe Haven Care Facility. If Safe Haven is served by SVDs, the SDVs serving Safe Haven must coordinate with the Partyville municipal clerk and bring a Partyville ballot to the voter at Safe Haven.

If a clerk receives an absentee ballot application from a resident of the clerk's municipality who temporarily resides in a residential care facility or qualified retirement home served by SVDs located in another municipality and the request asks that the ballot be sent to that home or facility, the clerk must send the absentee ballot to the municipal clerk where the facility or home is located for delivery to the voter by the SVDs. Wis. Stat. § 6.875(3)(a).

If a clerk receives an absentee ballot application from a voter living in a residential care facility or qualified retirement home located in the clerk's municipality, but who is a registered voter of another municipality, the clerk must, as soon as possible, notify the clerk of the municipality in which the voter is registered, and request that an absentee ballot be issued to the voter living in the facility and sent to the municipal clerk for the facility for delivery by the SVDs. Wis. Stat. § 6.875(3)(a).

Best Practice: Put simply, a voter temporarily residing in a facility or home served by SVDs might send an absentee ballot request either to the clerk of the municipality of the facility or home, or to the voter's own municipal clerk. State law requires either request to be honored, and if this happens, the clerk receiving the request should immediately contact the other clerk and arrange for the voter's ballot to be sent from the voter's municipal clerk to the clerk of the facility or home, who will then send the ballot to the voter via the SVDs.

Sec. 7.3.14: Relatives

Relatives of voters who are eligible to vote with SVDs might understandably have many questions about the voting process for their loved ones. If a relative of a voter who is an occupant of a residential care facility or qualified retirement home asks the administrator of the facility or home when SVD voting will occur, the administrator may notify the relative concerning the date and time of the SVD visits, and also permit the relative to be present in the room where voting is conducted. Wis. Stat. § 6.875(6)(c)2. Upon the request of the voter, a relative who is present in the room may assist the voter in marking the ballot, however, the relative cannot witness the ballot, as all SVD delivered ballots must be witnessed by the SVDs. Wis. Stat. § 6.875(6)(c)1.

Best Practice: Some relatives of voters residing in residential care facilities or qualified retirement homes served by SVDs may express concerns that the relative must vote absentee in this manner. In such cases, clerks, facility administrators, and SVDs should explain to the relative that this method of voting is required by law if the resident has requested an absentee ballot. Relatives should be informed that they may be present when the SVDs conduct absentee voting at the facility, and that they may assist the voter if the voter so requests. The resident also has the option to vote at the polling place or in the municipal clerk's office rather than with the SVDs. If the voter's permanent residence is a different location than the home or facility, the voter may also request that an absentee ballot be sent to that address.

Sec. 7.3.15: Rules for Observers

The SVDs may exercise the authority granted to the chief inspector under Wis. Stat. § 7.41 to regulate the conduct of observers. Wis. Stat. § 6.875(6)(c)1, Wis. Admin. Code § EL 4.05(4). **See Sec. 7.3.15: "Rules for Observers" on page 32** concerning the general rules for election observers that apply to all observable locations. There are several specific rules for observation of homes and facilities served by SVDs, which will be detailed here. See Wis. Admin. Code Chapter EL 4.

Best Practice: Clerks should ensure that all SVDs are familiar with Wis. Admin. Code EL 4 and provide 2 copies of the chapter for each pair of SVDs to distribute to any observers that may accompany them.

One election observer from each of the two recognized political parties whose candidate for governor or president received the greatest number of votes in the municipality at the most recent general election may accompany the SVDs to each facility where and when absentee voting will take place. Wis. Stat. § 6.875(7), Wis. Admin. Code § EL 4.05(4)(a) and (b). Each party wishing to have an observer present must submit the name of the observer to the municipal clerk no later than the close of business on the last business day prior to the visit. Wis. Stat. § 6.875(7), Wis. Admin. Code § EL 4.05(4)(a). Except for family members, no other observers may be present during absentee voting conducted by SVDs. See Wis. Stat. § 6.875(6)(c)2. and (7), Wis. Admin. Code EL 4.05(4).

All observers must comply with the requirements imposed on visitors by a facility served by SVDs. Wis. Admin. Code § EL 4.05(4)(c). Observers may observe the process of absentee ballot distribution in the common areas of the home or facility, but they cannot enter a voter's private room. Wis. Admin. Code § EL 4.05(4)(d). Further, a voter may opt to close his or her door or otherwise secure his or her voting privacy. *Id.* The SVDs may not permit observers to hear any discussion concerning the electoral choices of the voter, and SVDs must in all cases enforce the voter's constitutional right to cast a secret ballot. If there is an issue with an observer causing a disturbance, both SVDs must agree that an observer should be removed, and the steps laid out in Wis. Admin. Code Chapter EL 4 must be followed.

Best Practice: The Commission found that the municipal clerk, under Wis. Stat. §§ 6.875(6)(b) and 7.41(3), possesses the authority to remove an observer from an SVD site if the observer disrupts the operation of the site or violates the prohibitions against electioneering or posting election related materials.

Note: Because a municipal clerk may need to appoint multiple SVDs to conduct all absentee voting within a municipality or send more than one team of SVDs to a given facility, there may be more than two total observers allowed to participate. Each pair of SVDs assigned to conduct absentee voting may be accompanied by an observer from each party.

Sec. 7.3.16: Challenges to Voters in Residential Care Facilities, Qualified Retirement Homes

Challenges to a voter's eligibility may not be made at the facility but must be made at the municipal clerk's office or at the polling place or board of absentee ballot canvassers meeting on Election Day when the voter's ballot is processed by the election officials. See Wis. Stat. §§ 6.48 and 6.93, Wis. Admin. Code EL 9. **See Sec. 7.7.3: "Absentee Ballot Applications, Verification Process" on page 111** for more information concerning challenges to voter registrations and ballots.

Sec. 7.3.17: Delivery of Ballots and Voting

Absentee ballots are brought to the care facility by the SVDs. Wis. Stat. § 6.875(4)(at), (6)(c)1. The municipal clerk (or deputy clerk or board of election commissioners) shall issue to the SVDs a specific number of absentee ballots sufficient to provide for the number of absentee ballot applications received from residents of the care facility and an additional number of ballots and EL-121 absentee ballot applications to handle any requests the SVDs may receive from other qualified occupants of the facility. Wis. Stat. § 6.875(6)(b) and (6)(c)1. The municipal clerk should initial all ballots given to the SVDs. See Wis. Stat. § 6.87(1). The clerk must keep a record of the number of ballots issued to the SVDs. Wis. Stat. § 6.875(6)(b). If unused ballots are left over, they must be returned to the municipal clerk along with all voted ballots. *Id.*

Best Practices: The Commission has designed a form, the EL-104SVD Log of Voting Activity, to best facilitate required record keeping of SVD voting and to ensure there is a chain of custody for the absentee ballots. SVDs should complete the EL-104SVD at the home or facility. The municipal clerk or board of election commissioners should issue all ballots to be used by the SVDs in a ballot container or envelope that is secured with a tamper-evident serialized tag or seal. The municipal clerk or board of election commissioners should record the number of the serialized tag or seal on the EL-104SVD. The SVDs should also be issued another tamper-evident serialized tag or seal to secure the container after the facility visit is complete. See Wis. Stat. § 6.875(6)(d). The number of this second serialized tag or seal should also be recorded on the EL-104SVD by the SVDs after the facility visit is complete. Both SVDs should verify the seal or tag number and that the seal or tag is intact before opening the ballot container. The SVDs should indicate that this verification was completed by initialing the respective section of the EL-104SVD. Upon opening the ballot container, the SVDs should confirm the total number of issued ballots is the same as the number indicated on the EL-104SVD and that they have the correct ballot styles, including for any voters who are not residents of the municipality. During the facility visit, both SVDs are jointly responsible for the security of the ballots issued to them and shall keep the opened ballot container in their presence at all times.

Voting Procedure

Two SVDs shall visit the facility at the time designated in the posted notice. Wis. Stat. § 6.875(6)(a). The SVDs shall conduct absentee voting as a team. Wis. Stat. § 6.875(6)(c)1. Both SVDs, together, shall personally offer each absentee voter who has filed the proper application an opportunity to cast his or her ballot. *Id.*

Note: Clerks with large care facilities in their municipalities may benefit from sending multiple pairs of SVDs, working in teams of two, in order to reach all voters in the facility in a timely manner. Facility staff may be of assistance in announcing the arrival of the SVDs and in identifying voters who will need assistance voting in the voter's private room, but staff many not handle ballots or assist in the voting process. See generally, Wis. Stat. §§ 6.875, and 6.875(6)(c)1.

Best Practice: Voting should be conducted in a common area of the facility.

Visiting Voter Rooms

The SVDs shall also visit the room of each occupant with an absentee ballot request on file who does not arrive at the common area where voting was conducted to offer the voter a ballot or to confirm that the voter does not wish to vote in the election. Wis. Stat. §§ 6.875(4)(at) ("shall personally deliver the ballot to the elector" and (6)(c)1. ("shall personally offer each elector who has filed a proper application for an absentee ballot the opportunity to cast his or her absentee ballot").

Note: This includes visiting the rooms of occupants who already have informed the administrator (or staff member) of the facility of their intent not to vote because the requirement is for the SVDs to offer the voter a ballot. This does not mean that SVDs may enter a voter's private room without being invited in, but that the SVDs must go to the room to inquire if the voter wishes to vote the ballot. If the voter does not answer, or does not indicate that the voter wishes to vote a ballot, the SVDs can conclude that the voter has declined to vote the ballot during that visit.

The SVDs should also visit the rooms of any occupants who have informed facility staff of their intent to vote, but whose names do not appear on the absentee ballot log. See Wis. Stat. § 6.875(6)(c)1.The SVDs may accept a written request for an absentee ballot from a registered, qualified voter and conduct in-person absentee voting for the voter while at the qualified care facility. *Id.* The SVDs should offer such a voter an EL-121 form to complete and ensure that applications are returned to the clerk when received. See Wis. Stat. § 6.875(6)(d).

Arranging a Second Visit of SVDs

The clerk must arrange for a second visit if an occupant is unable to vote at the time scheduled for the first visit due to any reason, including a quarantine, or if the clerk receives a new absentee application after the first visit. Wis. Stat. §§ 6.875(4)(at) and (6)(e). The Commission strongly recommends scheduling and noticing two visits in advance as part of the initial communication with the facility administrator as described above. If a requesting occupant has not voted with the SVDs after the second SVD visit but has not formally declined to vote the ballot as described below, the municipal clerk may mail the absentee ballot to the occupant of the facility in the same manner as other absentee ballots are mailed. Wis. Stat. § 6.875(6)(e). Such a voter needing to be mailed a ballot who has not applied as an indefinitely confined voter and has not previously submitted proof of identification to the clerk for an absentee ballot at that address will need to provide photo ID or reapply as an indefinitely confined voter if they qualify. See Wis. Stat. § 6.87(4)(b)5.

> **Best Practice:** For this reason, the Commission recommends that anyone in a qualified retirement home or residential care facility either apply as an indefinitely confined voter if they qualify and wish to receive ballots for each election, or provide an acceptable photo ID.

Voter is Entitled to Privacy to Vote

Special Voting Deputies, election observers, family members and facility staff must afford the voter privacy to vote his or her ballot. See Wis. Const. Art. III § 3. After marking the ballot in the presence of the SVDs, the voter places the marked ballot in the certificate envelope (EL-122SVD) and seals the envelope. See Wis. Stat. §§ 6.87(4)(b)1, 6.875(6)(c)1. The voter completes and signs the certification on the envelope. See *Id.*

Completing the Certificate Envelope

Both of the SVDs must sign as witnesses on the certificate envelope. Wis. Stat. §§ 6.87(2), 6.875(6)(c)1. The Commission finds that the SVDs may provide the clerk's office address as part of the certification of witnesses on the certificate envelope. See Wis. Stat. §§ 6.87(2), (6d), Rise, Inc. v. Elections Comm'n, 2024 WI App 48 ¶ 3, 413 Wis. 2d 366, 372, 11 N.W.3d 241, 244 (finding that a witness address means "a place where the witness may be communicated with"). Because SVDs are appointed by the municipal clerk and are election officials under Wisconsin law, the municipal clerk's office address is also the official address of the SVDs acting in their role as election officials and is a place where the SVDs may be communicated with.

Sec. 7.3.18: Best Practice: Voter Declines a Ballot

An indefinitely confined or calendar year voter whose name appears on the absentee ballot log may not wish to vote an absentee ballot but may want to maintain his or her status as an indefinitely confined or calendar year voter. See Wis. Stat. §§ 6.86(2)(b), (2m)(a). In that case, the SVDs should print the voter's name on the Elector Decline of Ballot in Residential Care Facilities and Retirement Homes form (EL-126) in the appropriate section. Both SVDs must sign the form.

Any communication by a voter to decline a ballot should be between the voter and clerk prior to the visit by SVDs or between the voter and Special Voting Deputies during the visit. The municipal clerk should direct the SVDs as to which methods a voter may employ to decline a ballot to ensure that the voter's decision has been documented and to maintain the integrity of the voting process in residential care facilities.

The municipal clerk may determine whether the following methods are acceptable:

- Voter declines a ballot via telephone
- Voter declines a ballot by signing a printed memo distributed by facility staff
- Voter places signed note declining a ballot on door to room

Sec. 7.3.19: Persons Assisting Voters

Absentee ballots must be voted only by the absentee voter, unless the voter requests assistance in reading or marking the ballot or completing the absentee certificate envelope. Wis. Stat. § 6.875(6)(c)1. See Wis. Stat. § 12.13(3)(s). Generally, a voter may select any person (except their employer or an officer or agent of a labor union who represents the voter) to assist with the voting process. Wis. Stat. § 6.87(5). However, when voting by SVD, assistance with these two tasks is limited to an SVD or a relative of the voter. Wis. Stat. § 6.875(6)(c)1.

Can SVDs Provide Assistance?

The SVDs shall assist the voter if requested. An assistor must always act under the direction of the voter. See Wis. Stat. § 6.875(6)(c)1, Wis. Stat. § 12.13(3)(j). The SVD or relative providing the assistance must certify in the space provided on the ballot that it was completed with his or her assistance. Wis. Stat. §§ 6.87(5), 6.875(6)(c)1.

Best Practice: If assistance is required to complete the Absentee Certificate Envelope, the SVD or relative providing the assistance must certify in the space provided on the envelope that it was completed with his or her assistance. See Wis. Stat. § 6.875(6)(c)1.

Note: There are other types of assistance that any person (except his or her employer or officer/agent of a labor union who represents the voter) may provide to a voter with a disability upon request. This person may assist a voter in completing election forms, such as the Voter Registration Application (EL-131) (Wis. Stat. § 6.33(2)(a)), Application for Absentee Ballot (EL-121) or letter requesting an absentee ballot (Wis. Stat. § 6.86(1)(ag). If the voter is unable to sign a voter registration form or an absentee ballot request, the voter may direct the assistor to sign the voter's name to the document, and if this assistance is provided, the assistant must record his or her own name on the document in the proper field. Wis. Stat. §§ 6.33(2)(a) and 6.86(1)(ag).

Sec. 7.3.20: Who May Undertake the Following Actions for Voters Voting by Special Voting Deputy

Table 13: Summarizes of Rules Related to Assisting Voters Served by SVDs

Action	Anybody	Family Member[3]	SVD	Power of Attorney or Guardian
Assist a voter in completing a Voter Registration Application.[4]	Yes	Yes	Yes	Yes
Assist the voter by signing the voter's name on the Voter Registration Application.[4]	Yes	Yes	Yes	Yes
Assist a voter in completing a request for absentee ballot.	Yes	Yes	Yes	Yes
Assist the voter by signing the voter's name on an absentee ballot request.	Yes	Yes	Yes	Yes
Assist a voter in marking a ballot at the direction of the voter.	No	Yes	Yes	No
Assist the voter by completing the Absentee Certificate Envelope.	No	Yes	Yes	No
Assist the voter by signing the voter's name on the Absentee Cert Envelope.	No	Yes	Yes	No

3 Includes a family member employed by the facility.

4 Before the open registration cut off and for applications made with SVDs, only the SVDs may assist.

Sec. 7.3.21: Return of Ballots

Upon completion of absentee voting at the facility, the SVDs shall count the number of voted, unvoted, and spoiled ballots, record those numbers on the EL-104SVD, and confirm all ballots are accounted for. See Wis. Stat. § 6.875(6)(d). Voted ballots, unvoted ballots, spoiled ballots, and any other voting materials, except for the EL-104SVD, are placed in the ballot container. See *Id.* The SVDs should then re-secure the ballot container with a new tamper-evident serialized tag or seal, recording the number of the tag or seal on the EL-104SVD before signing the certification section. See *Id.*

As soon as possible, but no later than 18 hours (including weekends) after visiting each residential care facility or qualified retirement home, the deputies must deliver any absentee ballot applications and the sealed certificate envelopes containing each ballot to the municipal clerk of the municipality in which the voter casting the ballot resides. *Id.*

Sec. 7.3.22: Special Advisory for Facility Administrators and Staff

In order to ensure the integrity of the absentee voting process, the Wisconsin Elections Commission recommends that the personnel in care facilities familiarize themselves with the absentee voting process. Administrators of these facilities should communicate regularly with the municipal clerk concerning the status of absentee voters at their facility. The administrator should also make an effort to ensure that any occupant who desires to vote is properly registered. Persons who are found by a court to be incapable of understanding the electoral process are not permitted to vote. Wis. Stat. § 6.03(1)(a), (3). The facility should have a social worker available who may be consulted regarding any competency determinations made by a court for an occupant.

Facility administrators and personnel, election observers, and occupants of care facilities should be aware that failure to comply with these requirements may result in invalidation of the votes of occupants. Wis. Stat. § 6.84(2). It is also a misdemeanor to interrupt or disturb the voting process. Wis. Stat. § 12.13(3)(x). It is a felony to impede or prevent the free exercise of voting through an agent or by duress or any fraudulent device or contrivance. Wis. Stat. § 12.09(2).

If facility staff impede or do not cooperate with the SVD process, the municipal clerk should share this Manual section with the staff and administrator. The clerk may also request the assistance of Commission staff or ask the facility staff to contact the Commission.

Candidates are not allowed as observers in the voting area. Wis. Stat. §§ 6.875(6)(b), 7.41. The same restrictions on electioneering that apply to polling places on Election Day apply to the facility while SVDs are present, which means there should be no campaign activity in the facility or within 100 feet of any entrance to the facility while voting is taking place, except on private property. Wis. Stat. § 12.03(2)(b)3.

Chapter 7.4: Types of Absentee Voters: UOCAVA

Sec. 7.4.1: Introduction

Military and overseas voters may face additional challenges when voting. There are many state and national laws that protect military and overseas individuals' right to vote. Chief among them is the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) of 1986 and the Military and Overseas Empowerment ("MOVE Act") of 2009. Much of the clerk activity surrounding ballot requests, mailing, and receipt/processing is tracked and reported to the federal government so they can be sure that all states are following the federally mandated guidelines.

Sec. 7.4.2: Sec. 7.4.2 Who are Military & Overseas Voters?

In Wisconsin, the term "military and overseas voters," sometimes also referred to as "UOCAVA voters," refers generally to three different types of voters:

Table 14: Examples of UOCAVA Voter Types

Type of Voter	Examples
Military Voter	• Active duty services members stationed within the U.S. and abroad • Spouses • Dependents residing with or accompanying
Permanent Overseas Voters	• U.S. citizens who have moved permanently outside the U.S. • U.S. citizens born abroad whose parents last lived in Wisconsin
Temporary Overseas Voters	• Wisconsin voters who are temporarily outside the U.S. • Study abroad students • Vacationers • Business travelers

Sec. 7.4.3: The Federal Voting Assistance Program (FVAP)

The Federal Voting Assistance Program (FVAP) is a federal program tasked with administering UOCAVA and MOVE. FVAP assists military and overseas voters through partnerships with the Military Services, U.S. Department of State, U.S. Department of Justice, election officials from 50 states, U.S. territories, and the District of Columbia. FVAP has a wealth of military and overseas voter-related resources on FVAP.gov.

Sec. 7.4.4: Get to Know the Federal Forms

Federal law prescribes two different forms for military and overseas voters to use to register to vote and vote by absentee ballot. Both forms will be further described in detail in these chapters, but it is important to understand at the outset how they are similar and how they differ. An additional form — the National Mail Voter Registration Form — is commonly distributed at military installations, embassies, and consulates. It can only be used for voter registration, and the Commission has only prescribed it for use in specific circumstances.

It is likely that many municipal clerks, regardless of the size of their jurisdiction, will encounter at least one of these federal forms at least once during their tenure. It is important that clerks be able to recognize each form, understand how it is being used, and then use this manual to correctly review and process the form.

Table 15: Federal Forms and their Uses

Form Names	Used to Register to Vote?	Used to Request Absentee Ballot?	Used as Backup Ballot?
Federal Post Card Application "FPCA" "Standard Form 76"	Yes	Yes	No
Federal Write-In Absentee Ballot "FWAB" "Backup Ballot" "Federal Write-In Ballot" "Standard Form 186"	No	Yes	Yes
National Mail Voter Registration Form "National Form" "Federal Form" "NVRA Form"	Yes *(within 45 days prior to election)*	No	No

Sec. 7.4.5: Overview: Voting Process for UOCAVA Voters

The section is structured to follow the voting process as shown below, with information about the requirements and actions for each group of voters as well as for the clerks. The process for military and overseas voting is similar to the process used by all absentee voters but with several important differences. Military and overseas voters have their own deadlines, their own forms, their own Uniform Instructions, their own certificate envelopes and, in some instances, their own ballot styles.

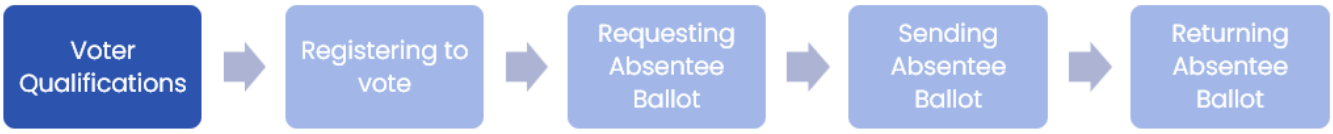
Step 1: Voter Qualifications
Military and overseas voters are specifically defined by law. Only individuals who meet those definitions may vote using this method.

Step 2: Voter Registration
Military voters are exempt from registration when voting absentee. Overseas voters are required to register.

Step 3: Absentee Ballot Requests
Military and overseas voters may use additional methods to request their absentee ballots, including unique federal forms.

Step 4: Absentee Ballot Requests
Military and overseas voters may choose to receive their ballot materials electronically, by mail, or in person.

Step 5: Returning the Absentee Ballot
Military and overseas voters must return their ballots by mail.



Sec. 7.4.6: Military Voters

"Military voters," also known as "military electors," is the general designation used in state and federal law to refer to the group of voters who are entitled to certain voting exemptions and benefits due to their qualifying service or civilian employment. There are many different types of military voters, including certain civilians, and the definition of "military voter" is not limited to individuals serving in one of the branches of the U.S. military. Military voters also include spouses and dependents residing with or accompanying the qualified military voters.

Who are Military Voters?

Military voter means any of the following individuals:

- Members of a uniformed service who are on active-duty orders in the U.S. Army, Navy, Air Force, Marine Corps or Coast Guard, the Commissioned Corps of U.S. Health Service or National Atmospheric Administration Commissioned Officer Corps. Wis. Stat. § 6.22(1)(b)1., (1)(c).
  - The U.S. Space Force is part of the U.S. Air Force. 10 U.S.C. § 9081(a).
  - The National Guard is part of the U.S. Army or U.S. Air Force. See generally U.S. Code: Title 32.
- Members of the Merchant Marine of the United States. Wis. Stat. § 6.22(1)(b)2. The United States Merchant Marine is a civilian fleet of U.S.-flagged commercial ships and American mariners who fulfill both commercial and military transport needs.
- Civilian employees of the United States and civilians officially attached to a uniformed service who are serving outside the United States. Wis. Stat. § 6.22(1)(b)3.

Best Practice: Examples of civilian employees include but are not limited to foreign service members with the U.S. State Department, USAID, etc.

- Peace Corps volunteers. Wis. Stat. § 6.22(1)(b)4.
- Spouses and dependents of those listed in the above categories residing with or accompanying them. Wis. Stat. § 6.22(1)(b)5.

Only Current, Active Service or Employment Qualifies

As illustrated above, there are several categories of people that fit under the umbrella of "military voters," even though some of those categories consist of civilians. **The most important qualifying criteria for all categories of military voters is that they need to be currently, actively serving or employed in the qualifying role.** That contrasts with veterans or former civilian employees — those types of voters are no longer engaged in the qualifying service. The Commission has interpreted the definition of "member of uniformed service" in Wis. Stat. § 6.22(1)(b) to be consistent with the definition in Wis. Stat. § 6.34(1), as well as to be consistent with UOCAVA, both of which contain an active-duty requirement.

- For members of a uniformed service, this means they must have active-duty orders, which is discussed further below.
- For members of the merchant marine, civilian employees of the U.S. who are outside the U.S., and for Peace Corps volunteers, there is no one set of documents or status they need to qualify. Instead, military voters qualifying under those categories must be able to certify that they are currently employed or engaged in the qualifying service.

Important: Municipal clerks should not base eligibility for these voters on whether they have active-duty orders — instead, the question should be whether they are currently engaged or employed in the qualifying service.

28-Day Extension of Service Exception: The only exception to this requirement is the 28-day extension of privilege afforded by Wisconsin law, which states that individuals can continue to qualify as military voters for 28 days after the date of discharge from uniformed service or a termination of qualifying civilian employment. Wis. Stat. § 6.22(7).

Best Practice: If a voter is unsure of whether they qualify as a military voter due to a less common service type, the municipal clerk should attempt to gather as much information as possible about the nature of their service, their rank (if any), and as much as they know about how their service structure is organized. The municipal clerk should then confer with their local counsel about whether the voter meets the definition of a military voter pursuant to Wis. Stat. §§ 6.22(1) and 6.34(1), or 52 U.S.C. § 20310(1). Ultimately, it is up to the voter to determine whether they fulfill the requirements, and certify that they do, under state statute to be a military voter.

Members of Uniformed Service Must Have Active-Duty Orders

The vast majority of military voters in Wisconsin are members of a uniformed service and their spouses and dependents. **This section does not apply to members of the merchant marine, civilian employees of the United States, and Peace Corps volunteers because those individuals do not have active-duty orders in the same way.** However, members of the merchant marine, civilian employees of the United States, and Peace Corps still must be actively serving or employed in those roles, as discussed above.

Members of uniformed service must be on active-duty orders to qualify for any of the exemptions and benefits afforded to them as military voters under state and federal law. The Commission has interpreted "member" of a uniformed service to mean someone who is in active-duty orders. Wis. Stat. §§ 6.22(1)(b), 6.34(1). If a voter does not currently have active-duty orders in a uniformed service, they do not qualify as a military voter on that ground of eligibility.

Best Practice: Generally speaking, "active-duty orders" are the paperwork that military members receive that authorizes them to perform full-time military service. There are different types of military orders, but the vast majority of service members and their dependents will know whether they have active-duty orders or not.

Who is Not a Military Voter?

Veterans after 28 days following discharge: Military voter eligibility is extended for 28 days after the discharge from service or termination of qualifying service employment, but after that, the voter will need to re-register to vote. Wis. Stat. § 6.24(7). Prior military service is not a basis of eligibility to vote as a military voter.

Members of the Reserves or National Guard without active-duty orders: Anyone serving as a reservist without active-duty orders also does not meet the definition of a military voter. Wis. Stat. § 6.34(1), 52 U.S.C. § 20310(1).

Family members of military voters who do not reside with or accompany the military voter: To be a qualifying spouse or dependent, the individual must be residing with or accompanying the military voter. Wis. Stat. § 6.22(1)(b)5. If a military voter is deployed overseas and her spouse stays to reside at their Wisconsin residence, her spouse does not qualify as a military voter.

> **Best Practice:** If a spouse moves outside of Wisconsin to accompany a qualified military member and that military member is deployed overseas, the spouse residing outside of Wisconsin would still qualify as a military voter.

Do Military Voters Need to Be at Home or Away to Qualify?

Military voters can either be at home, or they can be absent from their Wisconsin residence due to their service. The difference changes which exemptions and voting procedures they are eligible for, but it does not change whether they meet the definition of a military voter.

Remember, the important question for whether someone qualifies as a military voter is whether they are currently, actively serving in the qualifying role, which means on active-duty orders for members of uniformed service. Whether the military voter is at home or absent from their residence informs how they vote, not whether they can qualify as a military voter.

The away from home distinction comes from how UOCAVA classifies military voters. UOCAVA uses the term "absent uniformed services voter," and each qualifying definition specifies that the voter must be absent from their residence

"by reason of" their active duty or civilian service. 52 U.S.C. § 20310(1). After UOCAVA became law, Wisconsin updated several of its statutes to add a similar definition of military voter, which also requires the voter to be absent "by reason of" the duty or service. Wis. Stat. § 6.34(1). However, the Legislature did not replace its original definition of military voter (which does not have an away from home requirement). Wis. Stat. § 6.22(1)(b).[5] The outcome of all of this is that military voters who are absent from their Wisconsin residence have some different voting procedures than those who are at home, but military voters who are at home still retain some of the benefits of military voters.

Military Voters at Home

Military voters who are not absent from their Wisconsin residence still must either be on active-duty orders or currently, actively employed in qualifying service in order to benefit from the military voter provision described in this section.

If they are at home and voting by absentee ballot, they are still exempt from the voter registration requirement, and the proof of residence requirement by extension, and they are also exempt from providing photo ID as a condition of requesting their absentee ballot. Wis. Stat. §§ 6.22(3) (registration exemption), 6.34(2) (proof of residence exemption), 6.87(1) (photo ID exemption).

Military voters at home can request an absentee ballot by mail, by email, or in person. Wis. Stat. § 6.86(1)(a). If the request is made by email, it must be made by 5 p.m. on the Thursday before Election Day. Wis. Stat. § 6.86(1)(b). If the request is made by mail, it must be made by 5 p.m. on the Friday before Election Day. Wis. Stat. § 6.86(1)(c). If the application is made in person, it must be made no later than the Sunday preceding the election. Wis. Stat. § 6.86(1)(b).

---

5 Wisconsin law is not consistent in how it defines military voters. In the statute that predates UOCAVA, the definition of "military voters" in Wis. Stat. § 6.22(1)(b) does not contain any references to "active duty" or being away from the voter's residence. The federal UOCAVA definition (which uses the term "absent uniformed services voter" instead of "military elector") contains an "active duty" requirement, and also a requirement that the voter be absent from home by nature of that active duty. 52 U.S.C. § 20310. A second definition of "military elector" in Wisconsin law mirrors this federal language. Wis. Stat. § 6.34(1). The primary difference between the definition of "military elector" in Wis. Stat. § 6.22(1)(b) and 6.34(1) is that the latter contains a further specification that the voter must be active duty who, by reason of that duty, is absent from their residence. That does not mean that the definitions of "military elector" *Id.* are in conflict — the latter is just more specific. Wisconsin statutes cross-cite to the two state law definitions of "military elector" inconsistently. For statutes citing Wis. Stat. § 6.22 see Wis. Stat §§ 6.10(13), 6.25, 6.86(1)(a)3., 6.86(1)(c), 6.86(2m)(a). For statutes citing Wis. Stat. § 6.34(1) see 6.22(2)(e), 6.22(4)(a), 6.22(6), 6.276, 6.86(1)(b), 6.865(1), 6.87(3)(d), 6.87(4), 6.88(1), 6.97(1).

Military voters at home cannot request an absentee ballot by email using MyVote — if they want to request an absentee ballot by email, they must email their municipal clerk directly. Voters can find their clerk's contact information on MyVote.

Military Voters Away from their Wisconsin Residences

In addition to being exempt from registration, from providing proof of residence, and from providing photo ID when voting absentee, military voters who are away from their Wisconsin residence are entitled to additional voting procedures designed to make it easier for them to vote. Remember, military voters who are absent from their residence must be absent by reason of their service or employment. Military voters may be stationed all around the state, the country, and the world, including on marine vessels at sea. Accordingly, both the U.S. Congress and Wisconsin Legislature have determined that these voters need to have access to their ballot materials as quickly as possible to ensure they have sufficient time to return their ballots by mail.

The biggest benefit for this group of voters is the ability to request and receive their ballot materials electronically. Wis. Stat. §§ 6.86(1)(ac), 6.87(3)(d). "Electronically" means that the voter receives the materials directly from their clerk by email or fax. These methods and processes are discussed further in **Sec. 7.4.10: "Requesting Absentee Ballots for UOCAVA Voters" on page 65**.

Another benefit for military voters who are away from their Wisconsin residence is additional time to make their absentee ballot requests when making their request by email or online for federal elections. Wis. Stat. § 6.86(1)(b). When making this type of absentee ballot request, military voters who are absent from their Wisconsin residence have until 5 p.m. on Election Day to do so. Practically speaking, however, since all voters, including military voters, are required to return their ballots by mail or in person, it is extremely unlikely that an overseas military voter who makes an absentee ballot request on Election Day will have enough time to return that ballot by 8 p.m.

What if Military Voters Go to the Polls on Election Day?

Military voters can vote at the polls on Election Day, but they would not be eligible for any of the exemptions and procedures discussed in this chapter if they do. In other words, military voters who go to their polling places on Election Day need to register and vote just like any other voter, even if they are home for the day while still on active-duty orders.

If a military voter who has not previously registered to vote goes to the polling place to vote on Election Day, their name will have the "MILITARY RGSTR" in the poll book, which will prompt the poll workers to register them to vote with appropriate proof of residence.

Multiple statutory provisions support the conclusion that military voters can only ever be absentee voters. Military voters have their own specific section in Chapter 6, which is titled "Absentee voting for military voters." Wis. Stat. § 6.22. In the sub-section titled "Voting Procedure," the statute confirms that the ballots of military voters "…shall be marked and returned, deposited and recorded *in the same manner as other absentee ballots*." Wis. Stat. § 6.22(5) (Emphasis added). Similarly, military voters "…may file an application *for an absentee ballot*…" Wis. Stat. § 6.22(2)(e) (Emphasis added). Within the proof of residence provision, military voter is more specifically defined, in part, as "a member of a uniformed service on active duty who, by reason of that duty, *is absent* from the residence where the member is otherwise qualified to vote…" Wis. Stat. § 6.34(1) (Emphasis added). In summary, no provision of Wisconsin law appears to contemplate a scenario where a military voter is not an absentee voter.

If a voter is registering to vote in-person on election day at their polling place, they do not meet the definition of a military voter because they are not voting via absentee ballot. While they may meet the service definition of a military voter in Wis. Stat. § 6.22(1), Wisconsin law is clear that military voters must be voting absentee in order to be exempt from voter registration and proof of residence requirements.

This distinction is only important for in-person voting on election day at the polls. If military voters are voting via in-person absentee ballot (IPAV), the exemptions for registration and proof of residence do apply as IPAV is a form of absentee voting.

Sec. 7.4.7: Overseas Voters

There are two types of overseas voters and the definitions for each type both depend on a voter's intent to return. The word "overseas" is not limited to those residing literally in countries separated from the United States by bodies of water. "Overseas" legally means a voter who is outside the United States. Wis. Stat. § 5.02(12n), 52 U.S.C. § 20310(5).

- A permanent overseas voter is a U.S. citizen who has either never lived in the United States or has left the United States and has no intent to return or whose intent to return is uncertain. Wis. Stat. § 6.24(1). Permanent overseas voters must meet all of the legal requirements to vote except the residency requirement. *Id.* Permanent overseas voters are only eligible to participate in federal contests such as President (including the Presidential Preference Vote), Representative to U.S. Congress, and U.S. Senate.
- A temporary overseas voter is a U.S. citizen who has lived in the United States and is away from their residence for temporary purposes, such as a student studying abroad, someone on vacation, or someone whose employment requires them to live in another country for a period of time. They meet all of the requirements to vote in Wisconsin, including the residency requirement. Temporary overseas voters are absentee voters, though the fact that they are overseas guarantees them some of the same protections as permanent overseas voters. There is no specific timeframe or definition as to what constitutes "intent to return", so it is up to the voter to certify that they intend to return to the United States. See Wis. Stat. § 6.10(1). Temporary overseas voters receive a full ballot with federal, state, and local contests.

Permanent Overseas Voters

A permanent overseas voter must meet all of the following criteria:

- Be a U.S. citizen who is not disqualified from voting in Wisconsin under Wis. Stat. § 6.03, and who does not qualify as a resident of this state under Wis. Stat. § 6.10. Wis. Stat. § 6.24(1).
- Is or will be at least 18 years old by the date of the election in which they are voting. *Id.*
- Either they have resided in Wisconsin previously or at least one of their parents resided in Wisconsin immediately prior to the parent's departure from the United States. *Id.*
- Not registered to vote in any other state, territory, or possession. *Id.*

A permanent overseas voter may vote in any contest or election for *federal* office, which typically includes the Partisan Primary, General Election, the Presidential Preference Primary, and potential special elections. Wis. Stat. 6.24(2).

These voters may vote for President, Representative to U.S. Congress, and U.S. Senate and vote a special federal-only ballot. Federal-only ballots are prescribed by the Commission ahead of each federal election and only contain federal offices.

This is ***not*** the same as a presidential-only voter who can only vote for the Office of President. For more information on presidential-only ballots for new Wisconsin residents and former Wisconsin residents, **see Chapter 5.5: "Presidential-Only Ballots."**

Permanent overseas voters sometimes want to know what they need to do in order to be permitted to vote in state and local contests. However, they may not vote in an election for state or local office unless they qualify as a resident of the state and are registered as a voter who can satisfy the legal residency requirement for voting. To re-register as a regular voter rather than a permanent overseas voter, they must first establish a physical residency in Wisconsin for at least 28 days prior to Election Day and must register by completing a voter registration application, providing a proof of residence document, and photo ID when receiving a ballot. Wis. Stat. § 6.24(2).

Note: Permanent overseas voters may ***not*** cast ballots in-person on Election Day

In the past, this has occurred infrequently when voters who otherwise permanently reside outside the United States are back in their Wisconsin jurisdiction during election day. The state law that authorizes their voting procedure, as well as the federal UOCAVA law on which state law is based, are clear that the voting process is limited to absentee voting. Specifically, the law states that an "overseas voter who is properly registered may request an absentee ballot in writing" under applicable state statutes. Wis. Stat. § 6.24(4)(a). Nothing in state law governing overseas voters contemplates in person voting on Election Day. This legal analysis is also consistent with polling place logistics. Since permanent overseas voters can only vote in federal contests, most polling places will not have a federal-only ballot prepared and available if a permanent overseas voter shows up.

Questions on Registering Overseas Voters? **See Sec. 7.4.9: "Methods for Voter Registration for UOCAVA Voters" on page 57.**

Temporary Overseas Voters

The main difference between a permanent overseas voter and a temporary overseas voter is whether the voter can meet the legal residency requirements for voting. Permanent voters cannot — they have no intent to return to the United States, or their intent to return is uncertain. Wis. Stat. § 6.24(1). Temporary overseas voters do meet the residency requirements to vote — they are regular voters who are temporarily away from home. Prior to 2018, this used to mean that temporary overseas voters had to vote just like any other absentee voter and could not take advantage of the special procedures that permanent voters rely on to receive and vote their absentee ballots. However, federal law does not make a distinction between temporary and permanent overseas voters. UOCAVA applies equally to all overseas voters. 52 U.S.C. § 20310(5)(B) and (C).

In 2018, the State of Wisconsin entered into a consent decree with the U.S. Department of Justice and agreed to afford some of the same benefits and protections to temporary overseas voters that permanent overseas voters enjoy.[6]

Under federal law, temporary overseas voters are permitted to receive their blank absentee ballots by mail or electronically and also may use the Federal Write-in Absentee Ballot (FWAB) to cast their votes. See 52 U.S.C. §§ 20302(a)(7), 20302(a)(3). The consent decree means that the State of Wisconsin has agreed that these federal provisions apply to temporary overseas voters.

Temporary overseas voters:

- Must register to vote
- Can receive their ballot by mail, email or fax
- Cannot request a ballot through MyVote
- Do not need to re-register as a temporary overseas voter when they leave the county

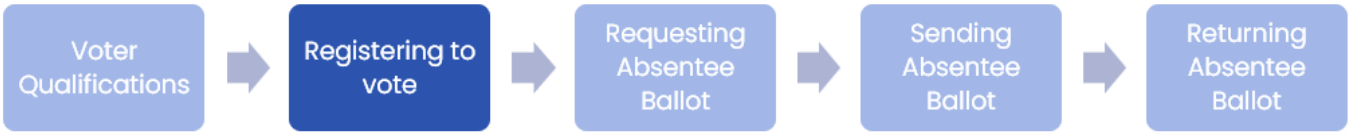
Temporary absentee voters may request to receive their absentee ballots either by mail or by email/fax. This is discussed further in the procedures sections below.

Temporary overseas voters have all of the same legal requirements to vote as regular, non-military and non-permanent overseas voters. See Wis. Stat. § 6.03. These voters can include short-term travelers, including students studying abroad or people on vacation, and individuals who have moved abroad but intend to

---

6 Available at: justice.gov/crt/case-document/file/1075226/dl?inline=

return to Wisconsin in the future. They do not need to re-register as a temporary oversea voter when they leave the country and are not required to update any aspect of their registration to take advantage of UOCAVA's provisions. Temporary overseas voters are permitted to vote a full ballot, including state and local contests, because they meet the residency requirement to vote in Wisconsin.



Sec. 7.4.8: Voter Registration for UOCAVA Voters

All voters who are required to register can only register to vote online through MyVote, by mail, or in person. Wis. Stat. § 6.30. Military and overseas voters cannot fax or email voter registration applications even if they are outside the United States.

Registration Requirements

Table 16: Summary of Registration Requirements for Each Voter Type

Type of Voter	Registration Requirements
Military Voters	Not required to register but may choose to do so. Wis. Stat. § 6.22(3). Even if military voters are not registered, clerks must still have enough information to create a voter record in WisVote in order to issue the absentee ballot.
Permanent Overseas Voters	Must be registered where they used to live or where at least one of their parents used to live before moving outside the U.S. Wis. Stat. § 6.24(3).
Temporary Overseas Voters	Register the same as regular voters. Wis. Stat. § 6.27. Not required to re-register or update their registration when temporarily outside the U.S.

Sec. 7.4.9: Methods for Voter Registration for UOCAVA Voters

Military and overseas voters may utilize a variety of methods to register to vote. Each of these registration methods are discussed further below.

Important Reminder: Military voters who are on active-duty orders, or are otherwise in a current, active qualifying status, are not required to register to vote when voting by absentee ballot but some choose to do so anyway. Wis. Stat. 6.22(3).

Best Practice: An absentee ballot cannot be issued to a voter if the voter does not have a voter record in WisVote. If a military voter is not registered, the clerk still must input enough information to create a voter record for them in the system. The minimum information required to create a voter record is First Name, Last Name, Date of Birth, Home Address, Voter Type, and Wisconsin Driver's License or Last Four of Social Security Number (if the voter has one). Legally, creating a voter record is not the same thing as registering someone to vote, though the same functions are used in WisVote to achieve both results. Often, a clerk won't have all of the information necessary to complete a full registration if the military voter is not intending to register to vote, and such a voter likewise will not need to provide proof of residence. For more detailed instructions on how to review and create voter records for military voters in WisVote, clerks should refer to Section 2.2 of the WisVote User Manual.

Online Voter Registration

The easiest and most common way voters can register to vote is online at MyVote.wi.gov.

What is it? An online registration through MyVote is an electronic application for voter registration where the Commission's MyVote website prompts the voter to input all information necessary for registration. Wis. Stat. § 6.30(5).

Where can I find it? By visiting MyVote.wi.gov.

How and when is it returned? Online registration through MyVote is returned to the municipal clerk as soon as it is completed. Online registration must be completed no later than 11:59p.m. CST on the third Wednesday before the election. Wis. Stat. § 6.28(1)(a).

The Federal Post Card Application (FPCA)

For an example of the FPCA and instructions for how to properly review this form, **see "Appendix 7.4.A: Reviewing the Federal Post Card Application (FPCA)" on page 85**.

What is the FPCA? The FPCA is a postage-free postcard, printed and distributed by the U.S. Department of Defense Federal Voting Assistance Program (FVAP) for use by military and overseas voters. The FPCA is a combination **voter registration form** and **absentee ballot request**, and can be used for both of those purposes. The FPCA is a federal form that can be used in all 50 states. This means that it is not Wisconsin-specific, so municipal clerks must take care when receiving an FPCA to make sure it contains all required information for completing Wisconsin processes. The FPCA must be accepted in Wisconsin if the voter has provided all required information on the form. 52 U.S.C. § 20302(a)(4) (UOCAVA requirement), Wis. Stat. §§ 6.24(4)(b) (permanent overseas voters), 6.22(2)(c) (military voters).

How is the FPCA used in Wisconsin? As mentioned above, the FPCA can be used for two purposes. However, the form does not contain a box for the voter to indicate the purpose of the form. Municipal clerks should not complete a full registration for military voters unless the FPCA contains all the required information necessary, and it is clear that the military voter intends to register to vote (though military voters are still exempt from providing proof of residence). Instead, clerks should use the FPCA to either create a new voter record, or update an existing voter record, before processing the absentee ballot request. **Clerks should refer to Section 2.2 of the WisVote User Manual for more detailed instructions.**

Where can I find the FPCA? The online version of the FPCA can be obtained from the FVAP website at fvap.gov.

How and when is the FPCA returned?

- For Voter Registration: If it is being used for voter registration, it must be postmarked by the third Wednesday prior to the election. Wis. Stat. § 6.28(1)(a). If used for registration, it must be returned by mail or returned in person to the clerk. Wis. Stat. § 6.30(1) and (4). It cannot be emailed or faxed.
- To Request an Absentee Ballot: If it is being used only as an absentee request, a voter may be mail, email, fax or take it to their municipal clerk. Wis. Stat. § 6.28(1)(a) The request must be received by the municipal clerk no later than 5 p.m. on the 5th day immediately before the election unless the voter is a military voter for a federal election. Wis. Sta. 6.86(1)(b). In that case, military voters may request absentee ballots by email, fax, or online through MyVote for federal elections until 5 p.m. on Election Day. *Id.*

Wisconsin's Voter Registration Application (EL-131)

What is the EL-131? The standard voter registration form is the form that most voters use in Wisconsin to register to vote.

Where can I find the EL-131? The EL-131 Voter Registration form is available on the Wisconsin Elections Commission website.
How and when is the EL-131 returned? This form must be mailed and postmarked by the third Wednesday before the election. Wis. Stat. § 6.28(1)(a).

In-Person Registration with the Municipal Clerk

What is it? Any voter, including military and overseas voters, can register to vote in person with their municipal clerk. Wis. Stat. § 6.30(1) However, practically, this is not a common registration option for most military and permanent overseas voters.

Where can I do it? At the clerk's office. Any voter can look up the contact information for their municipal clerk on MyVote.wi.gov.

How and when is it completed? In person registration closes at 5 p.m. on the 3rd Wednesday before Election Day. Wis. Stat. § 6.28(1)(a).After that date, in person registration is handled as a late registration, and must be completed by 5 p.m. on the Friday before Election Day. Wis. Stat. § 6.29(2)(a).

Election Day Registration (EDR)

Note: Military voters can vote in person at their polling place on Election Day but if they do, they are considered regular voters as the special exemptions for military voters only apply when they are voting absentee. If they wish to vote in person at their polling place on Election Day, they must register to vote as a regular voter and must provide Proof of Residence.

Registration Information for Each Voter Type

Military Voters

Military voters do not need to register but can do so if they choose. They do not need to provide proof of residence if they do register.

They can register using the following methods:

- FPCA
- EL-131
- Online at MyVote.wi.gov

Registration deadlines:

- **Online or By Mail**: The form must be postmarked/completed by the third Wednesday before the election. Wis. Stat. § 6.28(1).
- **In Person:** Registration in person at the clerk's office closes at 5 p.m. on the Friday preceding the election. Wis. Stat. § 6.29(2).

Note: Military voters may also register at their polling place on Election Day but may not vote unless they are registering as regular voters.

Clerks must still obtain sufficient information to enter a military voter into WisVote, such as their name, address, date of birth, and Wisconsin Driver's License Number or last four digits of Social Security Number (if they have one). Wis. Stat. § 6.22(3).

If a military voter retires or wishes to change their status to a regular voter, they must register as a regular voter and provide a proof of residence document.

Overseas Voters

Overseas voters must register and vote in the last Wisconsin municipality where they (or in the case of some permanent overseas voters, their parent(s)) last had residency. Wis. Stat. § 6.24(3).

> **Best Practice:** Some permanent overseas voters may not recall or know the address where they are attempting to register if they personally never lived there. It is also possible that the address no longer exists. In these instances, clerks should obtain as much information from the voter as possible about nearby landmarks, cross streets, municipal buildings and businesses, etc. to help the voter identify an address. The voter must provide a sufficient address for the municipal clerk to determine the correct jurisdiction and ward. See Wis. Stat. § 6.24(1). If you need assistance with creating a record for an address for a permanent overseas voter, please contact the WEC Help Desk at (608) 261-2028 or at elections@wi.gov.

Permanent Overseas Voters

Permanent overseas voters must register to vote, but do not need to provide a proof of residence document. See Wis. Stat. §§ 6.27, 6.34(2).

They can register using the following methods:

- FPCA
- EL-131

Registration deadlines:

- **By Mail:** The form must be postmarked by the third Wednesday before the election. Wis. Stat. §6.28(1).
- **In Person:** Registration in person at the clerk's office closes at 5 p.m. on the Friday preceding the election. Wis. Stat. § 6.29(2).

For most permanent overseas voters, the only realistic way for them to register to vote is by mail. They are not prohibited from registering in person but someone living permanently abroad is unlikely to travel back to their clerk's office to do so. Wis. Stat. § 6.30(1).

Permanent overseas voters are also not prohibited from registering online but they can only do so if they have a valid Wisconsin driver's license or ID card (which is unlikely for someone living permanently overseas). Wis. Stat. § 6.30(5).

They must be sure to follow registration deadlines, and their registration form must be the original signed version. It cannot be scanned and emailed or faxed, and it cannot be delivered in person by a friend or family member. See Wis. Stat. § 6.30.

Note: If a regular voter changes their registration status to permanently overseas, they must re-register to vote as a permanent overseas voter. See Wis. Stat. § 6.24(3). If a permanently overseas voter wishes to vote in person at their polling place on Election Day, they must register to vote as a regular voter and provide Proof of Residence.

Temporary Overseas Voters

Temporarily overseas voters must register to vote, but many may already be registered at their Wisconsin address. Wis. Stat. § 6.27. Temporary overseas voters do not need to re-register to vote if they go overseas, as this is an absentee application type, not a voter type. They may register online, by mail, or in person and must provide a proof of residence document, just like any other regular voter. Wis. Stat. §§ 6.30, 6.34.

They can register using the following methods:

- FPCA
- EL-131
- Online at MyVote.wi.gov with a valid Wisconsin Driver License or State ID

Registration deadlines:

- **By Mail:** The form must be postmarked by the third Wednesday before the election. Wis. Stat. §6.28(1).
- **Online:** Registration through MyVote closes at 11:59p.m. CST on the third Wednesday before the election. Wis. Stat. § 6.28(1).
- In Person: Registration in person at the clerk's office closes at 5 p.m. on the Friday preceding the election. Wis. Stat. § 6.29(2).
- **At their polling place on Election Day.[7]**

---

7 The voter would not be considered a temporary overseas voter at this point.

Table 17: Summary of Registration Requirements for Each Voter Type

Type of Voter	Military	Permanent Overseas	Temporary Overseas
Do they have to register to vote?	No	Yes	Yes
What are the registration requirements?	Military voters don't need to register, but must meet the following requirements: At least 18 years old by the next election U.S. Citizen Last resided in WI Not registered in a different state	At least 18 years old by the next election. U.S. Citizen Either last resided in WI or their parent(s) resided in WI prior to leaving the country Not registered in any other state.	At least 18 years old by the next election. U.S. Citizen Not registered in any other state.
How can they register to vote?	Military voters don't need to register to vote. They may choose to register using any lawful method (online or by mail; no email or fax).	**By mail** using the EL-131 or FPCA **In Person** at the clerk's office or polling place. **Online** at MyVote.wi.gov (if they have a valid WI Driver's License or ID)	**Online** at MyVote.wi.gov (if they have a valid WI Driver's License or ID) **By mail** using the EL-131 or FPCA **In Person** at the clerk's office or polling place.
Do they have to provide POR?	No	No	Yes
What are the registration deadlines?	**Online or by mail:** 20 days prior to the election. **In person at the clerk's office:** Friday at 5 p.m. prior to the election. **At the polling place:** Prior to 8 p.m. on Election Day.[8]	**Online or by mail:** 20 days prior to the election.[9] **In person at the clerk's office:** Friday at 5 p.m. prior to the election.	**Online or by mail:** 20 days prior to the election.[9] **In person at the clerk's office:** At 5 p.m. prior to the election. **At the polling place:** Prior to 8 p.m. on Election Day.

8 Military and Permanent Overseas voters must be registered as regular voters to vote in person and will receive full ballots.

9 Online voter registration in Wisconsin requires a driver license or state ID card issued by the WI Department of Transportation.

Frequently Asked Questions for Military & Overseas Voter Registration

Q If a clerk suspects that a voter is no longer a military voter, should they change their status?

A Not without attempting to contact the voter. Clerks may confirm with the voter that they are still qualified military voters but are not required to. However, clerks should not delay mailing the voter a ballot while waiting for confirmation. Please keep in mind that the military voter could still be living at home or visiting on leave while serving in the military. If the voter does not respond to the inquiry, their record should remain unchanged.

Q The voter lived in Wisconsin, moved to another state where they registered to vote, and now lives abroad permanently. The voter has family in Wisconsin, so they want to register to vote here. Can they?

A No. If the voter has moved to another state before they lived abroad, they cannot use their parents' residence to qualify as a permanent overseas voter. Wis. Stat. § 6.24 Since the voter registered elsewhere after leaving Wisconsin, they must reestablish a physical presence in Wisconsin 28 days prior to an election to achieve residency and identify that as their address.

Q Someone accidentally registered as a military or overseas voter. What should the clerk do?

A If this was a typo on behalf of the clerk, this can be updated by the clerk in WisVote. Please note that both the "voter type" in the voter registration record AND the "application type" in the absentee request must be updated in the system. If the voter mistakenly checked something, the clerk should confirm in writing that this is a mistake and then work with the voter to update their registration accordingly.

Q The voter missed the by-mail and online registration deadlines and is overseas. Is there anything they can do?

A No. The voter can return to their municipality and register to vote in person by the appropriate deadline, but that is their only option if they are still overseas. Unfortunately, it is not possible to fax or email a voter registration form. Wis. Stat. § 6.34.

Sec. 7.4.10: Requesting Absentee Ballots for UOCAVA Voters

The purpose of UOCAVA and related federal and state laws is to ensure that military and overseas voters can vote given complications that can arise from being out of the country. Accordingly, there are several different methods by which military and overseas voters can request and receive absentee ballots, some of which are unique to them.

Deadlines to Request an Absentee Ballot

Military Voters

- If the request for an absentee ballot is made by mail, it must be received by the municipal clerk no later than 5 p.m. on the Friday immediately preceding the election. Wis. Stat. § 6.86(1)(b).
- If the request for an absentee ballot is made by a military voter who is away from their residence due to their active duty service, and the request is made other than by mail, the request must be received by the municipal clerk no later than 5 p.m. on election day. *Id.*

Note: Regardless of how a military voter requests and receives their absentee ballot, all absentee ballots can only be returned by mail, by drop box, in person to the municipal clerk, or by the voter to their polling place. A voter must return their own ballot unless they determine they need assistance due to a disability. See Sec. 7.4.14: "Returning Absentee Ballots" on page 81 for more information on returning absentee ballots, all of which apply to military voters.

Permanent & Temporary Overseas Voters

- The request must be received no later than 5 p.m. on the Thursday before the election. Wis. Stat. § 6.86(1)(b).

Methods for Requesting Absentee Ballots

There are several methods that military and overseas voters can use to request their absentee ballots. Some methods are the same methods that all voters use to request absentee ballots. Additionally, military and overseas voters can use special federal forms to request their ballots. Each of these methods is discussed in detail below.

The Federal Write-In Absentee Ballot (FWAB)

Citizens living overseas on a permanent or temporary basis and military voters often have difficulty receiving and returning ballots quickly. Federal and state law permit these voters to request and vote a special a write-in absentee ballot, called the Federal Write-in Absentee Ballot (FWAB), which is available on FVAP's website FVAP.gov as well as at military posts, U.S. embassies, and consulates throughout the world. Wis. Stat. § 6.25. The FWAB is also known as the "Backup Ballot" because military and overseas voters can use it if they won't receive their regular ballot in time to send it back before the election. 52 U.S.C. § 20303(a)(1), Wis. Stat. § 6.25. When the FWAB is submitted, the clerk secures the Backup Ballot and mails the voter a regular absentee ballot. If the regular absentee ballot doesn't make it back in time, the clerk counts the Backup Ballot. Only one of these ballots is ultimately counted. The FWAB can be used at any election in which the voter is eligible to vote. *Id.*

The FWAB can be used *both* as an absentee ballot request form and a write-in ballot.

Important: The FWAB was developed by the federal government, not the Commission, and is intended for use nationwide. FWABs are submitted and processed in the manner provided by law for absentee ballots in the state involved. 52 U.S.C. § 20303(b). Wisconsin law implements these federal law provisions for military and overseas voters, and the 2018 consent decree permits temporary overseas voters to use the FWAB as well. Wis. Stat. § 6.25.

The absentee ballot request form part of the FWAB, which contains the voter's information as well as the required Declaration/Affirmation, appears on page 2 of the FWAB packet. The page contains the following header. For a full copy of this form, including instructions, **see "Appendix 7.4.B: Reviewing the Federal Write-In Absentee Ballot (FWAB)" on page 95**.

Figure 3: FWAB Ballot Form

Voter Information

Federal Write-In Absentee Ballot (FWAB)

Print clearly in blue or black ink, please see back for instructions.

Have you already registered and requested an absentee ballot?

Some states allow you to use this form to register and request ballots for future elections. Visit FVAP.gov for more details.

1. Who are you? Pick one.

For absent Uniformed Service members, their families, and citizens residing outside the

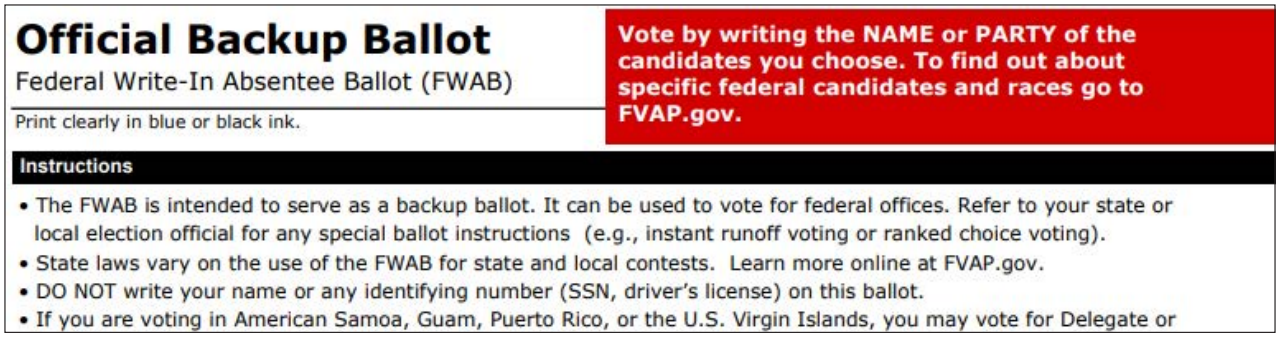
☐ I am on active duty in the Uniformed Services or Merchant Marine **-OR-** ☐ I am an eligible spouse or dependent.

☐ I am a U.S. citizen living outside the country, and I intend to return.

☐ I am a U.S. citizen living outside the country, and my intent to return is uncertain.

The write-in ballot part of the FWAB, which is where the voter makes their Backup Ballot candidate or party selections, appears on page 3 of the FWAB packet. The page contains the following header.

Figure 4: FWAB Backup Ballot



Official Backup Ballot

Federal Write-In Absentee Ballot (FWAB)

Print clearly in blue or black ink.

Vote by writing the NAME or PARTY of the candidates you choose. To find out about specific federal candidates and races go to FVAP.gov.

Instructions

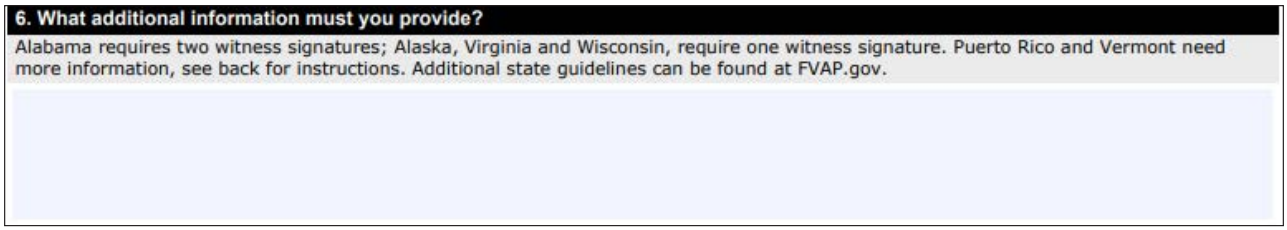
- The FWAB is intended to serve as a backup ballot. It can be used to vote for federal offices. Refer to your state or local election official for any special ballot instructions (e.g., instant runoff voting or ranked choice voting).
- State laws vary on the use of the FWAB for state and local contests. Learn more online at FVAP.gov.
- DO NOT write your name or any identifying number (SSN, driver's license) on this ballot.
- If you are voting in American Samoa, Guam, Puerto Rico, or the U.S. Virgin Islands, you may vote for Delegate or

Important: The Backup Ballot cannot be counted if the Voter Information page is missing or incomplete. 52 U.S.C. § 20303(a)(1), Wis. Stat. § 6.87(4)(b)1. The absentee request form section of the FWAB contains areas for voters to provide required information and has a Declaration/Affirmation section where the voter must sign.

- The FWAB *must also include the signature of the voter and the signature and address of an adult witness* to be counted. This information should appear in Box 6 on the Voter Information/absentee ballot request part of the FWAB. Unfortunately, the instructions written by FVAP may mislead voters into thinking only a witness signature is required. This is not correct.
- In order to count the Backup Ballot, Box 6 must contain all of the following:
  - Witness Full Name
  - Witness Signature
  - Witness Address

Note: The witness for military and overseas voters need not be a U.S. citizen but they do need to be 18 years of age or older. Wis. Stat. § 6.87(2).

Figure 5: FWAB Witness Signatures



- The FWAB is also a valid absentee application for a military voter. However, if submitted by an overseas voter, the voter must have submitted an absentee request that is received no later than the 5th day before the election in order to count the FWAB.

Important: The FWAB Backup Ballot cannot be counted unless the military or overseas voter has a valid absentee request on file that was timely received. If they completed the entire FWAB, including the Voter Information page, this requirement was likely already met.

The Federal Post Card Application (FPCA)

The Federal Post Card Application (FPCA) is also known as Standard Form 76. Regular voters who are temporarily overseas may also use this form. Wis. Stat. § 6.24(4)(b). The FPCA is a dual-purpose form that functions as both a voter registration form and/or absentee ballot application depending on the circumstance and needs of the voter. **See "The Federal Post Card Application (FPCA)" on page 58** for more information.

Standard Application for Absentee Ballot Form (EL-121)

This form is the standard absentee ballot application published by the Wisconsin Elections Commission. Military and Permanent Overseas voters are not required to provide a copy of their photo ID when submitting this application. Temporary Overseas voters are required to include a copy of their photo ID unless they already have one on file with the clerk's office.

Online through MyVote.wi.gov

All UOCAVA voters may request their absentee ballots through the MyVote website. There is a separate section of the website for Military and Permanent Overseas voters to use.

Temporary overseas voters may request their absentee ballots through MyVote if they would like to receive their ballot by mail. To do so, they use the same MyVote workflow as a regular absentee voter and just input a foreign address as the delivery address. If a temporary overseas voter wishes to receive their ballot by email, they cannot make that request through MyVote and must instead contact their municipal clerk directly.

Email and Other Written Requests

Any other written request is acceptable, provided it gives all required information. Fax or email requests are valid if received by the application deadline and do not require a copy of the applicant's signature. Wis. Stat. §§ 6.24(4)(a) and 6.86(1)(ac). A scan of the FPCA or EL-121 could be emailed to the clerk for the same purpose.

Note: The difference between an absentee ballot request application and a voter registration application. Absentee ballot requests can be scanned, emailed, and faxed but voter registration applications cannot. Voter registration applications can only be sent by mail or delivered in person by the voter, unless the voter registers online.

Sec. 7.4.11: Process & Requirements for Requesting an Absentee Ballot for UOCAVA Voters

There are different requirements for requesting and returning absentee ballots depending on the type of voter.

Table 18: Summary of Absentee Ballot Request Requirements for Each Voter Type

Type of Voter	Military	Permanent Overseas	Temporary Overseas
Do they have to provide a photo ID?	No Wis. Stat §§ 6.86(1)(ac), 6.87(1)	No Wis. Stat. §§ 6.86(1)(ac), 6.87(1)	Yes See Wis. Stat. §§ 6.24(1), (2), 6.87(1)
What elections are they eligible to vote in?	All Wis. Stat. § 6.22(4)(a)	Federal Only *(President, Congress)* Wis. Stat. § 6.24(2)	All Wis. Stat. § 6.24(2)
How can they request an absentee ballot?	FPCA, FWAB, EL-121, Email, Fax Wis. Stat. §§ 6.22(2)(c), 6.86(1)(a), 6.865(2)	FPCA, FWAB, EL-121, Email, Fax Wis. Stat. §§ 6.24(4), 6.25	FPCA, FWAB, EL-121, Email, Fax Wis. Stat. §§ 6.24(4), 6.25
How can they receive an absentee ballot?	In Person, Mail, Email, Fax Wis. Stat. §§ 6.87(3)(a), 6.87(3)(d)	In Person, Mail, Email, Fax Wis. Stat. §§ 6.87(3)(a), 6.87(3)(d)	In Person, Mail, Email, Fax Wis. Stat. §§ 6.87(3)(a), 6.87(3)(d)
How can they return an absentee ballot?	By mail or in person Wis. Stat. §§ 6.87(4)(b)1., 6.87(6)	By mail or in person Wis. Stat. §§ 6.87(4)(b)1., 6.87(6)	By mail or in person Wis. Stat. §§ 6.87(4)(b)1., 6.87(6)
What are the deadlines for requesting an absentee ballot?	**Federal elections:** 5 p.m. on Election Day **Non-federal elections:** 5 p.m. Friday before Election Day Wis. Stat. §§ 6.22(4)(b), 6.86(1)(b) and (c)	5 p.m. Thursday before Election Day Wis. Stat. § 6.86(1)(b)	5 p.m. Thursday before Election Day Wis. Stat. § 6.86(1)(b)

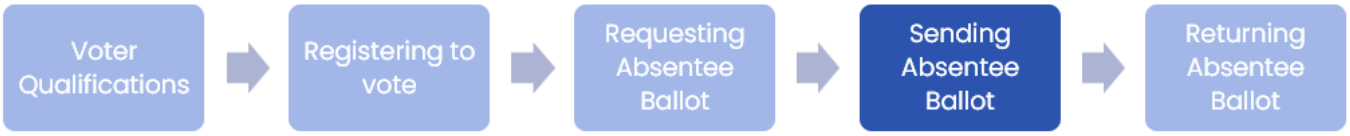
Frequently Asked Questions

Q Since military voters who are on active duty can request a ballot for federal elections until 5 p.m. on Election Day, does this mean that they still have to return their ballot by 8 p.m. on Election Day?

A Yes. All ballots must be returned by 8 p.m. on Election Day. Wis. Stat. § 6.87(6). All ballots must be mailed back or dropped off. Wis. Stat. § 6.87(4)(b)1. It is unlikely that a military voter would be able to return a ballot by 8 p.m. if they request it at 5 p.m. on the same day, but it is a statutory possibility. For example, if someone in the National Guard is called into duty on Election Day, they could request a ballot and return it as they may be nearby to drop it off.

Q Can a military or overseas voter also request an absentee ballot under the indefinitely confined voter process?

A No. While an individual may meet the qualifications as both an indefinitely confined voter and a military or overseas voter, these processes are distinct and cannot be combined. However, neither procedure requires a qualified individual to show an ID under Wis. Stat. § 6.87(1) to make a sufficient request, and each procedure leads to a continuing request for the remainder of the calendar year unless otherwise specified. If a voter qualifies to receive ballots by email due to being military or overseas status, the Commission recommends that a voter select this status to receive the benefits they are entitled to under federal law.



Sec. 7.4.12: Reviewing UOCAVA Absentee Ballot Requests & Sending Ballots

Whenever a clerk receives an absentee ballot request from a military or overseas requestor, the request must be reviewed for sufficiency before the ballot is sent or made available to the voter. See Wis. Stat. § 6.87(1) (requiring a "proper" request made). As discussed in the previous chapter, there are a variety of methods by which military and overseas voters can request absentee ballots, and clerks should be familiar with each of them to ensure that any request that is received is sufficient.

All absentee ballot requests, regardless of how they are received, need to be in writing. Wis. Stat. § 6.86(1)(a). Military and permanent overseas voters do not need to provide a photo ID with their request. Wis. Stat. § 6.87(1). Temporarily overseas voters must provide a photo ID with their absentee ballot request or have a copy of their ID already on file with their clerk. See Wis. Stat. §§ 6.24(1) and (2), 6.87(1).

Reviewing Absentee Ballot Requests for Sufficiency

Federal Write-In Absentee Ballot (FWAB)

For detailed information, and sample forms, of how to review a FWAB for sufficiency as an absentee ballot request, **see "Appendix 7.4.B: Reviewing the Federal Write-In Absentee Ballot (FWAB)" on page 95**.

Federal Post Card Application (FPCA)

For detailed information, and sample forms, of how to review an FPCA for sufficiency as an absentee request, **see "Appendix 7.4.A: Reviewing the Federal Post Card Application (FPCA)" on page 85**.

Standard Application for Absentee Ballot Form (EL-121)

For detailed information, and sample forms, of how to review an EL-121 for sufficiency as an absentee request, **see Sec. 7.1.2: "General Application Requirements" on page 2**.

Email Requests through MyVote

If a military or overseas voter makes an email request for an electronic ballot through MyVote, they will receive their ballot materials electronically from their clerk by email. The voter will still have to follow the Uniform Instructions to print off their ballot, make their choices, and mail it back to their municipal clerk. Electronic ballot return is not authorized for any type of voter in Wisconsin.

Requests by Email or Other Written Requests

Absentee requests can be submitted by email or fax and are not required to be sent on any particular form. See Wis. Stat. § 6.86(1)(a)6. Requests received by email or fax do not need to include the voter's signature. Wis. Stat. § 6.86(1)(ac).

Deadlines to Send Military & Overseas Ballots to Voters

Clerks must send out ballots to any military and overseas voters with active requests on file no later than 47 days prior to any election with a federal office on the ballot (typically spring election in Presidential Preference vote year, partisan primaries, general elections, and certain special elections) or 21 days before all other primaries and elections. Wis. Stat. §7.15(1)(cm). **Ballot requests received after those deadlines must be processed and sent out within one business day** (meaning any day from Monday to Friday, not including a legal holiday). Wis. Stat. §7.15(1)(cm).

A business day would be any day not including weekends or Wisconsin legal holidays. See Wis. Stat. §7.15(1)(cm) and 995.20). So, even if a clerk only has office hours once a week, they still must send a military or overseas voter's ballot within one business day of receiving the request. For example, if a clerk has office hours every other Monday, and a voter puts in a request on a Friday, the clerk must get that ballot out either Friday or the next statutory Business Day (e.g. Monday). However, if the clerk's office is open on Saturdays, or the clerk has a reason to be in office on that day, the ballot request should be processed on Saturday. Wis. Stat. § 990.001(4)(c).

Important: If the clerk has limited hours/days of operation, they must put procedures in place to watch for military and overseas ballot requests so that they can be processed within the deadlines laid out by statute.

Ballot Delivery Options

Military and overseas voters may request to have their ballots sent to them by mail or electronically. Wis. Stat. § 6.87(3)(d). The preferred method of delivery should be marked on or stated in the absentee ballot request.

Background: Electronic Ballot Delivery

Military and overseas voters are the only voters that may lawfully receive their absentee ballots electronically. This is a right specifically given to them by UOCAVA, and is also enshrined in Wisconsin law. 52 U.S.C. § 20302(a)(7), Wis. Stat. § 6.87(3)(d). Military and permanent overseas voters can receive their absentee ballots electronically by email from their municipal clerk, and they can make the request through MyVote. They can also make the request by email or fax. Both email and fax constitute electronic delivery of military and overseas ballots.

As of 2018, temporary overseas voters can receive their ballots electronically by email, or by fax, though they need to request this directly from their municipal clerk. As of May 2026, military and overseas voters are no longer able to receive absentee ballots electronically directly through MyVote. Instead, they can receive their absentee ballots electronically by email or fax.[10]

Note: Electronic ballot return is not authorized for any voter type including military and overseas voters. Ballots cannot be printed, scanned, and returned by email, fax, or online. Military and overseas voters must return their absentee ballots by mail, using special instructions described below, or in person to their municipal clerk.

Review & Record the Voter's Ballot Delivery Preference

If you receive a paper form or emailed request, the ballot delivery method requested by the voter will need to be recorded in the ballot request record when entered into WisVote. If the request came through MyVote, the voter should have chosen the preferred delivery method and in that case, it will already appear in WisVote.

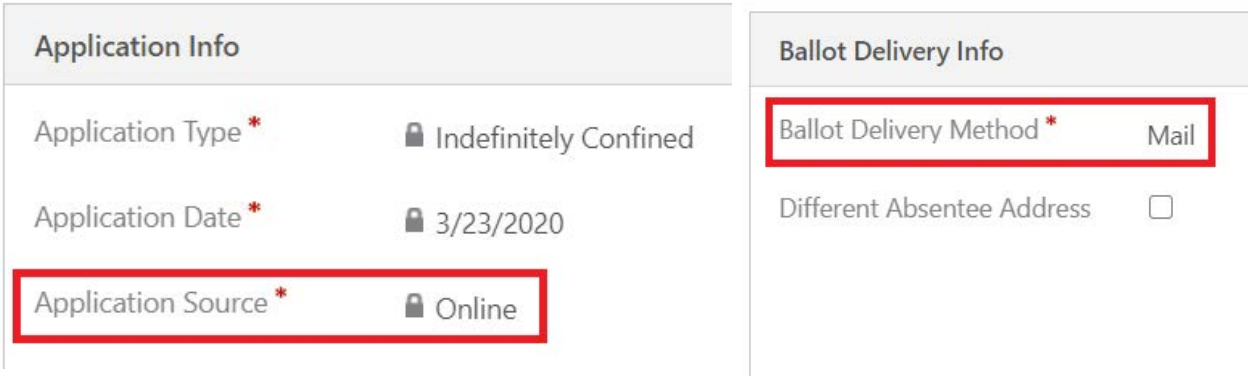
Please note the Application Source field in WisVote shown below only lists how the voter made their request. The Ballot Delivery Method field must be reviewed to determine how the voter would like to receive their ballot.

---

10 The 2018 consent decree between the State of Wisconsin and the U.S. Department of Justice stipulated that all military and overseas voters, including temporary overseas voters, have the right to receive their ballots "electronically." It did not specify whether "electronically" means by email/fax, online, or both. The Commission originally began offering online ballot delivery to military and permanent overseas voters following another consent decree, in 2012. In May 2026, the Commission removed the functionality from MyVote that allowed military and overseas voters to access and download their electronic ballot directly from MyVote. That process relied on PDF-based ballots that do not meet the Web Content Accessibility Guidelines (WCAG) 2.1, which are newly required by federal law. The Commission removed the online ballot function while it works to make it fully compliant. Instead, military and overseas voters can receive ballots electronically by fax or email. Receiving an absentee ballot by email or by fax satisfies the electronic delivery requirements of UOCAVA.

The 2018 consent decree and 2012 consent decree are available on justice.gov.

Figure 6: WisVote Application Source Field



Military and permanent overseas absentee ballot requests should always be entered as calendar-year requests unless specified by the voter to be specific to one election. Wis. Stat. § 6.22(4)(a), 6.24(4)(c) (permanent overseas). Calendar year ballot requests expire on December 31 of each year. All regular military and overseas voters must submit a new absentee request each year and can only request ballots for one calendar year in duration.

Sec. 7.4.13: Procedures for Sending Ballots

Step 1: Prepare the Correct Ballot

Clerks should always check first to ensure that they are preparing to send the correct ballot style to the correct type of voter. Military voters and temporary overseas voters get full ballots, including federal, state, and local contests. See Wis. Stat. § 6.22(2)(a) (permitting military voters to vote in their ward or district of residence prior to becoming a military voter). Permanent overseas voters get federal-only ballots. Wis. Stat. § 6.24(2).

Step 2: Prepare the Correct Ballot Paperwork for Mail, Email & Fax Ballots

For ballots going out by mail or by email/fax, clerks should ensure that they have all the correct paperwork in order that needs to go out with each ballot.

Note: This is especially important since there are different certificate envelopes and different uniform instructions utilized for each ballot return method.

Delivery by Mail

Mailer should include:

- Correct Ballot
- Correct Certificate Envelope
- Correct Uniform Instructions
- Carrier Envelope with Correct Postage Markings

Step 1: The clerk should check again to ensure that the mailer includes the correct ballot style for the voter.

Step 2: The clerk initials the ballot. Wis. Stat. § 6.87(1).

Step 3: The clerk should confirm that the mailer includes the correct certificate envelope. Military and overseas voters should receive the EL-122M envelope (brown print). This certificate is specific to military and overseas voters because it removes the U.S. citizen requirement for the voter's witness and also includes a space for military and permanent overseas voters to input their date of birth. Wis. Stat. § 6.87(4)(b)1.

Step 4: The clerk initials the top of the certificate envelope to confirm that the voter is exempt from, or has me the proof of identification requirement.

Figure 7: Military and Overseas Ballot

Step 5: The clerk should confirm that the mailer includes the correct version of the Commission's prescribed Uniform Instructions for absentee voting. Military and overseas voters who chose to receive their absentee ballots by mail should get the EL-128UP. A version of this form is also available in Spanish for voters who request it (EL-128-UPS).

Step 6: The clerk will ensure the return carrier envelope (which will contain the voter's completed ballot in its certificate envelope) has sufficient postage. If the ballot qualifies for free postage, the clerk will affix the appropriate legend required by U.S. postal regulations to the carrier envelope. Wis. Stat. § 6.87(3)(a). If the ballot will be mailed back to the clerk from within the United States, the clerk will pay for the return postage. *Id*. If the ballot is mailed back to the clerk from outside the United States, the voter must bay for return postage. *Id*.

Note about Free Federal Postage for Military and Overseas Ballot Materials: Per the United States Postal Service (USPS): Balloting materials may be sent through the mail without prepayment of postage for military and overseas voters. Federal law specifies that ballots can be returned to election officials using a free postage-paid symbol when mailed from a U.S. Post Office, Military Postal Service Agency (APO/FPO), or U.S. Diplomatic Pouch Mail. See also Wis. Stat. § 6.22(4)(e), 6.24(6), 6.87(3)(a). If a military or overseas voter elects to utilize a private carrier mail return service, they must cover the cost of that shipping themselves. For more information, see 8.0 Balloting Mail within the USPS 700 Special Standards.

Step 7: The clerk will also ensure that the voter's address is properly formatted, particularly when sending ballot mailers overseas. Visit the Military & Diplomatic Mail page at USPS.com for more information.

Figure 8: Addressing Military & Diplomatic Mail

Addressing Military & Diplomatic Mail

Each shipment to an APO/FPO/DPO needs the recipient's name, rank, and unit, and the APO/FPO/DPO address with the 9-digit ZIP Code™. Always include a return address. Mail and shipments must be addressed to a specific person; addressing to "Any Service Member" is no longer permitted. To prevent mail from entering foreign mail networks, do not include city or country names in APO/FPO/DPO shipping addresses. Here are properly addressed shipment examples:

Army/Air Post Office (APO)	Fleet Post Office (FPO)	Diplomatic Post Office (DPO)
PFC JOHN DOE	SEAMAN JOSEPH SMITH	JOHN ADAMS
PSC 3 BOX 4120	UNIT 100100 BOX 4120	UNIT 8400 BOX 0000
APO AE 09021	FPO AP 96691	DPO AE 09498-0048

Delivery by Email or Fax

Transmission should include:

- Correct Ballot Style
- Correct Certificate Envelope Print Template
- Correct Uniform Instructions

Step 1: The clerk should check again to ensure that the transmission file includes the correct ballot style for the voter.

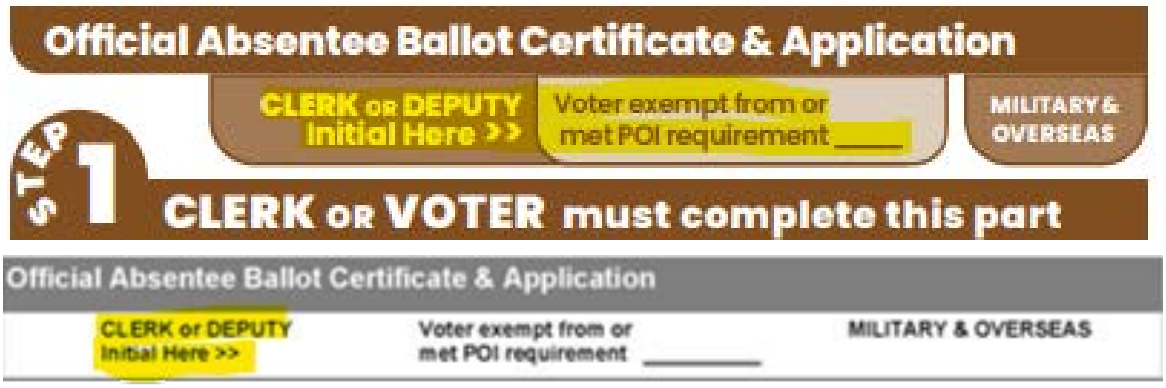
Step 2: The municipal clerk must initial the ballot in the endorsement section. Wis. Stat. § 6.87(1). Clerks can do this either by applying wet-ink initials to a paper ballot or by affixing digital initials to the electronic version of the ballot that is sent to the military or overseas voter.

Step 3: The clerk will then convert the ballot into a format that can be transmitted to the voter electronically. Clerks can scan the printed ballot to convert it to a PDF. Tip: Most county clerks provide their municipalities with a PDF of their ballot styles to use for military and overseas voters, so scanning may not be necessary.

Step 4: The clerk will confirm that the voter will receive the correct certificate envelope face. Military and overseas voters should receive the EL-122M envelope (brown print). This certificate is specific to military and overseas voters because it removes the U.S. citizen requirement for the voter's witness, and also includes a space for military and permanent overseas voters to input their date of birth. Wis. Stat. § 6.87(4)(b)1. Clerks can scan clear images of the EL-122M for voters to print themselves, or they can access electronic versions on elections.wi.gov. Clerks can also generate the EL-122M in WisVote. The WisVote version is formatted differently than the brown version clerks may be accustomed to, but it contains all of the required information. **See Section 3.7 of the WisVote manual for instructions on how to generate the EL-122M as part of the label generation process.**

Step 5: The clerk initials the top of the certificate envelope to confirm that the voter is exempt from, or has me the proof of identification requirement. The clerk still must initial the top of the WisVote generated one, though the clerk can apply digital initials.

Figure 9: Clerk Initials



Step 6: The clerk should confirm that the mailer includes the correct version of the Commission's prescribed Uniform Instructions for absentee voting. Military and overseas voters who chose to receive their absentee ballots by email or fax should get the EL-128U. A version of this form is also available in Spanish for voters who request it (EL-128-US).

Note: This is the most important part of the transmission package. The Uniform Instructions explain how to properly print and affix the certificate to the envelope containing the voter's ballot.

Step 7: Transmit the entire package to the voter at the email address or fax number that the voter provided. Wis. Stat. § 6.87(3)(d).

Frequently Asked Questions

Q On the FPCA or FWAB, the voter said they want their ballot delivered "online/email"? How should I send the ballot?

A By email. As of May 2026, the Commission removed the functionality to deliver ballots to voters directly through MyVote. If the voter did not provide an email address, mail the voter a ballot. If the voter asks to get their ballot online, inform them that that option is no longer available, but that they will receive their absentee ballot electronically by email. Absentee ballot delivery by fax is also an option.

Q Can UOCAVA voters send their ballot back by email?

A No. A Wisconsin voter can never return their ballot by email. They must deliver it by mail or in person. Wis. Stat. § 6.87(4)(b)1.

Expediting Late Ballots

There are three ways for a ballot to be considered sent out late:

- Not sent out by the 47th day before a federal election.
- Not sent out by the 21st day before any other election.
- Not sent out within one business day after requesting.

State and federal law do not address specific steps that clerks should take if military and overseas ballots are sent out late. The following section should be considered Best Practices for resolving this situation for the voter if it does occur. Clerks should be aware that missing absentee ballot deadlines places them at risk of being subject to an administrative complaint or a lawsuit by the affected voter for failing to complete their statutory responsibilities.

Best Practices for Sending out Late Absentee Ballots

If the ballot is sent out late to a military or overseas voter, then the clerk must expedite the late ballot and include a prepaid expedited return mailing label. If the ballot is sent by email or fax, then the clerk can simply offer expedited return by including a message that says something like "this ballot was sent to you late. Would you like me to send you an expedited prepaid return label?" Then, the clerk can go to the post office, FedEx, UPS, or other mail service provider and get a prepaid expedited return label and scan it to the voter. Expedited delivery and return service can be expensive, but it is a cost the municipal clerk should incur to ensure that the voter is still able to cast their ballot. It is not the voter's fault that the ballot was sent to them late, and clerks should never cite cost as a reason not to expedite the delivery or return of a voter's otherwise lawful ballot.

Frequently Asked Questions: Reviewing and Sending Absentee Ballots

Q I only have office hours one day a week, do I have to come in special to send out ballots to military and overseas voters?

A Yes, all military and overseas ballots must be sent within one business day of receiving the request.

Q I am sending this ballot out one day late, do I really have to expedite it and offer a prepaid expedited return label?

A Yes, even if the ballot is just one day late.

Sec. 7.4.14: Returning Absentee Ballots

No matter how a voter requests or receives an absentee ballot, the returned ballot must always be a hard copy enclosed within a physical envelope that contains a printed version of the completed certificate. Electronic ballot return is not authorized for any voter in Wisconsin.

Military and overseas voters must carefully follow the Uniform Instructions accompanying their ballot. Any questions or uncertainties about how to follow these instructions should be immediately communicated to the voter's municipal clerk.

Important: It is never sufficient to just enclose the completed ballot in a plain envelope to be mailed back to the clerk.

Checklist for the Military & Overseas Voter before Returning an Absentee Ballot

- Have you thoroughly reviewed the Uniform Instructions that accompanied your ballot to ensure you understand how to complete and return your absentee ballot?
- Have you thoroughly reviewed your ballot to ensure you've made a selection for every contest?
- Have you printed the **EL-122M certificate label (brown style)** and filled it in completely?
- Have you glued or taped the completed **EL-122M certificate label (brown style)** to a regular-letter size envelope?

Note: If you got your ballot by fax or email, you will have to provide this envelope.

- Have you made a delivery plan and ensured you have covered sufficient postage for the ballot return, unless you are exempt from doing so? **See Step 6 of "Delivery by Mail" on page 76.**

Ballot Delivery Guidance & Best Practices

The ballot must be returned so that it is delivered to the polling place no later than 8 p.m. on election day. Wis. Stat. § 6.87(6). Military and overseas voters are not exempt from this requirement. This means that military and overseas voters, especially those who need to rely on international mailing, should return their ballot with plenty of time for delivery to ensure it is received by the time polls close.

Best Practice: The voter should choose the delivery method that ensures the greatest likelihood that their ballot will be delivered on time to their municipal clerk. Many military and overseas voters choose overnight delivery, or some other form of expedited delivery, to ensure that the ballot returns on time. The municipal clerk is *not* responsible for return postage of a faxed or emailed absentee ballot. Overseas voters without access to public mail services may use a private mail carrier (such as UPS, FedEx, DHL, etc.) to return their ballot. The USPS recommends that ballots be mailed one week prior to the date of the Election to arrive on time. This timeline may be longer for voters who are overseas, so it is important they mail their ballot back as soon as possible.

Frequently Asked Questions

Q If a clerk is late in mailing absentee ballots to military or overseas voter, what can/will the U.S. Department of Justice do?

A Under Section 105 of UOCAVA, the Attorney General is authorized to bring civil actions to enforce UOCAVA requirements. When states have failed to make sure that ballots are sent to qualified UOCAVA protected voters in a timely manner, the Department of Justice has successfully obtained court orders and consent decrees to enforce UOCAVA protections. Many of these have required states to extend their deadlines for receiving these ballots and to count such ballots, even when they arrived after Election Day. In some cases, the states were required to make permanent changes to their laws or procedures to make sure the problems are not repeated in future elections. Through these cases brought to enforce the federal law, the Department has ensured that qualified servicemembers and overseas voters were able to cast their ballots with confidence that they were counted.

Ahead of each federal election, Commission staff initiate and lead a call campaign to contact municipalities who have military and overseas absentee requests on file to remind them to send those ballots out as soon as they have received their ballots from the counties. Commission staff continue to follow up with all municipalities by phone or email until staff have confirmed that clerks are working on it or until the ballots are marked as sent in WisVote.

Q I received something back in the mail. I think it may be a ballot but I'm not sure. Should I open it?

A Yes. This is a tricky situation where the risk of opening a ballot prior to election day must be weighed against the benefit of helping a voter cast their ballot lawfully. Normally, absentee ballots cannot be opened until election day at the polling place. Wis. Stat. § 6.88(3)(a). This often is not an issue as voters contain their absentee ballots inside of sealed certificate envelopes, so clerks usually know when they've received a ballot back. However, sometimes voters misunderstand or misread absentee voting instructions and send their ballots back to the clerk in different ways. Sometimes, military and overseas voters will include their completed certificate inside the envelope with their ballot instead of taping or gluing the certificate to the outside.

If a clerk receives a mailer and suspects it might contain a ballot, the best practice would be to open it and figure out what it is. If the mailer contains a ballot and a completed certificate envelope, the ballot can still be counted. See Wis. Stat. § 6.87(3)(d). However, if the mailer just contains the ballot without a certificate envelope, the ballot cannot be counted. *Id.* Once the mailer has been opened, the clerk should draft a memo explaining the sequence of events and should reseal everything in a new envelope so that poll workers can understand what took place.

Q A military or overseas voter's family member is trying to return their ballot on their behalf. Can I accept it?

A No — not unless the voter has requested their family member's assistance in returning their ballot due to a disability. For more information on the proper return of absentee ballots, **see Sec. 7.4.14: "Returning Absentee Ballots" on page 81**.

Sec. 7.4.15: Checking Compliance

Within 30 days after each general election, each municipal clerk shall transmit to the Commission a report of the number of absentee ballots transmitted by the clerk to absent military voters and overseas voters for that election and the combined number of those ballots that were cast by those voters in that election. Wis. Stat. §6.276(2).For WisVote users, entering the data into WisVote satisfies this requirement. When clerks maintain their UOCAVA-related data in WisVote, Commission staff are able to view an up-to-date report at any given time, requiring no further action by the clerk.

Within 90 days after each general election, the Commission the information contained in the reports received from municipal clerks under sub. (2) and transmit the information to the federal Election Assistance Commission. Wis. Stat. §6.276(3).

Again, this information is pulled by Commission staff as a report from WisVote, and so as long as the information has been maintained at the municipal levels, no additional action is required by clerk.

Appendix 7.4.A: Reviewing the Federal Post Card Application (FPCA)

The Federal Post Card Application (FPCA) can be used both as a voter registration form and an absentee ballot request. As described earlier in this chapter, the FPCA is a federal form designed to be used in all 50 states. This means that it both contains information that is not required in Wisconsin and also does not specifically contain information that *is* required in Wisconsin.

To aid municipal clerks in reviewing this form, the Commission has provided detailed instructions and guidance for reviewing each section of the FPCA.

Additional Documentation Required to Accompany the FPCA

Only temporary overseas voters are required to include additional documentation with their FPCA:

- If the voter has indicated they are a temporary overseas voter, and they are using the FPCA to request an absentee ballot, they must also enclose a copy of their photo ID unless the clerk already has one on file.
- Temporary overseas voters must also enclose proof of residence if they are attempting to use the FPCA to register to vote.

Military and permanent overseas voters can use the FPCA to register to vote and request an absentee ballot without needing to provide any additional documentation.

Voter Registration and Absentee Ballot Request

Federal Post Card Application (FPCA)

This form is for absent Uniformed Service members, their families, and citizens residing outside the United States. It is used to register to vote, request an absentee ballot, and update your contact information. See your state's guidelines at FVAP.gov.

Print clearly in blue or black ink, please see back for instructions.

1. Who are you? Pick one.

I request an absentee ballot for all elections in which I am eligible to vote AND:

- ☐ I am on active duty in the Uniformed Services or Merchant Marine **-OR-** ☐ I am an eligible spouse or dependent.
- ☐ I am a U.S. citizen living outside the country, and I intend to return.
- ☐ I am a U.S. citizen living outside the country, and my intent to return is uncertain.
- ☐ I am a U.S. citizen living outside the country, I have never lived in the United States.

Last name		Suffix (Jr., II)	☐ Mr. ☐ Miss ☐ Mrs. ☐ Ms.
First name		Previous names (if applicable)	
Middle name		Birth date (MM/DD/YYYY)	
Social Security Number		Driver's license or State ID#	

2. What is your address in the U.S. state or territory where you are registering to vote and requesting an absentee ballot?

Your voting materials will not be sent to this address. See instructions on the other side of form.

Street address		Apt #	
City, town, village		State	
County		ZIP	

3. Where are you now? You MUST give your CURRENT address to receive your voting materials.

Your mailing address. (Different from above)	Your mail forwarding address. (If different from mailing address)

4. What is your contact information? This is so election officials can reach you about your request.

Provide the country code and area code with your phone and fax number. Do not use a Defense Switched Network (DSN) number.

Email:		Phone:	
Alternate email:		Fax:	

5. What are your preferences for upcoming elections?

A. How do you want to receive voting materials from your election office? (Select One)	B. What is your political party for primary elections?
☐ Mail ☐ Email or online ☐ Fax	

6. What additional information must you provide?

Puerto Rico and Vermont require more information, see back for instructions. *Additional state guidelines* may be found at FVAP.gov. You may also use this space to clarify your voter information.

7. You must read and sign this statement.

I swear or affirm, under penalty of perjury, that:

- The information on this form is true, accurate, and complete to the best of my knowledge. I understand that a material misstatement of fact in completion of this document may constitute grounds for conviction of perjury.
- I am a U.S. citizen, at least 18 years of age (or will be by the day of the election), eligible to vote in the requested jurisdiction, and
- I am not disqualified to vote due to having been convicted of a felony or other disqualifying offense, nor have I been adjudicated mentally incompetent; or if so, my voting rights have been reinstated; and
- I am not registering, requesting a ballot, or voting in any other jurisdiction in the United States, except the jurisdiction cited in this voting form.

Sign here X _____ **Today's date** (MM/DD/YYYY)

This information is for official use only. Any unauthorized release may be punishable by law. Previous editions are obsolete. Standard Form 76 (Rev.09-2021), OMB No. 0704-0503, NSN 7540-00-643-5053

You can vote wherever you are.

1. **Fill out your form completely and accurately.**
   - Your U.S. address is used to determine where you are eligible to vote absentee. For military voters, it is usually your last address in your state of legal residence. For overseas citizens, it is usually the last place you lived before moving overseas. You do not need to have any current ties with this address. DO NOT write a PO Box # in section 2.
   - Most states allow you to provide a Driver's License number or the last 4 digits of your SSN. Some states require a full SSN. See your state's guidelines at FVAP.gov.
   - If you cannot receive mail at your mailing address, please specify a mail forwarding address.
   - Most states require you to specify a political party to vote in primary elections. This information may be used to register you with a party.
   - **Section 6 Requirements:** If your voting residence is Vermont, you must acknowledge the following by writing in section 6: "I swear or affirm that I have taken the Vermont Voter's Oath." If your voting residence is in Puerto Rico, you must list your mother's and father's first name.
   - We recommend that you complete and submit this form every year while you are an absentee voter.
2. **Remember to sign this form!**
3. **Remove the adhesive liner from the top and sides. Fold and seal tightly. If you printed out the form yourself you can fold the form and seal it in an envelope.**
   - You can find the address for your election office at FVAP.gov.
   - All states accept this form by mail, but they vary on email and fax. See your state's rules in the *Voting Assistance Guide* at FVAP.gov.

Agency Disclosure Statement

The public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to: Department of Defense, Washington Headquarters Services, Executive Services Directorate, Information Management Division, 4800 Mark Center Dr., East Tower, Suite 03F09, Alexandria, VA 22350-3100. [OMB Control #0704-0503]. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. DO NOT RETURN YOUR FORM TO THE ADDRESS ABOVE.

Privacy Advisory

When completed, this form contains personally identifiable information and is protected by the Privacy Act of 1974, as amended.

Questions?
Email vote@fvap.gov

From
(Your name and mailing address)

International airmail postage is required if not mailed using the U.S. Postal Service, APO/FPO/DPO system, or diplomatic pouch.

U.S. Postage Paid
39 USC 3406

PAR AVION

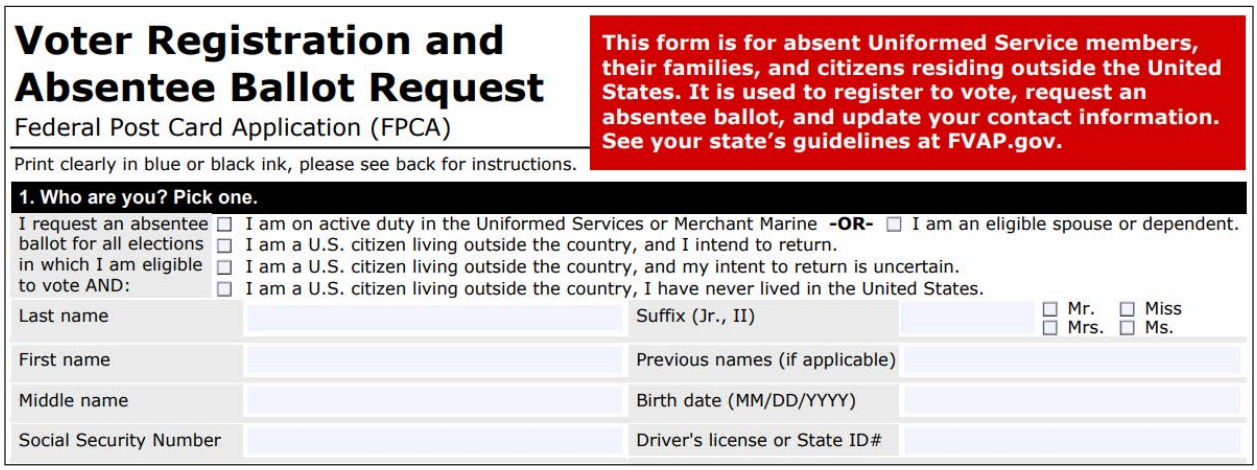
OFFICIAL ELECTION MAIL
Authorized by the U.S. Postal Service

OFFICIAL ABSENTEE BALLOTING MATERIAL – FIRST CLASS MAIL

NO POSTAGE NECESSARY IN THE U.S. MAIL – DMM 703.8.0

To
(Fill in the address of your election office.
The address can be found online at FVAP.gov.)

Box 1: Voter Eligibility & Information



Voter Registration and Absentee Ballot Request

Federal Post Card Application (FPCA)

Print clearly in blue or black ink, please see back for instructions.

This form is for absent Uniformed Service members, their families, and citizens residing outside the United States. It is used to register to vote, request an absentee ballot, and update your contact information. See your state's guidelines at FVAP.gov.

1. Who are you? Pick one.

I request an absentee ballot for all elections in which I am eligible to vote AND:

- ☐ I am on active duty in the Uniformed Services or Merchant Marine **-OR-** ☐ I am an eligible spouse or dependent.
- ☐ I am a U.S. citizen living outside the country, and I intend to return.
- ☐ I am a U.S. citizen living outside the country, and my intent to return is uncertain.
- ☐ I am a U.S. citizen living outside the country, I have never lived in the United States.

Last name		Suffix (Jr., II)		☐ Mr. ☐ Miss ☐ Mrs. ☐ Ms.
First name		Previous names (if applicable)		
Middle name		Birth date (MM/DD/YYYY)		
Social Security Number		Driver's license or State ID#		

Box 1 of the FPCA determines the voter type (see above) and will determine how the voter is able to use the form. One of these boxes must be checked.

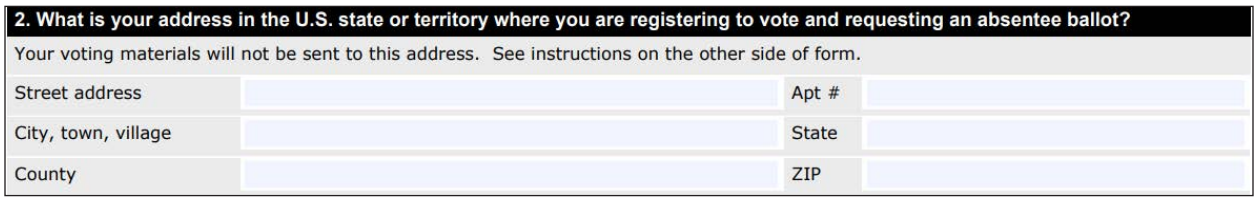
Table 19: FPCA Box 1 Options & Wisconsin Equivalent

Box 1 Choice	Equivalent Wisconsin Voter Type
I am on active duty in the Uniformed Services or Merchant Marine OR I am an eligible spouse or dependent.	Military voter
I am a U.S. citizen living outside the country, and I intend to return.	Temporary overseas voter
I am a U.S. citizen living outside the country, and my intent to return is uncertain.	Permanent overseas voter
I am a U.S. citizen living outside the country, I have never lived in the United States.	Permanent overseas voter

This form also provides a place for the voter's name (and previous name, if applicable) and date of birth. This information is always required.

Box 1 also asks for a driver's license number and social security number. This information is required if the voter is using the FPCA to register to vote. Please note that some voters — especially permanent overseas voters who have never lived in the United States — may not have a Wisconsin driver's license number or Social Security Number. In that case, the voter may write "I do not have this" or "N/A" in either box. The registration may still be completed even if this is the case.

Box 2: U.S. Voting Residence Address



2. What is your address in the U.S. state or territory where you are registering to vote and requesting an absentee ballot?			
Your voting materials will not be sent to this address. See instructions on the other side of form.			
Street address		Apt #	
City, town, village		State	
County		ZIP	

The voter will list the last address where they lived for at least 28 days in Wisconsin. This must be completed by all voters. Permanent overseas voters will list their last Wisconsin address (or their parent's last address) prior to moving out of the country.

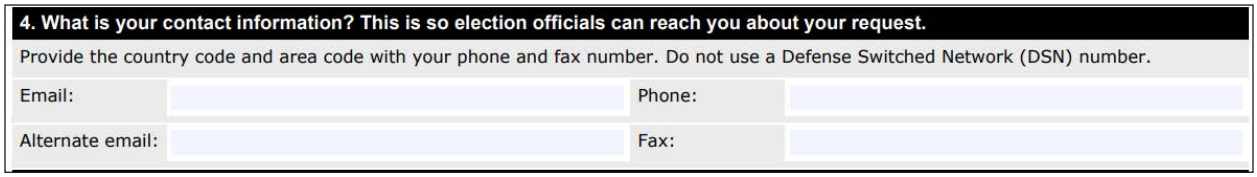
The clerk should be able to determine the voter's address from the information provided. If the voter has written something like "Unknown" in Street Address but provides a town name, that is likely not sufficient.

Box 3: Voter's Current Address

3. Where are you now? You MUST give your CURRENT address to receive your voting materials.	
Your mailing address. (Different from above)	Your mail forwarding address. (If different from mailing address)

If the voter has a mailing address other than the address in Box 2, they will list it here. The clerk will send the voter's ballot to this address if the voter has indicated they wish to receive their ballot by mail. In some cases, this box may not contain any information, and that is sufficient.

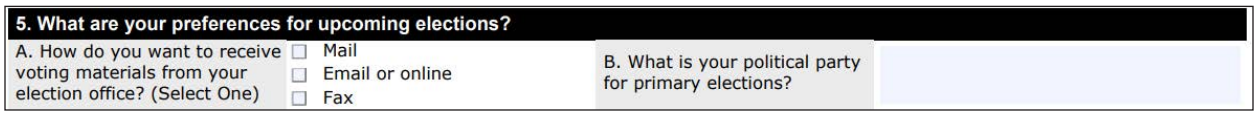
Box 4: Voter Contact Information



4. What is your contact information? This is so election officials can reach you about your request.			
Provide the country code and area code with your phone and fax number. Do not use a Defense Switched Network (DSN) number.			
Email:		Phone:	
Alternate email:		Fax:	

This information is not required but it is helpful for the municipal clerk in case the voter needs to be contacted. This is also where the voter will provide their email address or fax number if they choose to receive their ballot that way.

Box 5: Voter Preferences

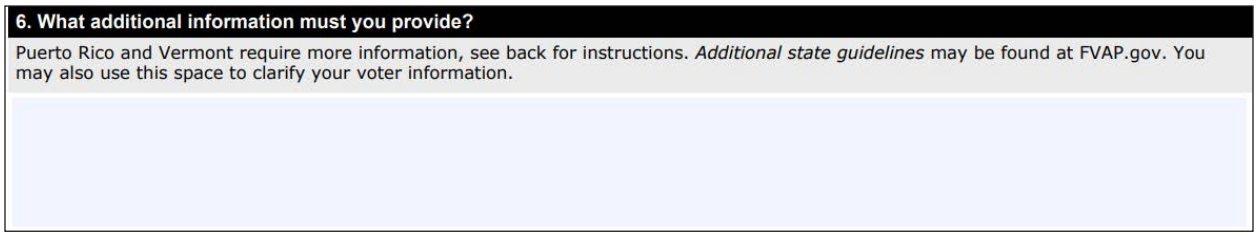


Question 5A is required if the FPCA is being used to request an absentee ballot. The voter must indicate how they wish to receive their absentee ballot, and they must provide the corresponding contact information in Box 4. The voter cannot select more than one option. If they do, the clerk should contact the voter and ask for their preference.

Note: If a voter selects "email or online" the clerk will have to send the voter their absentee ballot by email. As of May 2026, the Commission removed the ability to deliver absentee ballots online through MyVote.

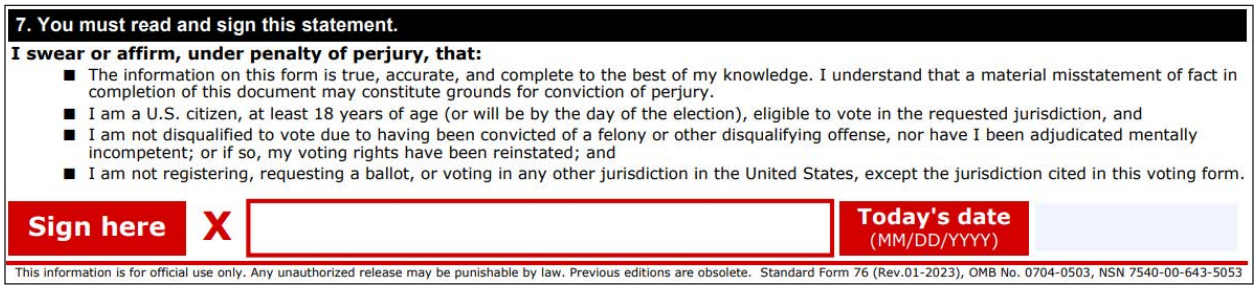
Question 5B is not required information in Wisconsin. Clerks should disregard anything the voter inputs in this box.

Box 6: Additional Required Information



Nothing is required in this box in Wisconsin. The voter may have provided additional information or instructions here, so please review those carefully.

Box 7: Additional Required Information



The voter must always sign and date the FPCA. By signing, they are swearing that they qualify to register to vote or receive an absentee ballot as a military or oveseas voter, which the municipal clerk is required to verify in order to accept the FPCA. Wis. Stat. § 6.22(2)(c), 6.24(4)(b).

Information about the Form & Tips for Wisconsin Clerks Who Receive an FPCA from a Voter

What is the Federal Post Card Application (FPCA)?

The FPCA is a federal form that is provided to Military and Overseas voters (permanent and temporary) by the Federal Voting Assistance Program (FVAP). FPCA forms are made available to voters through the various branches of the U.S. military, through U.S. embassies, or online at FVAP.gov/election-materials. The FPCA form can serve as both a voter registration application as well as an absentee ballot request for most Wisconsin voters. The form was designed for use by all 50 states, so some of the information does not perfectly match the Wisconsin-specific forms.

Who Can Use the FPCA?

The FPCA can serve as a voter registration and/or an absentee ballot request depending on the type of voter using the form:

Table 20: FPCA Information for Different Voter Types

Voter Type	What can they use the FPCA for?	Registration required?	Proof of Residence required?	Photo ID required?	How to receive their absentee ballot?
Military "I am a member of the Uniformed Services" OR "I am an eligible spouse or dependent"	Voter Registration Absentee Ballot Request	No	No	No	Mail, fax, email, or in person[11]
Permanent Overseas "I am a U.S. citizen residing outside the United States, and my return is not certain" OR "I am a U.S. citizen and have never resided in the United States."	Voter Registration Absentee Ballot Request	Yes	No	No	Mail, fax, email, or in person[11]
Temporarily Overseas "I am a U.S. citizen temporarily residing outside of the United States, and I intend to return."	Voter Registration Absentee Ballot Request	Yes	Yes	Yes	Mail, fax, email, or in person[11]
Regular/Domestic Do not select any options in Box 1.	Voter Registration Absentee Ballot Request	Yes	Yes	Yes	Mail or in person

When using the FPCA as an absentee ballot request: Voters may submit the FPCA by mail, email, or fax. Please note that Permanently Overseas voters are only eligible to vote in federal contests.

11 If receiving their ballot in-person at the polls on election day, all voters must show a photo ID. All ballots must be originals, returned by mail or in person.

What does the FPCA Look Like?
You can find the FPCA online at FVAP.gov.

What Should I Look for on the FPCA?
The FPCA may arrive in a military mailing envelope, or it may come to you in a regular envelope. Please open the envelope as soon as you receive it, you have 1 business day to process the request if it is an absentee ballot application.

When looking at the FPCA, please note the information in the following boxes:

Box 1: This section of the form determines the **voter type** (see above) and will determine how the voter is able to use the form. This form also provides a place for the **voter's name** (and previous name, if applicable). It also asks for a Wisconsin driver's license number, social security number, and date of birth. A Wisconsin driver's license number and social security number are not required.

Box 2: The voter will list the last Wisconsin **address** where they lived for at least 28 days in Wisconsin. This must be completed by all voters. Permanent overseas voters will list their last Wisconsin address prior to moving out of the country.

Box 3: If the voter has a **mailing address** other than the address in Box 2, they will list it here. Send the ballot to this address, if ballot delivery by mail is requested.

Box 4: These fields provide **contact information** in case you need to contact the voter or if they have specified fax or email delivery of their ballot.

Box 5: The first field allows a voter to specify their **preferred method of ballot delivery** — mail, email, online, or fax — if they are using the FPCA as an absentee ballot request. If a voter selects the email/online option, you must send the ballot by email. As of May 2026, online ballot delivery through MyVote is no longer available. The adjacent field, regarding political party, is not required or collected in Wisconsin. Please disregard anything listed in this box.

Box 6: Nothing is required in this box. Please look for any special instructions the voter may have listed.

Box 7: All voters must **sign** and date their request. **A witness signature is never required on the FPCA.**

What are Some Tips for Processing a FPCA Request?

- If a voter asks to receive their ballot by "Email/Online," you must send it by email. As of May 2026, there is no longer an option to send a ballot electronically online through MyVote. Electronic delivery by fax is also an option. If the voter did not provide an email address, mail the voter a ballot.
- Photo ID is needed only if a Temporarily Overseas or Regular voter is using the FPCA as an absentee request. If the voter has already provided their Photo ID with a previous absentee ballot request, then they do not need to include a copy with their FPCA absentee ballot request.
- Proof of Residence is needed only if a Temporarily Overseas or Regular voter is using the FPCA as a voter registration application.

If the voter is using the FPCA as an absentee ballot request, it should be considered a calendar year request. Voters need to submit a new request for each calendar year to continue receiving ballots.

Appendix 7.4.B: Reviewing the Federal Write-In Absentee Ballot (FWAB)

Reviewing the FWAB for Sufficiency

Voter Information

Federal Write-In Absentee Ballot (FWAB)

Print clearly in blue or black ink, please see back for instructions.

Have you already registered and requested an absentee ballot?
Some states allow you to use this form to register and request ballots for future elections. Visit FVAP.gov for more details.

1. Who are you? Pick one.

For absent Uniformed Service members, their families, and citizens residing outside the United States.

- ☐ I am on active duty in the Uniformed Services or Merchant Marine **-OR-** ☐ I am an eligible spouse or dependent.
- ☐ I am a U.S. citizen living outside the country, and I intend to return.
- ☐ I am a U.S. citizen living outside the country, and my intent to return is uncertain.
- ☐ I am a U.S. citizen living outside the country, I have never lived in the United States.

Last name		Suffix (Jr., II)	☐ Mr. ☐ Miss ☐ Mrs. ☐ Ms.
First name		Previous names (if applicable)	
Middle name		Birth date (MM/DD/YYYY)	
Social Security Number		Driver's license or State ID#	

2. What is your U.S. voting residence address?

Your voting materials will not be sent to this address. See instructions on the other side of form.

Street address		Apt #	
City, town, village		State	
County		ZIP	

3. Where are you now? You MUST give your CURRENT address to receive your voting materials.

Your mailing address. (Different from above)	Your mail forwarding address. (If different from mailing address)

4. What is your contact information? This is so election officials can reach you about your request.

Provide the country code and area code with your phone and fax number. Do not use a Defense Switched Network (DSN) number.

Email:		Phone:	
Alternate email:		Fax:	

5. What are your preferences for future elections?

A. Do you want to register and request a ballot for all elections you are eligible to vote in?	B. How do you want to receive voting materials from your election office?	C. What is your political party for primary elections?
☐ Yes ☐ No	☐ Mail ☐ Email or online ☐ Fax	

6. What additional information must you provide?

Alabama requires two witness signatures; Alaska, Virginia and Wisconsin, require one witness signature. Puerto Rico and Vermont need more information, see back for instructions. Additional state guidelines can be found at FVAP.gov.

7. You must read and sign this statement.

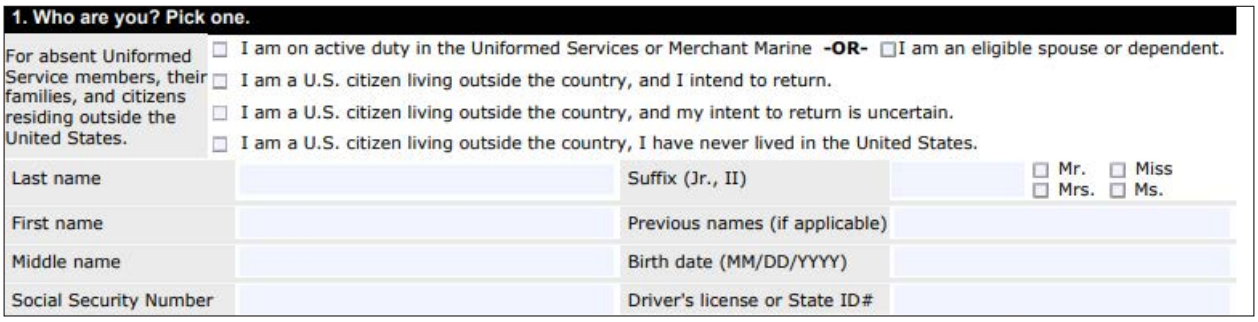
I swear or affirm, under penalty of perjury, that:

- The information on this form is true, accurate, and complete to the best of my knowledge. I understand that a material misstatement of fact in completion of this document may constitute grounds for conviction of perjury.
- I am a U.S. citizen, at least 18 years of age (or will be by the day of election), eligible to vote in the requested jurisdiction, and
- I am not disqualified to vote due to having been convicted of a felony or other disqualifying offense, nor have I been adjudicated mentally incompetent; or if so, my voting rights have been reinstated; and
- I am not registering, requesting a ballot, or voting in any other jurisdiction in the United States, except the jurisdiction cited in this voting form.
- In voting, I have marked and sealed this ballot in private and have not allowed any person to observe the marking of this ballot, except those authorized to assist voters under State and Federal law.

Sign here X _____ **Today's date** (MM/DD/YYYY)

This information is for official use only. Any unauthorized release may be punishable by law. Previous editions are obsolete. Standard Form 186 (Rev.09-2021), OMB No. 0704-0502, NSN 7540-01-218-4384

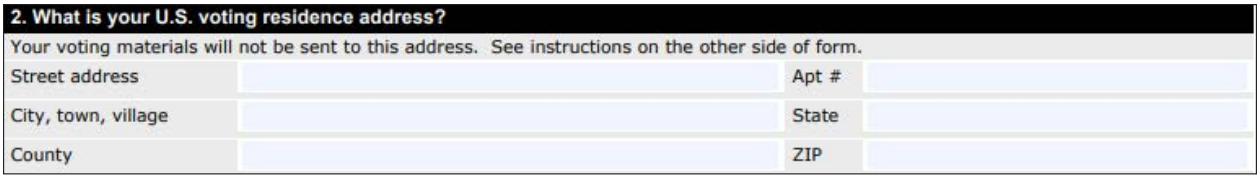
Box 1: Voter Eligibility & Information



1. Who are you? Pick one.			
For absent Uniformed Service members, their families, and citizens residing outside the United States.	☐ I am on active duty in the Uniformed Services or Merchant Marine **-OR-** ☐ I am an eligible spouse or dependent. ☐ I am a U.S. citizen living outside the country, and I intend to return. ☐ I am a U.S. citizen living outside the country, and my intent to return is uncertain. ☐ I am a U.S. citizen living outside the country, I have never lived in the United States.		
Last name		Suffix (Jr., II)	☐ Mr. ☐ Miss ☐ Mrs. ☐ Ms.
First name		Previous names (if applicable)	
Middle name		Birth date (MM/DD/YYYY)	
Social Security Number		Driver's license or State ID#	

Box 1 determines the voter type so the clerk can confirm the voter is eligible to use the form the way they intend to. The voter should only check one of these boxes. If the voter checks more than one, the municipal clerk should contact the voter to confirm which ground of eligibility the voter intends to use. The form asks the voter to provide their SSN, date of birth, and driver's license or state ID number, but those fields are not mandatory for an absentee ballot request.

Box 2: U.S. Voting Residence Address



2. What is your U.S. voting residence address?			
Your voting materials will not be sent to this address. See instructions on the other side of form.			
Street address		Apt #	
City, town, village		State	
County		ZIP	

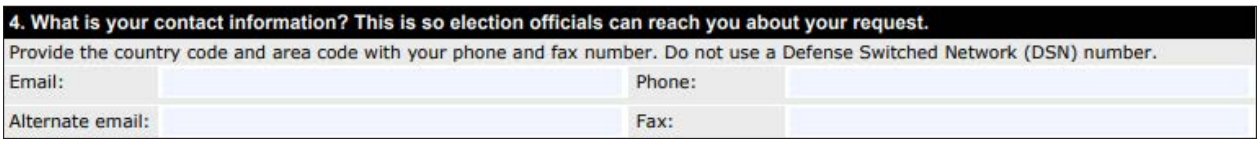
The voter will provide the residential address that makes them eligible to vote in Wisconsin. Since military and overseas voters do not need to meet the same residency requirements as regular voters, this address may not be where they currently reside. The voter must provide sufficient information for the municipal clerk to identify their address. It is not sufficient for the voter to include only the name of a municipality.

Box 3: Voter's Current Address

3. Where are you now? You MUST give your CURRENT address to receive your voting materials.	
Your mailing address. (Different from above)	Your mail forwarding address. (If different from mailing address)

This is where the voter will enter their current mailing address. It is formatted as a free-form box due to the likelihood that this address will be outside the U.S.

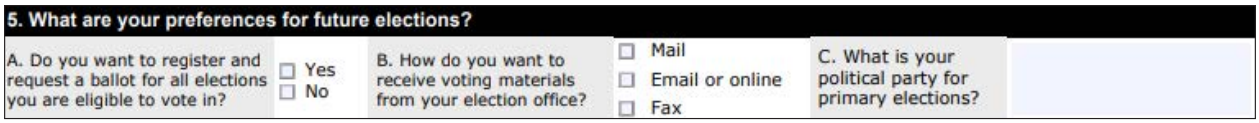
Box 4: Voter Contact Information



4. What is your contact information? This is so election officials can reach you about your request.			
Provide the country code and area code with your phone and fax number. Do not use a Defense Switched Network (DSN) number.			
Email:		Phone:	
Alternate email:		Fax:	

The voter is not required to provide this information unless they wish to receive their absentee ballot by email or fax.

Box 5: Voter Preferences



5. What are your preferences for future elections?					
A. Do you want to register and request a ballot for all elections you are eligible to vote in?	☐ Yes ☐ No	B. How do you want to receive voting materials from your election office?	☐ Mail ☐ Email or online ☐ Fax	C. What is your political party for primary elections?	

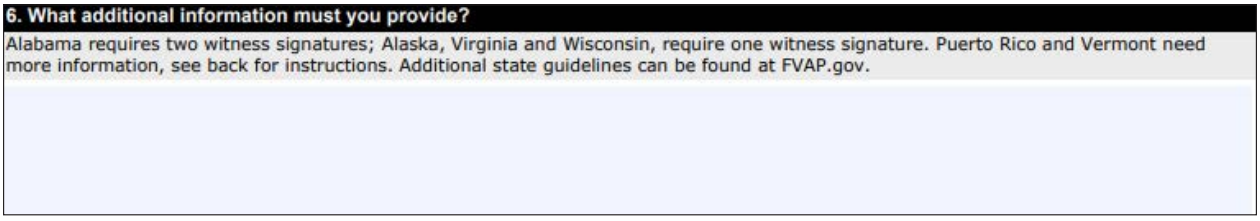
If the voter checks "yes" to Question 5.A., the municipal clerk will process the absentee ballot request as a calendar-year request, and the voter will automatically receive absentee ballots for each election in which they are eligible to vote in the current calendar year.

An answer to Question 5.B. is required, and the voter can only choose one option. If the voter checks more than one box, the municipal clerk will need to contact the voter to clarify their preference.

Note: If the voter checks "email or online," the clerk will need to email the voter their ballot. Electronic delivery by fax is also an option. As of May 2026, online ballot delivery directly through MyVote is no longer an option.

Question 5.C. is not a required field in Wisconsin and should not be recorded in any way by the clerk.

Box 6: Additional Required Information



6. What additional information must you provide?
Alabama requires two witness signatures; Alaska, Virginia and Wisconsin, require one witness signature. Puerto Rico and Vermont need more information, see back for instructions. Additional state guidelines can be found at FVAP.gov.

Box 6 is the most important box to review on the entire FWAB. If the voter is using the FWAB to request an absentee ballot, this box may contain additional information about how the voter wishes to receive their absentee ballot.

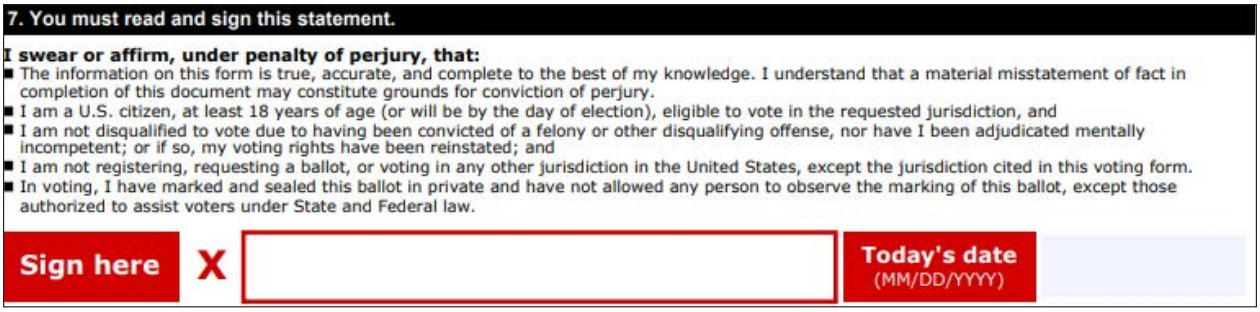
If the voter is using the FWAB as a backup ballot, in order to count the ballot, all of the following must be present in Box 6:

- Witness Printed Name
- Witness Signature
- Witness Address

Note: **This differs from the instructions on Box 6 itself because those instructions are not accurate with respect to what is required by Wisconsin law.**

If any of the fields above are missing, the FWAB cannot be counted as a backup ballot.

Box 7: Voter Affirmations & Signature


7. You must read and sign this statement.

I swear or affirm, under penalty of perjury, that:
- The information on this form is true, accurate, and complete to the best of my knowledge. I understand that a material misstatement of fact in completion of this document may constitute grounds for conviction of perjury.
- I am a U.S. citizen, at least 18 years of age (or will be by the day of election), eligible to vote in the requested jurisdiction, and
- I am not disqualified to vote due to having been convicted of a felony or other disqualifying offense, nor have I been adjudicated mentally incompetent; or if so, my voting rights have been reinstated; and
- I am not registering, requesting a ballot, or voting in any other jurisdiction in the United States, except the jurisdiction cited in this voting form.
- In voting, I have marked and sealed this ballot in private and have not allowed any person to observe the marking of this ballot, except those authorized to assist voters under State and Federal law.

Sign here X Today's date (MM/DD/YYYY)

Regardless of whether the voter is using the FWAB as an absentee ballot request or a FWAB they must sign at the bottom.

Page 2: Backup Ballot

Official Backup Ballot

Federal Write-In Absentee Ballot (FWAB)

Print clearly in blue or black ink.

Vote by writing the NAME or PARTY of the candidates you choose. To find out about specific federal candidates and races go to FVAP.gov.

Instructions

- This ballot can be used to vote for federal offices.
- DO NOT write your name or any identifying number (SSN, driver's license) on this ballot.
- Photocopy this page if you require additional room for candidates or ballot initiatives.
- If you are voting in American Samoa, Guam, Puerto Rico, or the U.S. Virgin Islands, you may vote for Delegate or Resident Commissioner, and in presidential primaries.
- State laws vary about using the FWAB for other offices like Governor or Mayor. Learn more online at FVAP.gov.

Federal offices

President and Vice President	
U.S. Senator	
U. S. Representative, Delegate, or Resident Commissioner to Congress	

Non-federal offices

Office	Candidate name	Political party

Ballot initiatives or other items

Standard Form 186 (Rev.04-2019), OMB No. 0704-0502

The backup ballot will have handwritten or printed candidate names for each federal office on the ballot. Voters can still only vote for one candidate per federal office. Municipal clerks should use the following principles when reviewing the FWAB for sufficiency, and should **see Sec. 14.15.12: "Absentee Certificate Envelopes"** for detailed instructions on how to count the FWAB on election day.

The nature of the FWAB means that voters may not provide candidate names in the same way that they would normally appear on a Wisconsin ballot.

Poll workers should bear in mind the law governing voter intent, Wis. Stat. § 7.50, as well as the following best practices:

- If the voter writes down only the name of a presidential candidate (omitting the vice presidential candidate), the vote for president still can be counted.
- The voter omits the political party designation for any office, the vote can still be counted if the candidate's name is present.
- The candidate's last name is sufficient to count the vote unless there are two candidates for the same office with the same last name.
- A simple "Yes" or "No" for a ballot initiative answer is sufficient if there is only one question on the ballot, but not if there are multiple. "Yes to all" or "No to all" are sufficient for multiple ballot initiative questions.

Information about the Form & Tips for Wisconsin Clerks Who Receive a FWAB from a Voter

What is the FWAB?

The FWAB is a federal form that is provided to Military and Overseas voters (permanent and temporary) by the Federal Voting Assistance Program (FVAP). FWAB forms are made available to voters through the various branches of the U.S. military, through U.S. embassies, or online at FVAP.gov. The FWAB form can serve as both an absentee ballot request and a write-in absentee ballot for some Wisconsin voters.

Who Can Use the FWAB?

The FWAB can serve as an absentee ballot request and/or a write-in absentee ballot depending on the type of voter using the form:

Table 21: FWAB Information for Different Voter Types

Voter Type	What can they use the FWAB for?	Registration required?	Proof of Residence required?	Photo ID required?	How to receive their absentee ballot?
Military "I am a member of the Uniformed Services" OR "I am an eligible spouse or dependent"	Write-In Ballot Absentee Ballot Request	No	No	No	Mail, fax, email, or in person[12]
Permanent Overseas "I am a U.S. citizen residing outside the United States, and my return is not certain" OR "I am a U.S. citizen and have never resided in the United States."	Write-In Ballot Absentee Ballot Request	Yes	No	No	Mail, fax, email, or in person[12]
Temporarily Overseas "I am a U.S. citizen temporarily residing outside of the United States, and I intend to return."	Write-In Ballot Absentee Ballot Request	Yes	Yes	Yes	Mail, fax, email, or in person[12]
Regular/Domestic Do not select any options in Box 1.	Absentee Ballot Request	Yes	Yes	Yes	Mail or in person

When using the FWAB as an absentee ballot request: Voters may submit the FWAB by mail, email, or fax.

When using the FWAB as a write-in absentee ballot: Voters must submit the FWAB by mail with the voter's original signature affirmation section. The FWAB must contain the signature, printed name, and address of a witness (does not need to be a U.S. Citizen for overseas and military voters). The write-in selections on the voter's ballot will be counted on Election Day if the voter's official ballot is not received.

---

12 If receiving their ballot in-person at the polls on election day, all voters must show a photo ID. All ballots must be originals, returned by mail or in person.

What does the FWAB Look Like?
You can find the FWAB online at FVAP.gov.

What Should I Look for on the FWAB?
The FWAB may arrive in a military mailing envelope, or it may come to you in a regular envelope. When using the FWAB as a write-in ballot, voters are instructed to place the write-in ballot inside a smaller envelope; the small envelope should then be placed in a larger envelope along with the FWAB form/affirmation. Always open the outer envelope to review the form/affirmation. Then keep the smaller envelope, containing the write-in ballot, sealed to be processed at the polls. If the voter did not use two envelopes as instructed, but the ballot and affirmation are otherwise complete, the ballot can still be counted. Please open the envelope as soon as it is received; clerks have one business day to process the request.

When looking at the FWAB, please note the information in the following boxes:

Box 1: This section of the form determines the voter type (see above) and will determine how the voter is able to use the form. This form also provides a place for the voter's name (and previous name, if applicable). It also asks for a Wisconsin driver's license number, social security number, and date of birth. A Wisconsin driver's licence and Social Security number are not required.

Box 2: The voter will list the Wisconsin address they are registered at (or the address that ties them to Wisconsin). This must be completed by all voters.

Box 3: If the voter has a mailing address other than the address in Box 2, they will list it here. Send the ballot to this address if ballot delivery by mail is requested.

Box 4: These fields provide contact information in case you need to contact the voter or if they have specified fax or email delivery of their ballot.

Box 5: The first field allows a voter to specify their preferred method of ballot delivery — mail, email, online, or fax — if they are using the FWAB as an absentee ballot request. The adjacent field, regarding political party, is not required or collected in Wisconsin. Please disregard anything listed in this box.

Box 6: If the voter is using the FWAB as an absentee ballot request only, then a witness signature is not required. If the voter is using the FWAB as a write-in ballot, then a witness signature, witness printed name, and witness address are required and should be placed in this box. Additionally, please look for any special instructions the voter may have listed.

Box 7: The voter's signature is required.

What are Some Tips for Processing a FWAB Request?

- If a FWAB is received from a voter who is eligible to use the form as a write-in ballot, the clerk must follow up by sending the voter an official absentee ballot.
- If a Military or Permanently Overseas voter asks to receive their ballot by "Email/Online," send you must send the absentee ballot by either email or fax. As of May 2026, the option to send an absentee ballot electronically directly through MyVote is no longer available. If the voter did not provide an email address, mail the voter a ballot.
- The clerk will hold onto the write-in FWAB until Election Day. If the voter's official ballot is not received by Election Day, then the clerk will send the FWAB to the polls to be counted. If the voter's official ballot is received by Election Day, then the official ballot is sent to the polls to be counted and the FWAB ballot is rejected.

If using the FWAB as a ballot, please remake the FWAB onto a standard ballot and issue a voter number as described in **Sec. 14.15.12: "Absentee Certificate Envelopes"**. If an eligible voter is using the FWAB as a write-in ballot, the clerk will only count votes on the ballot for contests in which the voter is eligible to participate. For example, if a Permanently Overseas voter writes in a local or state contest, the votes for those contests cannot be counted.

Chapter 7.5: Processing Absentee Ballot Requests

The clerk must send the official absentee ballot to all approved absentee ballot applicants by the correct deadlines. As this section explains, having part time office hours or limited staff available to assist with processing applications is not an excuse for sending out absentee ballots late to voters.

Sec. 7.5.1: Procedure

Clerks must send an absentee ballot to a voter with a request on file by the official deadline or within one business day of receiving any subsequent requests. Wis. Stat. § 7.15(1)(cm). One business day means Monday to Friday, regardless of a clerk's scheduled office hours but excluding holidays. *Id.* For the partisan primary and general election, the official deadline is 47 days before the election, and for all other elections the deadline is 21 days before the election. *Id.* For the presidential preference primary, the deadline for military and overseas ballots is also 47 days before the election. *Id.*

An absentee application is received when it is delivered to the clerk's mailbox, email, or fax machine. Therefore, clerks must ensure that their office is staffed so that absentee ballots requests may be processed and sent within one business day of being received during the entire 47- or 21-day period before an election, which may require additional hours. For example, having staff able to process absentee ballot requests Monday, Wednesday, and Friday would meet this requirement provided that all valid pending absentee requests are processed on those days.

Absentee Ballot Requests from Ineligible Felons

Before issuing an absentee ballot, the clerk should review the Ineligible Felon List, which comes from information provided to the Commission by the department of Corrections, to confirm that the voter is eligible to vote on the day of the election. If the name of the voter appears on the list, the clerk should make a reasonable effort to verify the voter's felony status. Clerks may call or email Commission staff to contact the Department of Corrections (DOC) to obtain any updated information, or they may contact the DOC on their own. If the Commission or clerk confirms the voter is eligible to vote, the clerk should document this on the Absentee Ballot Log (EL-124).

If the Commission confirms the voter is not eligible or the Commission cannot be contacted the clerk should treat the absentee ballot request as insufficient due to the information concerning the voter's ineligibility to vote due to felony status. The clerk should then send the voter written notice that the voter is ineligible to vote per Department of Corrections (clerks can generate this from WisVote; it is the "Felon Notice" form letter). The notice should state that if the voter believes this action was taken in error, they must contact the clerk immediately. With the written notice, the clerk should include a copy of the Commission's Ineligible Voter Information Sheet explaining what the voter needs to do to resolve the issue with the Department of Corrections. The Clerk should also mark the registration as "ineligible to vote per Department of Corrections."

If the voter confirms that they are ineligible to vote, the clerk should change the voter's registration to inactive. Wis. Stat. § 6.50(6).

If the voter maintains that they are eligible to vote in the election, the clerk should issue an absentee ballot to the voter but ensure that the election inspectors or board of absentee ballot canvassers know to challenge the ballot if it is returned and the voter is still listed as a felon on the Ineligible Voter List. Wis. Stat. § 6.88(3)(c). The election inspectors or board of absentee ballot canvassers can also contact the Commission on Election Day with any DOC list questions. If the voter no longer appears on the list, the ballot does not need to be challenged.

Absentee Ballot Requests from Military and Overseas Voters

If requested, the clerk must transmit an absentee ballot by email or fax to military voters away from home or permanent and temporary overseas voters. Wis. Stat. § 6.87(3)(d). Clerks may *not* transmit an absentee ballot by fax or email to a regular voter. *Id.* Please **see Chapter 7.4: "Types of Absentee Voters: UOCAVA" on page 42** for a full description of the military and overseas voting process.

Clerk Initials Ballot and Prepares Absentee Ballot Package for Voter

The clerk must initial all issued ballots in the endorsement section of each ballot under "Absentee ballot issued by." Wis. Stat. § 6.86(1)(ar).

The clerk must complete the correct Official Absentee Ballot Application/ Certification (EL-122) depending on the voter type by filling out the "Clerk Use Only" section with the date of the election, county, municipality, and district or ward information. Wis. Stat. § 6.87(2). Municipal clerks or providers may also print labels containing this information from WisVote for both in-person and by-mail absentee ballots.

The clerk must also initial the certificate envelope indicating that proof of identification has been provided or that the voter is exempt from the photo ID requirement before sending the absentee ballot. Wis. Stat. §§ 6.86(1)(ar), 6.87(4)(b)2.

The clerk must provide First-Class postage on the certificate envelope if the ballot will be returned from within the United States. Wis. Stat. § 6.87(3)(a).The clerk is not required to provide postage on certificate envelopes that will be returned from outside of the United States, and the absentee voter must pay for this postage unless the voter unless the envelope qualifies for free postage when it is mailed. *Id.* For military and overseas voters, the clerk must use the postage paid envelopes; EL-120M mailer envelope and the EL-122M certificate envelope. *Id.*

The clerk will also need to ensure that the correct Uniform Absentee Ballot Instructions prescribed by the Commission given they type of absentee ballot request is included in the certificate envelope. Wis. Stat. § 6.869.

Once all materials are ready to mail, the clerk must place the following materials in the correct Absentee Ballot Mailer Envelope (EL-120) given the voter type:

- Cover letter (optional)
- Uniform Instructions (standard, military and overseas)
- Ballot(s)
- Certificate Envelope (standard, military and overseas, special)

The clerk must provide First-Class class postage on the envelope addressed to the voter. Wis. Stat. § 6.87(3)(a). The clerk must mail the Absentee Carrier Envelope to the mailing address provided by the absentee voter. Wis. Stat. § 7.15(1)(cm).

Sec. 7.5.2: Absentee Ballot Log

The clerk also maintains the Absentee Ballot Log (EL-124). See Wis. Stat. § 6.89. The Absentee Ballot Log (EL-124) is used to track the events that occur during the absentee ballot process (application received, ballot issued, ballot canceled, second ballot issued, ballot received, ballot counted, etc.). The Absentee Ballot Log (EL-124) enables the clerk to track any problems with the absentee certificate envelope (for instance, missing certificate, voter signature, witness signature and address, or SVD signature) and communicate this information to the election inspectors so they can reject the ballot if the error is not corrected by 8:00 p.m. on Election Day. **See "Issuing a New Certificate Envelope" on page 139** for information on correcting certificate envelope errors. The Absentee Ballot Log (EL-124) is sent to the polling place with the absentee ballots on Election Day.

Chapter 7.6: Proof of Identification for Absentee Voting

Sec. 7.6.1: Proof of Identification Generally Required

Subject to limited exceptions (see below), absentee voters are required to provide Proof of Identification with their absentee application. Wis. Stat. § 6.86(1)(ac).

Note: The limited exceptions to the identification requirement listed below do NOT apply to voters voting in the clerk's office or the polling place. All voters who vote in the clerk's office or the polling place must present acceptable proof of identification at that time. Wis. Stat. §§ 6.79(2)(a) and 6.86(1)(ar). The only exceptions for in-person absentee voting or polling place voting are confidential voters and voters who have surrendered their license. Wis. Stat. §§ 6.79(6) and (7), and 6.86(1)(ar).

Proof of identification means identification that contains the name of the individual to whom the document was issued, which name conforms to the individual's voter registration form, if the individual is required to register to vote, and that contains a photograph of the individual. Wis. Stat. § 5.02(16c).

Only the following documents issued to an individual satisfies the proof of identification requirement:

- A Wisconsin Driver License, even if driving privileges are revoked or suspended; can be expired but only since the last General Election. Wis. Stat. § 5.02(6m)(a)1.
- A Wisconsin DOT-issued Identification Card; can be expired but only since the last General Election. Wis. Stat. § 5.02(6m)(a)2.
- A Military ID card issued by a U.S. uniformed service; can be expired but only since the last General Election. Wis. Stat. § 5.02(6m)(a)3.

- A U.S. passport; can be expired but only since the last General Election. Wis. Stat. § 5.02(6m)(a)4.
- A certificate of naturalization that was issued not earlier than two years before the date of an election at which it is presented. Wis. Stat. § 5.02(6m)(b).
- An unexpired WI Driver License receipt. Wis. Stat. § 5.02(6m)(c).
- An unexpired Wisconsin DOT-Issued Identification Card receipt. Wis. Stat. § 5.02(6m)(d).
- An identification card issued by a federally recognized Indian tribe in Wisconsin. Wis. Stat. § 5.02(6m)(e).
- An identification card issued by a Wisconsin-accredited university, college or technical college, which must contain the following:
  - Student's name
  - Student's photograph
  - Date of issuance
  - Signature of student
  - Expiration date no later than two years after date of issuance. Wis. Stat. § 5.02(6m)(f).

Note: A school ID card does not have to include a proof of enrollment document if unexpired. Luft v. Evers, 963 F.3d 665, 677 (7th Cir. 2020). However, if the school ID card is expired, it must be presented with a proof of enrollment document. Common Cause v. Thomsen, 574 F. Supp. 3d 634, 641 (W.D. Wis. 2021) (quoting a clarification by the court after the release of the decision in Luft v. Evers). Proof of enrollment documents include, but are not limited to, a fee receipt, class schedule or an enrollment verification form.

- An unexpired Veterans Affairs ID Card issued by the Veterans Health Administration of the federal Department of Veterans Affairs. Wis. Stat. § 5.02(6m)(g).
- A temporary identification card receipt issued by Wisconsin DOT through the Identification Petition Process (IDPP) (valid for 60 days). Wis. Stat. § 343.165(8). For more information on obtaining a temporary voting ID, see the Commission's Bring It To The Ballot page or the Wisconsin DMV ID card petition process page.
- For Confidential Voters only, an identification card issued under Wis. Stat. § 6.47(3). Wis. Stat. §§ 6.79(6) and 6.86(1)(ar).
- For voters who have surrendered their license within 60 days of an election only, an original copy of the citation or notice. Wis. Stat. §§ 6.79(7), and 6.86(1)(ar).

Note: If a clerk receives an absentee ballot request with this form of ID, the clerk must keep track of this ballot and if a certificate envelope containing a ballot is returned, the clerk must write "Ballot under s. 6.965, stats." on the envelope to notify poll workers of special processing requirements on Election Day.

Sec. 7.6.2: Exceptions to Photo ID Requirements

The following groups may meet the proof of identification requirement by having another person certify the voter's identity and residence on the absentee ballot certificate envelope instead of providing proof of identification with their application (Please refer to the "Special Categories of Absentee Voters" section below):

- Indefinitely confined voters. Wis. Stat. § 6.87(4)(b)2.
- Voters residing in a facility served by Special Voting Deputies. Wis. Stat. § 6.875(6)(c)1. In this instance, the two voting deputies are the witnesses and provide this certification. Wis. Stat. § 6.875(6)(c)1.
- Voters residing in a facility eligible for service by Special Voting Deputies (SVDs) but that were not served by SVDs. Wis. Stat. § 6.87(4)(b)5. In this instance, the certification must be from an authorized representative of the facility. *Id.* The Commission has designed an EL-122 Special form for this purpose, along with Special EL-122 Instructions.

The following individuals are exempt from the proof of identification requirement when voting via absentee ballot:

- Military voters. Wis. Stat. § 6.86(1)(ac).
- Permanent overseas voters. *Id.*
- Confidential voters. *Id.*
- Voters who have previously provided proof of identification for a by-mail absentee ballot received from the clerk are not required to provide proof of identification with subsequent requests as long as the voter has not moved or changed names. Wis. Stat. § 6.87(4)(b)3.

Chapter 7.7: In-Person Absentee Voting (IPAV)

Sec. 7.7.1: Introduction

In-Person Absentee Voting (IPAV) may occur in the clerk's office or another designated absentee voting location no earlier than 14 days before an election and no later than the Sunday before an election, but never on a legal holiday. Wis. Stat. § 6.86(1)(b). This is the only situation in which a clerk may accept an absentee ballot request from the voter in person, and all voters participating must complete an application in person. *Id.*

Sec. 7.7.2: IPAV Hours: Best Practices

While there is no specific amount of time a clerk must allow IPAV, Wisconsin law permits all registered voters to request an absentee ballot in person at their clerk's office or alternate site, and the Commission believes that clerks must offer at least some hours for IPAV before each election. See Wis. Stat. § 6.86(1)(a)2.

Clerks must specify the office hours during which voters may cast a ballot during the IPAV period in the clerk's office or any alternate sites in the Type E Notice. Wis. Stat. §§ 6.86(1)(b), 10.01(2)(e).

> **Best Practice:** The Commission recommends that clerks should also post the hours on the municipal website and any social media accounts used by the municipality. The legal requirements of where and how the Type E notice must be posted are a floor, not a ceiling. Clerks should take whatever steps are necessary to ensure that IPAV hours are fully communicated with their constituents.

Sec. 7.7.3: Absentee Ballot Applications, Verification Process

All applicants must complete a written request before receiving a ballot, and the clerk must maintain that request along with other materials for the election. Wis. Stat. § 6.86(1)(ar). While the absentee certificate envelope doubles as an absentee request and certification when completed in person in the clerk's office, the Commission recommends that clerks have voters fill out an EL-121 Absentee Ballot Request so that the EL-121 form may be retained for this purpose.

All in-person absentee voters, except for confidential voters who may show their identification card issued under Wis. Stat. § 6.47 or voters who have had their license revoked, must present proof of identification before receiving a ballot, and the clerk must verify that the name presented on the ID conforms to the name on the application and that any photograph reasonably resembles the voter. Wis. Stat. § 6.86(1)(ar). **see Chapter 7.6: "Proof of Identification for Absentee Voting" on page 107** for a list of acceptable proof of identification documents. After verifying the ID, the clerk must initial the absentee certificate envelope indicating that the clerk has viewed acceptable proof of identification for the in-person absentee voter. *Id.*

> **Best Practice:** During IPAV, many clerks will also be managing late registration in person from the clerk's office or alternate site. See Chapter 7.2: "Types of Absentee Voters" on page 7 for a description of this kind of registration. As part of that process, clerks must review the Ineligible Voter List to confirm that the voter is eligible to vote on the day of the election. Wis. Stat. § 6.29(2)(am). The Commission recommends following this process as well for in-person absentee voters who are already registered because it is possible that their names have been added to the Ineligible Voter List. If the name of the voter appears on the list, the clerk should inform the voter that the voter is ineligible to vote per the Department of Corrections.

If the voter agrees that they are ineligible, the absentee application should be rejected and the voter registration inactivated. If the voter maintains that they are eligible to vote in the election, the clerk should make a reasonable effort to contact the Commission to verify the voter's felony status. If the voter is eligible to vote, the clerk should document on the Absentee Ballot Log (EL-124) that they confirmed the voter's status with the Commission and then allow the voter to proceed to vote.

If the clerk confirms that the voter is *not* eligible to vote or if the clerk is unable to contact the Commission, the clerk should:

- Give the voter the Ineligible Voter Information Sheet that explains to the voter what they need to do to resolve the issue with the Department of Corrections.
- Permit the voter to vote but mark the Absentee Certificate Envelope (EL-122) as "ineligible to vote per Department of Corrections." On Election Day, the poll workers shall review the Ineligible Voter List and challenge the ballot if the name of the voter appears on the list and the clerk provides no contrary information (see Election Day Issues, Challenging Voters). Wis. Stat. § 6.92(1).

Sec. 7.7.4: Issuing the Voter a Ballot

Once the above steps are complete, the clerk gives the voter an absentee ballot, and the voter marks the ballot in private such that the selections cannot be observed except if the voter has asked for assistance in making the selections, seals in an Absentee Ballot Certificate Envelope (EL-122) that the voter completes and signs. Wis. Stat. § 6.87(4)(b)1.

The ballot may not be taken from the clerk's office. Wis. Stat. § 6.87(3)(a).

Sec. 7.7.5: Witness Requirement

All IPAV voting must be witnessed by the municipal clerk or an election official under the clerk, who must sign and print their name and provide their office (recommended) or home address. Wis. Stat. § 6.86(1)(b). The prohibitions against a candidate witnessing the voting of an absentee ballot do not apply to municipal clerks carrying out their IPAV responsibilities. Wis. Stat. § 6.87(8).

Sec. 7.7.6: Alternate Absentee Ballot Sites

The governing body of a municipality may elect to designate a site to replace the office of the municipal clerk as the location from which voters of the municipality may request, vote, and return absentee ballots. Wis. Stat. § 6.855(1).

The designated site shall be located as near as practicable to the office of the municipal clerk and cannot afford any advantage to any political party. The governing body shall not later than 14 days prior to the time absentee ballots

are available (47 days before each primary or election for national office, 21 days before each other primary or election) designate an alternate absentee ballot site. Wis. Stat. § 6.855(1). Once a designation is made, it remains in effect until at least the day after the election. *Id.*

If a designation is made, no function related to voting and return of absentee ballots that will take place in the alternate site may take place in the office of the municipal clerk. *Id.*

The municipal clerk shall display a notice of the alternate site in the office of the municipal clerk beginning on the date the site is designated until the absentee voting period has ended. Wis. Stat. § 6.855(2). If the municipal clerk maintains a website, the notice must also be posted on the website during the same period. *Id.*

> **Best Practice:** The Commission recommends using the Type E notice for this purpose. See Wis. Stat. § 10.01(2)(e).

An alternate absentee ballot site shall be staffed by the municipal clerk or employees of the clerk. Wis. Stat. § 6.855(3). Each absentee ballot site must be accessible to all individuals with disabilities. Wis. Stat. § 6.855(4).

A governing body may designate more than one alternate site. Wis. Stat. § 6.855(5).

Chapter 7.8: Cancelling & Issuing Replacement Absentee Ballots

Sec. 7.8.1: Introduction

Some Wisconsin voters choose to cast an absentee ballot by mail. Once the absentee ballot is mailed by the municipal clerk and received by the voter, the voter must complete and return it by 8 p.m. on Election Day to be counted. Wis. Stat. § 6.87(6). Because the process involves the postal system, there may be delays in both receiving and returning ballots.

If a voter contacts their municipal clerk and believes that their absentee ballot either got lost in the mail or is not going to make it back to the clerk in time to be counted, the Commission recommends that the clerk first confirm that the ballot has not been received and was not properly recorded as returned. If a clerk has not received the ballot, and the ballot is lost in transit, the clerk may cancel that ballot and issue a new absentee ballot to the voter as the ballot has not been returned.

However, once the voter has placed the absentee ballot in the mail (or returned it by drop box or to the clerk's office), the option of voting in person at the polls is closed to them *for that specific ballot*, even if the ballot has not yet been received by the clerk. Wis. Stat. § 6.86(6). If a ballot that has not yet been received by the clerk is cancelled by the clerk due to being lost in the mail, the clerk must issue a replacement ballot either by mail or during IPAV. A by mail absentee voter who is issued a new absentee ballot who does *not* return it directly to the clerk or place it in the mail may still vote in person at the polls instead of returning the absentee ballot. See Wis. Stat. § 6.86(6).

Sec. 7.8.2: Spoiling Absentee Ballots

For guidance on how and when voters can spoil absentee ballots, **see Chapter 7.14: "Spoiling & Replacement of Absentee Ballots" on page 142**.

Sec. 7.8.3: Frequently Asked Questions

Q A voter contacts the clerk's office and states that they have mailed their absentee ballot back but is concerned that it will not be delivered to the clerk's office by 8:00 p.m. on Election Day, and they want to cancel their ballot and vote at the polls on Election Day. Can they get a new ballot at their polling place on Election Day?

A No. Once a voter has placed their ballot in the mail, it is considered mailed. They cannot be issued a new ballot at the polling place on Election Day, even if their absentee ballot will not be returned to the clerk's office in time to be counted. **See Chapter 7.14: "Spoiling & Replacement of Absentee Ballots" on page 142** for additional guidance.

Q A voter has mailed their absentee ballot many days ahead of Election Day, but it has not been delivered to the clerk's office. The voter has called the clerk and is concerned that it may not arrive by 8:00 p.m. on Election Day. The voter asks if they can cancel their first ballot and have the clerk send them a new ballot?

A If the municipal clerk has not received a sufficient returned absentee ballot from the voter, they are able to be sent a new absentee ballot.

Q A voter has returned their absentee ballot and the clerk has determined that it is sufficient. The voter contacts the clerk's office because they voted for a candidate they no longer wish to vote for. Can the clerk cancel their returned absentee ballot and issue them a new ballot?

A For detailed guidance on spoiling ballots, **see Chapter 7.14: "Spoiling & Replacement of Absentee Ballots" on page 142**.

Chapter 7.9: Absentee Ballot Return

Sec. 7.9.1: Introduction

Only the voter may lawfully return his or her completed absentee ballot, either by mail or in person, to the office of the municipal clerk, subject to two exceptions. Wis. Stat. § 6.87(4)(b)(1), *Teigen v. Wis. Elections Comm'n*, 2022 WI 64, 59, 403 Wis. 2d 607, 976 N.W.2d 519, overruled in part by *Priorities USA v. WEC*, 2024 WI 32.

There are only two exceptions to the requirement that a voter must return his or her own ballot: 1) the voter requires assistance due to a disability, and 2) the voter is hospitalized and voting according to those special procedures.

Exception 1: Voters Requiring Assistance

First, pursuant to the Voting Rights Act, any Wisconsin voter who requires assistance with mailing or delivering their absentee ballot to the municipal clerk because of a disability must be permitted to receive such assistance by a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union. *Carey v. Wis. Elections Comm'n*, 624 F. Supp. 3d 1020 (W.D. WI 2022).

When an election official is presented with an absentee ballot delivered in-person, the official may ask the following questions:

- "Are you the voter?" *If not, then*:
- "Are you delivering the voter's ballot because the voter has determined that they require assistance returning their ballot due to their disability?" *If yes, then*:
- "Are you someone other than the voter's employer, an agent of that employer, or an officer or agent of the voter's union?" *If yes, then the ballot can be accepted.*[13]

---

13 This guidance was approved by the Commission on September 6, 2022, and is available here: elections.wi.gov/news/guidance-absentee-ballot-return-options.

Exception 2: Hospitalized Voters Voting by Authorized Agent

Second, an agent may return a completed absentee ballot on behalf of a hospitalized voter. Wis. Stat. § 6.86(3)(c). **see "Procedures for Making the Absentee Ballot Request by Agent" on page 13** for a description of this process. For ballots being returned under this section, an election official should check the list of voters and agents who have been issued ballots and record that the ballot has been returned. See *Id.*

Sec. 7.9.2: Methods of Absentee Ballot Return

There are several lawful methods of absentee ballot return:

- By mail
- In person to the municipal clerk's office or alternate absentee voting site
- In person directly to the voter's polling place or "central count"
- Via drop box

All of these methods are authorized by the provision of state law that allows voters to mail, or "[deliver] in person," their ballot "to the municipal clerk." Wis. Stat. § 6.87(4)(b)1. Each is discussed further below. Voters can choose any method to return their absentee ballot.

Sec. 7.9.3: Returning Ballots by Mail

Absentee voters can return their ballots by mail by placing it in a USPS mailbox or taking it to a post office. The postage is pre-paid by the municipal clerk, unless the voter is mailing it back from outside the U.S. If mailing it back from outside the United States the voter must affix sufficient postage unless the ballot qualifies for free delivery. *Id.*

Note: The Commission recommends that voters mail their absentee ballots back as soon as possible but no later than 10 business days before Election Day. This ensures the greatest likelihood that the ballot will be returned to the municipal clerk by 8 p.m. on Election Day.

Sec. 7.9.4: Returning Ballots in Person to the Clerk's Office or Alternate Absentee Ballot Site

An absentee voter can also choose to take their ballot directly to their municipal clerk's office or to an alternate absentee ballot site. Wis. Stat. § 6.87(4)(b)1. Voters should contact their municipal clerk ahead of time to confirm the hours and availability of absentee ballot return. If municipalities are using alternate absentee ballot sites during in-person absentee voting, voters can't take their ballots to the clerk's office, but they can take it to an alternate site. Wis. Stat. § 6.855(1).

Some municipal clerks may set a cut off on Election Day after which they will no longer accept absentee ballots to ensure they have enough time to deliver them all to their polling places by 8 p.m. However, it is contrary to law to set an absentee delivery cutoff at the clerk's office and also refuse to allow a voter to take their own ballot to their polling place.[14]

Note: Municipal clerks cannot lead voters to believe that they must return their voted absentee ballots to their office by a certain time before 8 p.m. on Election Day or it will not be counted. Voters may lawfully cast ballots until 8 p.m. on Election Day. If the municipal clerk is unable to accept the return of voted absentee ballots in their office past a certain point, they must inform voters how they can still lawfully cast their ballots before 8 p.m.[15]

Sec. 7.9.5: Returning Ballots in Person Directly to Polling Place or "Central Count"

The Commission has consistently reiterated that direct return of an absentee ballot by a voter (or their lawful assistant) to their polling place (or "central count") is a lawful method of absentee ballot return. Wis. Stat. § 6.87(4)(b)1., 6.87(6). A voter may lawfully return his or her voted absentee ballot in person

14 See EL 23-47, *Peters v. Goergen* (Dec. May 27, 2025).

15 *Id.*

to their polling place before 8 p.m. on Election Day and a voter who determines that he or she needs assistance returning her ballot due to a disability may also permit their assistant to return their ballot directly to their polling place.[16]

Sec. 7.9.6: Drop Boxes

On July 5, 2024, the Wisconsin Supreme Court overruled its prior decision, in part, in *Teigen v. WEC*, and held that secure drop boxes were permitted under state law as a valid method of absentee ballot return. The decision is binding on all lower Wisconsin courts. The use of drop boxes is not mandatory and is at the discretion of the municipal clerk.

On July 11, 2024, the Commission held a public meeting to review and issued the following guidance:

Q Does the decision affect all municipal clerks?

A Yes. The decision permits all municipal clerks to choose to use secure absentee ballot drop boxes in their jurisdiction if they wish.

Q What does the decision say?

A The Wisconsin Supreme Court determined that the statute that permits voters to return their absentee ballots "to the municipal clerk issuing the ballot or ballots" refers to a person, not a location. The court asserted that this interpretation of state law is consistent with Wisconsin's highly decentralized system whereby municipal clerks have broad statutory discretion to administer elections in their jurisdiction. Accordingly, since voters may return their absentee ballots to the municipal clerk, or his or her authorized representatives, they may do so via drop box, if that's a method the municipal clerk chooses to utilize.

Q Did the decision change any established practice?

A Yes. The decision reversed a prior Wisconsin Supreme Court decision, in part, and held that secure drop boxes are a legal method of absentee ballot return under Wisconsin law.

---

16 See also EL 24-23, *Yunker v. Luedtke* (Dec. May 27, 2025) (Determining that an opposite conclusion by a municipal clerk was contrary to law).

Q Do clerks have to use drop boxes?

A No. The decision explicitly states that it does not require clerks to use drop boxes, it just says that the law permits clerks to utilize them if they choose. So, if a municipal clerk decides not to use drop boxes in an exercise of clerk election administration discretion, they will not be violating the *Priorities USA* decision. Clerks should note, however, that choosing not to use drop boxes because of a belief that they are not legal is likely inconsistent with the reasoning of the decision and raises the risk of a legal challenge.

Q Can a clerk be successfully sued if he or she chooses not to utilize drop boxes?

A Likely not. If a clerk chooses not to use drop boxes in upcoming elections, it is very unlikely that a challenger would be successful in arguing that *Priorities USA* requires them to be used.

Q Are the Commission's previous memos related to drop boxes prior to the Teigen decision back in effect?

A No. The Commission withdrew memoranda dated March 31 and August 19, 2020, relating to drop boxes as part of the Teigen litigation on February 16, 2022. The *Priorities USA* decision does not mean either of those memoranda are back in effect. The information in this chapter, which was approved by the Commission on July 11, 2024, is the Commission's sole issued guidance related to drop boxes.

Q Did the decision discuss where drop boxes may be located and who can set them up?

A Yes. The decision stated that drop boxes are set up, maintained, secured, and emptied by the municipal clerk, which includes their authorized representatives. A single person need not set up, maintain, secure, and empty all drop boxes in a municipality. The drop boxes may be placed in a location other than the municipal clerk's office and may be placed in any location that the municipal clerk, within his or her statutory discretion, designates.

Q Do drop boxes need to be secure? What should clerks consider when examining drop box security?

A Yes. The decision held that state law permits clerks to lawfully utilize secure drop boxes in an exercise of their statutorily conferred discretion. The decision did not provide guidance on what it means for a drop box to be "secure." The Commission recommends that clerks keep the following non-exhaustive security considerations in mind when planning to utilize drop boxes, which are consistent with guidance from the U.S. Election Assistance Commission (EAC) and the U.S. Cybersecurity and Infrastructure Security Agency (CISA). These considerations are merely a starting point — the Commission recommends that clerks thoroughly complete a security assessment for each intended drop box location prior to deployment.

The Commission recommends the following best practices:

Best Practices: Physical Security of the Drop Box Itself

- **The drop box be securely affixed to the ground or the side of the building, or secured such that the drop box cannot be removed or tampered with.**
- **If located outside, the drop box be sturdy enough to withstand the elements so the ballots inside will remain unspoiled.**
- **The drop box be secured against unlawful access or emptying.**
- **The slot of the drop box be appropriately sized so that only an absentee ballot can be deposited and not other objects or liquids.**
- **Any damage to or tampering with the drop box be documented and the drop box be inspected to ensure that it remains secure for the purpose of depositing absentee ballot envelopes.**
- **The drop box be clearly marked or labeled that the drop box is for the purpose of collecting absentee ballots in return envelopes.**
- **The time of final retrieval of ballot return envelopes be clearly marked on or near the drop box. After the time of final retrieval, the drop box be secured to prevent the submission of absentee ballot return envelopes.**

Best Practices: Security of the Drop Box Surroundings

- The drop box be located in a safe location with adequate parking and safe access for pedestrians.
- The drop box be located in a well-lit area.
- The drop box be clearly visible, and the path to the drop box be accessible with clear and level ground space in front.

Best Practices: Security of Ballot Retrieval/Emptying

- The drop box be emptied often enough to avoid the box from being filled with ballots, and a record of the times and dates of retrieval, number of ballots retrieved and the person or persons participating in the retrieval be maintained.
- Ballots retrieved from a drop box be securely transported to the office of the clerk.
- The drop box be equipped with unique locks or seals to secure ballots.
- Absentee ballots that are returned via drop box be secured and transported in the same manner as all other absentee ballots received by clerks. Please refer to page 113 of the Election Administration Manual for guidance on how to secure and transport voted absentee ballots.

The Commission recommends that clerks review the following resources from the EAC and CISA as a starting point for procedures on the secure administration of drop boxes:

- EAC Quick Start Guide on Drop Boxes (PDF)
- EAC Election Management Guidelines, Pages 53, 80, 100 (PDF)
- EAC Sample FAQ Language for How Drop Boxes Work that Can be Adapted for Wisconsin (PDF)
- CISA Drop Box Considerations (PDF)

Q Does the governing body of the municipality need to be the one to designate drop box locations?

A No. The governing body of the municipality designates the location of alternate absentee voting sites under Wis. Stat. § 6.855. The *Priorities USA* decision clearly states that state law "requires only that the ballot be delivered to a location the municipal clerk, within his or her discretion, designates."[17] The municipal clerk has the authority to designate drop box locations.

Q Who can return a ballot to a drop box?

A A voter may return his or her own ballot. An individual may also return the ballot of anyone he or she is lawfully assisting, such as a voter with a disability or a hospitalized voter. An individual is permitted to provide assistance to more than one disabled or hospitalized absentee voter. These principles were issued in Commission guidance following the litigation in *Carey v. WEC*, and are unchanged by the *Priorities USA* decision.[18] The decision does not say that drop boxes need to be staffed, nor does the decision require a clerk to ask any questions of a voter who is attempting to return a ballot to a drop box.

Q What steps should clerks take if they want to display their drop box locations on MyVote?

A Clerks and WisVote providers can add drop box locations and information to WisVote under Election Specific Absentee Options, which will make the drop box locations viewable to voters in their municipality on MyVote. Registered voters in these municipalities will be able to see the information under "Find My Local Absentee Options" button from the Vote Absentee section. Clerks are encouraged to communicate to voters as to the dates, times, and locations of drop boxes, as well as final retrieval dates and times. Please ensure that this information is up to date for your municipality before absentee ballots are available to voters for any election.

Q Does the decision require clerks to track which ballots are received by drop box?

A No. Nothing in the decision requires or permits clerks to track, mark, or otherwise separate or indicate which returned absentee ballots were received via secure drop box.

---

17 *Priorities USA v. WEC*, 2024 WI 32, P26. The *Priorities USA* decision also states that Wis. Stat. § 6.855 " … simply does not apply to drop boxes." *Id.* at P29.

18 Available at: elections.wi.gov/memo/guidance-absentee-ballot-return-options-under-federal-voting-rights-act

Q May a clerk place an insert informing voters of the availability of drop boxes?

A Yes. Clerks may place an insert informing voters of the availability of drop boxes for the return of absentee ballot envelopes. Those inserts are recommended to include the locations of the drop boxes, dates and times of availability, and date and time of final retrieval of absentee ballot envelopes.

Q Are private citizens permitted to watch drop boxes if they are located in public?

A Yes, but not if the watching interferes with voting. Whoever "interrupt[s] or disturb[s] the voting … proceedings" may be fined not more than $1,000, or imprisoned not more than 6 months or both.[19] Additionally, anyone who "by abduction, duress, or any fraudulent device or contrivance, impede[s] or prevent[s] the free exercise of the franchise at an election" is guilty of a Class I felony.[20] Clerks must immediately contact law enforcement if anyone tampers with, defaces, destroys, unlawfully empties, or interrupts, impedes, or prevents the use of a drop box.

19 See Wis. Stat. §§ 12.13(3)(x), 12.60(1)(b).

20 See Wis. Stat. §§ 12.09(2), 12.60(1)(a).

Chapter 7.10: Certificate Envelope Examples

Sec. 7.10.1: Introduction

There are four variations of the Absentee Ballot Certificate Envelope:

- EL-122 Standard Absentee Certificate Envelope: Used in most situations.
- EL-122M Absentee Certificate Envelope: Used for military and permanent and temporary overseas voters.
- EL-122SVD: Used for absentee voting conducted by Special Voting Deputies in residential care facilities and retirement homes.
- EL-122SP: Used for voters in SVD-eligible facilities that are not served by SVDs.

The Commission reviewed and approved these certificate envelopes after a thorough redesign and testing campaign in 2023.[21] The envelopes were tested and reviewed by six populations who interact with the absentee envelope: the clerk who prepares the envelope, the voter who completes the certification, that voter's chosen witness, that voter's chosen assistant (if applicable), the poll worker who reviews the envelope for sufficiency and processes it at a polling place, and the United States Postal Service (USPS), which is responsible for its delivery. The colors selected to differentiate the EL-122 certificate envelopes were selected from the standardized options used nationally. These colors were selected for absentee envelopes because they meet accessibility contrast requirements and are easy for the USPS to identify in the mails stream.

21 For a description of the envelope redesign project, see the Open Session Materials from the Commission's August 4, 2023 meeting. Available at: elections.wi.gov/event/special-meeting-842023

Figure 1. — **Absentee** Ballot Certificate & Application Form

Sec. 7.10.2: Overview of the Absentee Certificate Envelope

Figure 10: ***Step 1:*** *The clerk or voter must complete the voter information section. The information can be provided on a label or handwritten.*

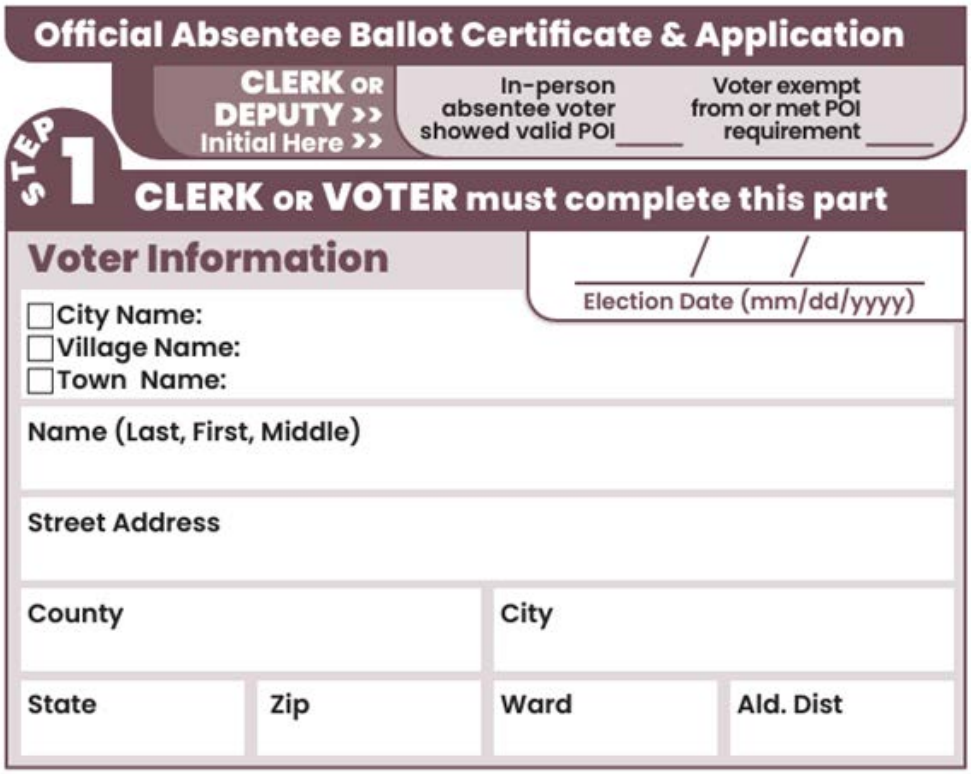
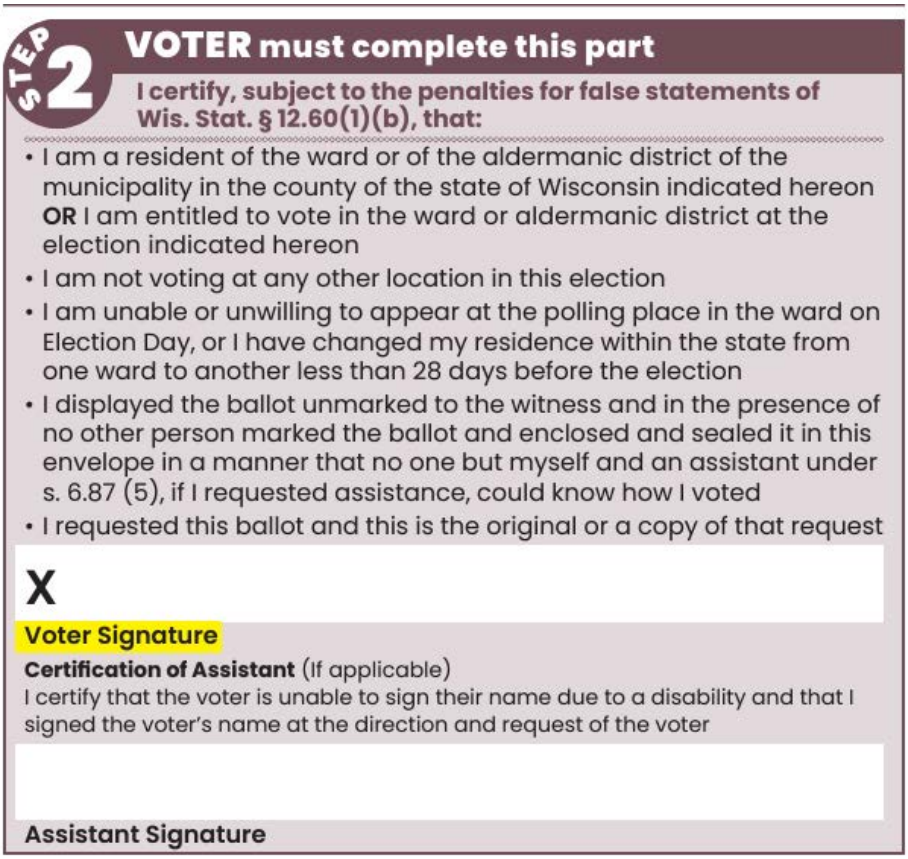


Figure 11: ***Step 2:*** *The voter must complete the certification section by signing where highlighted. If the voter needs assistance signing the certification, the assistor signs the voter's name and signs the assistor's own name below in the assistors field.*



STEP 2

VOTER must complete this part

I certify, subject to the penalties for false statements of Wis. Stat. § 12.60(1)(b), that:

- I am a resident of the ward or of the aldermanic district of the municipality in the county of the state of Wisconsin indicated hereon **OR** I am entitled to vote in the ward or aldermanic district at the election indicated hereon
- I am not voting at any other location in this election
- I am unable or unwilling to appear at the polling place in the ward on Election Day, or I have changed my residence within the state from one ward to another less than 28 days before the election
- I displayed the ballot unmarked to the witness and in the presence of no other person marked the ballot and enclosed and sealed it in this envelope in a manner that no one but myself and an assistant under s. 6.87 (5), if I requested assistance, could know how I voted
- I requested this ballot and this is the original or a copy of that request

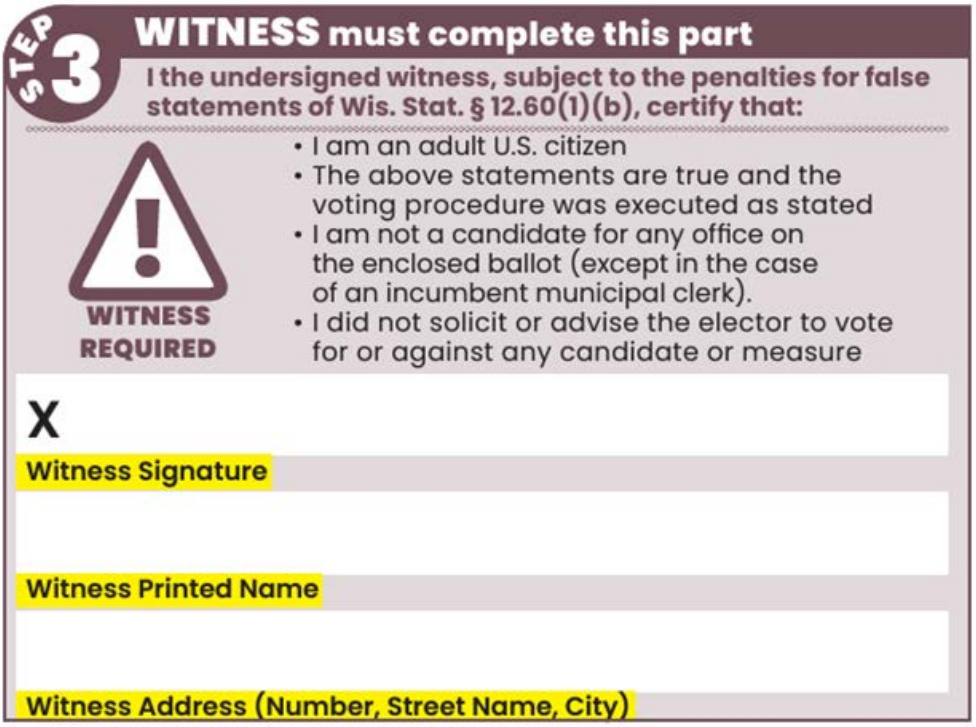
X

Voter Signature

Certification of Assistant (If applicable)
I certify that the voter is unable to sign their name due to a disability and that I signed the voter's name at the direction and request of the voter

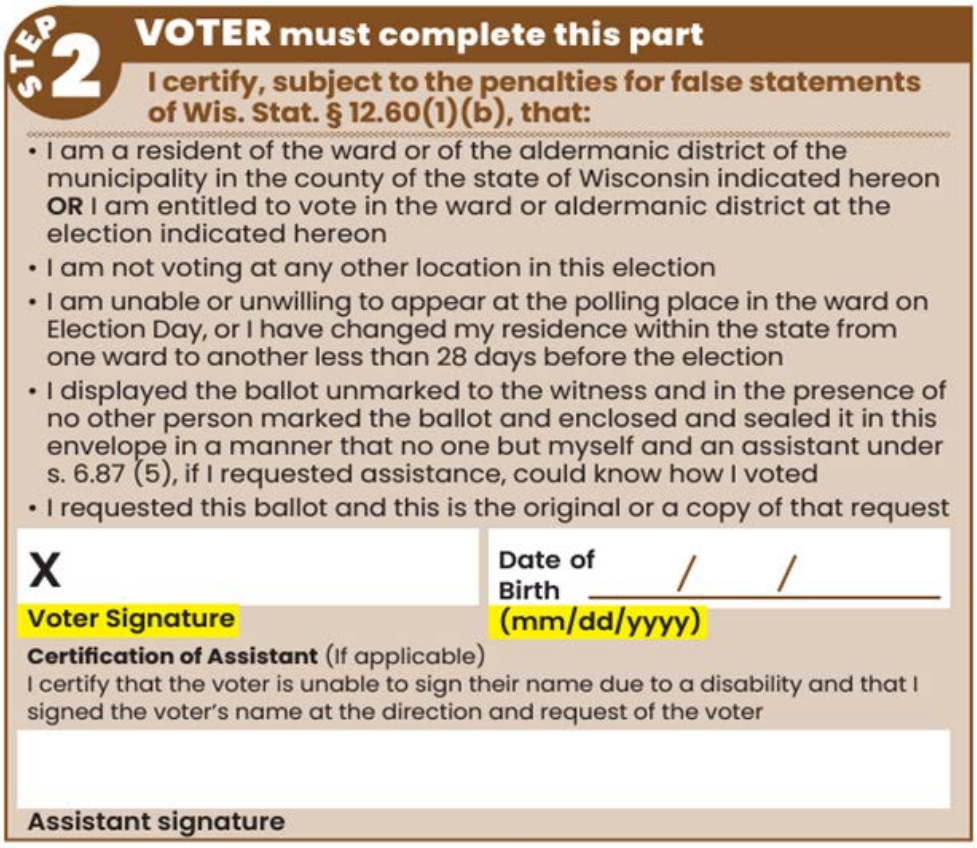
Assistant Signature

Figure 12: ***Step 3:*** *The witness must complete all highlighted fields after witnessing the voter privately complete the ballot.*



Sec. 7.10.3: Absentee Certificate Envelope for Other Categories of Absentee Voters

Figure 13: EL-122M for Military and Permanent and Temporary Overseas Voters



STEP 2

VOTER must complete this part

I certify, subject to the penalties for false statements of Wis. Stat. § 12.60(1)(b), that:

- I am a resident of the ward or of the aldermanic district of the municipality in the county of the state of Wisconsin indicated hereon **OR** I am entitled to vote in the ward or aldermanic district at the election indicated hereon
- I am not voting at any other location in this election
- I am unable or unwilling to appear at the polling place in the ward on Election Day, or I have changed my residence within the state from one ward to another less than 28 days before the election
- I displayed the ballot unmarked to the witness and in the presence of no other person marked the ballot and enclosed and sealed it in this envelope in a manner that no one but myself and an assistant under s. 6.87 (5), if I requested assistance, could know how I voted
- I requested this ballot and this is the original or a copy of that request

X

Voter Signature

Date of Birth ___/___/___

(mm/dd/yyyy)

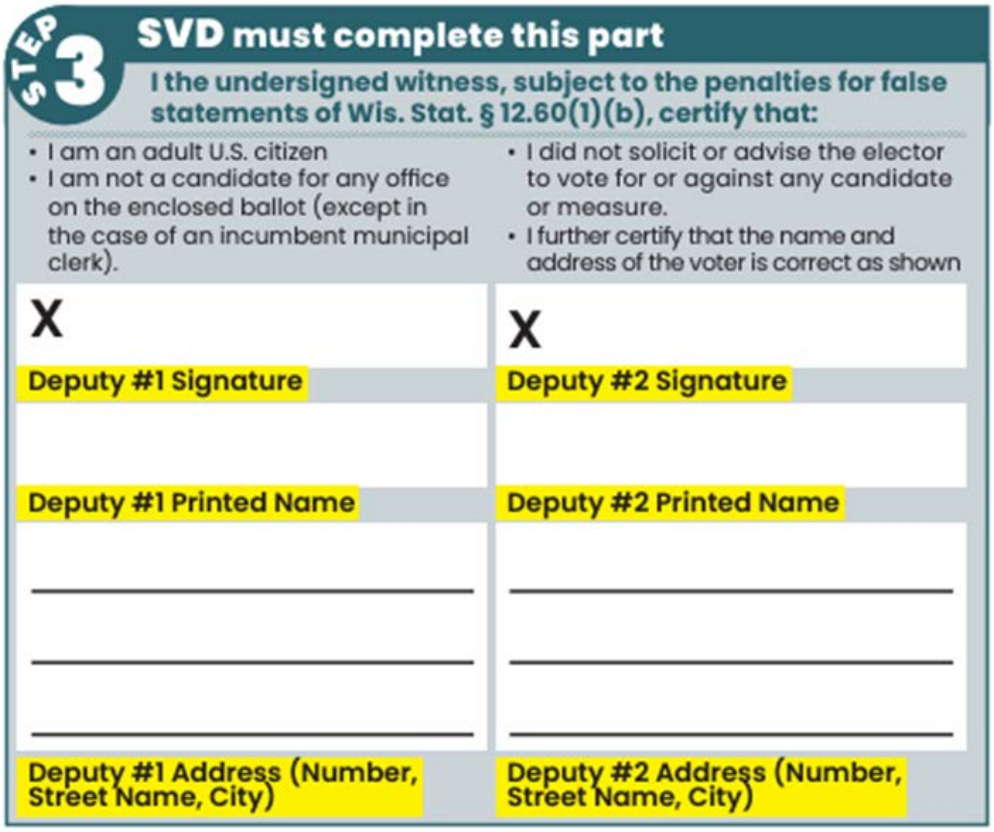
Certification of Assistant (If applicable)

I certify that the voter is unable to sign their name due to a disability and that I signed the voter's name at the direction and request of the voter

Assistant signature

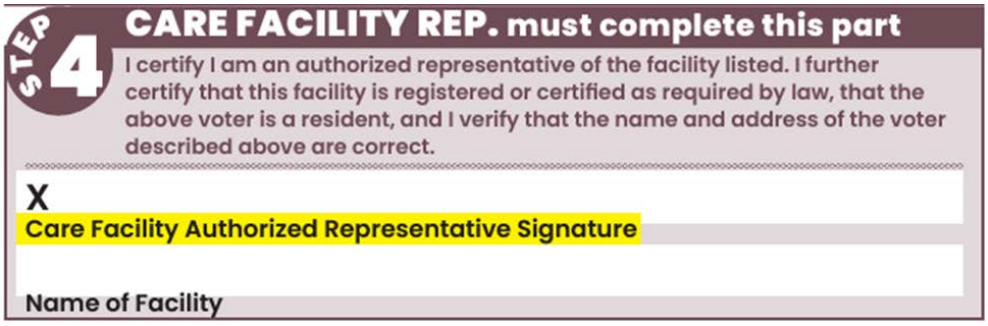
In step 2 of this envelope, Military and Permanent Overseas voters must include their date of birth. The witness is required to be an adult but does not have to be a U.S. citizen.

Figure 14: EL-122SVD for Use by Special Voting Deputies Conducting Absentee Voting in Residential Care Facilities and Retirement Homes



In step 3 of this envelope, the signatures and addresses of both SVDs are required in the witness section.

Figure 15: EL-122SP for Use by Voters Residing in SVD-Eligible Care Facilities and Retirement Homes Not Served by SVDs Who are Not Indefinitely Confined and Who have Not Previously Provided Photo ID for the Same Name and Address



If the voter has provided photo ID or is indefinitely confined, they are already exempt from the photo ID requirement and the regular certificate envelope can be used. In step 4 of this envelope, the authorized representative of the care facility signs this section, or the voter includes photo ID. The care facility representative may also serve as the witness.

The Commission recommends that clerks provide the name of the care facility on the certificate *before* sending it to the voter to avoid a scenario where the authorized representative fails to include it on the certificate. If the clerk is a WisVote user, the name of the care facility should be input into Line 1 of the address field so that it can be generated on the sticker used for this certificate envelope. If the clerk is not a WisVote user, the clerk should write the name of the care facility on the first line of the address field on the certificate envelope. For this certificate envelope only, a clerk should not check the "voter exempt from or met POI requirement" box until the voter either submits a certificate with Step 4 properly completed or provides the photo ID within the certificate envelope.

Chapter 7.11: Review Certificate Envelopes for Sufficiency

Sec. 7.11.1: Open or Damaged Envelopes

Before looking at the details of the certificate, poll workers should first examine each certificate envelope to see if any are opened or damaged. Wis. Stat. § 6.88(3)(b). If a ballot is open, or has been opened and resealed, the poll workers shall not count the ballot. *Id.*

Best Practice: Wis. Stat. § 6.88(3)(b) is intended to prohibit absentee ballots from being counted that have been obviously re-opened and resealed (torn flap, slit seams, clumsy repair of paper). Sometimes, voters tape their absentee ballots closed. Tape on a certificate envelope flap alone is not necessarily an indication that the ballot has been opened and resealed. Ideally, the municipal clerk will have noticed taped or open absentee ballots as they are returned. Poll workers should contact the municipal clerk if they encounter any certificate envelopes that are either opened or resealed. Ultimately, it is the decision of the municipal clerk and the boards of canvassers to decide whether these ballots should be accepted or rejected.

Sec. 7.11.2: Certificate Envelope Sufficiency

Extensive detail on how to review absentee certificate envelopes for sufficiency is covered by **Sec. 14.15.12: "Absentee Certificate Envelopes."** Poll workers should review that section in its entirety for step-by-step guidance on how to review certificate envelopes, and to understand the Commission's guidance for resolving common omissions or errors.

Important: It is always up to the municipal clerk to decide whether a certificate envelope is insufficient, so it's also important to understand any jurisdiction-specific guidance or training from the clerk in addition to the Commission's guidance.

Information on correcting incomplete certificate envelopes is covered by **Chapter 14.18: "Correcting Defective Certificate Envelopes."**

Information on setting aside incomplete certificate envelopes for rejection is covered by **Sec. 14.15.14: "Rejecting Absentee Ballots."**

Chapter 7.12: Witness Address Requirements

All certificate envelopes for returning absentee ballots require the witness, or for SVD voting, witnesses, to provide an address, and the ballot may not be counted if the address is missing entirely. Wis. Stat. §§ 6.87(2) and (6d) (requiring but not defining a witness address).

Following litigation, a 2024 Wisconsin Court of Appeals decision, *Rise, Inc. v. Elections Comm'n*, provided a statewide definition of a witness address. Below, the Commission's guidance applies this definition and addresses several common questions.

If a municipal clerk, or poll worker, believes a witness address on a certificate envelope is not sufficient, **see Chapter 7.13: "Correcting Defective Certificate Envelopes" on page 137** for more information on correcting insufficient certificate envelopes or **Sec. 14.15.14: "Rejecting Absentee Ballots"** for more information on rejecting absentee ballots.

Sec. 7.12.1: Frequently Asked Questions

Q Can an election official modify or add information to absentee ballot witness certifications?

A No. Election officials cannot modify or add information to absentee ballot witness certifications.[22]

Q What does "address" mean as used in Wis. Stat. §§ 6.87(2) and (6d)?

A It means "a place where the witness may be communicated with."[23]

---

22 *Rise, Inc. v. Elections Comm'n*, 2024 WI App 48, ¶ 11, 413 Wis. 2d 366, 377, 11 N.W.3d 241, 246 quoting *White v. WEC*, Waukesha Cnty. No. 2022CV1008 (order issued Oct. 3, 2022).

23 *Rise, Inc. v. Elections Comm'n*, 2024 WI App 48, ¶ 3, 413 Wis. 2d 366, 372, 11 N.W.3d 241, 244.

Q What information is required for a sufficient witness address?

A No particular components or information are required, but an absentee ballot cannot be rejected under Wis. Stat. § 6.88(3)(b) or Wis. Stat. § 7.52(3)(b), or returned to a voter for correction under Wis. Stat. § 6.87(9), as long as "the face of the certificate contains sufficient information to enable a municipal clerk to reasonably identify a place where the witness may be communicated with."[24] This does not prevent returning an absentee ballot to a voter or rejecting an absentee ballot after 8 p.m. on Election Day if this standard cannot be met or if there is a separate issue, such as a missing witness signature or missing voter signature.

The Commission has determined that it is an abuse of discretion for a municipal clerk to apply this standard to reject absentee ballots if a witness address is missing the state and ZIP code and there is more than one municipality of the name given in the United States.[25]

Q What information is enough for the municipal clerk to reasonably identify a location where the witness can be communicated with?

A "As long as the address information provided by the witness is sufficient to enable communication with the witness, the purposes of the address requirement are fulfilled" and "specific address components are not necessary"[26] A municipal clerk may reasonably rely upon the clerk's "own knowledge of community places, building names, and local addresses" to determine if the envelope contains enough information to identify a location where the witness may be communicated with.[27]

Q Where on a certificate envelope can a clerk look for a witness address?

A A clerk may look for witness address information "on the face of the certificate," rather than just the information on the "address" line.[28] If a witness writes "same as the voter" or "ditto" on the witness address line, "that is sufficient information to enable the municipal clerk to identify a place where the witness can be communicated with, so long as sufficient address information is provided in the voter's certificate."[29]

---

24 *Rise, Inc. v. Elections Comm'n*, 2024 WI App 48, ¶ 59, 413 Wis. 2d 366, 408, 11 N.W.3d 241, 261.

25 See 2026-0002, *In re City of Mequon* (Decided April 30, 2026).

26 *Id.* ¶ 56–57 (finding that the purposes of a witness address are 1. "to prevent abuses like fraud and undo influence" and 2. "to streamline and simplify the absentee voting process").

27 *Id.* ¶ 64–65.

28 *Id.* ¶ 65.

29 *Id.* ¶ 65 note 23 and ¶ 66.

Sec. 7.12.2: Best Practices for Acceptable Witness Addresses

The Commission believes that the four scenarios below would provide a municipal clerk with a place where the witness can be communicated with and that a clerk need not examine an address further if:

- The witness's street number, street name, and municipality are present, regardless of whether a state name or a ZIP code are provided.
- The witness's street number, street name, and ZIP code are present, but there is neither a municipality nor a state name provided.
- The witness's street number and street name are present and match the street number and street name of the voter, but no other address information is provided.
- The witness certification indicates that the witness address is the same as the voter's address with any or any combination of the following words: "same," "same address," "same as voter," "same as above," "see above," "ditto," or by using quotation marks and/or an arrow or line pointing to or from the voter address.

Q If one of these four scenarios is not present, should the absentee ballot be rejected?

A Not on that basis. If an election official determines that one of the four scenarios above is present, the Commission believes that the witness has provided a sufficient address, and no further determination is needed. If one of these scenarios is not present, an election official must apply the standard in Answer 3, which is to look to the face of the certificate for information that would allow the municipal clerk to reasonably identify a place where the witness may be communicated with. If the information can be found on the face of the certificate, it is sufficient.

Chapter 7.13: Correcting Defective Certificate Envelopes

Note: This section of the manual covers a clerk's ability to return absentee ballots to voters under Wis. Stat. § 6.87(9), or to set the absentee ballot aside for rejection under Wis. Stat. § 6.88(3)(b) when there are defects on the certificate envelope. For information on a municipal clerk's ability to issue a new absentee ballot to a voter under Wis. Stat. § 6.86(5) when the ballot is spoiled or damaged, See Chapter 7.14: "Spoiling & Replacement of Absentee Ballots" on page 142. Be advised that these two sections of the manual are not interchangeable.

Sec. 7.13.1: Reviewing the Certificate Envelope

Municipal clerks should make every effort to review absentee certificate envelopes as they receive voted absentee ballots from voters so that they can choose to exercise their authority under Wis. Stat. § 6.87(9) or role under Wis. Stat. § 6.88(3)(b) ahead of Election Day if the certificate has any defects. Defect, as used in this chapter, means anything that would lead the certificate to be rejected. Doing this review as the ballots arrive leaves the largest amount of time for a voter or witness to correct the defect as described below. The clerk should document any certificate defects on the Absentee Ballot Log (EL-124).

If the information on the absentee certificate envelope is incomplete, or if the certificate is missing, the clerk has two options for how to proceed:

- **Return the Ballot to the Voter:** Time permitting, the clerk may attempt to return the ballot and incomplete certificate envelope to the voter for the voter to correct the defect.
- **Set the Ballot Aside for Rejection:** When the certificate cannot be corrected, the clerk should set is aside and inform poll workers that it is insufficient under Wis. Stat. § 6.88(3)(b).

Sec. 7.13.2: Returning the Ballot to the Voter

If the information on the absentee certificate envelope is missing, incomplete, otherwise defective, or if the certificate is missing entirely, the clerk "may return the ballot to the voter … whenever time permits the voter to correct the defect and return the ballot" so that the municipal clerk can cause the completed ballot to be delivered to the proper polling place by 8 p.m. on Election Day. Wis. Stat. § 6.87(9).

There is not a specific method by which a municipal clerk may "return the ballot" to the voter. See Wis. Stat. § 6.87(9). The Commission recommends that if the defect is correctable — meaning that the issue has to do with how the certificate was filled out rather than the qualifications of the voter or witness — the clerk contact the voter directly if possible, such as by phone, email, or another convenient method, to notify the voter and advise the voter of how they may correct the defect. Whenever time permits, a clerk may choose to return the ballot to the voter by returning it by mail, or by returning it to the voter in person in the clerk's office or at the polling place on Election Day. How much time is enough is a matter of local discretion, but for mailing the absentee back to the voter less than one week is likely not enough time.

For correcting the certificate envelopes in person in the clerk's office or alternate site, the Commission recommends that the clerk allow this possibility until the clerks must prepare ballots for delivery to the polling places or board of absentee ballot canvassers. See Wis. Stat. § 6.88(2). After the ballots have been sent to the proper polling place or board of absentee ballot canvassers, the Commission recommends that clerks have a notice, or a staff member on duty, to explain to voters where they must go to make a correction.

It is incumbent upon the voter to correct the defect and municipal clerks and election officials cannot correct voter or witness errors on the certificate.[30] If necessary, a clerk may include a new certificate envelope to the voter when returning a ballot for a voter to correct Wis. Stat. § 6.87(9).

---

30 See *Rise, Inc. v. Elections Comm'n*, 2024 WI App 48, ¶ 11, 413 Wis. 2d 366, 377, 11 N.W.3d 241, 246 (quoting White v. WEC, Waukesha Cnty. No. 2022CV1008 (order issued Oct. 3, 2022)).

If the certificate envelope containing the ballot has been returned to the voter, the voter must ensure that the corrected certificate envelope is returned so it is delivered to the polling place no later than 8 p.m. on Election Day. Wis. Stat. § 6.87(9). A voter may accomplish this by mailing the ballot back to the clerk or delivering the ballot to the clerk or at the voter's polling place or board of absentee ballot canvassers meeting. If a municipal clerk returns a ballot to a voter, the clerk or the clerk's provider should choose the "not returned, sent to voter for resolution" status for the ballot in WisVote. If a voter does not return it or place it in the mail with the defect corrected, the voter may still vote in person at the polls on Election Day, or vote in person absentee. See Wis. Stat. § 6.86(6).

Defect in Voter Information Section

If the voter is correcting the original certificate envelope (to fill in a missing required field, for example), the original witness does *not* need to be present to witness the voter correcting the defect under Wis. Stat. § 6.87(9).

Defect in Witness Information Section

Regarding the Witness's Printed Name: If an absentee certificate is missing the witness's printed name, it is within the clerk's discretion how to proceed. Statute directs that the absentee ballot certificate language appear in "substantially" the form listed in Wis. Stat. § 6.87(2), which includes a field for a witness's printed name, in addition to the signature. A clerk should determine whether a missing witness printed address renders the certification "insufficient" when determining if they should take action under Wis. Stat. § 6.88(3)(b).

If the witness address or witness signature is missing, the certificate is defective but can be corrected. Wis. Stat. § 6.87(2) and (6d), and (9). **See Chapter 14.17: "Witness Address Requirements"** for a description of what constitutes a sufficient witness address. To correct the certificate, the Commission believes that the voter and their original witness may go together to the clerk's office or polling place for the witness to correct the defect and, if the voter consents and communicates that consent to the clerk, the witness alone may go to the clerk's office or polling place for the witness to correct the defect in the witness information section. The clerk may not issue a new certificate envelope to the witness only — if a new certificate envelope is issued to allow a witness to correct a defect, the voter must also be present.

Issuing a New Certificate Envelope

A new certificate envelope may be necessary if the voter or witness are unable to correct the defect on the existing envelope. Wis. Stat. § 6.87(9). The certificate may only be replaced "if necessary" and the Commission cautions against

issuing a new certificate unless the original has been damaged and can no longer be used due to the potential difficulty of both the voter and the original witness being able to complete a new certificate envelope.

The clerk may not issue a new certificate envelope to the witness only — if a new certificate envelope is issued to allow a witness to correct a defect, the voter must also be present because the voter must complete the voter signature section. An election inspector at the polls may issue a new envelope, if necessary, pursuant to the clerk's authority under Wis. Stat. § 6.87(9). If a new certificate envelope is issued and completed, the Commission recommends labeling the original defective certificate envelope with "void – new certificate envelope issued" but still maintaining the record so that it is accounted for in the event of a recount.

If the municipal clerk has provided the voter with a new envelope, the voter *must* request that their original witness re-complete the witness portion of the absentee envelope. See Wis. Stat. § 6.87(2). The original witness must be used in this case because they were the one who witnessed the voter marking, folding, and depositing the ballot into the envelope. A new witness cannot be used because there is no way for a new witness to witness the voter marking their ballot if a voter is attempting to correct a defect of the certificate envelope under Wis. Stat. § 6.87(9).

If the voter is correcting a defect and the clerk has issued a new certificate envelope, the voter should take the following steps:

- Open the original certificate envelope (if present)
- Verify their ballot

> **Best Practice:** The voter should not remove the ballot from the polling place or the clerk's office.

- Seal the ballot in the new certificate envelope and complete the certifications with their original witness. Wis. Stat. § 6.87(2).

If the voter corrects a defect of the certificate envelope, they may only correct the defect — they may not vote a new ballot. See Wis. Stat. §§ 6.86(5) and 6.87(9).

The clerk or election inspector should document that a correction was made (and if the ballot was accepted on Election Day) on the Absentee Ballot Log (EL-124).

Sec. 7.13.3: Setting the Ballot Aside for Rejection

Best Practice: If the clerk determines that there is not enough time for a voter to correct the defect, if the clerk has notified the voter of the defect but the voter has not come in to correct it and has not responded to the inquiry, or if the defect cannot be corrected, the clerk should gather all such ballots, label them as "to be rejected" and separate them when preparing ballots for delivery to the polling places or board of absentee ballot canvassers under Wis. Stat. § 6.88(2).

If there are ballots that cannot be corrected, such as for voters who died before an Election Day, a clerk should also make clear to the election inspectors or board of absentee ballot canvassers which ballots can still be corrected by the voters, and which cannot. Keeping the different kinds of ballots separate — those that appear sufficient, those that appear insufficient but are correctable, and those that are insufficient and uncorrectable — will help the polling places and absentee ballot board of canvassers stay organized.

The clerk should package these ballots together and make clear to the inspectors who will be responsible for processing the ballots at the polling places under Wis. Stat. § 6.88(3) or the board of absentee ballot canvassers under Wis. Stat. § 7.52(3) which ballots the clerk believes could still be corrected and which ballots the clerk believes could not be corrected due to the voter or witness being unqualified. Though the inspectors or canvassers will need to make their own determinations regarding the sufficiency of the absentee ballot and are responsible for officially rejecting defective envelopes, knowing which ballots have certificate envelope defects right away will greatly simplify their Election Day processes, and better allow them to facilitate correction by voters or witnesses during before 8 p.m.

Chapter 7.14: Spoiling & Replacement of Absentee Ballots

Sec. 7.14.1: Introduction

Wisconsin law allows a voter who, by accident or mistake, spoils or erroneously prepares a ballot may receive another ballot by returning the defective ballot to the municipal clerk or poll worker. Wis. Stat. § 6.86(5).

The Wisconsin Court of Appeals for District II reversed the trial court's decision in *Nancy Kormanik v. Wisconsin Elections Commission*, which is the court case that prohibited ballot spoliation by the voter when there was nothing otherwise wrong with the ballot. Any guidance from the Commission on the topic of ballot spoiling that was issued prior to May 2026 is accordingly out of date.

This section covers a municipal clerk's ability to return absentee ballots to voters when the ballot is spoiled or damaged. For information on a municipal clerk's ability to return absentee ballots to voters when the certificate is incomplete or missing, **see Chapter 7.8: "Cancelling & Issuing Replacement Absentee Ballots" on page 114**. Wis. Stat. § 6.87(9).

Note: Be advised that these two sections of the manual are not interchangeable.

Sec. 7.14.2: When is a Ballot Spoiled or Damaged?

The Commission has not issued specific guidance on what it means for a ballot to be "spoiled or damaged" within the meaning of Wis. Stat. § 6.87(9). That determination should be made in the clerk's discretion.

Sec. 7.14.3: What to Do with a Spoiled or Damaged Absentee Ballot

The municipal clerk should verify the identity of a person requesting to receive a replacement ballot to ensure that it is the voter making the request. This voter verification process should include having the voter confirm the same information necessary to request an absentee ballot (e.g. name, full address, date of birth) and this verification process may include the municipal clerk asking the absentee voter to produce voter identification.

If the clerk does not believe the person requesting the replacement ballot is the one to whom the original ballot was provided, the clerk should not issue the replacement ballot, document the incident for a subsequent challenge on Election Day under Wis. Stat. § 6.92, and contact law enforcement immediately. Wis. Stat. § 7.15(1)(g).

If the clerk issues a new ballot, the clerk should destroy the spoiled or damaged ballot. Wis. Stat. § 6.86(5). However, the spoiled or damaged ballot should be destroyed only to the extent that it cannot be tabulated, and should still be preserved as a defective ballot and retained for the applicable retention period for election materials for that election. Wis. Stat. § 7.51(2)(b).

Sec. 7.14.4: When the Request Must be Made

The deadlines for requesting a replacement for a spoiled or erroneously prepared ballot are:

- **Regular by-mail absentee voters requesting a ballot for one election; and overseas voters:** Not later than 5 p.m. on the 5th day immediately preceding the election.
- **Indefinitely confined absentee voters; absentee voters making a calendar year request; and military voters who are not away from home due to service or who have requested a ballot for an election not including a national office:** Not later than 5 p.m. on the Friday immediately preceding the election.

- **Absentee voters making an in-person request at the clerk's office or in-person absentee voting location:** Depending on the local hours as provided in a Type E notice, not later than the Sunday preceding the election.
- **Absentee voters requesting a ballot during a Special Voting Deputy visit:** Depending on the schedule of the Special Voting Deputy visits scheduled by the municipal clerk, not later than 5 p.m. the Monday preceding an Election Day.
- **Hospitalized voters by authorized representative; military voters who are away from home due to service and have requested a ballot for an election including a national office; and sequestered jurors:** Not later than 5 p.m. on an Election Day.

Sec. 7.14.5: Can a Voter Who Spoils a Ballot Still Vote in Person?

A voter who did not receive the replacement ballot, or chose not to return it, is able to vote in-person on Election Day.

Sec. 7.14.6: How Many Replacement Ballots Can be Issued?

A voter may only receive up to three ballots in each election, including the initial ballot.

Chapter 7.15: Absentee Ballot Handling, Transfer to Polling Place, & Post-Election Procedures

Sec. 7.15.1: Introduction

This section provides municipal clerks, poll workers, and boards of canvassers with standardized best practices for physically managing absentee ballots. These best practices are designed to ensure that all properly returned absentee ballots are accurately handled by the clerk's office, transferred to the polling place or board of absentee ballot canvasser location for processing and counting, and properly reconciled in compliance with Wisconsin Statutes and the Commission's guidance.

Clerks must establish clear systems to track and secure absentee ballots prior to Election Day. This ensures that ballots are reviewed as they arrive in the clerk's office so that any possible certificate issues are identified and materials can be organized ahead of the election.

Important: It is the legal responsibility of the municipal clerk to ensure that all absentee ballots are properly delivered to their polling places by 8 p.m. on Election Day, or to the "central count" facility. Wis. Stat. §§ 6.87(6), 7.52.

Sec. 7.15.2: Required Processes

The following procedures are required by statute for each absentee ballot received by the clerk:

- Once reviewed, the ballot in the certificate envelope must be enclosed in a carrier envelope that is securely sealed and endorsed with the name and title of the clerk, and the words:[31]
  - This envelope contains the ballot of an absent voter and must be opened in the same room where votes are being cast at the polls during polling hours on Election Day or, in municipalities where absentee ballots are canvassed under s. 7.52, stats., at a meeting of the municipal board of absentee ballot canvassers under s. 7.52, stats.
- The Commission has designed an Absentee Ballot Carrier Envelope to accomplish this requirement. The Commission believes that clerks may attach this form either to an individual carrier envelope for each received absentee ballot, or, more practically, to a larger courier bag or vessel for each sorted group of absentee ballots.
- The clerk is also required to securely store the ballots in the clerk's office or alternate site. Wis. Stat. § 6.88(1). The clerk must enclose all envelopes in a package for delivery to the polling place or board of absentee ballot canvassers location, and the Commission believes that this package may be the courier bag or vessel so long as it is securely sealed. See Wis. Stat. § 6.88(2).
- The package must then be securely delivered to the proper site. Wis. Stat. §§ 6.87(6) and 6.88(2). For any absentee ballot delivered to the clerk after the correct package has been delivered to the proper site, the clerk must individually enclose the ballot in a carrier envelope and apply the Absentee Ballot Carrier Envelope to the form and deliver it in person to the proper election officials. Wis. Stat. §§ 6.87(6) and 6.88(2).

31 Wis. Stat. § 6.88(1).

Sec. 7.15.3: Best Practices for Managing Absentee Ballots

This section covers the Commission's best practices for managing and transporting absentee ballots.

Pre-Election Procedures

Enter Absentee Ballots as "Returned" in Wisvote as They Arrive

Marking absentee ballots as "returned" in WisVote immediately upon receipt is the best way to ensure that the clerk's office has a complete record of the number of absentee ballots received before the polls open. All clerks must record the status of a returned absentee ballot within 48 hours of receiving the ballot, or if the clerk has a provider, notify the provider within 48 hours and then the provider must enter the information within 24 hours of the notice, though if any of these deadlines end on a Saturday or Sunday, the deadline moves to the next business day. Wis. Stat. § 6.33(5)(a)2. If a clerk has a provider, the clerk is required to "immediately" forward all registration changes and voting record changes, which includes absentee ballot requests and returns, to the clerk's provider for entry on the registration list. Wis. Stat. § 6.33(5)(b). In particular, clerks and providers should ensure that every returned ballot has been entered into WisVote prior to printing the poll book or preparing an electronic poll book for use on Election Day.

Organize Ballot Carrier Seal Log Electronically or by Ward

Municipal clerks are responsible for securely organizing all returned absentee ballots for delivery to polling places or boards of absentee ballot canvassers. Wis. Stat. § 6.88(1) and (2). The Commission recommends that tamper evident seals be applied to courier bags or packages. When seal numbers are generated and recorded for absentee carrier envelopes, courier bags, or packages, the best practice is to keep that log electronically so that seal numbers are easily searchable. Another best practice is to organize the seal numbers by ward so that a record exists of the number of absentee ballot vessels that exist for each ward or polling place.

Provide Each Polling Place with a Log of Absentee Ballot Carrier Bags or Envelopes

Each polling and board of absentee ballot canvassers location place should be equipped with the total number of carrier bags, envelopes, packages, or other transport vessels that are expected at that site. This is especially important for absentee ballots that are received by the clerk's office ahead of Election Day. Couriers delivering absentee ballots on Election Day should have a chain of custody document that details the number of absentee ballot bags that are delivered to each polling place, and the number of ballots in each bag. This can be done by providing a polling place or absentee ballot board of canvassers with the list of seal numbers for each vessel that will be transporting absentee ballots, or by labelling absentee ballot bunches as "1 of 10" or similar.

Generate the Number of Total Absentee Ballots Returned & Share with Polling Places

If ballots are marked as returned in WisVote as they are received, clerks can access real-time data of the number of returned absentee ballots at any time.

The best practice is for clerks to generate this number at least twice:

- Once at the close of business the day before the election.
- Again an hour before polls close on Election Day.

Once this number has been generated, it should be shared with each polling place in the way that makes the most sense for each jurisdiction. It can be emailed, relayed by telephone, or printed and distributed to the polling places. The important thing is that Chief Inspectors and poll workers should be trained on where to find this number and how to use it to ensure that the total number of recorded absentee voters in the poll book matches the total number of absentee ballots received.

Print Poll Books as Close to Election Day as Possible

Printing the poll book as close as possible to Election Day will ensure that the poll book accurately reflects which voters were issued and returned an absentee ballot. An accurate poll book will help poll workers better determine if there are returned absentee ballots that have not been processed.

Provide Absentee Ballot Processing Training with Poll Workers

Providing poll workers with absentee-specific training ahead of Election Day will help ensure that inspectors are up to date with the statutory requirements to process an absentee ballot. Training will also allow inspectors to confirm their understanding of the process and can prevent processing slow-downs or errors.

Delivering Absentee Ballots to the Polling Place

All absentee ballots are required to be at the polling place by 8 p.m. on Election Day to be eligible to be counted. Wis. Stat. § 6.87(6). These best practices will help ensure all absentee ballots are sent to the correct polling place or "central count" location for review and processing.

Develop a Record for the Number of Carrier Envelopes & Courier Bags that are Prepared & Delivered to Each Polling Place or Board of Absentee Ballot Canvassers Site

This record should be provided to each polling place or board of absentee ballot canvassers site on Election Day. This allows inspectors to account for all the bags that are delivered by the clerk's office and ensures that there are no unprocessed absentee ballots that were properly delivered.

Communicate the Location of Carrier Envelopes & Courier Bags to Poll Workers when Delivering Supplies

Many materials are being delivered to the polling place or board of absentee ballot canvassers site for an election, and there can be new inspectors serving at a location for the first time. It is vital that the inspectors know where ballot bags are being securely stored after their delivery so that they can process ballots throughout the day.

Require Poll Workers on Election Day to Confirm the Correct Number of Carrier Envelopes & Courier Bags Received

Poll workers should be asked to confirm that they have received the correct number of courier bags and carrier envelopes to ensure that no materials are unaccounted. These materials should also be clearly labeled with the materials that are contained in the envelopes and bags for easy identification and confirmation.

Counting Votes Procedures

These best practices focus on specific steps poll workers should take to ensure that all absentee ballots have been accounted for, including end-of-night procedures to check the number of absentee ballots counted against the total number of absentee ballots received by the clerk.

Review the Log of Absentee Ballot Carrier Bags or Envelopes

A municipal clerk should provide the total number of absentee ballot carrier bags or envelopes that will be delivered to the polling place or board of absentee ballot canvassers on Election Day. Poll workers should ensure that all the absentee ballot carrier bags or envelopes have been received by 8 p.m. on Election Day.

Review the Number of Voters & the Number of Ballots Cast Throughout the Day

The Commission recommends comparing the first and last number on each page of the two copies of the poll book, as well as every third or fifth number to make sure they match. Reviewing the number of voters and the number of ballots cast throughout the day can prevent differences in the number issued to voters and ensure that there are not unexplained differences in the total number of voters and the total number of ballots cast at the end of the night.

Thoroughly Document Any Incidents that Occur on Election Day in the Inspectors' Statement

The Inspectors' Statement is the official record of the events that occurred in the polling place on Election Day. This document is also referenced during the canvass. It is vital that the various boards of canvass be able to easily identify and understand any anomalies that may have occurred during the day.

Post-Election Procedures

These best practices are focused on prioritizing the organization of election materials before the convening of the municipal canvass to ensure no uncounted absentee ballots were missed.

Ensure All Materials have been Returned from the Polling Place & Reviewed

To canvass the election, the municipal clerk will need to ensure all materials have been returned to the clerk's possession.

Those materials include:

- All voted ballots in their sealed ballot bags
- Any provisional ballots in their sealed bag
- Original tally sheets and voting equipment results tapes
- Original Inspectors' Statement and any attachments
- One original poll book
- An absentee ballot log
- The provisional ballot reporting form

Review All Voting Equipment Ballot Bins for Any Possible Ballots
Each piece of voting equipment should be thoroughly inspected to ensure that no ballots remain in either the ballot bin or any auxiliary bin.

Route Materials to the County Clerk & School District Clerk, If Necessary
Any non-municipal contests that are on the ballot will require a separate board of canvass to review the election returns and certify their contests.

If the clerk receives an absentee ballot from a voter who is recorded as having voted on Election Day, the clerk should mark the ballot "To Be Rejected" and set the ballot aside for processing by the Municipal Board of Canvassers. Wis. Stat. § 6.86(6). The clerk should also contact law enforcement immediately. Wis. Stat. § 7.15(1)(g).

Chapter 7.16: Boards of Absentee Ballot Canvassers ("Central Count")

Instead of canvassing absentee ballots at individual polling places, the governing body of a municipality may provide by ordinance that absentee ballots may be canvassed (counted) at a meeting of the board of absentee ballot canvassers. Wis. Stat. § 7.52(1)(a). The use of this procedure is often referred to as "central count" by election officials, though it should not be confused with the "central counting locations" authorized by Wis. Stat. § 7.51(1). When this manual uses the term "central count," it is referring to a meeting of the board of absentee ballot canvassers under Wis. Stat. § 7.52(1)(a).

In "central count" jurisdictions, all absentee ballots for the municipality are delivered to and counted at the same location, which is usually not a polling place.

The Commission maintains a list of all jurisdictions that have authorized "central count" operations at elections.wi.gov.

This chapter will cover establishing "central count" jurisdiction and pre-Election Day procedures. **Chapter 14.16: "Processing Absentee Ballots: "Central Count""** is dedicated to absentee processing and other Election Day procedures at "central count" locations.

Sec. 7.16.1: Establishing a "Central Count" Jurisdiction

The decision to use "central count" proceedings must be made by the municipality's governing body, not by the municipal or county clerk. Wis. Stat. § 7.52(1)(a). The governing body can pass a similar ordinance to rescind their previous decision to authorize "central count" proceedings. Wis. Stat. § 7.52(9). The municipal clerk must also consult with the Commission whenever they have questions about the proper "central count" procedures. Wis. Stat. § 7.52(1)(a).

Considerations for Becoming a "Central Count" Jurisdiction

Counting absentee ballots at a "central count" location using a board of absentee ballot canvassers offers certain advantages for efficient election administration, namely that all absentee ballots go to one location to be counted, instead of to polling places all across the municipality. Municipalities with high levels of absentee voting may also appreciate the ability to purchase high-speed tabulators which can count many absentee ballots in a short period of time.

Some municipalities value the time flexibility of using "central count" procedures, though this can cut both ways. The board of absentee ballot canvassers can begin any time after polls open at 7 a.m., if they start before 10 p.m. Wis. Stat. § 7.52(1)(a). If the counting of absentee ballots begins too late in the day, however, voters may be surprised that results are not yet available by the time they turn on the local news at 10 p.m. on Election Day. This can lead to questions and concerns about late night "ballot dumps" if voters do not understand that the processing of absentee ballots can continue after the polls close. Likewise, if absentee ballots are still being counted past 10 p.m., observers are less likely to stay late into the night, which decreases overall transparency into the election process.

Step 1: Clerk Notifies Commission of Proposed Enactment

Prior to the ordinance passing, the municipal clerk must notify the Commission in writing of the proposed enactment. Wis. Stat. § 7.52(1)(a). This notification should include the proposed ordinance language as well as their intended procedures for the operation of the "central count" location. If the jurisdiction also uses e-poll books (Badger Books), the "central count" procedures should include this detail. Commission staff review both the proposed ordinance and procedures, and will notify the clerk if anything is cause for concern or further explanation.

Sample notification materials are included as a reference in **"Appendix 7.16.A: Sample Central Count Absentee Ballot Processing Procedures" on page 156**.

Step 2: Governing Body Authorizes Process by Ordinance

After the Commission has been notified about the intended enactment, the governing body must pass an ordinance for the enactment to take effect. Wis. Stat. § 7.52(1)(a). After the ordinance is enacted, all elections in the municipality need to follow the "central count" procedure. *Id.*

Sec. 7.16.2: Composition of the Municipal Board of Absentee Ballot Canvassers

The work of processing absentee ballots at "central count" locations is completed by the municipal board of absentee ballot canvassers.

This board is made up of:

1. The municipal clerk (or their designee), and
2. Two other qualified voters who are appointed by the municipal clerk.

The members of the board of canvassers serve for two-year terms starting on January 1 of even-numbered years, and members who are appointed to fill vacancies complete the remainder of that term. Wis. Stat. § 7.53(2m)(b).

If the office of municipal clerk is vacant, the clerk cannot perform their duties, or if the clerk is up for election with an opponent on the ballot; the mayor, president, or board chairperson appoints another qualified voter to the board of absentee canvassers in the clerk's spot. *Id.* If any member is a candidate at that election, the clerk shall appoint a different qualified voter to temporarily fill the vacancy. *Id.*

The municipality may appoint additional poll workers under Wis. Stat. § 7.52(1)(b) to assist the board of absentee ballot canvassers with processing absentee ballots. **See Chapter 8.4: "Nomination & Appointment of Partisan Election Inspectors"** for more information.

Sec. 7.16.3: Public Notice

Although processing all absentee ballots at one central location is more efficient for a municipality, the law still protects public access and observation of this process by the public.

Public Notice

The municipal clerk must give at least 48 hours of notice to the public of when the board of absentee ballot canvassers intends to convene to start processing absentee ballots at the "central count" location. Wis. Stat. § 7.52(1)(a). The board can convene any time after the opening of the polls and before 10 p.m. on Election Day. *Id.*

> **Best Practice:** The law does not address what type of notice needs to be given in this context, but to ensure the greatest reach, municipal clerks should notice the meeting of the board of absentee ballot canvassers the same way they would notice any public meeting.

Appendix 7.16.A: Sample Central Count Absentee Ballot Processing Procedures

Overview

In lieu of the poll workers processing absentee ballots at each polling place on Election Day, the City of Municipality will canvass all absentee ballots at a central location. This Central Count Location will be located at INTENDED LOCATION. At the Central Count Location (CCL), the Board of Absentee Ballot Canvassers will process and count all absentee ballots that have been returned.

Clerk's Duties

- In the event of a tornado warning, or severe weather warning, immediately seek shelter in a secure location. All election officials should know this location ahead of time. If time does not allow you to evacuate to a safe location, find shelter under a heavy object, such as a table, and protect your head.
- Shall give at least 48 hours-notice of the meeting of the Board of Absentee Ballot Canvassers under Wis. Stat. § 7.52.
- Notice shall be posted at city hall and on the municipal website and will include where absentee ballot canvassing is to take place. Additionally, the notice will be provided to any media that has requested municipal meeting notices in accordance with Wis. Stat. § 19.84(1)(b) and municipal policy.
- Will appoint the Board of Absentee Ballot Canvassers in accordance with Wisconsin Statute Wis. Stat § 7.53(m)(b).
- The Clerk will assign additional election workers to work under the supervision of the Absentee Board of Canvass in accordance with Wis. Stat. § 19.84(1)(b)
- Will ensure that all members of the Board of Absentee Canvassers take an oath of office prior to performing their duties.
- If the clerk's office receives any absentee ballots after 5:00 PM the Friday prior to Election Day and on Election Day, chairs/co-chairs of the specific ward will be notified. The clerk will send to each polling place a log of all absentee ballots for each Ward within that polling place.
- Brings absentee ballots to location of Board of Absentee Ballot Canvassers.
- Posts on municipal website and posts in office the number of absentee ballots issued and the number of unrehabilitated provisional ballots.

Board of Absentee Ballot Canvassers' Duties

- Convene the Board of Absentee Ballot Canvassers between 7 a.m. and 10 p.m. on Election Day to canvass absentee ballots in accordance with Wis. Stat. § 7.52(1)(a), and in accordance with the notice given by the municipal clerk.

- Canvass all absentee ballots received before 8 p.m. in accordance with Wisconsin State Statutes as explained in the Election Day Manual.
- Complete a log of all activity that occurred during the Board of Absentee Ballot Canvassers Meeting (Inspector's statement).

Operating Procedures

Set-Up

- The CCL will replicate a polling site that is already developed with the exception of voting booths, and in person voters.
- Poll workers will verify the tamper-evident seal number on the door to each tabulator memory device matches with the number provided by the municipal clerk on the EL-104 Inspector's Statement.
- Poll workers will Turn-on/start tabulator(s) and wait for zero tapes to print and verify that all Wards display 0 totals and sign the bottom of the tapes as required.
- Announce that the Central Count Absentee Ballot Processing is open for the specified election and record the time of the opening on the Incident Log that will be attached to the EL-104 Inspector's Statement.

Processing of Absentee Ballots

1. Poll workers will record the seal numbers as required on the EL 104 Inspectors statement for each container of absentee ballots before processing individual ward.
2. Ballots will be sorted by ward and alphabetized within each ward. One ward at a time will be processed and recorded on the absentee ballot log associated with that ward.

- **If the municipality uses e-poll books (Badger Books), account for those procedures here.**

3. Poll workers will begin to process absentee ballots by verifying the name is on the absentee ballot log.
4. Poll workers will double check the certificate envelope for the voter signature, witness signature and complete address and verify that envelope does not appear to have been tampered with.
5. Open the absentee carrier envelope, remove the ballot and verify there is only one ballot, briefly inspect it for any tears or stray marks and verify it contains the municipal clerk's initials and is for the proper ward then insert it into the tabulator.
6. Place all opened envelopes in the "Used Certificate Envelopes for Absentee Ballots" bag/envelope.
7. If there are any errors with the tabulator reading the ballot a message will appear on the screen and follow the instructions to remedy the issue.
8. If there is an error and voter intent cannot be determined, the clerk may use the override function to count all readable votes on the ballot.

9. At the conclusion of processing ballots for that ward, carefully sort through the ballots to search for any eligible write-in votes.
10. Complete the write-in tally sheet for that ward with the eligible write-ins and if there are none, write "none" on the tally sheet provided. Sign the write-in tally sheet. (if applicable)
11. Bundle all of the ballots with rubber bands and place them into the respective ballot bag.
12. Place the absentee log and related forms off to the side and continue with the next Ward's absentee ballots until poll workers are through processing all available ballots.

Processing of Absentee Ballots – Special Situations

- Ballot Missing Municipal Clerk's Initials
- Make a note of this in the Incident Log and then process the ballot as normal.

Remade Ballots

Ballots may need to be remade for any of the following reasons:

- The ballot is torn or not readable by the voting equipment
- The ballot is a paper ballot and needs to be remade onto an official ballot
- The voting equipment is unable to read the ballot, but voter intent can be determined
- The voter received the incorrect ballot for their ward

Ballots steps for remaking a ballot:

1. Confirm that voter intent can be determined.
2. Two absentee ballot canvassers must participate in remaking a ballot
3. Retrieve a new ballot for that ward from the municipal clerk's office
4. Assign the remade ballot a number (sequential for each ward beginning with 1) and note this on the new ballot and the original voted ballot in the space provided
5. Document the 'Remade Ballot #' on the Incident Log
6. Carefully copy votes from original ballot to the new ballot and have your partner verify accuracy and consistency
7. Place the original ballot in the remade ballot envelope
8. Send the remade ballot through the voting equipment

Rejected Ballots

Absentee ballots with an incomplete certification (missing voter or witness signature or missing witness address) should be rejected after 8:00 p.m., which is the deadline for voters to rectify their incomplete certification.

- Note the number of rejected absentee ballots on incident log.

- All rejected absentee ballots may be placed in the rejected ballot envelope after 8:00 p.m.

Voter Returns a Ballot to their Polling Location

If a voter brings their voted, sealed, absentee ballot to a polling place other than the location designated for Central Count, the voter will be instructed to take their ballot to the Central Count location.

If the voter cannot get to the Central Count location before 8:00 PM on Election Day to return their absentee ballot, and they are prepared to vote, the voter can destroy their absentee ballot and vote in person at their polling location.

Voter Returns a Ballot to the Central Count Location

If a voter brings their voted, sealed, absentee ballot to the CCL, the ballot will be processed accordingly. No ballot will be accepted after 8:00 p.m.

Absentee Voter Arrives at Their Polling Location

- If a recorded absentee voter checks in at the polling location and displays an "Absentee Issued" watermark. Poll workers will be instructed to ask the voter "Our records show you were issued an absentee ballot, did you return that ballot?"
- If the voter's response is "No" – for any reason – they are issued a ballot to vote in person.
- If the voters response is "Yes, but..." – for any reason – they are NOT issued a ballot.
- In both instances, the voter is instructed that any attempt to vote twice is a felony and will be referred to the District Attorney. The chair/co-chair can also call the Central Count Location for further instruction.

Note: When using "central count," no absentee ballots/envelope should come to the polling location or be processed at the polling location.

Closing Procedures

1. Closing the polls on the voting equipment machines may not occur until after 8:00 p.m.
2. Ensure all ballots have been processed and accounted for.
3. Announce the closing of the Absentee Ballot Canvass out loud.
4. Print/Run required results tapes, verify totals on the results tape with each Ward's absentee ballot log and record the total number of absentee ballots processed on the Inspector's statement. If any discrepancies are noticed, they should attempt to be resolved at this time.
5. Once results have been verified and totals have been recorded sign the following:
   - Results Tapes
   - Used Certificate Envelope for Absentee Electors envelope(s) OR bag(s) (w/certification sheet attached)
   - Rejected Ballot Envelope(s)
   - Remade Ballot Envelope(s)
   - Ballot Container(s) Certificate

6. Modem Results to the county
7. CLOSE POLLS on ICE Unit. Shut down the voting equipment. Remove the seal, document this on the master Incident Log, and open the door to the memory device. Remove the memory device(s) and place them in the respective clear envelopes provided by the County

Note: Verify the seal number on the voting equipment memory device access panel matches with the seal number verified at the convening of the absentee ballot canvass and initial on the EL 104 Inspector's Statement. If there is a discrepancy in seal numbers, contact the municipal clerk immediately.

8. Seal the clear pouch including all memory devices from all machines. Note the seal number on the EL 104 Inspectors Statement.
9. Deliver all materials to the municipal clerk's office.

Supplies

The following supplies will be provided for each election to the Board of Absentee Ballot Canvassers:

- Two (2) duplicate copies for each Ward of the absentee log printed from the WisVote System
- Sufficient large ballot envelopes/bags/ containers prepared with Chain of Custody and Certificate signed by the Board
- Sufficient Inspectors' Statements (EL-104) (a single Inspectors' Statement must be maintained for each ward)
- Sufficient Incident Logs (to be attached to EL-104 forms)
- Sufficient large envelopes for Used Certificate Envelopes (EL-103)
- Sufficient large envelopes for Rejected Absentee Ballot Envelopes (EL-102)
- Sufficient large envelopes labeled for Remade/Reconstructed ballots
- Sufficient write-in tally forms (a single tally sheet must be maintained for each ward)
- Election Day Manual for reference
- Red pens for marking absentee ballot logs
- Ballots for remaking voted ballots if necessary
- Black pens for marking ballots
- Challenge documentation for reference

Completing and Delivering Forms

The Board of Absentee Ballot Canvassers/ poll workers will complete the CCL EL 104 Inspectors Statement, sign/certify the statement and tapes.

The ballots and materials shall be delivered to the municipal clerk who, in turn, delivers them to the County Clerk with all other materials and ballots, and after completing, recording and securing the required forms. As at the polls, all ballots must be secured in a ballot bag with the signatures of the Municipal Board of Absentee Ballot Canvassers.

Approve Ordinance Establishing A Board Of Absentee Ballot Canvassers thus Creating A Central Count Location For The City Of Municipality

1. Background

The City of Municipality has a proud tradition of citizens voting in large numbers. Historically, voter turnout in the City exceeds the statewide average turnout for elections. More and more citizens are choosing to vote absentee instead of voting at the polls in person.

Wisconsin law allows for citizens to vote absentee. Wisconsin has "no excuse" absentee voting which means a voter may cast an absentee ballot without providing a reason. The City has experienced an increase in absentee voters.

Currently all absentee ballots are sorted by district/ward, then delivered to the appropriate polling locations on Election Day, at which time, poll workers begin to process the absentee ballot. Two poll workers are required to process every absentee ballot received at the polling place. The poll workers must check the ballot envelope for defects, open the envelope, sort and organize the ballots, and announce that they are placing absentee ballots into the tabulator. Poll workers often have to disrupt voters who vote in person at the polls by creating lines at the check-in table and the tabulator.

The November General Election is expected to be very busy. In the last two presidential Elections, the City has had XXXX (2024) and XXXX (2020 / Covid) absentee voters.

Wisconsin Statutes 7.52 and 7.53(2)(m) allows for the creation of a Board of Absentee Ballot Canvassers. These individuals are appointed by the City Clerk to serve two-year terms. The Board of Absentee Ballot Canvassers process all absentee ballots in the City regardless of ward. In order to create a Board of Absentee Ballot Canvassers, the City Council must adopt an ordinance under State Statutes 7.52 and 7.53(2)(m). The ordinance is required to be created at least 30 days prior to the election for which it will be implemented.

2. Analysis

By removing absentee ballot processing from polling places to a centralized facility will make voting at the polling places more efficient for citizens and poll workers. Chief Election Inspectors will no longer need to dedicate two or more poll workers to the processing of absentee ballots. This will allow those poll workers to be put into other positions to serve the citizens voting in person at the polling place on Election Day.

Key benefits of establishing a central processing location include:

- Resource Optimization: Establishing a CCL will provide relief to individual polling locations and their respective poll workers. Poll workers will be able to focus on managing in-person

voting, assisting voters, and ensuring a smooth Election Day experience without the added complexity of handling and processing absentee ballots.

- Improved Efficiency: Centralizing the processing of absentee ballots will help expedite the verification and count process, and reduce delays at polling locations.
- Enhanced Security: A designated central location will ensure enhanced security measures are in place to safeguard the integrity of absentee ballots.

It is important to create a Board of Absentee Ballot Canvassers prior to the [Upcoming Election] so the board can be appointed, trained, and have one election to work before the [Next Major Election].

Adoption of this Ordinance will allow for the Absentee Board of Canvassers to work the [Upcoming Election] and be better prepared for the [Next Major Election] and all future elections in the City of Municipality.

3. Recommendation

The City recommends that the City Council adopt ORD 24-xxx creating a Board of Absentee Ballot Canvassers.

DATE 26-XXX ORDINANCE
FIRST READING

(CARRIED_____ LOST_____ LAID OVER_____ WITHDRAWN_____)

PURPOSE: AMEND CHAPTER X ARTICLE XX OF THE CITY OF MUNICIPALITY MUNICIPAL CODE PERTAINING TO ELECTION AND ELECTION OFFICIALS TO ESTABLISH A BOARD OF ABSENTEE BALLOT CANVASSERS (CENTRAL COUNT FOR ABSENTEE BALLOTS)

INITIATED BY: CITY ADMINISTRATION

A GENERAL ORDINANCE OF THE CITY OF MUNICIPALITY AMENDING CHAPTER X ARTICLE XX OF THE CITY OF MUNICIPALITY MUNICIPAL CODE PERTAINING TO ELECTION AND ELECTION OFFICIALS TO ESTABLISH A BOARD OF ABSENTEE BALLOT CANVASSERS TO ALLOW FOR THE ESTABLISHMENT OF A SINGLE LOCATION FOR PROCESSING ABSENTEE BALLOTS FOR CITY ELECTIONS

WHEREAS, state statutes provide that in lieu of canvassing absentee ballots at the polling places, a municipality may provide for the canvassing of absentee ballots by the Board of Absentee Ballot Canvassers, which shall canvass all absentee ballots at all elections held in the city at a single location pursuant to procedures established by the state division governing elections; and

WHEREAS, the City Clerk has recommended that the City of Municipality establish a Board of Absentee Ballot Canvassers.

Now therefore …….

SECTION 1. That Chapter X Article XX of the City of Municipality Municipal Code pertaining to Election and Election Officials is hereby repealed and recreated to read as shown on the attachment to this Ordinance.

SECTION 2. This ordinance shall be in full force and effect from and after its passage and publication.

SECTION 3. Publication Notice. Please take notice that the City of Municipality

enacted ordinance #24-XXX AMEND CHAPTER X ARTICLE XX OF THE CITY OF MUNICIPALITY MUNICIPAL CODE PERTAINING TO ELECTION AND ELECTION OFFICIALS TO ESTABLISH A BOARD OF ABSENTEE BALLOT CANVASSERS (CENTRAL COUNT FOR ABSENTEE BALLOTS) (A GENERAL ORDINANCE OF THE CITY OF MUNICIPALITY AMENDING CHAPTER X ARTICLE XX OF THE CITY OF MUNICIPALITY MUNICIPAL CODE PERTAINING TO ELECTION AND ELECTION OFFICIALS TO ESTABLISH A BOARD OF ABSENTEE BALLOT CANVASSERS TO ALLOW FOR THE ESTABLISHMENT OF A SINGLE LOCATION FOR PROCESSING ABSENTEE BALLOTS FOR CITY ELECTIONS) on DATE. This ordinance will create a Board of Absentee Ballot Canvassers for the purpose of processing all absentee ballots in city elections at a single location. Pursuant to Wisconsin statutes, meetings of the Board will be noticed and open to the public for observation of the processing of ballots and the City Clerk will post a notice listing the number of absentee ballots that were transmitted by the Clerk's office and the number that were returned.

The full text of the ordinance may be obtained at the Office of the City Clerk, ADDRESS and through the City's website at WEBSITE. Clerk's phone: PHONE NUMBER(S).

Chapter 7.17: Tips & Tools: Absentee Ballot Data Management

This section describes best practices for documenting absentee ballots in WisVote. Prompt, accurate, and consistent data entry in WisVote can help poll workers ensure that all absentee ballots are accounted for.

Sec. 7.17.1: Data Entry Prior to Election Day

When an absentee ballot is returned, it must be recorded in WisVote. **All clerks must record the status of a returned absentee ballot within 48 hours of receiving the ballot.** Wis. Stat. § 6.33(5)(a)2. Marking absentee ballots as "Returned" in WisVote immediately upon receipt is the best way to ensure that the clerk's office has a complete record of the number of absentee ballots received before the polls open.

Clerks should enter absentee ballots as "Returned" in WisVote as they arrive. Knowing which status to select when recording a returned absentee ballot will ensure accurate recording of ballots upon receipt.

Absentee ballot status options (aka "status reasons"):

- Returned
- Not Returned
- Undeliverable
- Ballot Returned After Deadline
- Returned, to be Rejected
- Voter Refused
- Not Returned, sent to voter for resolution

More in-depth information on how to record "Returned" absentee ballot in WisVote can be found in section 3.8 of the WisVote manual.

Sec. 7.17.2: Share Absentee Ballot Data with Polling Places

Note: Municipal clerks should share the Number of Absentee Ballots Returned with all polling places (or "central count").

There are several reports in WisVote that clerks can maximize absentee ballot management. If ballots are marked as returned in WisVote as they are received, clerks can access the number of returned absentee ballots at any time.

The total number of absentee ballots returned is helpful to understand:

- Whether additional poll workers are needed to process them at wards with unusually high absentee return rates.
- Whether the clerk's office can expect an increase in returns in the days before Election Day (if only 50% of absentee ballots issued are returned on the Friday before the election, it may be a sign to expect many more over the next few days).
- Whether poll workers can confirm that they received and processed the same number of absentee ballots that were returned.

Clerks should access and share the total number of absentee ballots returned at least twice:

- The night before Election Day
- An hour before polls close on Election Day.

Chief Inspectors and poll workers should be trained on where to find this number and how to use it to ensure that the total number of recorded absentee voters in the poll book matches the total number of absentee ballots received.

Sec. 7.17.3: WisVote Reports for Absentee Ballot Management

Table 22: WisVote Absentee Reports

Report Title	Description	Recommended Use
Absentee Ballot Listing	Returns a list of all (active and inactive) absentee ballots and their statuses for the election, sorted alphabetically.	Can be used as resources for absentee ballots list on Election Day or any other use clerk may find.
Absentee by Reporting Unit	Returns a list of all (active and inactive) absentee ballots and ballot status for the election, sorted by reporting unit.	Can be used as resources for absentee ballots list for a particular Reporting Unit on Election Day or any other use clerk may find.
Absentee "Central Count"	Returns a list of all absentee ballots to be sent to the polling place or "central count", sorted alphabetically by name within each ward. Totals are calculated for ballots issued and ballots returned within each ward with a grand total of all wards calculated at the end of the report.	Can be used to compare and ensure ballot issued and ballot returned to be sent to the polling place or "central count" within each ward or any other use clerk may find.
Absentee Data Request	Returns a list of all absentee applications entered within a specific time period for a specific election with issued and return statuses.	Can be used as resources for absentee application and ballot statuses or any other use clerk may find.
Absentee Poll Listing	Returns a list of all (active) absentee ballots to be sent to the polling place or "central count."	Can be used as resources to compare and ensure all absentee ballots are accounted for, or any other use clerk may find.

Report Title	Description	Recommended Use
Absentee Stats Gaps and Totals	Returns a comprehensive absentee overview for the current election. Includes detailed statistics, a list of active absentee applications without ballots, a list of absentee ballot records missing a Date Ballot Sent entry, and a list of all ballots where the Intelligent Mail Barcode was not scanned by the USPS.	Can be used as statistics to find areas where clerks may need to do some work regarding absentee applications/ ballots for that election or any other use clerk may find.
Apps without Ballot	Returns a list of all active absentee applications that do not have an active ballot for the election.	Can be used to identify any active absentee application in that election that does not have an active ballot, or any other use clerk may find.
UOCAVA Absentee Ballots for Municipality	Returns a list of all UOCAVA voters with an active absentee application for the election, along with the status of their ballot, date sent, delivery method, and application type.	Can be used as resources to compare UOCAVA voters with active absentee application and their absentee ballot details, or any other use clerk may find.
Reconciliation Review	Two reports in one. Returns a listing of all voters who have an absentee ballot record marked as returned and a voter participation other than Absentee or voters who have a voter participation record of absentee and no absentee ballot record marked as returned.	Compare WisVote poll book absentee participation and absentee ballot status marked as returned, reconciliation and data accuracy or any other use clerk may find.

More information about these Absentee reports can be found in Chapter 3 of the WisVote manual.

Sec. 7.17.4: How Election Inspectors Can Use Absentee Returned Data

Poll workers at polling places (or "central count") are responsible for processing all absentee ballots on Election Day. Wis. Stat. § 6.88(3)(a). The easiest way to ensure that they can confirm they have received all ballots that were returned is to ensure that they can access the data showing how many ballots they should expect.

If poll workers have the number of returned absentee ballots on hand (updated by the clerk as necessary), reconciliation of the poll book and counting becomes much easier.

Throughout Election Day, poll workers can and should review and compare poll book absentee ballot participation with the number of absentee ballots reported returned. Reviewing and comparing the numbers throughout the day can prevent differences in the number of absentee ballot participation vs. absentee ballot returned and ensures that there are no unexplained differences in the total number at the end of the night.

Part 8
Local Election Officials

County Clerks; Municipal Clerks; Election Inspectors; Election Registration Officials

An election official is defined as "an individual who is charged with any duties relating to the conduct of an election." Wis. Stat. § 5.02(4e). County, municipal and school district clerks are election officials, as are election inspectors, chief inspectors, election registration officials (EROs), tabulators, greeters, and canvass board members.

Chapter 8.1: County Clerks

Sec. 8.1.1: Election & Qualifications

County clerks must be eligible electors of their county and are elected for a term of four years during the partisan General Election in the Fall. Wis. Stat. §§ 59.20(1), (2)(a).

Sec. 8.1.2: Duties

County clerks serve as the chief election official in each county. Wis. Stat. § 59.23(2)(j). A county clerk's election duties include preparing and providing ballots for every election for all national, state, and county offices and referendums, publishing applicable public notices relating to a national, state, or county election, and assisting with training and general voter education. Wis. Stat. §§ 7.10, 59.23(2)(j). For more information on the county clerk's role in the ballot printing and distribution process, **See Chapter 5.1: "Ballot Creation Procedures."**

The county clerk also serves as the filing officer for county offices and multi-jurisdictional judges. Wis. Stat. §§ 8.10(6)(b), 8.15(8)(b), 8.20(7).

On election night, the county clerk is required to keep the office open to receive reports from all wards and also to post the unofficial results of elections. Wis. Stat. § 7.60(1). The county clerk is required to post unofficial returns no later than two hours after receiving them. *Id.*

Additionally, the county clerk is one member of the County Board of Canvassers (CBOC), and is responsible for the canvass and return of votes at general, judicial, and special elections. Wis. Stat. §§ 7.60(2), 59.23(2)(j). The county clerk chooses the other members of the CBOC from lists submitted by political party county committees, and at least one member of the CBOC must be from a political party other than the county clerk's. Wis. Stat. § 7.60(2). The county clerk designates a deputy clerk who performs the county clerk's duties on the CBOC in the event that the county clerk's office is vacant or if the county clerk is unable to perform these duties. *Id.* The county clerk cannot serve on the CBOC if the clerk is on the ballot unless the clerk is running unopposed. *Id.*

Chapter 8.2: Municipal Clerks

Sec. 8.2.1: Appointment & Qualifications

Municipal clerks are elected by the electors or appointed to their positions by the governing body of a given town, village, or city, and if elected, must be electors of the municipality. See Wis. Stat. §§ 60.30(1)(a)2., (1e)(a) (towns), 61.19 and 61.195 (villages); and 62.09(1)(a), (2)(a), (3).

Sec. 8.2.2: Duties

The municipal clerk's far ranging election duties include managing elections and voter registration in the municipality, equipping polling places, purchasing and maintaining election equipment, preparing ballots and notices, and conducting and tracking the training of other election officials. Wis. Stat. § 7.15.

Sec. 8.2.3: Training Requirements

Each municipal clerk must attend training sponsored by the Wisconsin Elections Commission every two years. Wis. Stat. §§ 7.15(1m), 7.315(2). All municipal clerks must receive an initial certification by attending the Municipal Clerk Core Curriculum Training course, which counts as three hours of training. Wis. Admin. Code § EL 12.03(1), (2). The initial certification must be completed before a clerk may administer an election. *Id.*

Clerks must earn a minimum of six hours of training during the current election cycle, which begins January 1 of even-numbered years and ends on December 31 of odd-numbered years, to maintain certification for the next election cycle. *Id.*, Wis. Admin. Code §§ EL 12.01(2). For new clerks who completed a three-hour initial certification, this means completing an additional three hours of training during an election cycle, and for clerks renewing a certification, the clerks must complete six hours of training within an election cycle. Wis. Admin. Code § EL 12.03(2). Training hours beyond the 6 required do not count toward certification in subsequent election cycles. Wis. Admin. Code § EL 12.03(4). See elections.wi.gov for Training Tables listing the approved methods of accumulating training hours for clerks.

Municipal clerks may attend approved training from certified trainers, but the clerks must report any training not conducted by Commission staff or obtained from the Commission's ElectEd website to the Commission for it to count toward the 6-hour requirement. Wis. Admin. Code §§ EL 12.02(5), 12.03(5)(e). Clerks must register for trainings appearing on the ElectEd website, and Commission staff will compare registration with attendance to assign credit. See Wis. Admin. Code § EL 12.03(4). Clerks must report trainings taken with certified trainers and the number of hours to the Commission using the Offline Training Hours Request Form which is found on ElectEd. See Wis. Admin. Code § EL 12.03(5)(e). All in-person or live online training conducted by WEC staff or taken in ElectEd will be tracked in ElectEd, along with training taken from certified trainers and reported to the WEC on the Offline Training Hours Request Form. See Wis. Admin. Code § EL 12.03(4). See the ElectEd catalogue or reach out to elections.training@wi.gov for more details about training opportunities.

Clerks must provide the municipal mailing address and an email address for a municipality's top elected official to the Commission, and a clerk must provide any new address or email within 21 days of a change to that information. Wis. Admin. Code § EL 12.02(7). If a new clerk does not complete an initial certification prior to an election, the Commission must notify the top elected official of the municipality by mail and email of the deficiency before the election takes place. *Id.* For a renewal certification, the Commission must notify the top elected official of a deficiency within 30 days of an election cycle's end. *Id.*

In an emergency, a clerk, in an expeditious manner, may request that the Commission Administrator grant a waiver of a training requirement by describing the facts that establish the basis of the emergency and details the steps taken to obtain the required training. Wis. Admin. Code §§ EL 12.05(1), (2), and (3). The Administrator may grant the waiver for one election cycle, but for an initial certification, the waiver is only valid for one election. Wis. Admin. Code §§ EL 12.03(1), 12.05(4).

Chapter 8.3: Election Inspectors (General)

Election inspectors, also known as "poll workers," are charged with the statutory duties of running the election on Election Day. Thousands of election inspectors are needed across the state for each election, especially during high-turnout General Elections in presidential years. The law outlines a specific process for order of preference of those interested in serving, a process which is designed to ensure that both major political parties have fair participation of their affiliated election inspectors at polling places.

As this chapter explains in more detail, election inspectors are chosen in the following order:

1. Consideration of all appointed partisan inspectors
2. Consideration of all appointed unaffiliated inspectors
3. Temporary appointments to fill the remainder of inspectors needed

Sec. 8.3.1: Duties

Election inspectors staff the polling place on Election Day. Election inspectors' duties include setting up the polling place, preserving order, registering electors, recording voter numbers, issuing ballots, monitoring voting equipment, counting votes, and properly completing required forms. Wis. Stat. § 7.37.

> **Best Practice:** Election inspectors should not serve at elections in which they, their spouse, or an immediate family member is a candidate on the ballot or under other circumstances where a candidate's success or failure would affect the election inspector financially.

Sec. 8.3.2: Number of Election Inspectors Required

Each polling place should have at least seven inspectors. The governing body may increase the number where more than one voting device is used or polling places are combined in accordance with Wis. Stat. §§ 5.15(6)(b), 7.30(1)(a). This governing body action need not be done by ordinance.[1]

By ordinance, the governing body may provide for the selection of alternates or for the selection of two or more sets of inspectors to work at different times on Election Day. Alternate officials shall be appointed in a number sufficient to maintain adequate staffing of polling places. Wis. Stat. § 7.30(1)(a).

The governing body of the municipality may reduce the number of election inspectors by resolution. However, no polling place may have fewer than three election inspectors. Wis. Stat. § 7.32.

There must always be an odd number of election inspectors at the polling place, regardless of increase or reduction by the governing body. Wis. Stat. § 7.30(1)(a). **See Sec. 8.4.2 on page 14** for how to determine which political party receives the dominant number of election inspectors from within this odd number.

Sec. 8.3.3: Qualifications

Election inspectors must meet specific, statutory criteria. The Commission has determined that municipal clerks, or governing bodies, must be able to take some reasonable steps to certify that election inspectors meet the requirements of Wis. Stat. § 7.30(2).[2]

Criteria 1: Nomination

The two major political parties have the first right to submit lists of their preferred election inspectors for appointment by the municipal governing body. If there is a greater need than those who are nominated, the remaining election inspectors are politically unaffiliated. For detailed information on the nomination and appointment process for partisan election inspectors **see Chapter 8.4 on page 13.**

---

1 See EL 24-26, Charneski v. Birk-LaBarge (Decided Dec. 1, 2025).
2 See EL 23-55, Kosloski v. Yenter (Decided April 8, 2024) and EL 24-39, Hanna v. Woodall et al (Decided July 18, 2025).

Criteria 2: English Comprehension

Inspectors must be able to read, write, and understand the English language. Wis. Stat. § 7.30(2)(a). The municipal clerk may administer an examination, if required by the governing body, to all persons nominated as election inspectors to prove their ability to read, write and understand the English language, and their general knowledge of the election laws. Wis. Stat. § 7.30(2)(c).

Criteria 3: Capable & of Good Understanding

Election inspectors must also "be capable, and be of good understanding." Wis. Stat. § 7.30(2)(a). The Commission has concluded that the requirements of "strong clerical skills" and "being an effective communicator" are consistent with this statutory requirement, and do not exceed it.[3] The work of an election inspector is clerical by nature — inspectors review documents and complete and process paperwork. Capable election inspectors who are of good understanding must also by definition be effective communicators — they must be able to discuss and understand how to facilitate the voting procedure, and how to assist voters in the process.[4]

Criteria 4: Training

Inspectors are required to receive training from the municipal clerk within the two years preceding the election event at which the inspector intends to work. Wis. Stat. § 7.315(1)(b)1.

Criteria 5: Election Presence/Service

An inspector may not be a candidate for any office to be voted on at an election at which they serve. Wis. Stat. § 7.30(2)(a).

Criteria 6: Qualified Elector Status

Election inspectors must be qualified electors of the county in which the municipality where the official serves is located. *Id.*

- The chief inspector(s) must be a qualified elector of the municipality in which they serve, except if a qualified candidate is not available. *Id.*
- A high school student may be appointed to serve as an inspector, but not a chief inspector, only in the polling place that serves the student's residence. Wis. Stat. § 7.30(2)(am).

---

3 See EL 23-55, Kosloski v. Yenter (Decided April 8, 2024).
4 *Id.*

Criteria 7: Bipartisan Involvement

The municipal clerk should identify any election inspectors appointed by one of the two major political parties. The chief inspector must ensure that any Election Day tasks which require completion by two election inspectors are represented by each party, whenever possible. Wis. Stat. § 7.30(2)(a).

Sec. 8.3.4: Hiring & Background Checks

In order to pay election inspectors and manage them, municipalities often use the same or similar hiring policies and procedures as other municipal employees. This raises questions about what election inspectors can be required to provide, including consenting to background checks, as a condition of their service.

Applications

Application forms are generally permissible if their purpose is to gather only the information required for the municipal clerk, or governing body, to confirm that the election inspector meets the legal requirements of Wis. Stat. § 7.30. Name, address, date of birth, qualification to vote, and felony status are all relevant to that inquiry.[5] Additional information (such as comfort level with technology, willingness to travel, and hours of availability) are likewise permissible as long as answering them is optional.[6] When asking about felony convictions, the application should not require the election inspector to certify that they have never been convicted of a felony, it should instead ask "Have you been convicted of a felony, and if so, have you received a pardon or completed the terms of imprisonment, extended supervision, parole, or probation."[7]

Background Checks

The Commission has determined that background checks are not per se unreasonable, but depending on the level of information they seek, they can cross the line and rise to an unreasonable condition for election inspectors.[8] For example, a background check form, which requires election inspectors to provide their date of birth, signature, Wisconsin driver's license number, and social security number likely goes too far.[9] Whenever municipalities determine that background checks or other hiring procedures are a required term or condition of employment for paid or unpaid municipal employees, the forms cannot go beyond what Wis. Stat. § 7.30 permits.[10]

---

5 See EL 24-39, Hanna v. Woodall et al (Decided July 18, 2025).
6 *Id.*
7 *Id.*
8 See EL 23-55, Kosloski v. Yenter (Decided April 8, 2024).
9 *Id.*
10 *Id.*

Sec. 8.3.5: Term of Office

Election inspector terms run from January 1 of an even-numbered year through December 31 of the subsequent odd-numbered year. Wis. Stat. § 7.30(4). If there is an election inspector vacancy, a new appointee will fill the remainder of the prior appointee's two-year term. Wis. Stat. § 7.30(6)(a).

Sec. 8.3.6: Filling Vacancies

Permanent vacancies in Republican or Democratic positions are filled by the municipal clerk from the remaining names on the lists submitted by the parties or from names submitted by the parties to supplement the original lists. Wis. Stat. §§ 7.30(2)(b), (4)(d). Temporary vacancies created by a candidacy, illness, or other temporary causes can be filled by the municipal clerk to serve for one election only. Wis. Stat. § 7.30(2)(b). Temporary vacancies are filled with temporary appointments and permanent vacancies are filled with permanent appointments, but the method of appointment from the appropriate party list does not change based on the type of vacancy.[11]

Note: Vacancies are filled from the lists submitted by the parties, not the list appointed by the governing body — thus, the number of partisan nominated election inspectors is not fixed at the amount initially appointed by the governing body.[12]

While the parties have the right to submit additional names for the purpose of filling vacancies under Wis. Stat. § 7.30(4)(d), a clerk does not have a duty to solicit names from them and may proceed with filling a permanent or temporary vacancy immediately as the need arises, turning to remaining names or supplemental names on lists if any are available.[13]

- A party that did not submit a list by November 30 may not submit a list of names after that deadline. Wis. Stat. § 7.30(4)(b).
- If there are no lists or the lists have been exhausted, the municipal clerk may fill the vacancy without regard to party affiliation. Wis. Stat. § 7.30(4)(d).

11 See EL 24-26, Charneski v. Birk-LaBarge (Decided Dec. 1, 2025).
12 *Id.*
13 *Id.*

- If an unaffiliated inspector vacates his or her position, and the party entitled to that position has submitted supplemental names, the vacancy is filled from the supplemental list. Wis. Stat. § 7.30(4)(d).
- If no supplemental list has been submitted since the unaffiliated appointment was made, the clerk may fill the vacancy with another unaffiliated inspector. Wis. Stat. § 7.30(4)(d).

Sec. 8.3.7: Training Requirements

Election inspectors are required to attend training every two years and must have attended training within each appointment term prior to any election at which they will serve. Wis. Stat. § 7.315(1)(b)1. See elections.wi.gov for Training Tables listing the approved methods of accumulating training hours toward recertification of election inspectors.

- It is the responsibility of the municipal clerk to see that all election inspectors are provided with adequate training for the performance of their duties. Wis. Stat. §§ 7.315(1)(b)1., 7.30(2)(c).
- Clerks may remove an inspector for failure to attend required training sessions. Wis. Stat. § 7.30(6)(c).

Best Practice: **The Wisconsin Elections Commission suggests, at a minimum, that the clerk go over the election day duties listed in this manual.**

Because all election inspectors must receive training before administering an election, the Commission strongly recommends holding training classes in January of each even numbered year. Because election inspectors are appointed at the end of odd numbered years and many municipalities will need to administer a February primary, there can be a very short amount of time during which required training must take place. Clerks have discretion concerning how to provide this training and may make use of the Commission's resources in ElectEd for this purpose.

Sec. 8.3.8: Oaths of Office

All election officials are required to take and file an oath, including those who are filling vacancies Wis. Stat. § 7.30(5).Municipal clerks must notify, by mail, appointed official within five days of appointment of the requirement to file an official oath, and the official must file the oath with the clerk within 10 days after mailing the notice. *Id.*

> **Best Practice:** The Commission recommends also emailing each official who is appointed to ensure they receive the information concerning the oath as quickly as possible.

Election officials who have taken the oath may administer any oath required to conduct an election. *Id.* The oath must be filed before the commencement of the official's duties. *Id.*, 6.875(5). The oath is valid for the entire two-year term of the appointment. See Wis. Stat. §§ 7.30(5), (6)(a).

> **Note:** The following oaths may be obtained from the WEC website:
>
> Official Oath (EL-154): Filed by Election Inspectors, Chief Inspectors, Election Registration Officials, Greeters, and Tabulators. See Wis. Stat. § 19.01.
>
> Oath of Special Voting Deputy (EL-155): Filed by Special Voting Deputies. Wis. Stat. § 6.875(5).

Sec. 8.3.9: Scheduling of Election Inspectors

Once election inspectors (partisan and unaffiliated) have been nominated and appointed, municipal clerks have some discretion to make scheduling decisions based on the needs of their jurisdiction. Wis. Stat. § 7.15(1). Municipal clerks should communicate with the political parties prior to nomination so that election inspectors know what form of communication will be used for scheduling information and announcements (phone, email, mail, online portal). This will ensure that those who have been appointed to serve don't miss out due to missed communication between them and the clerk.

Some election day tasks require the involvement of 2 or more inspectors, each of whom should be from one of the political parties (insofar as practicable) if lists were submitted, so those requirements must be considered when scheduling election inspectors. Wis. Stat. § 7.30(2). Wherever an Election Day action requires 2 or more election inspectors, at least one inspector from each party should be assigned to the work if it is practicable to do so.[14] Election day tasks are assigned by the Chief Inspector. Wis. Stat. § 7.30(2)(a).

Sec. 8.3.10: Removing Election Officials

Municipal clerks can discharge an election official summarily if he or she is found to lack the qualifications for the position, fails to attend required training, neglects his or her duties during an election, electioneers, commits official misconduct, or otherwise carries out improper conduct or willfully neglects duties. Wis. Stat. §§ 7.15(1)(f), 7.30(6)(c). Further, an election official required to use voting equipment who does not understand the equipment cannot be allowed to serve. Wis. Stat. § 7.25(5)

> **Best Practice:** Prior to dismissing an election official, the Commission recommends that a clerk contact any appointing political party and explain any issue with the official so that the party may address the issue with the election official. The Commission also recommends notifying the governing body of any issue with an election official that may lead to dismissal, and to notify the governing body if a clerk dismisses the official.

A municipal clerk who removes an election official without sufficient legal reason could become the subject of an administrative complaint brought under Wis. Stat. § 5.06.

14 See EL 24-26, Charneski v. Birk-LaBarge (Decided Dec. 1, 2025).

Chapter 8.4: Nomination & Appointment of Partisan Election Inspectors

State law openly permits and invites the participation of major political parties in the nomination and appointment of election inspectors in their communities. Each odd-numbered year, political parties submit their list of nominees to the municipal clerk or governing body. The clerk confirms the nominees are qualified to serve as election inspectors, and then prepares the information needed for the governing body to consider and decide appointments. The governing body of each municipality then appoints the election inspectors. This chapter describes that process.

Sec. 8.4.1: Nomination by Political Party

The two political parties whose candidates for governor or president received the largest number of votes in the previous general election may submit lists of election inspector nominees no later than November 30 of an odd-numbered year. The political parties determine on their own who to nominate as election inspectors, and a clerk does not have any power to alter the names that are included.[15] See Wis. Stat. § 7.30(4)(b). The political parties that submit lists shall certify that they contacted every person included on the list and they have agreed to serve as election officials. Wis. Stat. § 7.30(4)(b). When party lists are received, election inspector appointments must be made from them. Wis. Stat. §§ 7.30(4)(b), (2).

15 See EL 24-26, Charneski v. Birk-LaBarge (Decided Dec. 1, 2025).

Best Practice: Municipal clerks should contact the appropriate statutory committeeperson or voluntary county party chairperson before the first week in November and advise him or her of their responsibility to submit a list of nominees to the Mayor, Village President, Town Board Chairperson, or municipal clerk. A clerk may recommend election inspectors who have proven to be effective workers. Clerks should also explain to the parties exactly how they plan to contact nominated and/or appointed election inspectors (email, phone, letter, online portal) so the election inspectors know what to look out for.

If the list of appointed election inspectors is emailed, a signed original of the document must also be received, either postmarked or delivered by, the filing deadline. Wis. Admin. Code § EL 6.04(3).

Nominated election inspectors still must meet all of the legal requirements in Wis. Stat. § 7.30(2), and municipal clerks, or governing bodies, retain the right to reasonably certify that nominated election inspectors meet statutory requirements, including by requiring nominated election inspectors to complete the appropriate paperwork.[16]

Sec. 8.4.2: Determining Party Imbalance at Each Polling Place

The party whose candidate for governor or president at the last general election received the most votes at that polling place (the "dominant" party) is entitled to one extra inspector. Wis. Stat. §§ 7.30(4)(b), (2).

Best Practice: Determine party imbalance for each polling place in anticipation of receiving lists of inspector nominees from the political parties to ensure proper assignment and adequate staffing for shift or election.

16 EL 24-39, Hanna v. Woodall et al (Decided July 18, 2025).

Example: The Republican candidate for governor received the most votes at the polling place at the last general election, seven total inspectors are needed. Thus, the clerk should ensure the assignment of four Republican positions and three Democratic positions. Wis. Stat. § 7.30(2)(a).

Positions identified as Republican and Democratic remain as such for the duration of the term. Wis. Stat. § 7.30(6)(a).

Sec. 8.4.3: Contact Nominees for Willingness to Serve

Best Practice: Clerks should contact each party's nominees to confirm their willingness to serve before submitting the names to the governing body for appointment.

1. Clerks should make at least two attempts to contact each party's nominees, though those attempts can be by any reasonable method (phone, email, mail, online portal).
2. Document any nominees not willing to serve and provide the party those names.
3. The clerk may also inquire as to willingness to serve as a chief inspector and arrange for training for those who are interested.

Just because a nominee has declined to work at a previous election, even more than one previous election, does not mean the clerk is excused from contacting them to confirm their willingness to serve.[17]

Note: Refusal to serve as a chief inspector is not grounds for nonappointment.

Appointments must be made from the lists submitted by the parties for as long as election inspector positions are available. If party lists have been timely received, positions must be filled from the lists until the names on those lists have been depleted. Wis. Stat. § 7.30(4)(d).

17 See EL 24-26, Charneski v. Birk-LaBarge (Decided Dec. 1, 2025).

Nominees must be qualified electors of the county in which they reside. Wis. Stat. § 7.30(2)(a).

The lists may also designate individuals as first choice nominees, who must be appointed first. Wis. Stat. § 7.30(4)(b).

Best Practice: If "first choice" is not indicated in some manner, but the names are numbered, they should be appointed in numerical order.

If the governing body has good cause not to appoint an individual whose name is submitted as a "first-choice" nominee, it may request the WEC authorize non-appointment, and may not decline to appoint such individual until receiving the WEC's authorization. Wis. Stat. §§ 7.30(4)(e), (b).

Best Practice: Seeking nonappointment from the Commission is a public process which might expose the election inspectors in question to embarrassment or unnecessary scrutiny. Before seeking nonappointment, municipal clerks could share their concerns with the nominating political party in an attempt to inquire whether the political party wishes to withdraw the nominee.

When party lists are received, the clerk must adhere to "party imbalance" at each polling place. The dominant party is entitled to one more election inspector at that polling place than the other party. Wis. Stat. § 7.30(2)(a).

Example: Five election inspectors are to be placed at a polling place. The Democratic candidate for governor or president received the most votes at the polling place at the last general election. This means that three positions are Democratic, and two positions are Republican, and they should be appointed as such.

Note: It is possible that the dominant party will differ between polling places in the same municipality.

Sec. 8.4.4: If Lists are Received but are Insufficient to Fill Need

If the Democratic and Republican parties' lists are insufficient or the nominees decline to serve in the positions available for that party's nominees, the remaining positions are filled without regard to party affiliation. Wis. Stat. § 7.30(4)(c).

Example: Seven inspectors are to be placed at a polling place. The Republican candidate for governor or president received the most votes at the polling place at the last general election. This party imbalance gives the Republican Party the extra inspector so the ratio is four Republican positions to three Democratic positions. If sufficient lists from both parties were submitted, four names would be appointed from the Republican list, and three names would be appointed from the Democratic list.

However, if there are only three names on the Republican list and no Democratic list was submitted, the governing body will appoint the three Republican names. The Mayor, Village President, or Town Board Chairperson of the municipality will then nominate other qualified individuals, regardless of party affiliation, and submits the names to the governing body for appointment to the remaining four positions.

Note: Regardless of an appointee's separately conveyed political affiliation, they are an unaffiliated appointee if they were not submitted on a party list.

If the Democratic Party submitted a list with two names, the two Democratic nominees and two unaffiliated nominees would be appointed along with the three Republican nominees.

The parties may supplement their initial list of nominees at any time during the term. Wis. Stat. § 7.30(4)(d).

Sec. 8.4.5: If No Lists are Received from Parties

If no lists of inspector nominees are submitted, the Mayor, Village President or Town Board Chairperson of the municipality nominates other qualified individuals, regardless of party affiliation, and submits the names to the governing body for appointment. All appointments are made without regard to party affiliation. Wis. Stat. § 7.30(4)(c).

Sec. 8.4.6: Appointment of Inspectors by Governing Body

Appointment of inspectors must occur no later than December 31st of an odd-numbered year. Wis. Stat. § 7.30(4)(a).

The clerk submits the party lists to the governing body. Wis. Stat. § 7.30(4)(b)2. The clerk should clearly indicate which partisan election inspectors were appointed by which party as this information might be critical to a governing body appointing the right balance of election inspectors.[18]

- Advise the governing body of the requirement to appoint any first-choice nominees first. Wis. Stat. § 7.30(4)(b)2.c.
- Advise the governing body if lists are insufficient so that unaffiliated inspectors may be nominated. Wis. Stat. § 7.30(4)(c). However, the parties may supplement their initial list of nominees at any time during the term to fill vacancies, but an appointment need not be delayed because of lack of availability of party nominees. Wis. Stat. § 7.30(4)(d).

The governing body must appoint at least as many inspectors as there are positions to be filled. Wis. Stat. § 7.30(1)(a). **Please see "Sec. 8.3.2: Number of Election Inspectors Required" on page 6.**

Appointments are made from the party lists until each party's positions have been filled or until the lists are depleted. Wis. Stat. § 7.30(4)(d).

If positions remain open and the lists have been depleted, "unaffiliated" inspectors may be appointed to the remaining positions. Wis. Stat. § 7.30(4)(d).

---

18 See EL 24-26, Charneski v. Birk-LaBarge (Decided Dec. 1, 2025).

Additional inspectors may be appointed as alternates. Wis. Stat. § 7.30(1)(a).

If a municipality establishes a municipal board of absentee canvassers ("central count") by ordinance, who will then separately count the absentee ballots in lieu of canvassing absentee ballots at the polling place, the governing body will appoint the clerk, or another qualified elector designated by the clerk, and two other qualified electors of the municipality appointed by the clerk, to serve on that board. Wis. Stat. §§ 7.53(2m)(b), 7.52(1)(b).

Chapter 8.5: High School Student Election Inspectors

State law permits certain qualified high school students to work at the polls on Election Day. Wis. Stat. § 7.30(2)(am). Students may decide for themselves to serve as election inspectors or in response to a school sponsored initiative. Civics, government or political science teachers may see this as an opportunity for a real-life learning experience. Student organizations may find this to be an attractive form of community service and an interesting learning opportunity. Allowing students to work as election inspectors provides an opportunity for students to become involved in the election process and also offers clerks another resource for filling election inspector positions.

Students with foreign language skills can help voters who may need assistance understanding the ballot, voting equipment, and other election-related materials. In many locations, Hmong and Spanish speaking voters need special assistance, or the municipality may have specific language assistant requirements in place under Section 203 of the Voting Rights Act that can be met with the placement of bilingual inspectors.

Municipal clerks are encouraged to work with their local high schools to enable students to serve as election inspectors.

Sec. 8.5.1: Qualifications

A student qualifies to serve as an election inspector if the student:

- Is 16 or 17 years of age. Wis. Stat. § 7.30(2)(am).
- Is enrolled in grades 9 to 12 in a public, private, or tribal school, or private home-based educational program. *Id.*
- Has at least a 3.0 grade point average or the equivalent. *Id.*
- Has the written approval of the student's parent or guardian. *Id.*
- Has the written approval of the principal of the school in which the student is enrolled, if the student has less than a 3.0 grade point average. *Id.*
- Is a resident of the municipality of the polling place at which he or she serves. *Id.*

Sec. 8.5.2: Written Authorization Required

Before a student may be appointed as an inspector, the municipal clerk shall obtain written authorization from the student's parent or guardian. If the student has less than a 3.0 grade point average, the clerk will also need authorization from the principal of the school where the student is enrolled. Upon appointment, the municipal clerk shall notify the principal of the school where the student is enrolled regarding the date of the election at which the student will serve. *Id.*

Sec. 8.5.3: Restrictions

- A student may only serve as an inspector at a polling place if at least one inspector, other than the chief inspector, is a qualified elector of the municipality. *Id.*
- A student may not serve as chief inspector at a polling place. *Id.*
- A student serving as an election inspector may not challenge any person offering to vote. Wis. Stat. § 6.92(2).
- A student must serve at the polling place that corresponds to their residential address, even if there are other polling places within the municipality. Wis. Stat. § 7.30(2)(am).

Chapter 8.6: Chief Election Inspectors

The Chief Election Inspector (also referred to as the Chief Inspector) is a specialty election inspector with additional training who directs the conduct of activities assigned to the inspectors at the polling place.

Sec. 8.6.1: Designating a Chief Inspector

The municipal clerk designates one of the inspectors as chief inspector (CI) for the polling place. Wis. Stat. § 7.30(6)(b). The clerk is not required to honor a political party's or governing body's request or instruction that a specific election inspector be designated as a CI.[19] This individual acts as liaison between the election inspectors and the municipal clerk and is in charge of the polling place on Election Day. The CI must be a qualified elector of the municipality, except when no qualified candidate is available or a vacancy is being filled pursuant to Wis. Stat. § 7.30(2)(b), in which case they need not be a qualified elector of the municipality. Wis. Stat. § 7.30(2)(a). The CI is counted in the overall odd number of inspectors at the polling place. Wis. Stat. § 7.30(1)(a).

Although the municipal clerk ultimately designates the CI, care should be taken to maintain the party imbalance. Wis. Stat. § 7.30(2)(a).

Best Practice:

- **If all positions at the polling place have been filled from party lists, clerks are encouraged to select one of the party appointees as the CI.**
- **If none of the party appointees are qualified as chief inspectors, select a qualified unaffiliated inspector. (Keep party representation even.)**
- **If there are a mixture of affiliated and unaffiliated inspectors, choose any qualified inspector.**
- **If it is necessary to remove an inspector in order to insert a qualified CI, replace an unaffiliated inspector if possible.**

19 See EL 24-26, Charneski v. Birk-LaBarge (Decided Dec. 1, 2025).

Sec. 8.6.2: Municipal Residents vs. County Residents

Wisconsin Statute § 7.30(2)(a) indicates a preference for the CI to be a municipal resident, but offers an exception: "...each chief inspector shall be a qualified elector of the municipality in which the chief inspector serves. If no qualified candidate for chief inspector is available ... the person so appointed need not be a qualified elector of the municipality..." (emphasis added)

Again, the municipal clerk chooses the CI, but the statute confines the selection to municipal residents unless no qualified municipal resident is available. This requirement, when intertwined with the requirement to maintain party imbalance, can be a challenge to implement.

Best Practice:

It is recommended to choose a CI using the following priority order:

1. Affiliated municipal resident
If there is an affiliated inspector who is a resident of the municipality who is trained or willing to be trained as a CI, arrange for training and use for CI. Maintain party imbalance at the polling place.

2. Unaffiliated municipal resident
If no affiliated municipal resident is trained or willing to be trained as a CI, arrange for training of an unaffiliated municipal resident. If this means replacing an affiliated inspector, keep the party representation even.

3. Affiliated resident of the county
If there is no affiliated or unaffiliated municipal resident trained or willing to be trained as a CI, arrange for the training of a willing affiliated inspector who is a resident of the county.

4. Unaffiliated resident of the county

If there is no municipal resident or affiliated county resident trained or willing to be trained, arrange for training of a willing unaffiliated county resident. If this means replacing an affiliated inspector, keep the party representation even.

Sec. 8.6.3: Training Requirements

Chief inspectors are required to attend "Baseline" training in order to be initially certified. Wis. Admin. Code § EL 11.02(2). Attending Baseline training certifies the attendee as a chief inspector for the current term. In order to recertify for the following term, a chief inspector must attend at least six hours of Wisconsin Elections Commission approved continuing election education during the current term. (Attendance at Baseline training also counts toward recertification for the following term, if the course retaken.) Wis. Admin. Code § EL 11.03(1). See elections.wi.gov for Training Tables listing the approved methods of accumulating training hours toward recertification of chief inspectors. Wis. Stat. § 7.31(4).

The county or municipal clerk conducting recertification training for other clerks or election inspectors must submit an agenda or course outline to the Wisconsin Elections Commission for approval. Training hours of election inspectors are documented and tracked by the municipal clerk. Chief inspectors may be given a self-administered evaluation as part of training, the results of which will not affect the chief inspector's appointment or qualifications to serve. The results do not have to be reported to the WEC.

Chapter 8.7: Greeters & Tabulators

Sec. 8.7.1: Greeters

Each municipality may appoint one additional inspector per polling place regardless of party affiliation to act as a greeter and substitute for other officials as necessary on Election Day. Wis. Stat. § 7.30(1)(b). Greeters may not participate in canvassing after the polls close. Wis. Stat. §§ 7.51(1), 7.53(1)(a). Greeters do not count towards the number of election inspectors, unless they are stepping in to complete official duties, such as if another election inspector goes on a break. See Wis. Stat. § 7.30(1)(b). Only greeters who are currently trained and certified as election inspectors may cover for other election inspectors. Wis. Stat. § 7.315(1)(b)1. Because greeters are classified as additional election inspectors, and because they are able to substitute for election inspectors making up the appointed number for the polling place, they should receive the same training as other inspectors. See Wis. Stat. §§ 7.30(1)(b), 7.315(1)(b)1. An individual appointed as a greeter cannot serve as a chief inspector. Wis. Stat. § 7.30(6)(b).

Best Practices for Greeters:

- **Direct voters to the correct ward, registration table, or poll book table.**
- **Answer general questions about the voting process or direct questions to another election inspector or the Chief Inspector.**
- **Review a voter's proof of residence or photo ID and advise the voter if the document(s) is acceptable. The voter must still provide the document(s) to the election inspectors to register to vote or be issued a ballot.**
- **Confirm if a voter is in the right polling place or direct the voter to the proper polling place by searching for the voter's address in MyVote, on a district map, or on another copy of the poll list.**
- **Substitute for election inspectors taking a break**
- **Help maintain clear pathways for voters to enter and move through the polling area in an orderly manner.**

Sec. 8.7.2: Tabulators

Not less than 30 days before an election, the governing body or board of election commissioners may, by resolution, authorize the municipal clerk to select and employ tabulators for the elections specified in the resolution or, if not specified, until the resolution is modified or revoked. Wis. Stat. §§ 7.30(3)(a), (b). Tabulators are to assist and be under the direction of the election inspectors after the polls close. *Id.*

Separately, a recount board of canvassers may select and employ tabulators under their direction to assist in recount duties, and such tabulators cannot make determinations on the validity of any vote tabulated. Wis. Stat. § 9.01(5)(b).

Chapter 8.8: Election Registration Officials

Election Registration Officials (EROs) are specially designated election officials who are authorized to register voters. They should not be confused with Special Registration Deputies, which were eliminated from Wisconsin law in 2016. See 2015 WI Act 261. They should also not be confused with Special Voting Deputies (SVDs).

Sec. 8.8.1: Appointment & Qualifications

An Election Registration Official (ERO) is an election official who is assigned under Wis. Stat. §§ 6.28(1)(a) or 7.30 to register electors. Wis. Stat. § 5.02(4g). Municipal Clerks may appoint Election Registration Officials to conduct voter registration at the polling place on Election Day, at residential care facilities during the open registration period, and in the clerk's office during in-person absentee voting. Wis. Stat. § 6.28(1)(a). EROs do not count towards the number of inspectors at a polling place. See Wis. Stat. § 6.55.

> **Best Practice:** An ERO should be a qualified elector of the county for the polling place, residential care facility or clerk's office at which they serve, however, a non-resident clerk or deputy clerk could serve as an ERO in case of a vacancy. See Wis. Stat. §§ 5.02(4g) and 7.30(2)(a).

Party lists may also be used for selections of EROs if there are additional names, or inspectors can be trained as EROs in addition to inspectors so that they can assist in registration during IPAV or SVD voting. Sending an ERO to an SVD facility, or training the SVDs as EROs, can allow eligible electors residing in the homes or facilities to register during the open registration period.

Sec. 8.8.2: Duties

When appointed by a municipal clerk, EROs can process registrations and sign registration forms when an elector registers at a polling place, IPAV site, or SVD location. Wis. Stat. §§ 6.28(1)(a), 6.33(2)(b), 6.55. For a description of how EROs register voters, **see Chapter 6.2: "Voter Registration Prior to Election Day" and Chapter 14.6: "Election Day Registration"** as the processes are the same as when carried out by municipal clerks or election inspectors.

Sec. 8.8.3: Training Requirements

EROs are required to receive training from the municipal clerk within two years of any election at which they serve and take an oath. Wis. Stat. § 7.315 (4). It is the responsibility of the municipal clerk to see that EROs are provided with the same training as election inspectors for the performance of their duties. Wis. Stat. § 7.315(1)(b)1. (4). The training must be complete before the ERO can take part in registration during a specific election. See *Id.*

Chapter 8.9: Frequently Asked Questions

Q What if a trained election inspector is not available to work at an election, and I have to use an inspector who has not been trained within the last two years?

A In the event that a trained election inspector has an emergency and cannot work on Election Day, an inspector who has not received training may be appointed to serve as an inspector, but not as a chief inspector, Election Registration Official, or Special Voting Deputy. The appointment of an untrained individual is for a specific election only, and the untrained individual may only be appointed once in the two-year period beginning on January 1 of each even-numbered year. Wis. Stat. § 7.315(1)(b)2. If the clerk is aware of the vacancy prior to Election Day, the clerk must provide some type of election training to the election inspector. Otherwise, the same qualifications that applied to original appointees shall be required of persons who fill vacancies except that if a municipal clerk or deputy clerk fills the vacancy, the clerk or deputy, but not more than a total of 2 individuals in any municipality, may serve without regard to the clerk's or deputy's county of residence, if the clerk or deputy meets the other qualifications. Wis. Stat. § 7.30(2)(b).

Q What should I do if there is an emergency and I do not have a certified chief inspector?

A You should contact an Elections Specialist at the Wisconsin Elections Commission who will direct you on the actions to be taken. Best Practice: The Wisconsin Elections Commission recommends that all municipalities make advance arrangements to have alternate trained chief inspectors available in case of emergency. This type of pre-planning can be critical, and it may be coupled with an emergency polling place relocation plan or contingent staffing plan for elections.

Q What is "Baseline" training?

A Baseline training is a two or three-hour chief inspector training course on basic election-day administration conducted by Wisconsin Elections Commission staff or WEC certified clerk-trainers. The Baseline class is also available online in the WEC's ElectEd learning management system. Baseline training is required for initial certification as a chief inspector.

Q I have a person who is interested in becoming a certified chief inspector. What does the person have to do to qualify as a certified chief inspector for the current term?

A The individual may accomplish certification by attending the Baseline training. Attendance at Baseline training will certify the new chief inspector for the current term. The newly certified chief inspector is then eligible to serve at all subsequent elections during the current term. See Wis. Admin. Code Chapter EL 11 for further information.

Q My chief inspector is certified for the current term. What else must he or she do in order to recertify for the next term?

A In order to recertify for the next term, the inspector will need to accumulate a minimum of six hours of Wisconsin Elections Commission approved training during the current term. Wis. Admin. Code § EL 11.03(1).

Part 9
Voting Equipment

Types of Voting Equipment; Hand Counting; Testing and Certification; Security; Pre-Election Testing; Post-Election Audit

Electronic voting equipment is tested and certified by the Commission for use in Wisconsin. Most municipalities rely on electronic voting systems to tabulate election results. State law requires pre-election testing of voting equipment before every election. Following each general election, selected municipalities conduct a post-election audit to ensure that the voting equipment accurately counted the votes it reported. Both the Commission and clerks follow detailed security procedures to ensure that electronic voting systems safely, securely, efficiently, and accurately count votes in all elections.

Chapter 9.1: Types of Voting Equipment Authorized in Wisconsin

Sec. 9.1.1: Introduction

All votes cast in Wisconsin produce a paper record, regardless of whether the ballots are counted by hand or with the aid of an electronic tabulator. This means that there is a hard copy record of each voter's choices that can always be examined after any election.

"Voting equipment" is another term for "voting system," which means the total combination of mechanical, electromechanical, or electronic equipment — including the software, hardware, and documentation required to program, control, and support the equipment — that is used to define ballots, to cast and count votes, to report or display election results, and to maintain and produce any audit trail information. Wis. Stat. § 5.02(24w)(a).

"Electronic voting system" means a system in which votes are recorded on ballots and the votes are subsequently counted and tabulated by automatic tabulating equipment. Wis. Stat. § 5.02(4m). It also includes a voting machine on which votes are recorded and tabulated by electronic means.

In the past 25 years, electronic voting systems have become more common, and mechanical systems (such as those that punch out holes in paper ballots) have mostly gone by the wayside, especially in the wake of the 2000 presidential election.

The widespread use of electronic voting equipment has led to understandable questions and curiosity about the security and integrity of these systems. The proper use and security of voting equipment is integral to ensuring accuracy and maintaining voter confidence in the electoral process. Voting equipment accuracy and security has long been an issue of extreme importance for both election officials and voters. Voter confidence in the equipment used to count votes is an aspect of elections administration which continues to grow in significance. Careful execution and documentation of the procedures detailed in this section will address concerns, confirming the voting equipment used in each municipality is reliable and accurate.

Sec. 9.1.2: Use of Voting Equipment in Wisconsin

Voting equipment is designed and manufactured by specialized vendors who are familiar with the federal and state legal requirements for voting systems in each state. The two major vendors of voting equipment in Wisconsin are Election Systems & Software (ES&S) and Liberty Vote (formerly Dominion Voting Systems).

No voting equipment may be used in Wisconsin unless it has been certified by the Commission. Wis. Stat. §§ 5.40(2), 5.91. When a vendor wishes to offer a new electronic voting system for sale, it must seek Commission certification and approval before any sale takes place. The Commission certifies the entire voting system, including all software and hardware components that make up the system. **Please see "Chapter 9.3: Voting Equipment Testing & Certification" on page 10.**

Municipalities with a population of 7,500 or more are **required** to use electronic voting equipment in every ward in every election. Wis. Stat. § 5.40(1).

Additionally, all municipalities, regardless of size, are required to purchase and offer accessible voting equipment. All polling places must be equipped with at least one accessible voting equipment component to permit all voters to vote privately and independently. HAVA § 301(a)(3)(A). For more information on accessible voting equipment, **see Sec. 11.7.6: "Voting Area."**

Individual municipalities decide which state-certified and approved electronic voting system they will use, meaning different municipalities can use different equipment. State law grants a certain amount of leeway when mandating voting equipment usage. This means that some municipalities use hand-count paper ballots, some use optical scan equipment, and some use direct recording electronic (DRE) equipment. Municipalities also choose which unofficial results transmission method they'd like to use when selecting a voting system. Each of these features are explained below. Some municipalities use a combination of these equipment types.

The Commission maintains a list of voting equipment by municipality on its website. The document is titled "Municipal Voting Equipment Lists" and can be accessed on elections.wi.gov.

Sec. 9.1.3: Types of Voting Equipment

Optical Scan
This is the most common type of voting equipment used in Wisconsin. Voters make their choices on paper ballots by filling in ovals next to the names of their preferred candidates. Optical scan tabulators then scan the ballots and tabulate the voter's choices based on which ovals they completed. The paper ballots are always retained to show a hard copy record of the total votes cast.

Direct-Recording Electronic (DRE) Equipment
The ImageCast X (ICX) is the only DRE system in use in Wisconsin. In that system, voters insert a "voter activation card," which is configured with the voter's ballot style. The DRE then automatically displays the electronic version of that ballot on the screen. Voters then make their choices on the touchscreen display. The DRE then presents the voter with a "review page" that allows voters to double-check their choices. The DRE then records the voter's choices directly into the voting system's memory and creates a voter-verifiable paper audit trail (VVPAT) to preserve a hard copy of the voter's choices.

Accessible Ballot Marking Devices
All municipalities are required to have accessible voting equipment, which is specially designed to assist voters with disabilities who may have trouble voting by other methods. Accessible voting equipment is discussed further in **Sec. 11.7.6: "Voting Area."**

Hand Count Paper Ballots
This method is obviously not an electronic voting system, but rather a method by which smaller jurisdictions review paper ballots and tabulate the results by hand.

Sec. 9.1.4: Types of Results Transmission Methods

In addition to the different types of voting configurations (like optical scan or DRE), electronic voting systems also have different methods of unofficial results transmission after polls close. When municipalities choose and purchase an electronic voting system, they also choose how their polling places transmit results at the end of the night.

Telecommunications Transmission by Wireless or Analog Modem

One fast and secure option for unofficial results transmission is telecommunications transmission by wireless or analog modem. This option is offered by voting equipment vendors as a modification to the base electronic voting system. For this option, unofficial results are transmitted via secure, encrypted modem from each polling place directly to a receiver in the clerk's office.

Transmission by USB or Memory Stick

Voting equipment can also be configured to download results from the tabulator to a USB or other detachable memory stick, which is then physically transported to the clerk's office.

Printed or Oral Relay Transmission

Some municipalities opt out of choosing a specific transmission method with their voting systems and instead transport either paper copies of the results tapes back to the clerk's office or have their polling places call the clerk's office to orally transmit the results.

Chapter 9.2: Hand Count Paper Ballots vs. Electronic Voting Systems

Sec. 9.2.1: Introduction

All ballots in Wisconsin are paper ballots. See Wis. Stat. § 5.91(18) (requiring all electronic voting machines to generate a complete, permanent paper record).

The main distinction between hand-count paper ballots and ballots processed by an electronic voting system is how those ballots are counted:

- **Hand-count paper ballots:** Voters deposit their ballots in ballot boxes and poll workers sort and tally paper ballots by hand at the polling place. Wis. Stat. § 6.80(2)(e).
- **Electronic tabulation:** Voters deposit their ballots in an electronic tabulator, which reads and counts the votes. See Wis. Stat. § 5.87(1).

In either case, the paper ballot remains the official record of the votes made by voters.

Important: This chapter makes an important distinction between electronic tabulating equipment (machines that count votes on paper ballots) and electronic accessible voting equipment (machines available to all voters that can assist voters with disabilities to independently mark their ballots). In some municipalities, using electronic tabulating equipment is optional, as this chapter explains. **All municipalities of all sizes must utilize electronic accessible voting equipment, no exceptions.** Wis. Stat. § 5.25(4)(a).

Sec. 9.2.2: Which Municipalities May Choose to Hand Count?

Municipalities with **fewer than 7,500** people may choose to hand count the ballots cast at their elections instead of using electronic tabulating equipment.[1] Wis. Stat. § 5.40(1). The decision to hand count ballots is made by the municipality's governing body. *Id.* Municipalities with fewer than 7,500 people need not seek the Commission's approval to switch to hand counting, even if they have used or are currently using electronic tabulation equipment.[2]

Important: Municipalities that hand count paper ballots must still have accessible electronic voting equipment, which permits individuals with disabilities to vote without the need for assistance and with the same degree of privacy that is accorded to any other voter, that is tested and made available at every polling place for every election. Wis. Stat. § 5.25(4)(a). Additionally, the Help America Vote Act of 2002 (HAVA) requires every polling place used in a federal election to offer accessible voting equipment to all voters to ensure they are able to vote privately and independently. 52 U.S.C. § 21081(a)(3)(B).

For types of electronic accessible voting equipment, **see Sec. 11.7.6: "Voting Area."**

---

1 Additionally, any municipality which had a population of 10,000 or more before July 1, 1995, cannot hand count.

2 See Webster v. Pinnow (EL 24-91), Decided May 27, 2025. Available at: elections.wi.gov/resources/complaints/el-24-91-webster-v-pinnow.

As of December 2025, this decision is currently on appeal before the Dane County Circuit Court (2025CV002087).

Sec. 9.2.3: When Electronic Voting Equipment is Required

Any municipality with a population of 7,500 or more **must** use voting machines or electronic voting systems in every ward at every election. Wis. Stat. § 5.40(1). A municipality with a population of 7,500 or more that wants to switch to hand counting can petition the Commission for permission, and the Commission may, but is not required to, grant the request. Wis. Stat. § 5.40(5m).

Best Practice: A governing body seeking the Commission's permission to switch to hand counting should prepare a detailed petition that covers all bases and justifications for why hand counting is necessary. The petition should specifically account for the additional tabulation time that will result and should detail how the municipality plans to report its election results in a timely manner. If electronic tabulators are available to the municipality, the petition should also explain why the voters of the jurisdiction would be better served by hand counting ballots instead of relying on electronic tabulators.

State law provides for only a few limited exceptions for municipalities over 7,500 people to use paper ballots and voting booths instead of electronic voting equipment without needing the Commission's permission to switch. Wis. Stat. § 5.40(3).

The exceptions are:

- In situations where a small portion of a municipality (100 voters or fewer) is within the boundaries of a representative district, such as a congressional district, legislative district, etc.
- If the voting equipment is needed again but a recount is still pending, preventing the municipality from clearing the memory of a sufficient number of voting machines for the upcoming election.
- Whenever substitute ballots are used under Wis. Stat. § 7.15(6)(a).
- Whenever a clerk assigns a voter to a different polling place as an accommodation under Wis. Stat. § 5.25(5)(b).

Note: These situations are uncommon.

Sec. 9.2.4: What are the Important Considerations when Considering Hand Counting?

Municipalities who wish to switch to hand counting ballots and are eligible to do so should consult with their municipal attorneys before making the decision.

Hand counting can be slower, more expensive, and more prone to human error:

- An electronic tabulator can count hundreds of ballots in a matter of minutes, and can do so more accurately than humans, who are often prone to making mistakes with repetitive work.
- Although electronic tabulators can be expensive, this cost could quickly be eclipsed by needing to pay poll workers and additional human tabulators hourly to complete the work. See Wis. Stat. § 7.30(3).
- Votes are counted after polls close as part of the local board of canvassers public meeting. The canvassers are required to continue "without adjournment until the canvass of all ballots cast and received on or before election day is complete and the return statement is made." Wis. Stat. § 7.51(1). This means that poll workers and tabulators (people, not machines) hand counting ballots must finish doing so on Election Night. They cannot stop at midnight and start again in the morning.

Hand counting can get very complex, very quickly, especially with multiple races on the ballot:

- Hand counting may seem more feasible when there are only one or two races on the ballot, but this is rarely the case during Spring and General Elections. The more races there are on the ballot, the longer the tally sheet needs to be, and the more likely it is that someone will make a mistake.

Chapter 9.3: Voting Equipment Testing & Certification

Before any electronic voting system can be sold or used in the State of Wisconsin, it must first be certified by the Wisconsin Elections Commission. Wis. Stat. §§ 5.40(2), 5.91.

Sec. 9.3.1: Introduction: A Six-Step Process

There are generally six steps vendors take to receive certification of their systems from the Commission. This chapter of the manual will provide an overview of each step. More detailed information about the process can be found in the certification materials prepared by Commission Staff ahead of approval of each voting system.

Certification Process:

1. Vendor submits their systems for testing at a federally accredited Voting Systems Test Laboratory (VSTL) to ensure compliance with the U.S. Election Assistance Commission's (EAC) Voluntary Voting Systems Guidelines (VVSG).
2. Vendor submits, seeks, and receives federal certification from the U.S. EAC. This is not a required step for certification in Wisconsin, but most vendors seek it because it is required by other states.
3. Vendor submits an application to the Commission for Wisconsin testing and certification.
4. Commission Staff review system configuration documentation and perform functional testing of the equipment. An advisory panel of local election officials also weighs in. Commission Staff then prepare a report for the Commission with recommendations of whether or not the system should be certified.

5. The Commission reviews the voting system in an open session meeting. The vendor attends this meeting to answer any questions. The Commission then votes on whether to certify the system for use in Wisconsin.
6. If the Commission votes to certify the system, the vendor receives an approval letter, which lists the terms of the approval. Vendors pay the costs the Commission incurred in testing the system and place copies of their programs, documentation, and source code in escrow.

Sec. 9.3.2: Step One: Voting Systems Test Laboratory (VSTL)

Voting Systems Test Laboratories (VSTL) are federally certified laboratories that review and test all firmware, software, and hardware of the voting system. The purpose of the VSTL is to confirm that the equipment has been qualified to meet current voting equipment standards and guidelines. Vendors are required to submit their VSTL testing reports of their systems to the Commission as part of their certification application.

VSTLs are private companies that receive federal certification from the EAC, meaning not just anyone with a testing lab can test voting equipment. Currently, there are only two companies in the country that have EAC certification as federally tested VSTLs — Pro V&V and SLI Compliance. Certified VSTLs complete thorough testing to ensure that the voting systems meet the relevant standards that are set by the EAC. These standards are known as the Voluntary Voting Systems Guidelines (VVSG) and span over 200 pages. They include performance guidelines such as testing requirements for functionality, usability, accessibility, hardware, software, telecommunications, security, quality assurance, and configuration management.

VSTLs test voting systems to ensure that they meet the EAC's standards, including the standards for telecommunications components and security. The VSTL will complete a source code review, a physical configuration audit, some telecommunications testing, and an extensive review and test of the entire voting system. After testing, the VSTL prepares a detailed report supporting its findings and summarizing all the testing and results.

Sec. 9.3.3: Step Two: Federal Certification with the U.S. EAC

Most vendors choose to seek federal certification from the U.S. Election Assistance Commission (EAC) because some states require it as a condition of approval. In Wisconsin, the Commission may certify voting systems regardless of whether it has also received EAC approval.[3] Wis. Stat. § 5.91. All base systems currently in use in Wisconsin currently do have EAC approval. The Help America Vote Act (HAVA) sets specific requirements for voting systems but does not require federal certification by the EAC.

In order to achieve federal certification, a voting equipment manufacturer must:

1. Apply to the EAC for testing and certification of the voting system.
2. Submit the equipment to a Voting System Test Laboratory (VSTL), which reviews and tests all firmware, software, and hardware. Following the rigorous test campaign, the VSTL issues a report to the EAC.
3. Receive an EAC-accredited certification number. The EAC issues certification numbers after reviewing the VSTL reports and confirming that the voting equipment conforms to the Voluntary Voting System Guidelines established by the EAC.

3 The law was amended in 2016 in direct response to how the EAC struggled to keep up with certifying new election equipment. New voting systems were becoming available, but the Commission's predecessor agency (the Government Accountability Board) was unable to certify them because it had to wait for EAC approval. The Legislature specifically amended the law so that the Commission is not beholden to the EAC for certifying new voting equipment systems. See LC Hearing Materials for SB295 on 10/13/2015.

Sec. 9.3.4: Step Three: State Certification Application

In order to be granted Wisconsin state certification, a voting equipment manufacturer must:

1. Submit an application to the State of Wisconsin. Wis. Admin. Code § EL 7.01(1). A voting equipment manufacturer may apply to the State of Wisconsin if it has received federal certification. However, any voting system submitted for approval must be federally tested and meet all standards put forth by the EAC. Wis. Admin. Code § EL 7.01(1)(e).
2. Prepare the voting system for testing by Commission Staff in three mock elections.
3. The voting system must pass testing using election definitions from a General Election, Partisan Primary, and Presidential Preference Election. Each of the three elections contains a special contest. Wis. Stat. § 5.91, Wis. Admin. Code § EL 7.02(1).
4. Hold a public demonstration. Wis. Admin. Code § EL 7.02(1). A public demonstration isn't specifically required, but the Commission chooses to make parts of its public test open to the public in an exercise of its discretion.
5. Submit equipment to the Voting Equipment Review Panel (VERP) for review. The VERP is a group of municipal clerks, county clerks, and representatives from advocacy groups who gather to review and offer feedback on voting systems being tested by the Commission. Wis. Admin. Code § EL 7.02(2).
6. Receive approval in a regularly scheduled meeting of the Wisconsin Elections Commission. This approval will permit the use of the voting system for any election in the State of Wisconsin. Wis. Stat. § 5.91.

Sec. 9.3.5: Step Four: Commission Staff Review & Testing

Once a vendor submits an application for certification, Commission Staff review the system configuration documentation and perform functional testing of the equipment.

Review of Configuration Documentation

Staff examine all documentation and components submitted by the vendor in its application. Often, vendors seek certification due to modifications they have made to existing systems. Staff examine the components in detail to ensure that the proposed system complies with state and federal law. Staff also examine the VSTL testing report in detail to ensure that the system meets the EAC's standards for acceptable voting equipment.

Voting Equipment Test Protocol

The voting system undergoes functional testing which requires all components of the system to correctly process three mock elections: the partisan primary, general election with both a presidential and gubernatorial vote, and presidential preference and spring election. These mock elections use offices, referenda questions, candidates, and a special contest provided by the Commission.

Staff create a test deck of 400 ballots for each election in accordance with a predetermined marking script. The test deck includes ballots that are intentionally over-voted, crossover-voted, left blank, torn, folded, and marked with ink of different colors as well as pencil. If the voting system includes a ballot marking device, ballots marked using the device are included in the test deck. Test decks were also marked to determine exactly what constitutes a readable mark by each piece of tabulation equipment in this voting system. A subset of ballots for each mock election includes atypical marks, such as partially filled ovals, X's, and check marks.

Testing occurs in the Commission office. The marked ballots are processed, and the results must match the expected results from the test script. If errors are found, they are investigated, and it is determined whether they indicate a deficiency in the voting system. All testing discrepancies or aberrations are reported to the Commission and factor into their certification decision. If a discrepancy cannot be resolved and is indicative of a failure in the voting system's ability to correctly tabulate votes, staff will make a recommendation to the Commission to not certify the equipment for use.

The system components are also assessed to ensure compliance with Wis. Stat. § 5.91 and HAVA § 301(a).

To solicit valuable feedback from local election officials and community advocates, the Commission formed the Voting Equipment Review Panel (VERP). In accordance with Wis. Admin. Code § EL 7.02(2), this panel includes municipal and county clerks, representatives of the disability community, and other advocates for the interest of the voting public. Following the VERP a public demonstration is held with representatives of the vendor available to answer questions and guide attendees through the functionality of the equipment.

Telecommunications Test Protocol

Certain voting systems are capable of transmitting unofficial results from the polling place after polls close on Election Day via a secure modem. Vendors who offer this option typically submit two electronic voting systems for certification: the underlying, or base, system without the modem components and the system that includes the modem components, sometimes called the modem-capable system. The Commission reviews and certifies the entire voting system, including all of its hardware and software, and does not approve specific, individual components.

To test the ability of these systems to accurately and reliably transmit these unofficial results, the Commission approved a Telecommunications Testing Protocol. These protocols were first developed by the Government Accountability Board in 2013, and they were recently revised by the Commission in 2021.

The purpose of the Telecommunications Protocols is to ensure that the modem-capable system is tested by Commission Staff and reviewed for access to election data, security, accuracy, data integrity, and reliability. The Telecommunications Protocols permit the Commission to request and rely upon testing of the modem-capable system that is performed by the federally certified VSTL to confirm that the modem components have been tested to the standards set by the EAC. The telecommunications testing conducted pursuant to the Telecommunications Protocols is in addition to the testing of the modem-capable systems performed by the VSTL.

The Telecommunications Protocol testing is a two-step process. First, staff thoroughly review all submitted documentation including, but not limited to, EAC and/or VSTL report(s), technical system schematics, telecommunications specifications (including network diagrams), system security protocols, and any other documents submitted with the vendor's application. Second, staff conduct

testing to ensure that the voting system can successfully and securely transmit unofficial test results packages according to system specifications. In determining whether the objectives of the system testing have been achieved, staff rely both on the review of system documentation as well as the test results themselves.

Sec. 9.3.6: Step Five: Commission Review & Certification

After staff have completed review of the voting system, including testing, the Commission considers the certification request in a meeting that is open to the public. Commissioners have the option of receiving a demonstration of the voting system and also review the detailed certification report prepared by staff. The vendor usually attends the certification meeting to answer any questions directly from Commissioners. The Commission then votes on whether to certify the system for use in Wisconsin.

Sec. 9.3.7: Step Six: Certification & Approval Letter

If the Commission votes to certify the system for use in Wisconsin, the vendor receives an approval letter which lists the terms of the approval. As part of the approval, the vendor agrees to pay the costs the Commission incurred in testing the system and agrees to place copies of their programs, documentation, and source code in escrow.

Sec. 9.3.8: Approved Voting Equipment Vendors

The following is a list of all manufacturers of voting equipment currently approved for use in the State of Wisconsin:

- Clear Ballot Group
- Liberty Vote (formerly Dominion Voting Systems)
- Election Systems & Software (ES&S)
- Hart InterCivic

Detailed information on each voting system certified for use in Wisconsin can be found at elections.wi.gov.

Chapter 9.4: Pre-Election Electronic Voting Equipment Testing

Sec. 9.4.1: Introduction

Wisconsin statutes require that all municipalities test voting equipment for accuracy prior to every election. The purpose of testing electronic voting equipment is to ensure that the equipment will correctly tabulate votes for all offices and referenda. Wis. Stat. § 5.84(1).

Sec. 9.4.2: What Equipment is Tested?

Each individual tabulator must be tested as part of the pre-election electronic voting equipment testing. *Id.* In other words, if a municipality has seven DS-200 tabulators it plans to use at an upcoming election, it must test all seven of them. It is not sufficient to just test one DS-200 and assume the others will work. State law requires that municipalities test "the equipment," which refers to the equipment that will be used during an election. If more than one tabulator is used, then "equipment" comprises more than one tabulator. A test of only one tabulator when more than one tabulator will be used is not a test of "the equipment" used during an election.[4]

Sec. 9.4.3: Public Notice

The testing of electronic voting equipment, either DRE or optical scan equipment, shall be open to the public. *Id.*

The test may not be conducted more than ten days before Election Day.

Public notice of the time and location of the testing shall be given by the clerk at least 48 hours before the test is to take place.

---

4 This interpretation of law was addressed and decided by the Commission in the matter of Nedvidek v. Nelson et al. (EL 24-120).

Best Practice: If there are issues in the timing or posting of the public notice, the Commission recommends that the municipal clerk re-notice a new public test correctly and then re-test the voting equipment.

Sec. 9.4.4: Procedure

To conduct a pre-election test for accuracy, the municipal clerk must create a group of test ballots, often called a test deck.[5] Wis. Stat. § 5.84(1). A test deck contains a predetermined number of valid votes for each candidate and referendum. While there is no requirement for the number of ballots to be included in the test deck, the Commission recommends testing as many vote combinations as possible, as detailed below. The test deck must reflect all of the required testing components described in this section for optical scan equipment, direct recording electronic equipment, and ballot marking devices.

Optical Scan Equipment

Ballots should be marked to reflect a pre-determined number of valid votes for each candidate and referendum. The totals for candidates should be different, so clerks can verify the equipment's tabulation accuracy.

Pre-marked ballots shall be run through the optical scan voting unit.

The tabulation totals from the results tape for the pre-marked ballots are then compared to the pre-determined number to verify the voting equipment is tabulating properly.

Best Practice: If clerks normally transmit results on Election Day, they should contact the county before the public test to verify whether performing a test transmission is feasible as well.

5 The statute uses the term "preaudited group of ballots," but all of these terms are exchangeable. *Id.*

Direct Recording Electronic (DRE) Equipment

Votes should be cast on the DRE unit in a manner reflecting a pre-determined number of valid votes for each candidate and referendum. The totals for candidates should be different, so clerks can verify the equipment's tabulation accuracy.

The printout after the tabulation of the votes cast will then be compared to the pre-determined number to verify the voting equipment is tabulating properly.

> **Best Practice:** At least two individuals should participate in the DRE test to ensure votes selected on the test deck are entered correctly in the voting system.

Ballot Marking Devices (BMDs)

Any test deck created for the purposes of testing optical scan voting equipment must also contain ballots printed from the municipality's ballot marking device, where applicable. BMD ballots should be run through the tabulation equipment along with ballots marked by hand.

> **Best Practice:** The public test is an excellent opportunity for clerks and poll workers to familiarize themselves with the BMDs, including accessible features like audio, that will be present at their polling places on Election Day.

Ballot marking devices approved for use in Wisconsin:

- AutoMark
- Clear Access
- ExpressVote
- ImageCast Evolution

Errorless Count Requirement

If an error is detected during the testing, the municipal clerk shall determine the cause and correct the error. *Id.*

The clerk must make an errorless count before the electronic tabulating equipment is approved by the clerk for use in the election. *Id.*

Note: The Commission recommends that municipal clerks formulate a test deck that is unique to the municipality and refrain from using test decks provided by the manufacturer/programmer. This is to ensure any errors not discovered by the programmer will be uncovered by the clerk during the test.

Sec. 9.4.5: Testing Protocol

When testing voting equipment prior to every election, each candidate for every office, for every party, as well as every referendum needs to be tested. *Id.*. Please refer to the following information for a breakdown of specific testing requirements. For questions related to programming, clerks should contact their vendor or the county if the county programs equipment at their office. Questions on testing protocol and requirements can be addressed to the Commission Staff.

State law requires clerks to generally test that the equipment will correctly count the votes cast for all offices and on all measures and specifically requires that clerks test for overvotes and crossover votes. *Id.*

Overvotes

Overvotes are votes in excess of the number allowed by law, such as a candidate voting for two candidates on a "vote for one" contest. Test decks must include overvotes for every office and referendum on the ballot. *Id.*

Voting equipment must be programmed to automatically reject ballots with overvotes. Wis. Stat. § 5.91(7).

Crossover Votes

Crossover votes are votes that cross party lines in an election where doing so is strictly prohibited, e.g. the Presidential Preference and Partisan Primary.

When creating a test deck for these specific elections, clerks must include crossover votes on the ballots to be tested. Wis. Stat. § 5.84(1).

Crossover votes for every party and every candidate should be included in the pre-election test.

At the Partisan Primary especially, clerks should take care to test all possible tabulating logic of votes for each particular ballot type. For detailed scenarios on crossovers and tabulating logic during the Partisan Primary, **see Chapter 14.20: "Counting Votes."**

Blank Ballots

Blank ballots are ballots that have no votes recorded.

A blank ballot should be included in every test deck to ensure that they are rejected by the voting equipment. A message to notify the voter that no votes have been recorded promptly follows ballot rejection.

Write-in votes

On DRE equipment, the write-in function for each office is to be tested to ensure that it is functioning properly and recording choices written in by voters.

On optical scan voting equipment, it should be tested with ballots containing write-in votes in the test deck. The tabulated results must confirm a correct write-in vote count. For optical scan equipment with a write-in diversion bin, the write-in report also serves to determine that ballots containing write-in votes for each office are properly separated into the write-in bin.

Partisan Primary

The clerk shall test for one or more ballots that have votes cast for a candidate of more than one recognized party, and verify these are rejected. See the information above related to crossover votes.

Sec. 9.4.6: Securing the Tabulators Following the Public Test

After the clerk has confirmed an errorless count for each piece of equipment, the clerk should take steps to secure the equipment prior to Election Day. See Wis. Stat. § 7.25(4).

Best Practices: The memory device should remain in the equipment with a tamper-evident seal used to secure memory device compartments. A chain-of-custody log should to be maintained that documents any access to each memory device or tabulator. Verification of the serial numbers must take place before the polls open in the morning and after the close of polls. Wis. Stat. § 7.25(6).

Sec. 9.4.7: Election Day Zero-Count Requirement

On Election Day, before any ballots have been cast on the electronic voting equipment, and prior to the opening of polls, election officials shall witness a test of the tabulator by securing a printed results "zero tape" showing a zero count for every candidate and referendum. Wis. Stat. § 5.84(2), 7.25(6).

The zeroing of the tabulator is a public event that is open to observers. The designated election official should be ready to receive members of the public wishing to check in as observers at least 10 minutes before any voting activity starts so that observers intending to see the zeroing of any tabulators may see this event. Wis. Stat. § EL 4.05(1)(a). For more information on observers and observer management, **see Chapter 14.5: "Election Observers."**

Chapter 9.5: Security Procedures for Electronic Voting Systems (EVS)

Sec. 9.5.1: Introduction

The Commission has developed a series of security procedures for electronic voting systems that comply with state law and ensure that voting is safe, secure, efficient, and accurate. See Wis. Stat. § 5.91(10). These procedures should be followed for each election, recount, or referenda. These procedures apply to all memory devices, including programmable memory packs, memory cards, USB memory sticks, and any other removable memory devices that can be programmed or that function to store and transfer ballot images or tabulation data. These procedures are intended to protect against malicious breaches to electronic voting equipment components as well as provide transparency of proper access.

A video tutorial on voting equipment testing and security is posted on the ElectEd website.

Following the procedures in this chapter ensures that the legal requirements for security are met, as well as ensuring that the security procedures of the voting equipment itself are correctly followed.

Sec. 9.5.2: Overview of Legal Requirements for Secure Electronic Voting Systems

State law provides a general framework for electronic voting system security. When preparing electronic voting systems for elections, clerks are required to "arrange the machine and ballot so both will meet all the requirements for voting and counting the election in the manner provided for in machine

construction." Wis. Stat. § 7.25(3). This means that all voting equipment must be configured according to how it was certified by the Commission, including all security features and procedures.

Once voting equipment arrives at the polling place, state law requires it to be "locked and sealed against any movement," and each municipality must "provide proper protection to prevent tampering with the machines." Wis. Stat. § 7.25(4). The custodians who deliver the equipment must return the keys to the clerk with a written report of each machine's condition. *Id.*

Before opening the polls on Election Day, poll workers are required to "examine the seal on each machine to see that the seal has not been broken." Wis. Stat. § 7.25(6)(b)1.b. These seals are placed on the machines after the conclusion of the public test of the voting equipment. Wis. Stat. § 5.84.

After the polls close, "as soon as the count is complete and fully recorded, the [election] inspectors shall seal, close and lock the machine, or remove the record so it cannot be voted on or tampered with." Wis. Stat. § 7.51(3)(c).

Sec. 9.5.3: General Electronic Voting System Security Procedures

Throughout the life of the electronic voting system, the municipal or county clerk maintains control of all memory devices and keys to the voting systems. Access to voting equipment should be strictly controlled and granted in a secure manner at all times. Document authorized access to secured components by election officials. This documentation serves as a chain of custody showing who has accessed the voting equipment outside of Election Day, when, and why. The EL-104 can be used for this purpose, or clerks can draft their own forms to document this information.

For each election, there should be a separate, written chain-of-custody record for every programmed memory device. All memory devices used with an electronic voting system have a unique and permanent serial number. Each transfer of the memory device should be logged in the written chain-of-custody record. Information collected should include name(s), date of access, reason, time access keys were taken, and time access keys were returned.

For each election, the municipal clerk should record on the Inspectors' Statement (EL-104), which memory devices and which serialized tamper-evident seals are assigned to particular voting stations or units.

Sec. 9.5.4: Election Day Procedures

Before any ballots are cast on any voting system, the integrity of the tamper-evident seals shall be verified by the Chief Inspector. Wis. Stat. § 7.25(6)(b). This is done to confirm that the tamper-evident seal serial number on the Inspectors' Statement (EL-104) matches the tamper-evident seal serial number placed on the electronic voting equipment. Once the polls have opened, the Chief Inspector should perform the same verifications at regular intervals and record the time and outcome of the additional seal checks on the EL-104.

> **Best Practice:** If a polling place operates in shifts for workers, change of shifts is a good time for this. After the close of polls, the chief inspector should conduct a final inspection of the voting equipment seals, noting the results in the inspectors' statement.

After the polls have officially closed at 8:00 p.m., election officials follow the proper end-of-night procedures for the voting equipment. Wis. Stat. § 7.25(3). Election officials should then print a results report prior to breaking the seal specific to the compartment housing the memory device on the tabulator and before the removal of the memory device from any piece of voting equipment.

Following the printing of the results report, the memory device shall be secured in a separate, tamper-evident sealed container or envelope by the Chief Inspector. Alternatively, the device may remain sealed in the voting system. Wis. Stat. § 7.51(3)(c).

Sec. 9.5.5: Overview of Legal Requirements for Securing Ballots

Official ballots are ordered by each county clerk, who is then required to enclose them in a sealed package to be delivered to the municipal clerk. Wis. Stat. § 7.10(1)(b). The county clerk separately wraps an adequate supply of ballots to be used as absentee ballots and then sends separately sealed packages clearly designating the ward for which each is intended and the approximate number of ballots of each kind enclosed. Wis. Stat. § 7.10(3)(b).

After voting concludes on Election Day, and after the local board of canvassers canvass the results, voted ballots are secured together so that they cannot be untied or tampered with without breaking the seal. Wis. Stat. § 7.51(3)(a). The Chief Inspector and one other inspector of the opposite party affiliation then secure the ballots in the ballot container in such a manner that the container cannot be opened without breaking the seals or locks or destroying the container. *Id.* Provisional ballots are secured in a separate, securely sealed carrier envelope. *Id.* All ballots are then delivered back to the municipal clerk. Wis. Stat. § 7.51(3)(d). For more detailed end-of-night procedures, **see Chapter 14.24: "Closing the Polls, LBOC, & End of Night Process."**

Ballots counted by the board of absentee ballot canvassers (sometimes referred to as "central count") follow similar ballot security statutes at the conclusion of counting all absentee ballots on Election Day. Wis. Stat. § 7.52(4)(g).

> **Best Practice:** A ballot container shall be considered "sealed" or "locked" only if no voted ballot may be removed from or deposited into the container, and no other form of access to the ballots inside may be gained without leaving evidence of that entry or access into the container.

Ballot bags should be sealed with a tamper-evident seal on which a serial number should be printed. The serial number should be recorded on the signed Ballot Container Certification (EL-101) attached to the bag. Serial numbers of the seals should also be recorded on the Inspectors' Statement (EL-104).

Sec. 9.5.6: Best Practices for Secure Storage of Voting Equipment

The need for proper voting equipment security does not stop at the end of election day. Once the polls have closed, municipal and county election officials must ensure that the voting equipment used in their jurisdiction is stored securely until the next election. This means more must be done than simply putting the equipment out of the way somewhere in the clerk's office. The Commission recommends placing voting equipment in a locked and secured area within the clerk's office that is only accessible by the clerk or another authorized individual. Voting equipment can be stored in the municipal clerk's office, the office of the county clerk, or at an agreed-upon and secure third location.

Chapter 9.6: Post-Election Audit

Sec. 9.6.1: Introduction

Wisconsin statutes require a post-election audit of the performance of each voting system used in the state of Wisconsin. Wis. Stat. § 7.08(6).[6] The audit is designed to assess how electronic voting systems performed on Election Day through a hand-count of electronically tallied ballots. The audit is required following each General Election. However, nothing in these procedures prevents a municipality or county from conducting an audit after other elections or from auditing a larger number of voting machines or reporting units than those selected by the Commission or required under these procedures.

The purpose of the post-election audit is to determine the error rate (if any) of voting systems in counting ballots.

Note: Wisconsin law directs the Commission to prescribe how the audit will be conducted. For example, the Commission can choose the number of jurisdictions and other perimeters of the audit. Therefore, the exact mechanics of the audit will vary for each General Election. If a municipality has been selected for a post-election audit, the procedures most recently adopted by the Commission supersede the guidance in this chapter if there is a conflict or ambiguity.

Those instructions additionally contain much more detail than this chapter and should be relied upon as the primary resource for conducting the post-election audit.

---

6 This provision of state law was enacted pursuant to § 301(a)(5) of the Help America Vote Act ("HAVA"). 52 U.S.C. § 21081(a)(5).

Sec. 9.6.2: What if There's a Recount?

Clerks should *not* begin the post-election audit until it is known whether there will be a recount for any of the contests selected. In the event of a recount following a general election, the Commission will provide guidance on how to proceed with the post-election audit.

Sec. 9.6.3: Which Reporting Units Will be Audited?

State law requires municipalities and counties to comply with the post-election audit if selected. Wis. Stat. § 7.08(6). The specific procedures for how the Commission runs the post-election audit are not specifically set by statute, but the Commission has established a consistent practice for which municipalities are selected to participate and how the audit should be performed.[7]

That being said, the Commission reviews its post-election audit procedures and practices for each General Election; for each audit, the Commission will determine how many pieces of voting equipment of each type should be selected for the audit. Likewise, the Commission has also, historically, selected the minimum number of reporting units from each of the 72 counties that should be selected.

For example, following the 2024 General Election, the Commission directed that the post-election audit be conducted according to the following procedures:

1. A certain percentage of statewide reporting units were randomly selected by the Commission, the Wednesday following the November general election. This was done as part of a publicly noticed meeting.
    - At least five reporting units for each type or version of voting system used throughout the state were selected.
        - If five reporting units were not represented in the original selection, additional reporting units were selected until all types or versions are represented.

---

7 The State Elections Board (SEB) first discussed and passed standards relating to the post-election audit at the August 30, 2006, open session meeting after the law authorizing it went into effect on January 1, 2006. Extensive public comment on the topic was accepted and reviewed at this meeting. Current standards largely reflect those originally implemented by the SEB and have been periodically updated.

- A minimum of one reporting unit from each of Wisconsin's 72 counties was chosen. Additional reporting units were randomly chosen until one from each county was selected, if the original selection did not produce a sufficient representation of counties.

2. Four contests on the ballot were selected. The highest office on the ballot, president or governor, was selected automatically. The remaining three contests were drawn by lot from all other contests on every ballot statewide. An exception was been made for the office of State Senate. While no more than half of the ballots statewide will ever contain the office of State Senator, the Commission determined that this office should be subject to audit.

Sec. 9.6.4: How are Selected Clerks Notified?

1. Municipalities with reporting units selected for audit will be notified the day following the election.
   - County clerks will also be notified.
   - It is the responsibility of the municipal clerk to make arrangements with the county to access election materials for the purpose of the audit following the county canvass. Materials needed for conducting the audit include voter lists, inspectors' statement(s), tally sheets, reports printed or generated by the voting systems, ballots, and any other required materials.

2. The municipal clerk and county clerk may choose to have the county conduct the audit, and the county may choose to conduct the audit following the county canvass.
3. The deadline for when the audit must be completed is set by the Commission. Municipalities may request an extension for cause. Commission Staff will review all extension requests for possible approval on a case-by-case basis.
4. The audit is considered a public meeting and proper notice shall be posted or published at least 48 hours in advance. A sample notice can be found on elections.wi.gov, and is also shared by the Commission ahead of each audit.

Sec. 9.6.5: Procedure for Conducting the Audit

A list of procedures, instructions, and documentation forms are provided to municipalities selected for audit at the time of notification.

Generally, the procedure for conducting a post-election audit is as follows:

1. Two individuals shall conduct independent counts of the ballots from the voting system. The individuals need not be poll workers and can include the municipal clerk and anyone they choose to assist. Note that for direct recording electronic systems, the official ballots are the voter-verified paper audit trail.
2. Auditors should only count votes as the equipment would have counted them.[8] **Voter intent is not a factor.** Auditors should document in the minutes any ballots where it is unclear how the voting system would count the ballot. The auditors should include in the minutes how they counted the ballot as well as all reasonable alternatives on how the machine may have counted the ballot.
    - **Example 1:** A voter circled candidate named Jane Doe on the optical scan ballot where they should have filled in the oval next to the candidate's name. No vote for this office should be counted as the voting equipment would not have counted a vote cast for a candidate in this manner.
    - **Example 2:** A voter wrote in a candidate name on an optical scan ballot and did not fill in the oval next to the write-in line. The voting equipment would not have identified this as a write-in vote on the results tape. So, it should not be included in the write-in totals for purposes of the audit.

8 See 52 U.S.C. § 21081(a)(5) (HAVA provision stating that the error rate that is calculated by the post-election audit is "determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter").

- **Example 3:** A voter marked both Jane Doe and John Smith and attempted to erase the mark for John Smith. This can be counted as a vote for Jane Doe, but the machine may have read it as an overvote in the contest. Pay close attention and count such ballots as auditors feel the machine would have counted them. Counting this as a vote for Jane Doe may result in the tally having one more vote for Jane Doe and one less undervote in this contest.
- **Example 4:** While considering their choices, a voter rested their pen on the edge of the oval for John Wayne. This left a small mark inside the oval. The voter then fully filled in the oval next to Jesse James' name in the same contest. Auditors may not know if the mark at the edge of the oval next to John Wayne was big enough to be counted as an overvote by the voting equipment. As a result, the manner in which this vote is tallied in the audit should be noted in the minutes.

3. The individual tallies shall be compared to each other, and any discrepancies shall be resolved to an agreed upon final hand-count tally total. If the hand counts differ from each other, the paper records/ballots must be recounted. Make sure all compartments of the voting equipment are checked for tabulated ballots.
4. The final hand-count tally total shall then be compared to the Election Night results tally tape and discrepancies noted (i.e. +2, -1), if any. It may be possible that the auditors' totals do not match the voting equipment results report, but the auditors should be able to reasonably explain any difference in totals by reference to specific ballots. Should there be a discrepancy that is not reasonably explained, the auditors may need to reconvene to confirm their count.
5. Note any errors encountered and separate them into those caused by tabulator error and those caused by election administration, auditor, or other human error.
6. Each municipality conducting an audit must submit the designated reporting form(s) and supporting documents from the audit, including tally sheets, to the Commission to indicate that the audit was completed and whether any discrepancies were found.

7. Commission Staff will request that the vendor investigate and explain the reasons for any unexplained differences between the voting equipment tally and the paper record tally.
    - Should the vendor fail to provide a sufficient written explanation, including recommendations for preventing future occurrences, within 30 days of notification, the Commission will revoke certification of all voting systems manufactured or serviced by the vendor in Wisconsin. See Wis. Stat. § 5.91 (failure to respond to post-election audit could constitute cause for the revocation of certification).
    - This revocation will be implemented immediately, pending an appeal by the manufacturer to the Commission, which must be filed within 30 days.
    - Investigations of discrepancies shall be open and transparent, with active involvement of interested parties.

Sec. 9.6.6: Additional Resources

Sample audit notices, audit instructions and procedures, tally sheets, audit reporting forms, audit reimbursement forms, and the full audit selection list for the most recent audit are maintained on elections.wi.gov.

Chapter 9.7: Frequently Asked Questions

Q What is a voter-verified paper audit trail?

A Wisconsin Stat. § 5.91(18) requires that all direct recording electronic (DRE) voting systems produce a complete, permanent paper record showing all votes cast by the voter. This is the ballot receipt that is generated when each voter uses the machine. The voter-verified paper audit trail (VVPAT) is considered the official ballot and is to be used in a recount of each vote cast by the voter.

Q Who pays for the purchase of voting equipment?

A Municipal clerks are responsible for the purchase and maintenance of voting equipment. Wis. Stat. § 7.15(1)(b). In some situations, an arrangement is reached between the county and the municipality to share the cost of the equipment. Municipal and county clerks should discuss purchasing/maintenance options.

Q Who is responsible for storing equipment after an election?

A Either the municipal or county clerk must store the voting equipment in a locked and secured location. Wis. Stat. § 7.21(5).

Voting equipment can be stored in the municipal clerk's office, the office of the county clerk, or at an agreed upon, and secure, third location. *Id.*

Q What should be done with the zero tape while voting occurs on Election Day?

A The zero tape should be left attached to the results tape, then folded and attached to the tabulator in the most secure manner possible.

Q Can clerks reuse removable memory media?

A Nothing prohibits reuse of removable memory media, though municipalities must comply with Wis. Stat. § 7.23(g), 7.23(2).

Wis. Stat. § 7.23(g)

"Detachable recording units and compartments for use with tabulating equipment for an electronic voting system may be cleared or erased 14 days after any primary and 21 days after any other election. Before clearing or erasing the units or compartments, a municipal clerk shall transfer the data contained in the units or compartments to a disk or other recording medium which may be erased or destroyed 22 months after the election to which the data relates. The requirement to transfer data does not apply to units or compartments for use with tabulating equipment for an electronic voting system that was approved for use prior to January 1, 2009, and that is not used in a federal election.

Wis. Stat. § 7.23(2)

If a recount is pending or if the time allowed for filing a recount petition at any election or an appeal or petition for review of any recount determination or decision at an election has not expired, no materials may be destroyed until after the recount is completed and the applicable time period has expired. In addition, if there is litigation pending with respect to a recount at an election, materials may be destroyed and recording units or compartments may be cleared or erased only by order of the court in which litigation is pending. Upon petition of the attorney general or a district attorney or U.S. attorney for the affected jurisdiction, a circuit judge for the affected jurisdiction may order that specified materials not be destroyed or that specified recorders, units or compartments not be cleared or erased as otherwise authorized under this subsection until the court so permits."

Part 10
Introduction to Badger Books

Electronic poll books; history; how they work;

Badger Books are the Commission's certified electronic poll books. They are the only electronic poll books currently certified for use in Wisconsin.

Chapter 10.1: Introduction

The "Badger Book" is an electronic poll book (e-poll book) tailor-made for Wisconsin election practices and statutes. The Badger Book is the only electronic poll book software created with direct WisVote integration and is the only electronic poll book currently authorized for use in Wisconsin.

Chapter 10.2: History of Badger Books

Electronic poll books are expressly authorized by state law. Wis. Stat. § 6.79(1m). Any electronic poll book must be approved by the Commission. *Id.* In 2017, Wisconsin Elections Commission staff started developing an electronic poll book to be used in polling places on Election Day.

Electronic poll books were initially considered by the Government Accountability Board (GAB) in 2013 after some municipal clerks first inquired about their use. In 2014 and 2015, GAB staff prepared detailed research on electronic poll books, including two surveys of clerks and their interest. The GAB explored standards for approval of electronic poll books and authorized a cost-benefit analysis for both vendor electronic poll books and in-house development. Commission staff revitalized the topic in 2017, and on June 20, 2017, the Commission unanimously authorized staff to begin building and implementing an electronic poll book solution that is compatible with WisVote. Badger Books were used for the first time in the August 2018 Partisan Primary in eight municipalities.

Chapter 10.3: How Do Badger Books Work?

Badger Books replace the paper poll books in a polling place. Just as paper poll books are generated by WisVote, the data used by Badger Books comes from a file exported from WisVote. Instead of using paper, the municipality downloads a file ahead of Election Day. On Election Day, the Badger Books are used to record in-person participation, absentee participation, and information from Election Day Registrations (EDR). After Election Day, participation data and EDR data are taken from the Badger Book and uploaded into WisVote.

The Badger Book is primarily used to check in voters, register voters on Election Day, and process absentee ballots. The Badger Book maintains the voter number and counts independent of poll worker input. Each process was chosen and designed based on feedback provided by clerks and poll workers from across the state. After Election Day, a data file generated from the Badger Book is used to upload election participation and Election Day Registration information into WisVote. Badger Books do not use an internet connection.

One Badger Book station includes the main terminal computer with a touch screen for electronic signature capture, a wireless mouse, a wireless keyboard, a barcode scanner, a case of printer paper, and a printer that can either be integrated into the terminal base column or as a stand-alone printer. Additionally, a separate router and USB device must be purchased for each polling place. The router facilitates communication locally between the Badger Book machines. The USB device is used to transfer data between an internet-connected computer to the Badger Book server machine.

Badger Books CAN

- Check in a registered voter
- Record assistor information
- Record curbside voters
- Record voters who are unable to sign
- Document typos in a name or address
- Check in a confidential voter
- Provide redirection information for a registered Wisconsin voter who appears at the incorrect polling place
- Register a new voter
- Update an existing voter's name or address
- Register a voter at an address that does not yet exist in WisVote
- Process absentee ballots

Badger Books CANNOT

- Check a voter against the ineligible voter list
- Reject an absentee ballot
- Create an Inspectors' Statement (EL-104)
- Create or track provisional ballots
- Create or track challenged ballots
- Automatically determine a voter's districts when a new address is added

This section is intended to familiarize clerks and poll workers with Badger Books. It is not a substitute for the Badger Book user manual or hands-on Badger Book training. Municipalities interested in Badger Books should contact the Wisconsin Elections Commission.

For more information on how the Badger Book is used on Election Day, **see Chapter 14.9 "Voting Procedure."**

Chapter 10.4: Pros & Cons of Badger Books

Pros

- Faster voter check-ins and registrations.
- Process absentees easily.
- Improve polling place flow.
- No more splitting poll books, each Badger Book has the entire poll book.
- Reduce poll worker mistakes; Badger Book helps with reminders and process checks.
- Require fewer poll workers.
- Streamline post-election data entry and reconciliation.
- Voters will be able to view their participation sooner in MyVote.

Cons

- **Cost:** Badger Books are expensive to purchase, must be maintained, can break, and eventually require replacement.
- **Training:** The commission's staff developed the Badger Book application to be user friendly; however, staff recommend that poll workers possess basic computer skills. Consider assigning poll workers that have enhanced skills, especially typing skills, to focus on Election Day Registrations. Moreover, each polling place using Badger Books should have at least one person with more advanced computer skills, including a basic understanding of networks and Windows operating systems. If a municipality has dedicated IT staff, they should be involved in the entire procurement, training, and implementation process.
- **Storage:** Each stand-alone Badger Book device will be delivered in a box that is 26 in x 20 in x 12 in. Each integrated Badger Book device will be delivered in a box that is 17.5 in x 20 in x 12 in. In addition, there will be some smaller boxes delivered with accessories. The secure, year-round storage of the equipment must be considered.

Chapter 10.5: Frequently Asked Questions

Q Does a polling place need internet to use Badger Books?

A No. Badger books are never connected to the internet. Badger Books communicate via a wireless router, but only within the polling place and never outside the polling place. They can also be connected with wires (called hardwiring) if necessary. This may be a good option if you have a polling place in a multi-use space, such as a fire station, or if you are in the basement of an old building. Reach out to the Commission's Badger Book team if you are considering hardwiring your Badger Books.

Q How is voter information protected?

A Like a paper poll book, only the data necessary to run an election is included, so no Personally Identifiable Information (PII) is accessible. Voter and participation data are encrypted on the device. Each Badger Book is password protected, and each poll worker has their own user credentials to log in to the application

Q Are the Badger Books connected to the voting equipment?

A No. The Badger Books have no ability to connect to the electronic voting equipment. They do not, and cannot, record how a person votes.

Q Do municipalities have to use Badger Books?

A No. Badger Books are an optional resource that can aid in more efficient election administration, but nothing compels their use. Each municipality decides for itself whether to purchase and use Badger Books.

Q What about other E-Poll Book options?

A There are several commercial E-Poll Book brands sold in the United States. None are approved for use in Wisconsin as of late 2025.

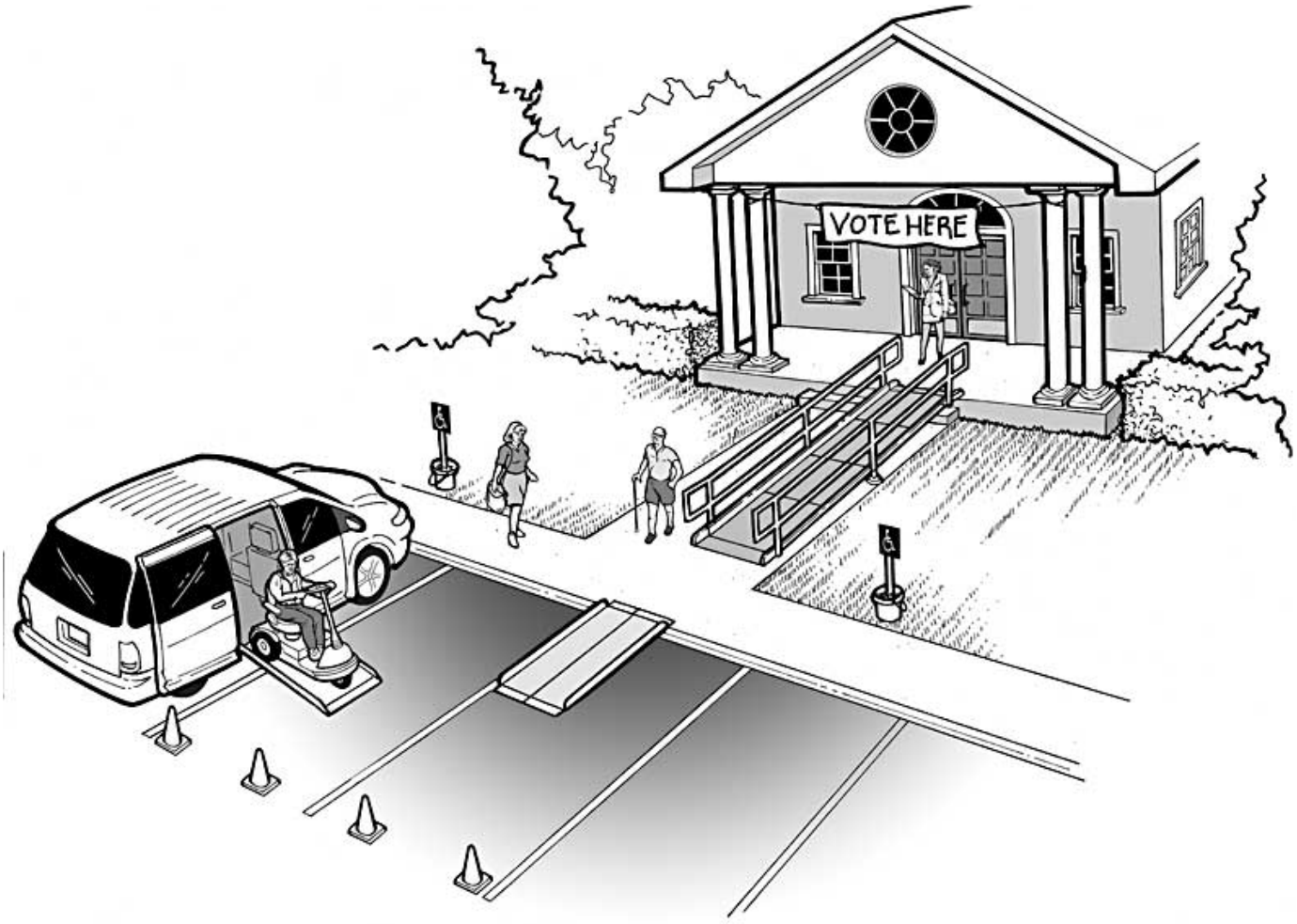
Q How can I learn more about Badger Books?

A Contact the Wisconsin Elections Commission at elections@wi.gov.

Part 11
Accessibility

Voter Assistance; Accommodations; Polling Place Self-Assessments; Polling Place Set Up; Accessibility Reviewers

Accessibility is a required component of the voting process. Accessible polling places ensure privacy and independence for all voters casting ballots. Voters with disabilities may need assistance with all aspects of voting, and the law guarantees that they receive that assistance. Polling places should be assessed carefully to ensure that they meet accessibility guidelines.



Chapter 11.1: Introduction

Accessible polling places that ensure privacy and independence for all voters casting a ballot not only benefit voters with disabilities and older adults but are key to developing and maintaining public trust in the accessibility and transparency of the election process for all participants. Municipalities are responsible for ensuring that their polling places are accessible. Wis. Stat. § 5.25(4)(a). The Commission understands "accessible" to mean in compliance with state elections statutes and federal laws like the Americans with Disabilities Act (ADA), Help America Vote Act (HAVA), and Voting Rights Act (VRA).

Chapter 11.2: Training Poll Workers: Accessibility

Poll workers should be instructed on how to ensure the greatest level of accessibility on Election Day. See Wis. Stat. § 5.25(4)(a). Municipal clerks should review polling place set-up requirements with poll workers. To ensure polling places are accessible, poll workers must be aware of all types of assistance and accommodation available to voters. Municipal clerks are encouraged to reach out to local disability rights organizations, such as the Disability Vote Coalition, to assist in training poll workers.

Poll workers should also know how to use the accessible voting equipment in their polling place and be able to instruct a voter on how to use it. See *Id.*, Wis. Stat. § 7.37(8). Clerks may suggest that poll workers use the accessible equipment to cast their own ballots to learn firsthand how the equipment works.

> **Best Practice:** The public test preceding Election Day is a good opportunity for poll workers to refresh their knowledge of the accessible voting equipment used in their polling place. See Wis. Stat. § 5.84(1).

Many poll workers have had little interaction with people with disabilities; here are a few courtesies and guidelines:

- Remember that all voters deserve courteous attention in exercising their right as citizens to vote
- Remember that not all disabilities are visible. Each individual knows their own abilities best. If an individual requests assistance, trust that it is necessary
- There is no requirement for a voter to explain the nature of their disability or to provide proof of it before receiving assistance. See Wis. Stat. § 6.82(2)(a). Thus, poll workers should not inquire about the nature of a disability or ask for any sort of proof
- Be considerate of the extra time it might take for a person with a disability or an elderly person to get things done

- Animals that assist people with disabilities must be admitted into all buildings. Such animals are highly trained and need no special care other than that provided by the owner.
- Greet a person who is visually impaired to let the person know who and where you are.
- When offering walking assistance, allow the person to take your arm and tell them if you are approaching steps or inclines or are turning right or left.
- If someone uses a mobility aid like a wheelchair, ask if they would like assistance. If they would like assistance, ask how you can assist them. Do not push their chair without their consent.
- Speak directly to the person who has a disability rather than just to a companion who may be accompanying them.
- Speak calmly, slowly, and directly to a person who is hard of hearing. Your facial expressions, gestures, and body movements help in understanding. Don't shout or speak in the person's ear. If full understanding is doubtful, try writing a note to the person.
- Pre-printed signs or a notepad should be available to assist communication with deaf or hard-of-hearing voters.
- Give unhurried attention to a person who has difficulty speaking.
- Provide a guiding device such as a ruler or a signature guide for signing forms.
- Anyone can help a voter fill out the information on a registration form, but if the voter needs assistance signing the form, the signature must be made by another voter and the "Assistant" section in box 10 must be completed. Wis. Stat. § 6.33(2)(a).
- Voters with disabilities may be accompanied by a person of their choosing (except the voter's employer or labor organization representative) and receive assistance in the voting booth. Wis. Stat. § 6.82(2)(a).

Best Practice: Poll workers should go through the Election Day Accessibility Checklist. See "Figure 19: Appendix 3" on page 40. developed by the Disability Vote Coalition before polls open.

Chapter 11.3: Voter Assistance

Voters with disabilities have the right to receive assistance in completing the following tasks.

Sec. 11.3.1: Signing a Voter Registration Application

Q Who has the right to this assistance?

A Voters who are unable to sign a form due to a disability. Wis. Stat. § 6.33(2)(a).

Q Who can provide assistance?

A Any other voter authorized by the voter. *Id.*

Q How is assistance provided by another voter?

1. The assistant fills in the fields on the form at the direction of the voter.
2. The assistant signs the voter's name in Section 9.
3. The assistant signs their own name in Section 10 and provides their address.
4. When an assistant signs the voter's Registration Application by reason of the voter's disability, the voter is exempt from signing the poll book when voting in person, and the poll workers should write "exempt" on the signature line. Wis. Stat. § 6.36(2)(a).

Sec. 11.3.2: Stating Name And Address at the Poll Book

Q Who has the right to this assistance?

A Voters who are unable to state their name and address. Wis. Stat. § 6.79(8).

Q Who can provide assistance?

A The poll worker at the poll book or another person the voter chooses. *Id.*

Q How is assistance provided?

1. The voter communicates to the poll worker that they are unable to state their name and address.
2. The poll worker verifies the voter's photo ID. Wis. Stat. § 6.79(8).
3. The poll worker or an assistant states the voter's name and address. *Id.*
4. The voter signs the poll book if able. Wis. Stat. § 6.79(2)(a).

Best Practice: The Commission has the optional form State Your Name and Address Card (EL-503) that a voter can use to facilitate receiving assistance. This card is not required to access this type of assistance. It is best practice to have copies of this card available to voters at the poll book table. Note that there is also a wallet-sized version of the State Your Name and Address Card (EL-503) that voters might bring to the polls with them. See "Figure 17: Appendix 1" on page 38.

Sec. 11.3.3: Signing the Poll Book

Voters who completed an election day registration, or who previously completed a registration, and had an assistant sign their name on the registration form are exempt from signing the poll book, and the poll workers must write "exempt" on the voter's signature line. Wis. Stat. §§ 6.36(2)(a), 6.79(2)(a).

If the voter previously signed their registration form, or was exempt from registration, and is unable, due to physical disability, to sign the poll book, the poll workers must waive the signature requirement and enter "exempt by order of inspectors" on the voter's signature line if the poll workers determine that the voter is unable to enter their signature due to physical disability. Wis. Stat. § 6.79(2)(am). If both officials do not waive the signature requirement, the official or officials must challenge the voter's ballot for cause under Wis. Stat. §§ 6.92(1). *Id.* In the challenge, the voter may provide evidence of their physical disability to the board of canvassers. *Id.*

Note: Unless a poll worker has specific evidence available at the polling place that a voter is incorrectly asking for a waiver of the signature requirement, the poll workers should waive the requirement. Unless a poll worker would swear under oath that they know a voter is able to sign the poll book, and can articulate the specific reasons why the poll worker knows that to be the case, a voter should not be challenged. No evidence of any kind is required in order to ask for a waiver, and the challenge process can only be used if a poll worker has cause to believe that a voter is fraudulently attempting to attain a waiver of the signature requirement.

Best Practice: If a voter explains that they cannot sign the poll book due to a disability, the poll workers can ask if the voter had an assistant sign their voter registration form. If the voter says yes, write "exempt" on the voter's signature line in the poll book, and if the voter says "no" or "I don't know," write "exempt by order of inspectors" on the voter's signature line. No additional information of any kind needs to be provided by the voter.

Sec. 11.3.4: Marking a Ballot

Q Who has the right to this assistance?

A Voters who are unable to or have difficulty reading, writing, or understanding English and voters who are unable to mark a ballot or depress a button or lever on a voting machine due to disability. Wis. Stat. § 6.82(2)(a).

Q Who can provide assistance?

A Anyone of the voter's choosing who is not the voter's employer or an agent of that employer, or an officer or agent of a labor organization which represents the voter. *Id.*

Q How is assistance provided?

1. The voter explains to the poll workers that they need assistance to mark their ballot. Wis. Stat. § 6.82(2)(a).
2. The poll workers, if necessary, explain who can provide assistance and how it may be given. *Id.*
3. The poll workers enter the word "assisted" in the poll book after the name of the voter. Wis. Stat. § 6.82(2)(d).
4. Poll workers record the full name and address of the assistant in the poll book. *Id.*

Best practice: Enter the assistant's name and address in the back of the poll book so that a person requesting ballot images and poll book images cannot use this information to identify a voter's ballot. Please be aware that redaction may be necessary for public records releases in some cases, such as when there is only one voter who receives assistance.

1. The assistant goes into the voting booth with the voter. Wis. Stat. § 6.82(2)(b).
2. The assistant reads the names of all candidates on the ballot for each office and asks, "for which one do you vote?" *Id.*
3. The assistant marks the ballot or depresses the lever or button according to the voter's expressed preference. *Id.*
4. The assistant cannot request, suggest, or seek to persuade a voter to vote for or against any candidate, party, or question. Wis. Stat. § 6.82(4).
5. The assistant cannot intentionally misinform the voter about what is printed on the ballot, intentionally fail to cast the ballot in accordance with the voter's instructions, or disclose to any third person how the voter voted. Wis. Stat. § 12.13(3)(j). To do any of these things may be punishable as a Class I felony. Wis. Stat. § 12.60(1)(a).
6. The assistant signs the Certification of Voter Assistance on the ballot. Wis. Stat. § 6.82(2)(a).
7. If voting equipment is used, the assistant certifies on the registration list. *Id.*

Best Practice: At least one poll worker should be trained and ready to provide assistance marking a ballot to a voter who requests an assistant.

Sec. 11.3.5: Returning an Absentee Ballot

Some voters with disabilities may select an assistant of their choice, who is not the voter's employer or an agent of that employer or an officer or agent of a labor organization which represents the voter, to return their ballot to their polling place on election day. See Carey v. Wis. Elections Comm'n, 624 F. Supp. 3d 1020 (W.D. WI 2022). **See Part 7: "Absentee Voting"** for a full description of the absentee voting process.

If a voter's assistant returns the ballot to the polling place on election day, the poll workers should ask:

- "Are you the voter?" **If not, then**:
  - "Are you delivering the voter's ballot because the voter has determined that they require assistance returning their ballot due to their disability?" **If yes, then**:
    - "Are you someone other than the voter's employer, an agent of that employer, or an officer or agent of the voter's union?" **If yes, then the ballot can be accepted.**
- A poll worker does not need to confirm that a voter utilizing ballot return assistance is a voter who requires ballot return assistance due to a disability.
- A poll worker does not need to confirm the disabled voter or assistant's identity or otherwise request additional information.

Chapter 11.4: Accommodations

Municipal clerks are required to make reasonable efforts to comply with requests for voting accommodations made by individuals with disabilities. Wis. Stat. § 5.36. The Commission cannot help a clerk determine whether a request for accommodation is reasonable. For more information see the Assistance and Accommodations webinar on ElectEd.

Chapter 11.5: Polling Place Self-Assessments

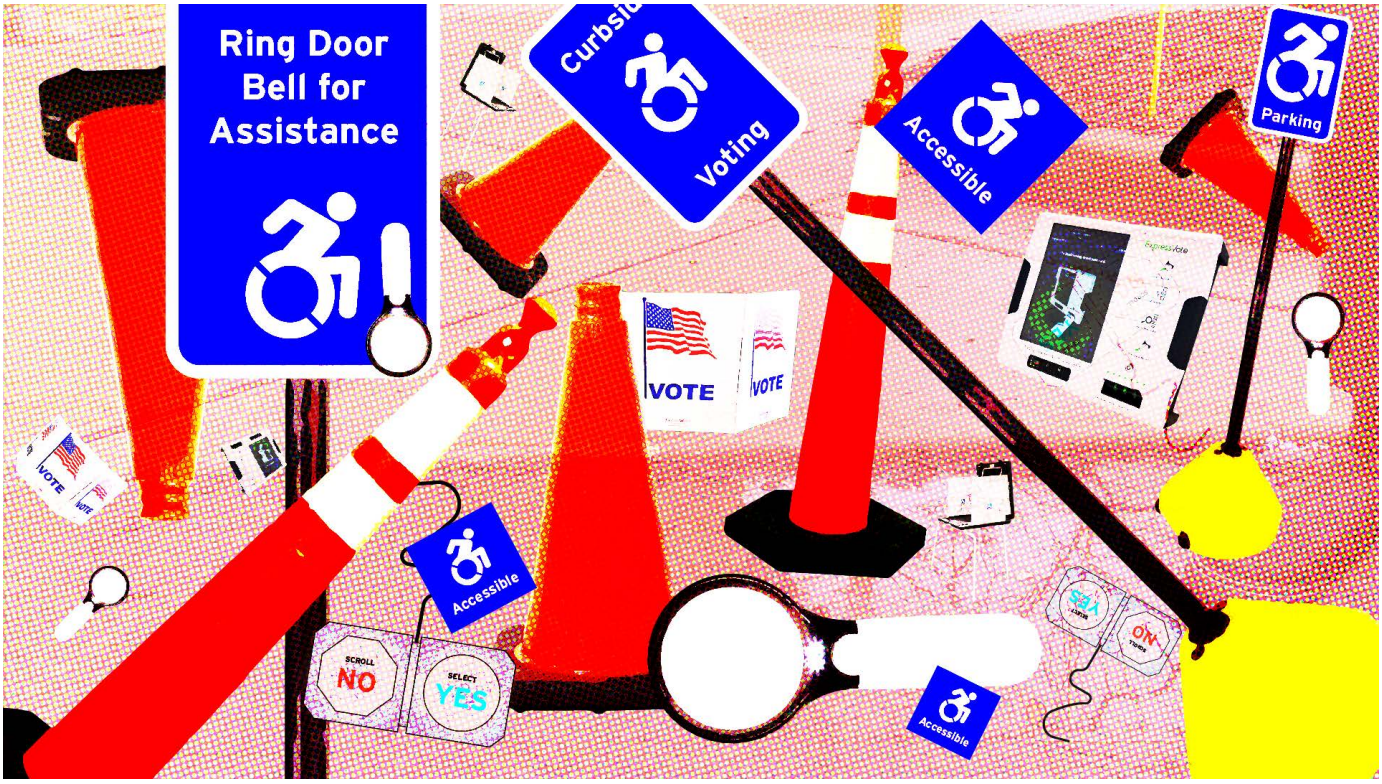
Sec. 11.5.1: For New Polling Places

Polling places are established by a governing body at least 30 days before the election. Wis. Stat. § 5.25(2), (3)(a). For Commission staff to add new polling place to WisVote, clerks must submit a New Polling Place Self-Assessment (EL-501). The self-assessment is an abbreviated version of the survey used to evaluate polling places for accessibility on Election Day. It covers accessibility of permanent elements of the polling place with the understanding that when the self-assessment is conducted, the space is not set up the way it would be for Election Day. The self-assessment includes the Accessibility Supplies Order Form (EL-502) that clerks may use to receive free supplies to increase the accessibility of their polling places.

Sec. 11.5.2: For Changes to Existing Polling Places

If an existing polling place is renovated or the route voters take from the parking lot into the voting area is otherwise changed, the clerk should complete a New Polling Place Self-Assessment (EL-501) for the sections of the route that are different. For example, if the lobby of a building was renovated but the voting room and outdoor elements were not, only the Interior Route section of the self-assessment would need to be completed.

Likewise, if the voting room in a polling place changes, the clerk should complete the Voting Area section of the self-assessment. If a change in voting room causes voters to use a different hallway, the Interior Route section needs to be completed too. When changing or adding a voting room, a new polling place record will be created in WisVote with the same name and address as the existing polling place but with a different voting room name. Clerks should take care to check the voting room field on a polling place record when creating an Election Plan in WisVote.



Chapter 11.6: Accessibility Supply Program

The Accessibility Supply Program provides municipalities with free supplies to increase the accessibility of their polling places. View the Accessibility Supplies Order Form (EL-502) for a list of the products available. Instructions for submitting an order are on the order form.

Chapter 11.7: Polling Place Set-Up

All eligible voters in the State of Wisconsin have the right to cast their ballot privately and independently on Election Day. Polling place accessibility begins in the parking area and continues along any route a voter with a disability would have to travel to gain access to the voting area. Polling places must comply with the ADA to ensure voters with disabilities are able to participate in the election process with minimal assistance. Wis. Stat. § 5.25(4)(a), and see 42 U.S.C. Ch. 126. The standards found in this chapter, except where noted, come from federal law and regulations under the ADA. Information specific to voting and polling places and more information about the polling place accessibility standards found below are available at ada.gov/topics/voting.

Figure 1: Accessible Polling Place Route

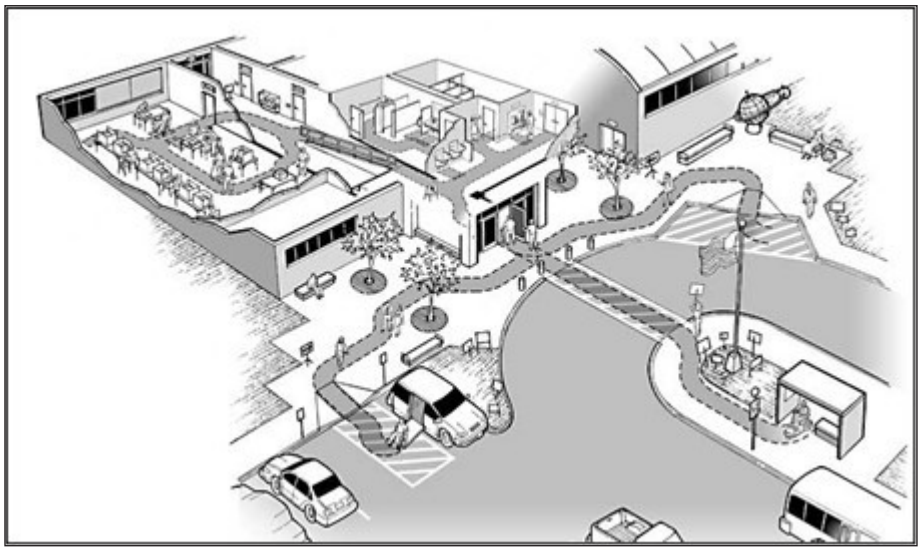


Image Courtesy of ADA.gov

Sec. 11.7.1: Curbside Voting

"Curbside voting" is voting that occurs outside of the polling place entrance. Each polling place must provide curbside voting for voters who are unable to enter the polling place due to disability. Wis. Stat. § 6.82(1)(a). There are many ways to set up curbside voting. If off-street parking is available, a parking space can be designated with a curbside voting sign that lists a phone number to text or call to

let a poll worker know when a voter is there. When designating a parking space for curbside voting, it is important to leave the required number of accessible parking spaces closest to the accessible entrance available for voters going inside. Other methods to set up curbside voting include posting a sign in the parking area with a phone number or using a wireless doorbell on a sign in the parking area or at the entrance. Some polling places will station a greeter at the door to watch for curbside voters. **See "Chapter 14.12: Curbside Voting."**

> **Best Practice:** If a phone number is provided for voters to call, and it can also receive texts, note that on the sign so D/deaf and hard of hearing voters can access curbside voting.

Signs and wireless doorbells are available through the Accessibility Supply Program.

Sec. 11.7.2: Parking Area

The required number of van-accessible and standard accessible parking spaces at a polling place is determined by the total number of parking spaces in the parking area, see the chart below. For more information on accessible parking areas see ada.gov/topics/parking.

Table 23: Accessible Parking Requirements

Total Number of Parking Spaces Provided	Minimum Van-Accessible Parking Spaces	Minimum Standard Accessible Parking Spaces
1 – 25	1	0
26 – 50	1	1
51 – 75	1	2
76 – 100	1	3
101 – 150	1	4
151 – 200	1	5
201 – 300	2	5

The ADA requires all off-street parking areas to have at least one van-accessible parking space available.

A van-accessible parking space must meet all the following criteria:

- At least 96 in. wide.
- Marked access aisle that is at least 96 in. wide.
  - (Alternatively, the space can be 132 in. wide with a 60 in. access aisle. The total width of the parking space and access aisle must be at least 192 in.)
- Sign with the international symbol of accessibility (ISA) and the words "van-accessible" posted at least 60 in. above the ground.
- Vertical clearance of at least 98 in.

Figure 2: Van-Accessible Parking Sign

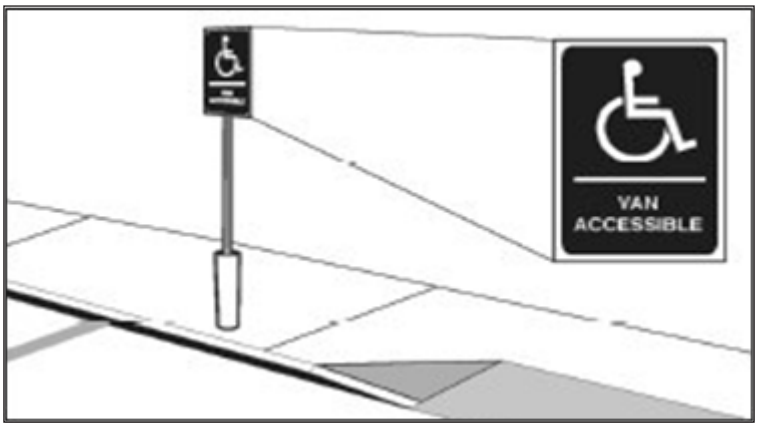


Image Courtesy of ADAChecklist.org

Standard Accessible Parking

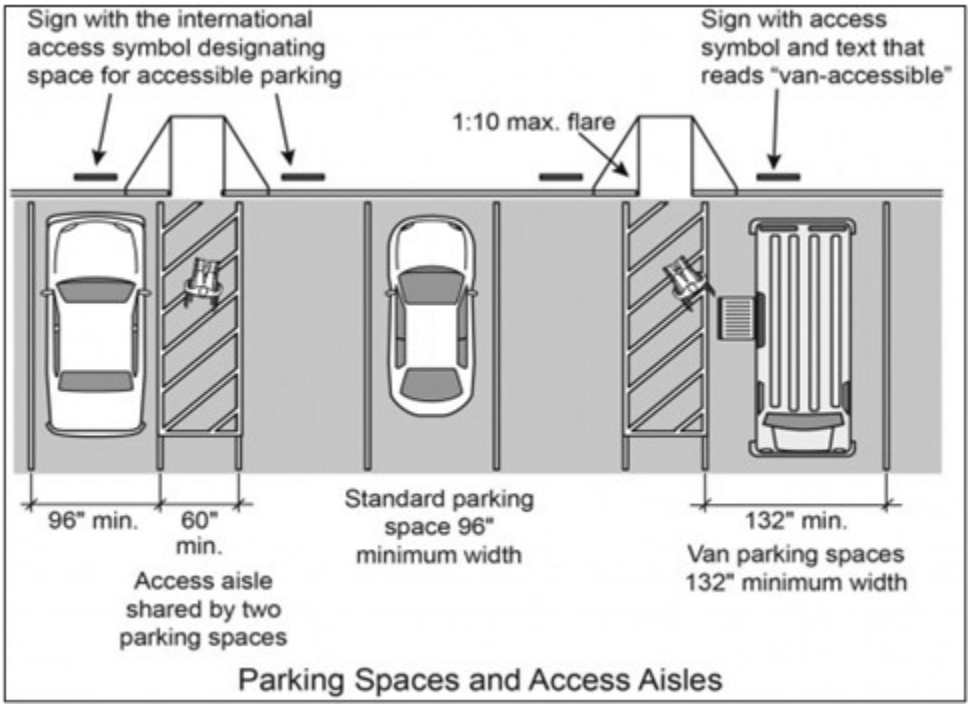
In addition to van-accessible parking spaces, polling places may be required to have standard accessible parking spaces.

A standard accessible parking space must meet all the following criteria:

- At least 96 in. wide.
- Marked access aisle that is at least 60 in. wide.
- Sign with the ISA posted at least 60 in. above the ground.

Van-accessible and standard accessible parking spaces can share access aisles. All accessible parking spaces must be on level, firm, stable, and slip-resistant ground. Dirt, grass, sand, and gravel are not firm, stable, and slip-resistant. They must also be located on the shortest route to the accessible entrance.

Figure 3: Parking Spaces and Access Aisles



Best Practice: If a polling place does not have off-street parking, designate a street parking space for use by voters with disabilities.

Quick Fixes: Parking

Problem: **No accessible parking, not enough accessible parking, or the accessible parking does not meet all accessibility criteria.**

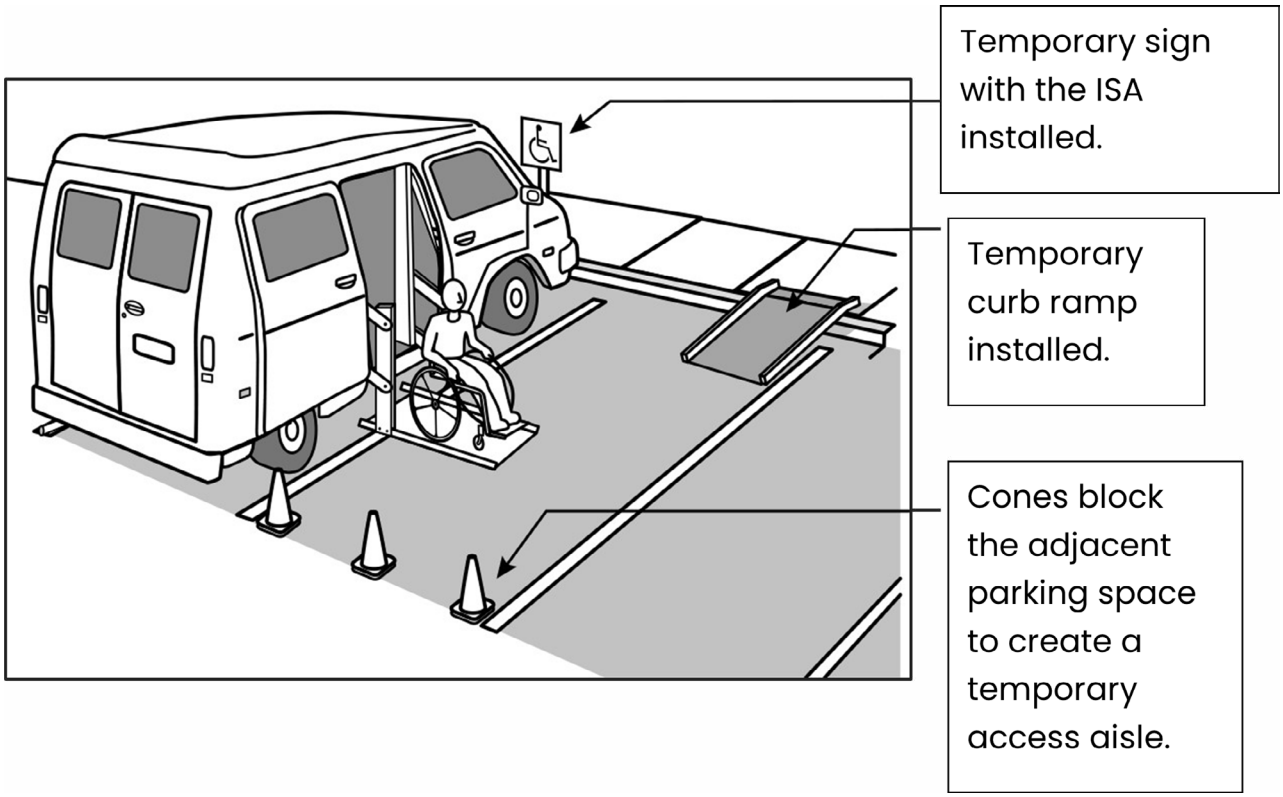
Quick fix:

- Create a temporary van-accessible parking space that meets all requirements.
  - **Signage:** Post a sign with the with the words "van-accessible" and the ISA at least 60 in. above the ground.

- **Traffic cones:** Block an adjacent parking space with traffic cones to create an access aisle.
- Ensure the space has 98 in. of vertical clearance.

- Create a temporary standard accessible parking space that meets all requirements.
  - Block an adjacent parking space with traffic cones to create an access aisle.
  - Post a sign with the ISA at least 60 in. above the ground.

Figure 4: Temporary Accessible Parking Space

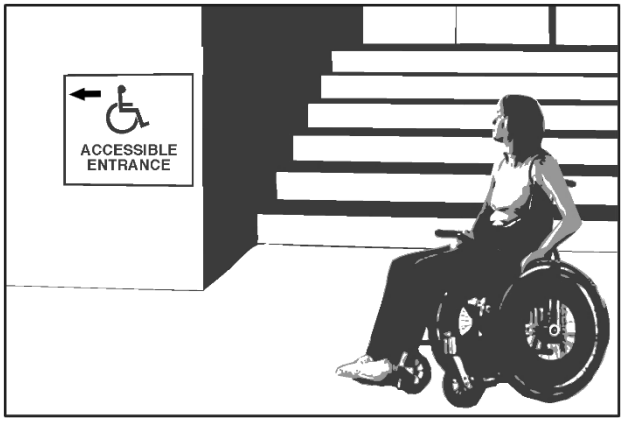


Van-accessible parking signs, standard accessible parking signs, and traffic cones are available through the Accessibility Supply Program individually and in the Temporary Accessible Parking Kits. Temporary signposts can be made using a 4x4 post, bucket, and bag of concrete mix.

Sec. 11.7.3: Exterior Route

The exterior route is the route a voter would use to travel from the accessible parking area to the accessible entrance. In many cases, the accessible entrance is the main entrance to the facility, and all voters will follow the same path to reach that entrance. However, if the accessible entrance is not the same as the main entrance, large print signs must be used to direct voters with disabilities to the accessible entrance.

Figure 5: Accessible Entrance Sign



Accessible entrance signs with arrows pointing left or right are available through the Accessibility Supply Program.

An exterior route must meet all of the following criteria to be accessible:

- At least 36 in. wide, narrowing to no less than 32 in. for a maximum distance of 24 in.
- Slope no greater than 5%.
- Free of breaks or edges with a height difference greater than ½ in.
- Firm, stable, and slip-resistant. Dirt, grass, sand, and gravel are not firm, stable, and slip-resistant.
- Free of protrusions between 27 in. and 80 in. above the ground that extend more than 4 in. into the route. **See "Figure 15: Signaling Obstacles" on page 30.**
- Kept clear of hazards like snow, ice, branches, leaves, or other debris.

Best Practice: Designate someone to keep the exterior route clear if snow or other hazards are expected to accumulate on Election Day.

Changes in level with a height difference greater than ½ in., like curbs, must be ramped.

A curb ramp must meet all the following criteria to be accessible:

- At least 36 in. wide excluding flared edges.
- Slope no greater than 8%.
- Firm, stable, and slip-resistant.
- Flared edges or edge protection.

Quick Fixes: Exterior Route

Problem: The surface of the pathway has breaks or edges with a height difference greater than ½ in.

Quick Fix: Fill in areas with concrete or tar to provide a break-free pathway.

Problem: The exterior route has a curb but no curb ramp.

Quick Fix: Install a temporary ramp. **See "Figure 10: Portable Ramp" on page 23.**

Sec. 11.7.4: Entrance

In many cases the main entrance used by voters is the accessible entrance. However, if there are barriers, like stairs, that cannot be mitigated, it may be necessary to designate a separate accessible entrance. The accessible entrance must be marked with the ISA, even when it is the only entrance to a building.

Accessible entrance decals are available through the Accessibility Supply Program.

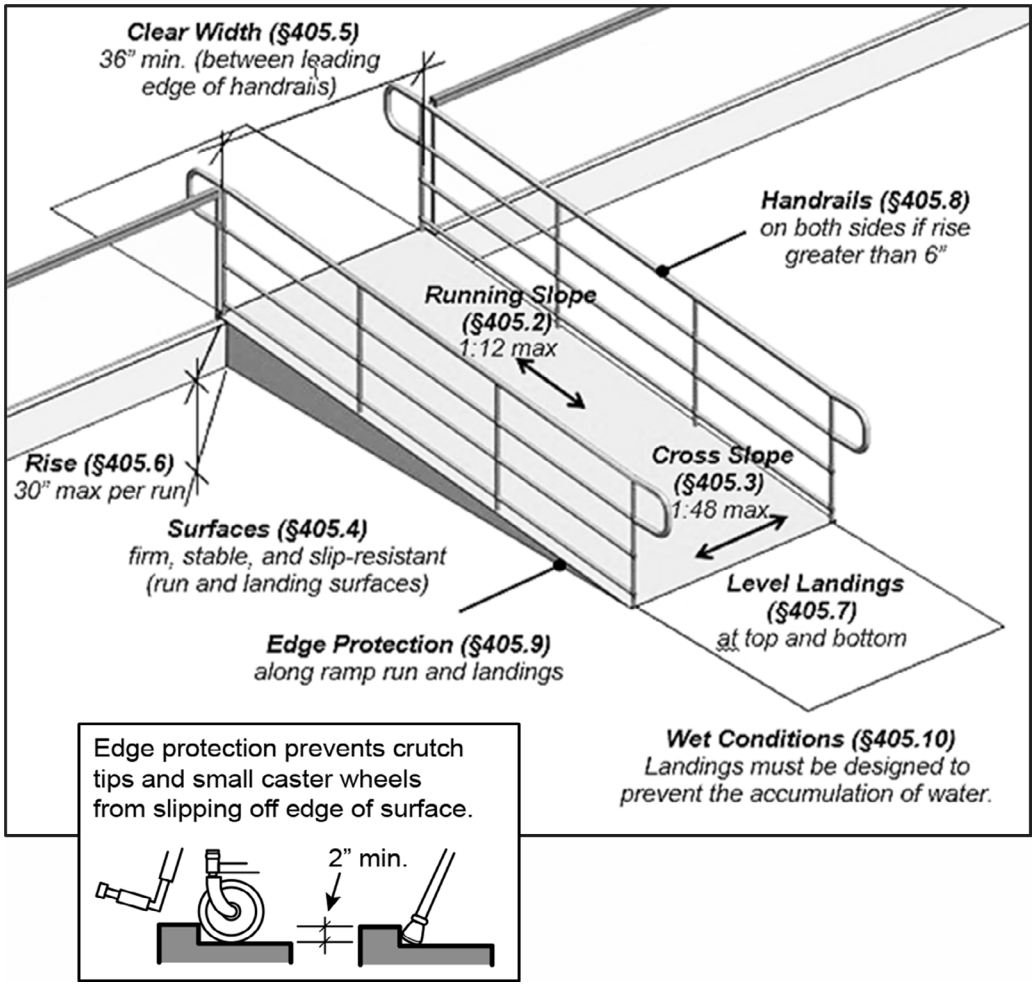
Ramps

Changes in level, like steps, must be ramped or a separate entrance with no change in level must be provided.

A ramp must meet all the following criteria to be accessible:

- At least 36 in. wide
- Slope no greater than 8%
- Firm, stable, and slip-resistant
- Edge protection
- Handrails that are between 34 and 38 in. above the surface of the ramp if the top of the ramp is more than 6 in. above the ground

Figure 6: Accessible Ramp Requirements

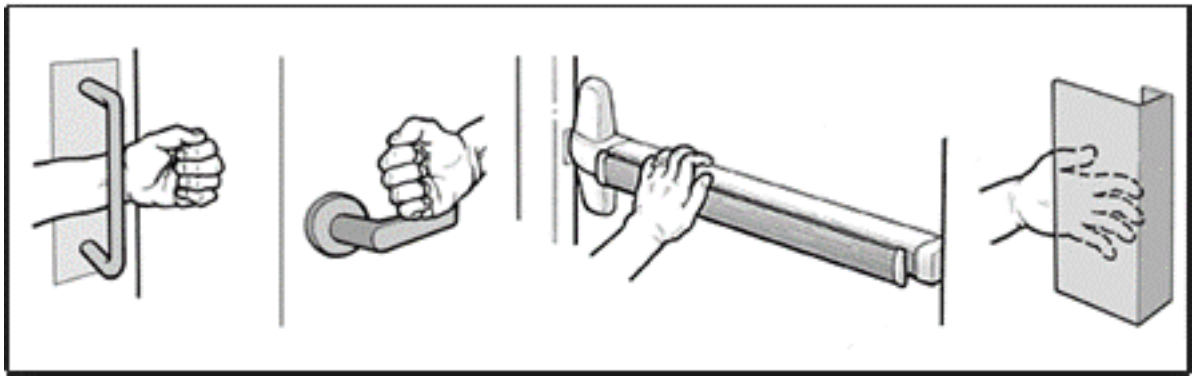


Doorways

An entrance must meet all of the following criteria to be accessible:

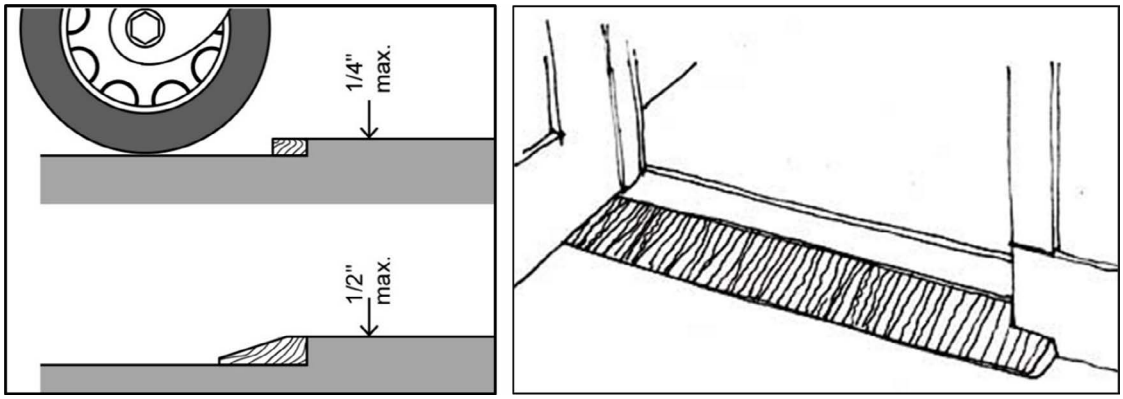
- The doorway is at least 32 in. wide
- Hardware is useable with one hand without tight grasping, pinching, or twisting of the wrist

Figure 7: Accessible Door Hardware



- Hardware is no higher than 48 in. above the ground
- Force required to open door is no greater than 8.5 lbs.

Figure 8: Beveled and Ramped Thresholds



- Threshold is beveled or ramped if greater than ½ in.

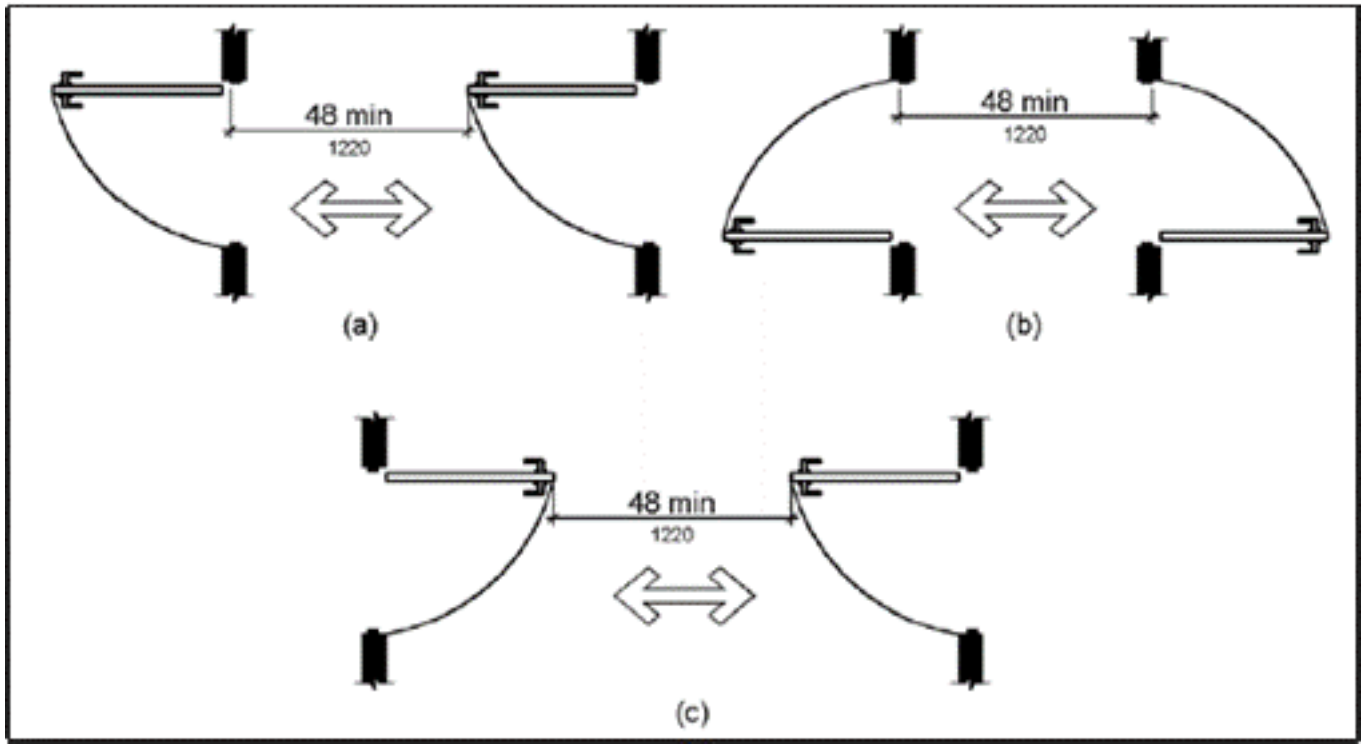
Accessible entrances are not required to have features like automatic openers, power assist, or doorbells. However, if a door has an automatic opener, power assist, or a doorbell, the door does not have to meet the criteria for accessible hardware or maximum force to open.

Automatic openers and power assist must meet the following criteria to be accessible:

- Functioning properly on both sides
- Remain open for at least 5 seconds

If there is a second set of doors creating a vestibule at the entrance, there must be clear space between them that measures at least 30 in. by 48 in.

Figure 9: Spacing Requirements Between Two Sets of Doors



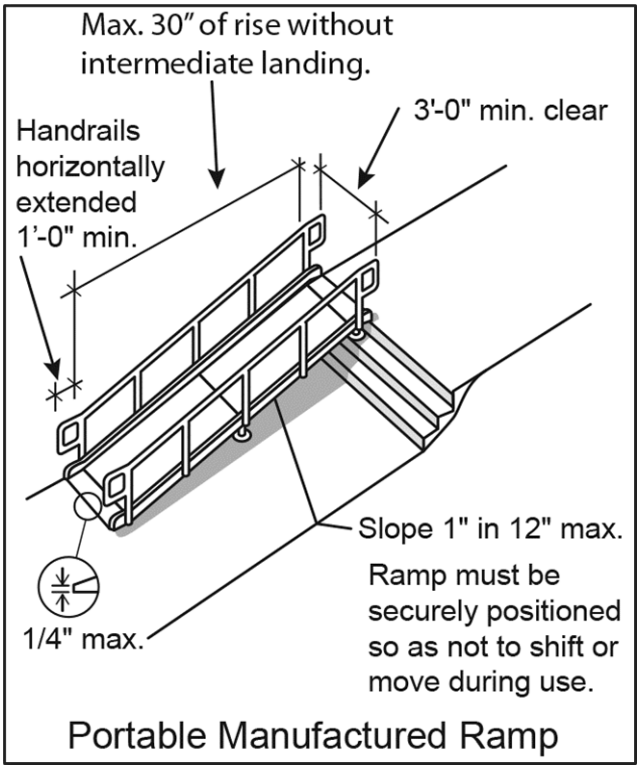
Quick Fixes: Entrance

Problem: There are stairs at the entrance but no ramp.

Quick Fix:

- Install a temporary ramp over the stairs.

Figure 10: Portable Ramp

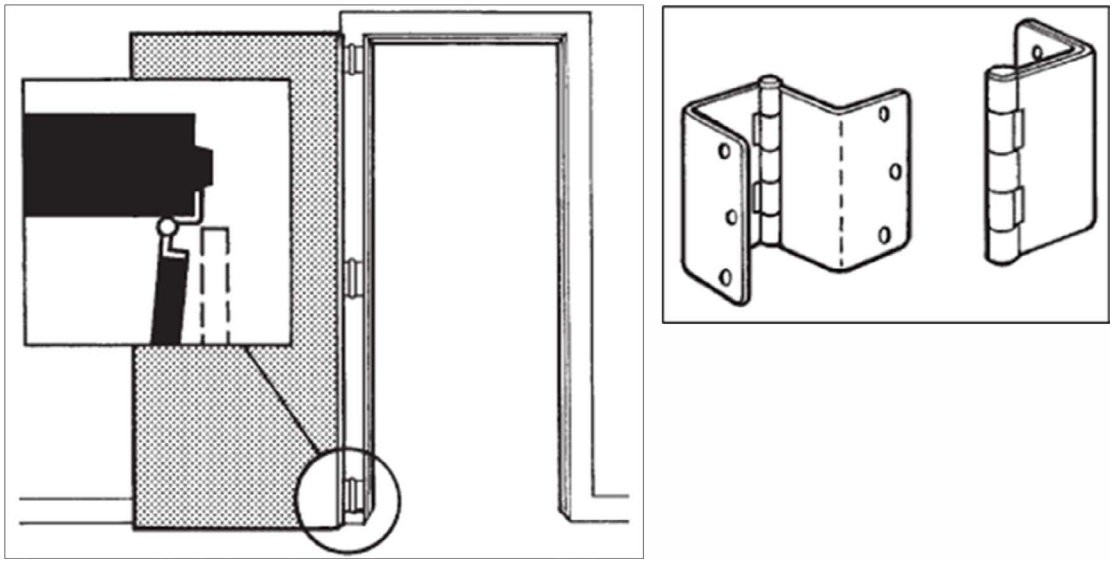


Problem: **The doorway is 1 or 2 in. too narrow.**

Quick Fix:

- Install swing clear hinges.

Figure 11: Swing-Clear Door Hinges

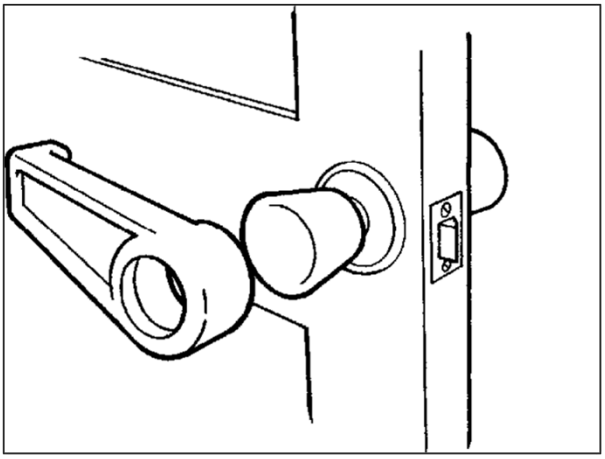


Problem: **The door hardware requires tight grasping, pinching, or twisting of the wrist.**

Quick Fix:

- Replace the hardware with an accessible type.
- Install a doorknob adapter.
- Install a wireless doorbell for voters to call for assistance.

Figure 12: Doorknob Adapter



- Station a greeter to open the door.

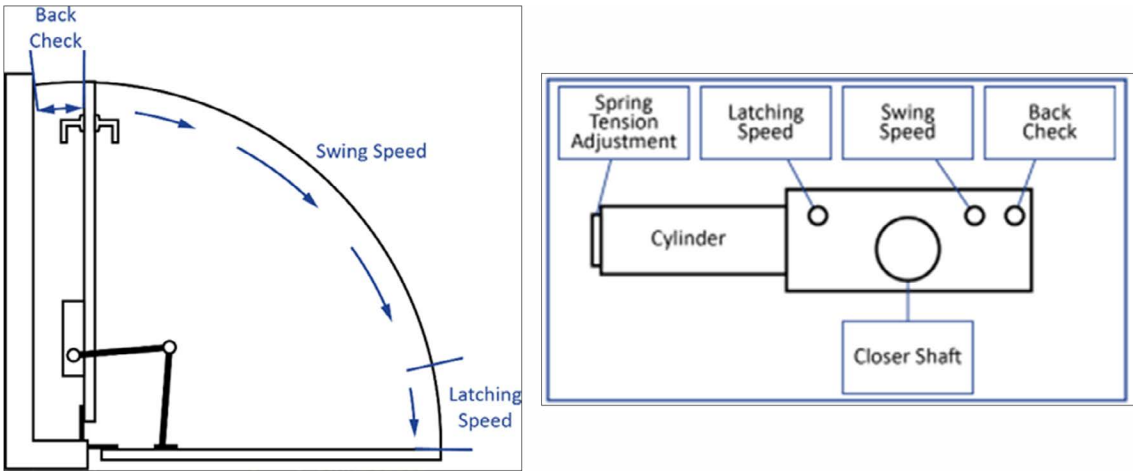
Problem: **The door hardware is more than 48 in. above the ground.**

Quick Fix:

- Install a wireless doorbell for voters to call for assistance.
- Station a greeter to open the door.

Problem: **The door requires more than 8.5 lbs. of force to open.**

Figure 13: Door Closer Speed



Quick Fix:

- Adjust the swing speed of the door closer.
- Install a wireless doorbell for voters to call for assistance.
- Station a greeter to open the door.

Problem: **The threshold is greater than ½ in. and does not have a ramp.**

Quick Fix:

- Install a threshold ramp.

Wireless doorbells and adjustable threshold ramps that can accommodate a threshold of 1 ¾ in. to 2 ¼ in. are available through the Accessibility Supply Program.

Sec. 11.7.5: Interior Route

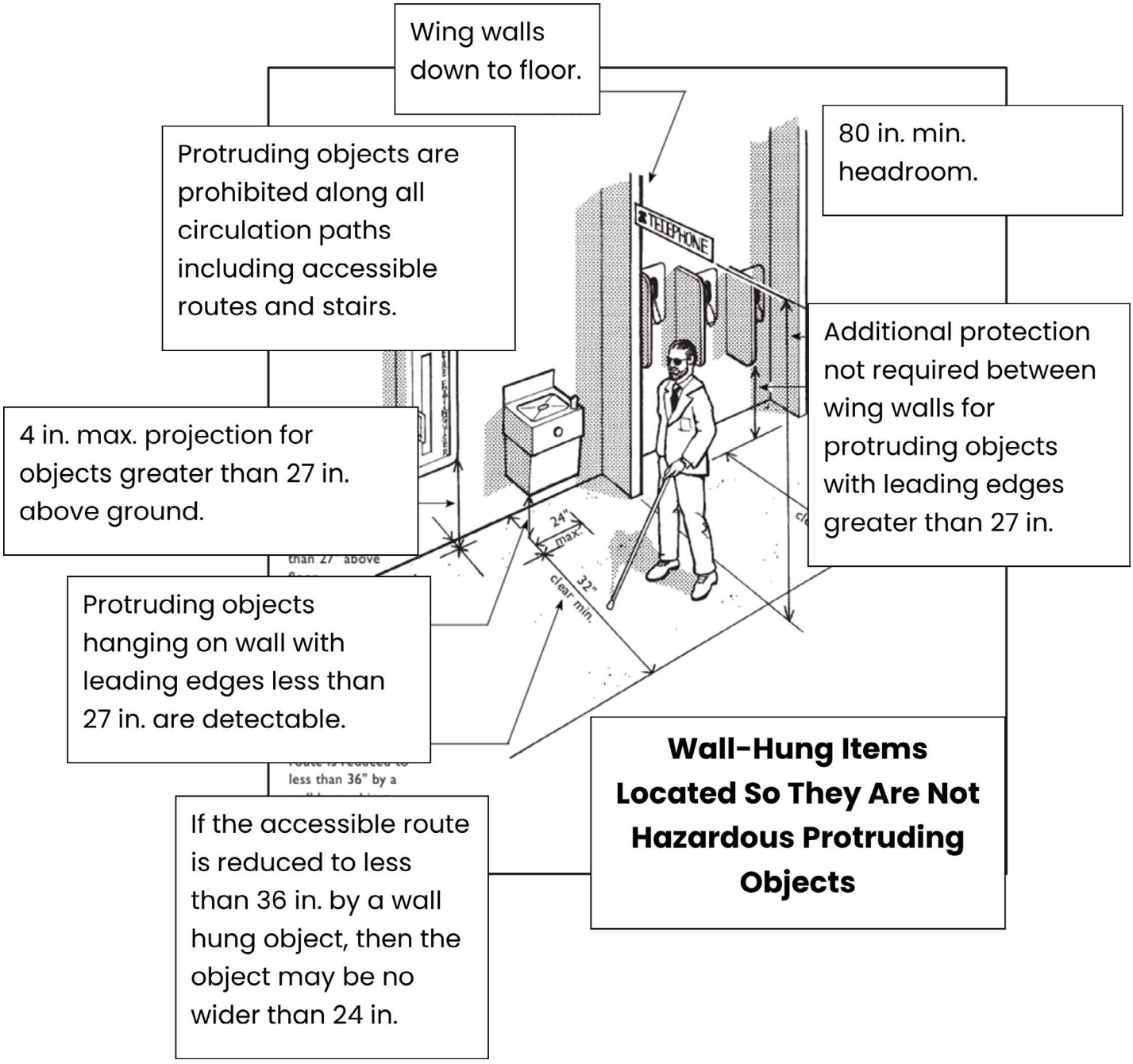
In some polling places the entrance opens immediately into the voting area, so there is no interior route. In others, voters must navigate hallways and doorways to get to the voting room.

Hallways

Similar to exterior routes, interior routes must meet the following criteria to be accessible:

- At least 36 in. wide, narrowing to no less than 32 in. for a maximum distance of 24 in.
- Slope no greater than 5%
- Slip-resistant
- Rugs have a pile no greater than ½ in. and are secured
- Free of protrusions between 27 in. and 80 in. above the ground that extend more than 4 in. into the route
- Kept clear of obstacles

Figure 14: Common Obstacles



Doorways

Interior doors must meet the following criteria to be accessible:

- Doorway is at least 32 in. wide
- Hardware is useable with one hand without tight grasping, pinching, or twisting of the wrist

- Hardware is no higher than 48 in. above the ground
- Force required to open door is no greater than 5 lbs.
- Threshold is beveled or ramped if greater than ½ in.

Interior doors are not required to have features like automatic openers, power assist, or doorbells. However, if a door has an automatic opener, power assist, or a doorbell, the door does not have to meet the criteria for accessible hardware or maximum force to open.

Automatic openers and power assist must meet the following criteria to be accessible:

- Functioning properly on both sides
- Remain open for at least 5 seconds
- If there are two sets of doors creating a vestibule, there must be clear space between them that measures at least 30 in. by 48 in. **See "Figure 9: Spacing Requirements Between Two Sets of Doors" on page 22.**

Changes in Level

If there are changes in level between the entrance and the voting area, there must be a ramp, elevator, or wheelchair lift to allow independent access for voters with disabilities.

Ramps

See "Figure 6: Accessible Ramp Requirements" on page 20.
A ramp must meet all the following criteria to be accessible:

- At least 36 in. wide
- Slope no greater than 8%
- Slip-resistant
- Edge protection
- Handrails that are between 34 and 38 in. above the surface of the ramp if the top of the ramp is more than 6 in. above the ground

Elevators

Elevators must meet all the following criteria to be accessible:

- Functioning properly
- Doors open to a minimum of 36 in. wide
- Cab is at least 16 sq. ft.
- Controls outside and inside are no more than 48 in. above the ground
- Controls are marked with raised lettering and/or braille
- Audible tones, bells, or verbal enunciators announce each floor as it passes

Wheelchair Lifts

Wheelchair lifts must meet all the following criteria to be accessible:

- Functioning properly
- Threshold is beveled or ramped if greater than ½ in.
- At least 30 in. by 40 in. clear floor space.
- Allows unassisted entry/exit.
- Allows independent operation.
- Controls are useable with one hand without tight grasping, pinching, or twisting of the wrist
- Controls require no more than 5 lbs. of force to operate
- Controls are no more than 48 in. above the ground

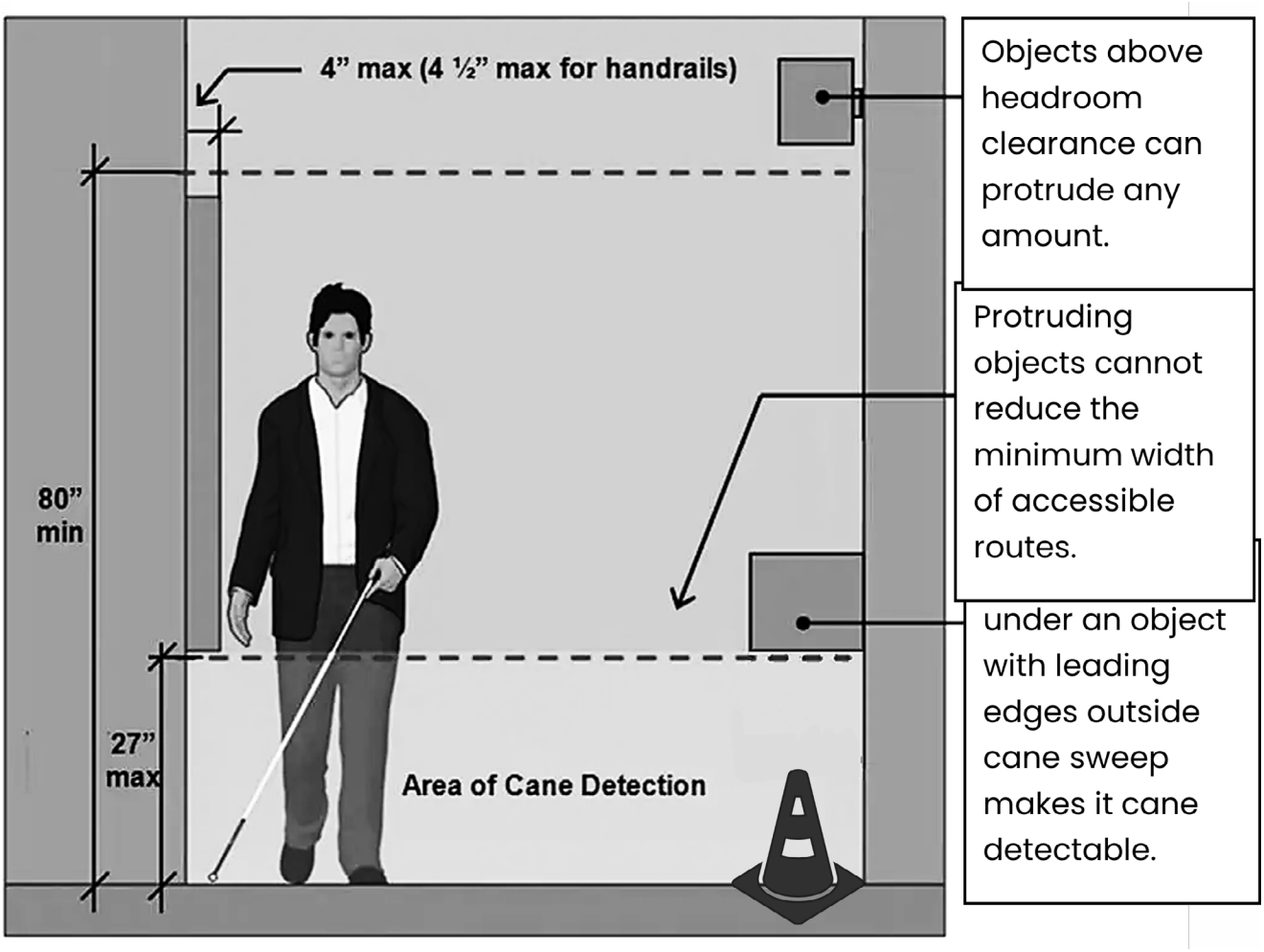
Quick Fixes: Interior Route

Problem: **There is a protrusion that is not cane detectable.**

Quick Fix:

- Place a cone beneath the protrusion so it will be cane detectable.

Figure 15: Signaling Obstacles



Cones are available through the Accessibility Supply Program.

Problem: There is a change in level along the interior route.

Quick Fix:

- Install a temporary ramp that meets all accessibility criteria. **See "Figure 4: Temporary Accessible Parking Space" on page 17.**

Problem: A door on the interior route has hardware that requires tight grasping, pinching, or twisting of the wrist.

Quick Fix:

- Keep the door propped open while polls are open.
- Install a doorknob adapter. **See "Figure 12: Doorknob Adapter" on page 24.**
- Install a wireless doorbell for voters to call for assistance.
- Station a greeter to open the door.

Problem: **A door on the interior route requires more than 5 lbs. of force to open.**

Quick Fix:

- Keep the door propped open while polls are open.
- Install a wireless doorbell for voters to call for assistance.
- Station a greeter to open the door.

Sec. 11.7.6: Voting Area

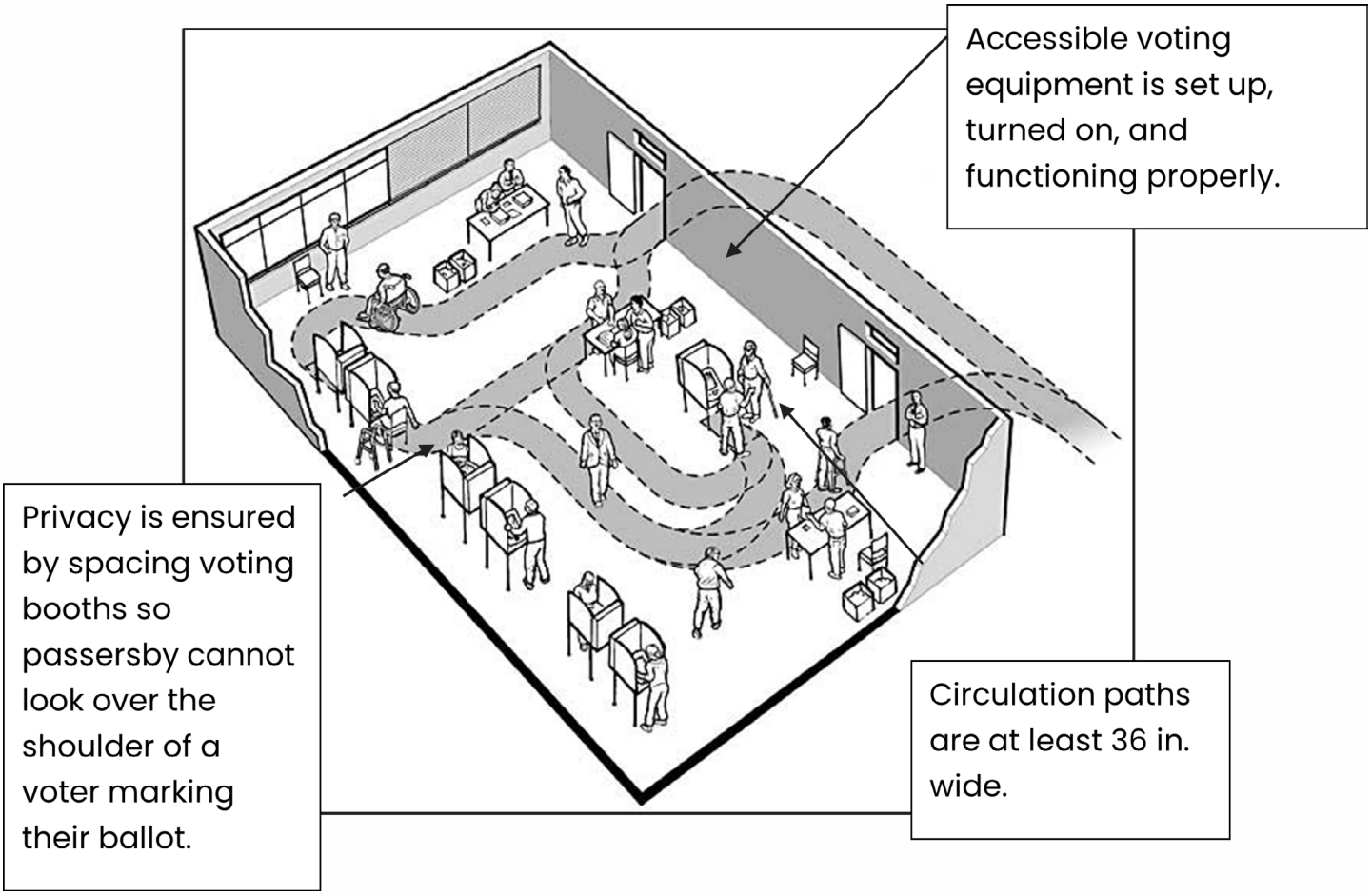
The voting area should be organized with accessibility concerns in mind and any barriers to voting should be eliminated or minimized.

A voting area must meet all the following criteria to be accessible:

- Circulation paths are at least 36 in. wide, narrowing to no less than 32 in. for a maximum distance of 24 in.
- At least 60 in. by 60 in. of clear space
- Free of protrusions between 27 in. and 80 in. above the ground that extend more than 4 in. into the route. **See "Figure 16: Voting Area" on page 32.**

Best Practice: Make seating available for voters to wait out of line.

Figure 16: Voting Area



Notices

All required notices should be posted in at least 18 point font.

- Type B Notice of Instructions to Voters and Sample Ballot
  - The sample ballot does not have to be in 18 point font
- Type C Notice of Referendum (if applicable)
- Type D Notice of Polling Place Location and Hours
- Election Fraud Notice (EL-111)
- Notice of Crossover Voting (EL-112) (if applicable)
- Voter Qualification Poster (EL-115)
- General Information on Voting Rights Under Federal Laws (EL-117)
- Contact Information (EL-118)

Wis. Stat. § 5.35(6).

Voting Booth

Every polling place must have a voting booth where a voter can mark a paper ballot from a seated position.

The voting booth must meet all the following criteria to be accessible:

- Entrance to the booth is at least 30 in. wide
- Work top is between 28 in. and 34 in. above the ground
- Knee clearance at least 9 in. deep at 27 in. above the ground
- Toe clearance at least 17 in. deep from 0 in. to 9 in. above the ground
- Clear space of at least 30 in. by 48 in. in front of the booth
- Positioned to ensure no one can see how the voter is marking their ballot. Wis. Stat. § 5.35(2)

Best Practice: Have signature guides available at the poll book and task lighting as well as magnifying glasses available in voting booths. Signature guides and lighted magnifying glasses are available through the Accessibility Supply Program.

Accessible Voting Equipment

Every polling place must have accessible voting equipment set up, turned on, and properly functioning the entire time polls are open. Wis. Stat. § 5.25(4)(a). All voters may use the accessible voting equipment; it is not only for voters with disabilities.

Accessible voting equipment must meet the following criteria while polls are open:

- Set up, turned on, functioning properly
- Headphones and tactile keypad are plugged in and ready for a voter to use
- Booth or table that the equipment rests on meets the criteria for an accessible voting booth
- Clearly available to voters. Wis. Stat. § 5.25(4)(a)

- Positioned to ensure no one can see how the voter is marking their ballot. Wis. Stat. § 5.35(2)

Best Practice: Poll workers should offer accessible voting equipment to each voter. Fact sheets are available at elections.wi.gov: Accessible Voting Equipment Fact Sheets as a resource for poll workers.

Best Practice: Position the accessible voting equipment so the screen is facing a wall and the criteria for clear space in front of the equipment and circulation path width are met.

Quick Fixes: Voting Area

Problem: **The accessible voting equipment is not set up, turned on, and functioning properly.**

Quick Fix:

- Locate, set up, and turn on equipment. Poll workers should contact municipal clerk immediately. Clerks should contact the Commission and equipment vendor immediately if the equipment is broken or malfunctioning.

Problem: **The accessible booth for a voter to mark a paper ballot or the accessible voting equipment is not set up to ensure voter privacy.**

Quick Fix:

- Rearrange the voting area to ensure no one is able to see how the voter is marking their ballot.

Chapter 11.8: Polling Place Reviews

The Commission conducts reviews of polling places for accessibility on Election Days. The municipal clerk is not given notice that a review will be conducted. The goal of the review is to experience the polling place as a voter with a disability would on any normal Election Day. It starts in the parking area and moves through the exterior route, entrance, interior route, and voting area.

When a reviewer arrives at a polling place, they will introduce themselves to the Chief Inspector and provide a letter that explains the program to be kept with other election day materials. This letter has contact information for the Commission staff administering the program. The visit should be noted on the Inspector's Statement (EL-104). The reviewer takes and records measurements and photos on a tablet to complete a survey. They are trained to avoid capturing voters' faces in the photos. If the Chief Inspector is available, the reviewer will let them know they have completed their review before they leave. The Commission takes the data collected in the survey to create a report for the municipal clerk detailing any non-compliant findings.

> **Best Practice:** The municipal clerk is informed when the report is ready to view online and has 60 days to complete a Plan of Action. To complete a Plan of Action, a clerk logs in to the online portal and chooses from a list of recommended solutions provided by the Commission to resolve each non-compliant finding in the report. The clerk also has the opportunity to write their own solutions. Though the Plan of Action itself is a best practice, all polling places must be accessible and therefore clerks must take action to address the non-compliant findings in the report.

Data collected from polling place reviews is included in the Report of Barriers Faced by Elderly Voters and Voters with Disabilities that the Commission is required to submit to the legislature by June 30 of every odd-numbered year. Wis. Stat. § 5.25(4)(d).

Chapter 11.9: Additional Resources

For questions related to accessible polling places, email elecppa@wisconsin.gov.

While the scope of the Commission is limited to elections, public buildings and services must always be accessible. There are many resources available for municipalities and counties to learn more about and implement accessible practices.

Sec. 11.9.1: Voter Resources

Disability Rights Wisconsin
Specialties: Voting Rights, Guardianship
Website: disabilityrightswi.org
Email: info@drwi.org
Phone: 800-928-8778
Voter Hotline: 844-347-8683

Disability Vote Coalition
Specialty: Voting Rights
Website: disabilityvote.org
Email: info@disabilityvote.org

Greater Wisconsin Agency on Aging Resources

Specialty: Guardianship
Website: gwaar.org
Email: guardian@gwaar.org
Phone: 855-409-9410

Sec. 11.9.2: ADA Compliance

Great Lakes ADA Resource Center
Website: adagreatlakes.org
Phone: 800-949-4232
Phone: 202-272-0080

National Access Board
Website: access-board.gov
Email: info@access-board.gov

Sec. 11.9.3: Local Resources

Aging and Disability Resource Centers (ADRC)

ADRCs are located in all 72 counties of Wisconsin and provide services to residents with disabilities and older adults. ADRCs may be aware of local services like transportation that are available to people with disabilities.

Independent Living Centers

There are eight independent living centers around the state that provide services to people with disabilities. Some independent living centers loan accessibility aids to individuals and may offer education on how to use accessibility aids. An independent living center may be able to assess a public building for accessibility outside of the context of elections.

Figure 17: Appendix 1

I am unable to state my name and address. Under § 6.79(8) a poll worker or another person of my choosing can state my name and address.

My name is:

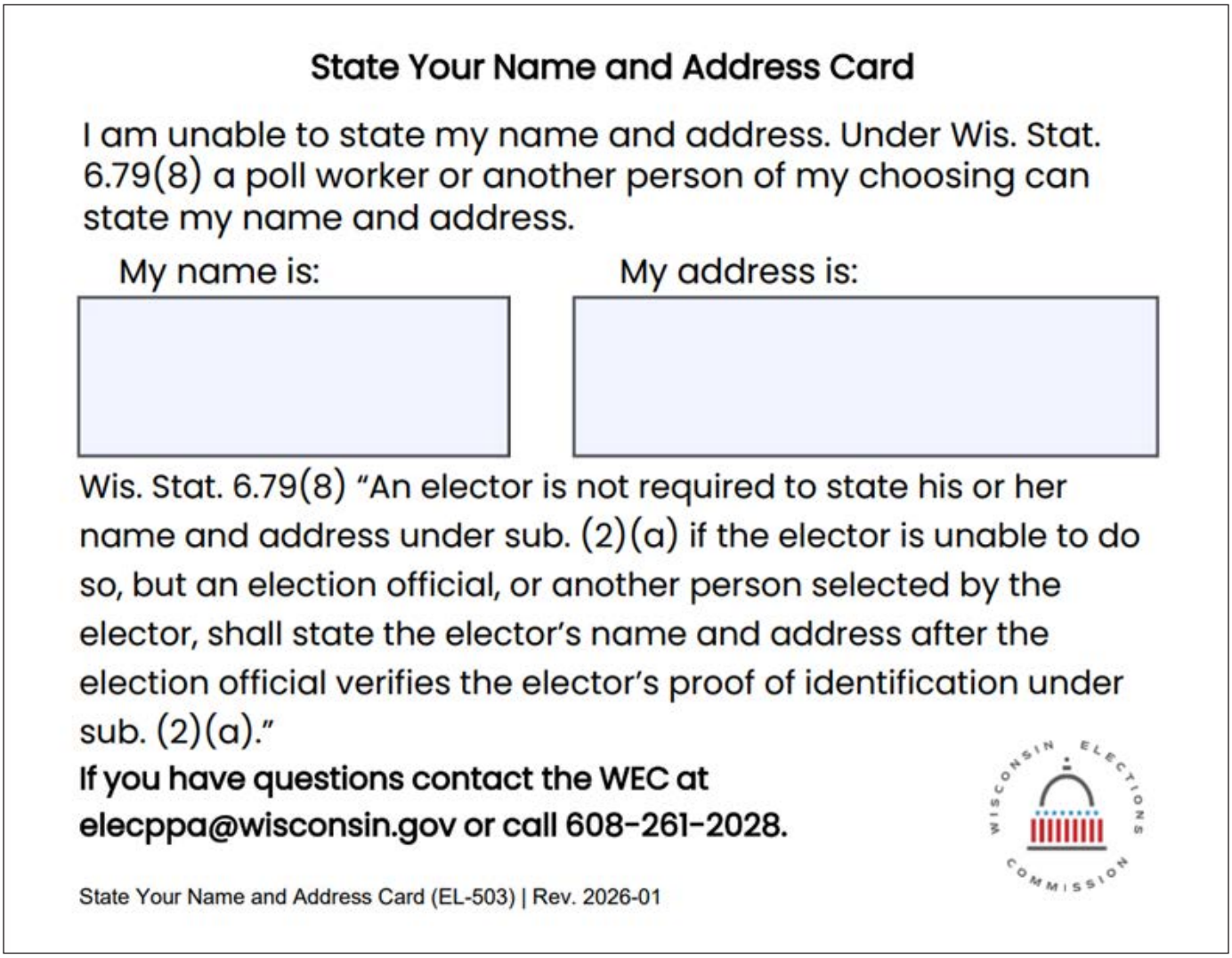
My address is:

Wis. Stat. § 6.79(8) "An elector is not required to state his or her name and address under sub. (2)(a) if the elector is unable to do so, but an election official, or another person selected by the elector, shall state the elector's name and address after the election official verifies the elector's proof of identification under sub. (2)(a)."

If you have questions contact the WEC at elecppa@wisconsin.gov or 608-261-2028.

State Your Name and Address Card (EL-503) | Rev. 2025-09

Figure 18: Appendix 2



State Your Name and Address Card

I am unable to state my name and address. Under Wis. Stat. 6.79(8) a poll worker or another person of my choosing can state my name and address.

My name is:

My address is:

Wis. Stat. 6.79(8) "An elector is not required to state his or her name and address under sub. (2)(a) if the elector is unable to do so, but an election official, or another person selected by the elector, shall state the elector's name and address after the election official verifies the elector's proof of identification under sub. (2)(a)."

If you have questions contact the WEC at elecppa@wisconsin.gov or call 608-261-2028.

State Your Name and Address Card (EL-503) | Rev. 2026-01

Figure 19: Appendix 3

Election Day Accessibility Checklist

The purpose of this checklist is to allow you, the poll worker, to quickly assess whether your polling place has barriers for people with disabilities on Election Day. If you identify barriers, you should inform the municipal clerk and/or your supervisor so the barrier can be addressed as soon as possible. Many barriers can be easily addressed on Election Day.*

PARKING

For polling locations that have parking lots:

- ☐ The accessible space(s) are clearly marked with the standard accessible parking sign.
- ☐ The accessible space(s) are located nearest to the accessible entrance.
- ☐ There is at least one van-accessible space.
- ☐ There is an accessible way to get from the parking lot to the sidewalk.
- ☐ The parking lot is paved.

For polling locations that do NOT have parking lots:

- ☐ There is an accessible passenger drop-off area, or temporary on- or off-street accessible parking that could be designated on Election Day.

Accessible parking must be kept clear of snow, piles of leaves or other obstacles to persons with disabilities in order to be accessible.

PATHWAYS TO THE BUILDING

- ☐ The path to the accessible entrance is clearly marked with large print signs if it is different from the primary route to the building.
- ☐ The path of travel is free of breaks and edges and is clear of debris such as snow, ice and leaves, and low-hanging objects such as tree branches.
- ☐ The path of travel has the necessary curb cuts and ramps so that a person using a mobility device could access the building with ease.
- ☐ All ramps have handrails (and edge protection), if necessary.
- ☐ The path of travel is well-lit when necessary.

**This checklist does not identify all barriers that a person may face at the polls. Answering positively to the checklist does not mean a polling site is in compliance with such laws as the Americans with Disabilities Act (ADA).*

ENTRANCE TO THE BUILDING

- ☐ The entrance to the building is free of steps or has a ramp or elevator.
- ☐ The accessible entrance to the building is unlocked.
- ☐ The accessible entrance to the building has an automatic door opener or a call button, or there is someone stationed at the door to open it.
- ☐ There is signage or a greeter stationed at the entrance with information on requesting curbside voting.

TRAVEL WITHIN THE BUILDING

- ☐ The accessible route to the voting area is clearly marked with large print signs if it is different from the main route and/or if it is not immediately inside the accessible entrance.
- ☐ Interior doors along the accessible route are unlocked and either have automatic doors or are propped open.
- ☐ If there are stairs to get to the voting area, there is an accessible elevator available.
- ☐ Hallways are well-lit and free of low-hanging objects and items protruding from the wall or sitting on the floor.
- ☐ All rugs and mats along the accessible route have low pile and are securely fastened (or removed).

VOTING AREA

- ☐ Instructions for voting are printed in Large Print (18-point font or larger) and displayed in a convenient and obvious location.
- ☐ The path of travel in the voting area is wide enough for an individual using a mobility device to navigate and turn around with ease (minimum of 5x5 feet).
- ☐ There is a table, counter or voting booth that is extra wide at the bottom (at least 36 inches), and at good height (between 28 and 34 inches) to allow someone who uses a mobility device to use it comfortably and reach all parts of the equipment.
- ☐ Polling booths that hold the accessible equipment are:
  - ☐ Housed in the same area of the room as all the other polling booths.
  - ☐ Strategically placed to ensure the privacy of the voter using the machine **AND** contain a privacy screen.
- ☐ Electronic Accessible voting equipment is turned on, tested, and in proper working order for electors to use when the polls open on Election Day.

- ☐ All accessible features are set up and working, including tactile devices and headphones.

☐ The polling site has the following:

- ☐ **Signature guide or ruler** to assist someone to sign their name in a straight line.
- ☐ **Communication cards or pen/paper** to communicate with someone who is deaf or hard of hearing.
- ☐ **Magnifying glass** to be used by someone with a sight impairment.
- ☐ **Extra seating** and a policy to allow voters who have trouble standing or walking to wait to vote and maintain their place in line.
- ☐ **Task lighting** at every space in the voting area.

INTERACTIONS WITH VOTERS

☐ Poll workers are aware of the special needs of voters with disabilities and are willing to provide reasonable accommodations when requested.

☐ Poll workers are aware of the assistant process:

- ☐ **Any elector may have an assistant.** The assistant can be anyone, except the elector's union representative or employer, and the assistant does not have to be a qualified elector.
- ☐ Electors may have an assistant **state their name and address** for them if they are unable.
- ☐ An elector can direct an assistant to mark their ballot and insert the ballot into the ballot box or tabulator. The assistant must sign the ballot in the designated location and must also sign and provide their address in the poll book.

☐ Election inspectors have reviewed the Poll Worker Common Courtesy Checklist.

☐ There is a feasible plan in place to identify when a voter wants to vote curbside, such as having signage, a phone number, or a greeter stationed outside, and poll workers are aware of the curbside voting policy.

Your municipal or county clerk will have more detailed information about accessibility rules and laws. Additional information that may be helpful includes:

Wisconsin Elections Commission
elections.wi.gov/voters/accessible-voting

Disability Vote Coalition
disabilityvote.org

U.S. Department of Justice ADA Checklist for Polling Places
www.ada.gov/votingck.htm

This checklist was created by Disability Rights Wisconsin (DRW) and reproduced by the Wisconsin Elections Commission and Accessibility Advisory Committee with permission of DRW. If you have questions about this checklist or about accessibility, contact the Wisconsin Elections Commission at (608)261-2028 or DRW's Voter Hotline at 844-DIS-VOTE / 844-347-8683.

Part 12
Emergency Preparedness & Contingency Planning

Emergency response plans; establish response partners; alternate locations for voting activity; extensions of voting due to emergencies or unforeseen circumstances; sample plan.

Elections are not cancelled or postponed due to emergencies. Planning for emergencies is as important for election administration as any other election preparations. Although there is a wide range of possible scenarios, it is possible to account for most of them with just a handful of preparations. Election officials should prepare and/or update their contingency plan ahead of each election. In some circumstances, voting can be extended past 8 p.m. if an emergency or other situation prevented voters from casting ballots.

Chapter 12.1: Introduction

Elections are not cancelled or postponed due to emergencies. For example, at the height of the COVID-19 pandemic in April 2020, the Wisconsin Supreme Court ruled that the Governor could not delay by Executive Order the in-person voting on Election Day at Spring Election.[1] Wisconsin municipal clerks have run successful elections despite severe weather, unexpected polling place infrastructure failure, power outages, unplanned staffing shortages, and other impactful circumstances.

Planning for emergencies is as important for election administration as any other election preparations. In an emergency, it is important to have already made important decisions and prepared necessary resources so the focus can be on a prompt, proper response. Although there is a wide range of possible scenarios, it is possible to account for most of them with just a handful of preparations.

Chapter 12.2 is designed for municipal clerks to develop a basic emergency response plan that accounts for the needs of their jurisdictions. The basic plan may be sufficient for small jurisdictions with a single polling place. Larger jurisdictions will want to go beyond basic plans to account for their more complex operating environment. In **Chapter 12.3**, there are additional topics and instructions for jurisdictions wishing to improve upon the basic plan.

The Commission maintains Election Day Emergency Planning resources available to clerks on ElectEd.

1 See *Wisconsin Legislature v. Tony Evers* (2020AP608-OA), Order Issued April 6, 2020.

Chapter 12.2: Creating a Basic Emergency Response Plan

An "emergency response plan" is a resource to prepare for and address potential future events. All poll workers — not just Chief Inspectors — should be familiar with the plan *before* it is needed. An effective plan need not be lengthy. A concise plan that people understand is more useful than a thick binder that sits on a shelf. The process of developing and maintaining the plan is particularly beneficial, because participants are forced to become familiar with plan elements. A sample plan is provided as **Appendix 2** to this Part.

Contingency plans should contain detailed information on the following topics:

- Contact information for emergency response partners
- Polling places and alternate locations
- Summary of normal operating procedures
- A plan for securing and handling election materials
- Common emergency scenarios

Sec. 12.2.1: Contact Information for Emergency Response Partners

Every emergency response plan should always contain a detailed contact information section for local, state, and federal emergency response partners. This can include staff at the clerks' offices, law enforcement, fire department, public works, and anyone else who may need to assist with voting during an emergency.

Sec. 12.2.2: Polling Places & Alternate Locations

Some emergencies can be addressed by planning for, and relocating to, an alternate location that is unaffected by the emergency. Moving voting activity to an alternate location is not a simple matter that should be done on the fly. **Alternate locations should always be designated prior to when the voting activity is scheduled to begin.**

Planning for alternate locations need not be limited to polling places. Instead, municipal clerks should plan for disruptions at any location necessary to the voting process, including their own office, central count facilities, or locations served by Special Voting Deputies (SVDs).

> **Best Practice:** If it is necessary to utilize an alternate location for voting activity, municipal clerks should also contact Commission staff to notify them of the change. Commission Staff can assist with ensuring the change is reflected in MyVote and WisVote if necessary.

Sec. 12.2.3: Summary of Normal Operating Procedures

Sometimes, emergency responses are hindered because the people with subject matter knowledge of what needs to happen are the ones directly affected by the emergency. This is why it is important for the emergency response plan to start with a summary of the normal functions and responsibilities. The level of detail can vary depending on need, but it should be detailed enough that anyone can pick up the emergency response plan and understand what responsibilities still need to be carried out despite the emergency. It could be as simple as listing the major functions of the polling place and the normal voting process.

Sec. 12.2.4: A Plan for Securing & Handling Election Materials

In an emergency, the priority should always be the safety of people over the safety of objects. If the polling place is burning down, no election official or voter should put themselves at risk by trying to rescue ballots or election equipment.

However, an emergency response plan should contain plans for how to properly secure and handle election materials, when it is safe to do so, for each of the common emergency scenarios identified at the end of this chapter.

The most critical election materials are:

- Unmarked ballots
- Voting equipment and ballot boxes
- Unprocessed absentee ballots
- Absentee ballot envelopes
- Poll books

The emergency response plan should identify which election officials or poll workers are responsible for securing or transporting election materials during an emergency.

Sec. 12.2.5: Common Emergency Scenarios

It's impossible to plan for everything, but identifying the most common scenarios can go a long way to ensuring election officials feel comfortable responding to the most likely emergencies.

Common Emergency Scenarios

- **Inclement or Severe Weather:** Heavy snow, ice, freezing temperatures, heavy rain or flooding, severe thunderstorms, tornados, dangerous smog or smoke, excessive heat indexes, landslides, wildfire, or hail.
- **Structure Issues:** Fire or fire alarm, power outages, burst pipes or backed up sewer lines, broken windows, collapsed roofs, pest infestations, or impact damage to walls or doors.

- **Infrastructure Issues:** Closed roads or highways, flooded parking lots, bridge collapses, public transit shutdowns, or loss of cell service or Internet connectivity.
- **IT Issues:** Ransomware attacks, phishing attempts, distributed denial-of-service (DDOS) attacks, file or system corruption, server failure, or viruses.
- **Safety Threats:** Bomb threats, active shooters, theft of election materials or property, attacks on election officials or voters, or destruction of property.
- **Materials or Equipment Shortages:** Poll worker shortages, low ballots, tabulator or electronic poll book failure, or inability to procure necessary supplies.
- **Misinformation:** Online rumors, deepfakes of election officials, or incorrect "viral" social media posts.

Considerations for Common Emergency Scenarios

- **Effects on people:** What will happen if a key leader becomes unavailable? How can operations be adapted to account for unavailable staff? Are individual responsibilities and the chain of command clear to all personnel?
- **Effects on locations:** What would its effect be on alternate absentee voting sites? Facilities served by Special Voting Deputies? Central count facilities? Other government buildings or meeting locations for the municipal or county canvass?
- **Effects on time:** What would its effect be on the clerk's office six months prior to Election Day? One month? One week? One day? How will the event affect post-election activities?

The emergency response plan should address what happens next for each identified common emergency. Because emergencies are unpredictable, it is more effective if the plan addresses general principles than specific actions. For example, in an emergency, certain streets or exits could become inaccessible, so a plan should be flexible enough for the poll workers to adapt.

Chapter 12.3: Contingency Planning Additional Topics

The following sections expand on the concepts introduced above and provide additional information for jurisdictions to consider when improving upon a basic contingency plan.

Sec. 12.3.1: The Clerk's Office

Municipal clerks can relocate their office to a designated alternate location in the event of emergency as an exercise of their discretion. Wis. Stat. § 7.15(1). The emergency response plan should consider how this will occur, including how staff will be notified of the change and how work will be completed.

Sec. 12.3.2: Alternate Absentee Voting Sites

Alternate absentee voting sites are designated well in advance of an election, and no law specifically addresses what to do if an emergency or other circumstance affects their use. Generally speaking, a municipal clerk cannot designate an additional alternate absentee voting location once the deadline to do so has passed.[2]

If the governing body has designated more than one alternate absentee site, voters should be directed to those other locations, assuming they are unaffected by the emergency. If the governing body has only designated a single alternate site that becomes unusable due to an emergency, the Commission recommends that the emergency response plan include instructions for how the governing body may immediately convene to address the situation as consistently as possible with Wis. Stat. § 6.855.

Sec. 12.3.3: Facilities Served by Special Voting Deputies

If an emergency or other situation impacts a facility served by Special Voting Deputies (SVDs), the municipal clerk should first take steps to arrange another time to visit, assuming that is feasible. See Wis. Stat. § 6.875(6)(a).

---

2 See October 5, 2020, Clerk Communication: Alternate Sites for In-Person Absentee Voting.

At times, public health outbreaks (influenza, MRSA, COVID-19) have prompted facilities served by SVDs to close to visitors, including to SVDs. The emergency response plan should contain steps for ensuring that voters in these facilities are still able to cast their ballots even if the facilities close to visitors due to some type of emergency.

Sec. 12.3.4: Emergencies at Polling Places Prior to Polls Opening

Whenever it becomes impossible or inconvenient to hold an election at the designated location, state law permits poll workers to adjourn to the nearest convenient place for holding the election. Wis. Stat. § 7.37(1).

> **Best Practice:** The nearest convenient location should be identified in advance when the polling place location decisions are made.

When this is necessary, the poll workers shall make a proclamation of the move and shall station either a law enforcement officer or other person designated by the municipal clerk to be stationed at or near the original polling place to inform voters of the move. *Id.*

The prohibitions and restrictions on closing polling places under Wis. Stat. § 5.25(3)(a) do not affect the ability of poll workers to adjourn to an alternate location on Election Day. Wis. Stat. § 5.25(3)(d). For more detailed information on the establishment, closing, and discontinuance of polling place locations, **see Part 13: "Polling Places & Supplies."**

Sec. 12.3.5: Emergencies at Polling Places after Polls Opening or During Canvass

State law gives poll workers the full authority to maintain order and enforce obedience to their lawful commands during the election or canvass of the votes. Wis. Stat. § 7.37(2). While the procedures for relocating to alternate locations are limited to before the poll workers receive any votes, the Commission believes that state law, as well as common sense, grants poll workers with the authority to relocate during Election Day if an emergency arises after polls open. Accordingly, whenever it becomes impossible or

convenient for an election to continue at a polling place after the polls have opened, poll workers should utilize the same procedures to relocate outlined by Wis. Stat. § 7.37(1) as an exercise of their authority under Wis. Stat. § 7.37(2).

Sec. 12.3.6: Emergencies at Absentee Canvassing Facilities ("Central Count")

Note: When this manual uses the term "central count," it is referring to a meeting of the board of absentee ballot canvassers under Wis. Stat. § 7.52(1)(a).

Municipalities may, by ordinance, choose to canvass all of their absentee ballots at one location (often referred to as a central count facility). Wis. Stat. § 7.52(1)(a). If a central count facility has been authorized, the board of absentee ballot canvassers can convene any time after the opening of the polls and before 10 p.m. on Election Day. *Id.* Municipal clerks are required to give at least 48 hours' notice ahead of the convening, and the counting is observable election activity under *Id.*, Wis. Stat. § 7.41.

If an emergency impacts the canvassing of absentee ballots at the designated location, the best practice would be for the board of absentee ballot canvassers to pause their work, notice the change in plan to the public, and then move to an alternate location. Statute does not specifically address whether a board of absentee ballot canvassers can do this, but in case of emergency, the safest path forward is to take measures to ensure that absentee ballots can still be canvassed. The municipal clerk should give as much notice of the move as possible but if giving 24 hours' notice is impossible or impractical, they can provide shorter notice as long as it is still at least 2 hours ahead before the meeting will resume. Wis. Stat. § 19.84(3).

Appendix 12.A: Polling Place Extensions by Court Order

Under Wisconsin law, the polls must remain open on Election Day from 7 a.m. to 8 p.m. Wis. Stat. § 6.78. Municipal clerks cannot decide on their own authority to close their polling places early, or open late, to avoid an emergency that has not yet occurred, such as severe weather forecasts. Ongoing emergencies may disrupt voting on Election Day, and the safety of voters and staff is always the top priority.

The Commission has no role to play in considering or granting polling place extensions, except to provide guidance to municipal clerks who are seeking the extension or who have been named in an extension request filed by an interested party. Municipal clerks should contact the Commission with any questions relating to these types of petitions if not answered in this guidance.

When an emergency, or another unforeseen circumstance, disrupts voting on Election Day, interested parties may seek an extension of voting past 8 p.m. at the affected polling places by seeking a court order pursuant to Wis. Stat. § 6.96. This is sometimes done affirmatively by the municipal clerk, especially if the clerk is aware of and responding to an ongoing situation. In recent years, political parties, candidates, and voting rights groups have also made polling place extension requests with various courts.[1]

Seeking this kind of court order is especially important when a polling place is closed for a significant period of time, especially during the afternoon or evening hours, when voters may not have an adequate opportunity to return to the polls and vote. *Id.* provides for an extension of voting hours by federal court order. However, Wisconsin courts have regularly determined that they also have inherent jurisdiction and authority to issue orders to extend voting hours.[2]

---

1 See Democracy Docket for an example of a successful petition filed by someone other than the municipal clerk.

2 In a recent example, Walworth County Circuit Court Judge David M. Reddy granted an extension for voting at polling locations in the City of Whitewater during the November 5, 2024, General Election. The extension came at the request of the Democratic National Committee (DNC), and alleged that the extension was needed due to inadequate staffing and insufficient number of electronic pollbooks due to unexpectedly high turnout. Judge Reddy cited Wis. Stat. § 6.96 as the basis for his authority, and extended voting at all polling places in the City of Whitewater until 10:30 p.m.

Time is of the essence when a court order is necessary so that election inspectors, voters, and the media can be advised whether voting hours will be extended. In such situations, it is important for the municipal clerk to immediately notify and consult with their municipal attorney to discuss the decision whether to extend voting hours and for how long. The extension should take into consideration the amount of time the polling location was closed and the time of day it was closed.

The Commission has prepared a number of templates and samples of paperwork needed to submit a petition to extend voting:

- **Petition:** The petition for an extension of polling hours is straightforward. It should state which polling places should be extended, and until when.
- **Affidavit:** The petition should be accompanied by an affidavit, or sworn statement, from someone with knowledge of why the extension is necessary. It should provide more detailed information regarding the reason the polling location was closed and the length of the closure. An affidavit allows the Court to rely on a sworn statement from either an election official or other interested party and creates a record supporting the extension request.
- **Stipulation:** When the extension is sought by a municipal clerk in a partisan election, it may be helpful (though is not required) for the clerk to seek agreement from the major political parties regarding the extension request, if time permits. If time does not allow for a written stipulation, it is helpful to at least attempt to notify the major political parties in advance so that they have an opportunity to provide input or raise any concerns or objections with the court. When time permits, a written or oral stipulation demonstrates to the court that parties with potential interest in the extension requests have been provided notice and an opportunity to be heard.
- **Proposed Order:** The requestor can include a proposed order for the court to execute if it agrees to grant the petition for the extension of polling hours. If the request is considered at an in-person court hearing, it is helpful to have multiple copies of the proposed order available for the court.

Note: Court document templates are available on elections.wi.gov.

If the court grants the extension, the municipal clerk should take the following steps:

1. Immediately notify the election inspectors at the affected polling places, and make plans to provide extra staff if necessary.
2. Communicate with the public by all possible means, including contacting local media, posting on social media and the municipality's website, and posting signs at the affected polling places. The communication should detail:
   - Which polling places are affected
   - The deadline for voting as reflected in the court order
   - A reminder that anyone in line by the new close of polls deadline will be permitted to vote
3. Prepare copies of the Commission's Notice to Voters to be handed to voters at the polling places who are voting after 8 p.m. pursuant to the court order.
4. Instruct election inspectors at the affected polling places to follow the procedures of Wis. Stat. § 6.96 with respect to marking the ballots of the voters who cast ballots during the polling place extension hours.

Generic City, Wisconsin

Polling Place and Election Day Emergency and Contingency Plan

Adopted (Amended) by Resolution YY-XYZ

Last Updated: September 11, YYYY

Maintained By: City Clerk Janice Smith

Introduction:

This document will serve as the emergency and contingency plan in case of an unexpected event that requires a change of polling place location or operating procedures on or around an election day. The purpose of this plan is to provide guidance for election officials and other relevant parties regarding the general safety of polling locations, all while maintaining the security of an election.

This document shall be reviewed with election inspectors as part of the clerk's pre-election training. All relevant officials should be familiar with this plan and be ready to implement its provisions as may become necessary. The document and its contents shall be considered sensitive in nature. The county clerk, polling place property owners and facility managers, and other applicable parties should be apprised of relevant aspects of this plan.

Emergency Communications:

The Generic City Clerk's Office provides a cell phone to each polling place's Chief Inspector. These telephones are to remain turned on all day and within hearing range. Should the Generic City Clerk or any emergency personnel need to talk to you, these telephones may be our only means of communication. Those numbers are shared with all relevant municipal officials and emergency officials, and the contact information for each emergency service provide or official will also be in that pre-provided cell phone's contact list. This list should include:

Contact	Phone Number
Generic City Police/Fire/Medical	Emergency: 911 Non-emergency: (608) 555-1234
County Sheriff	(608) 555-1234
County Clerk	(608) 555-1234
City Clerk	(608) 555-1234
Wisconsin Emergency Management	(608) 555-1234

Contact	Phone Number
Wisconsin Elections Commission	(608) 555-1234
Energy Company	(608) 555-1234
Gas & Electric Company	(608) 555-1234
City Public Works	(608) 555-1234
Common Council President	(608) 555-1234
Fire Chief	(608) 555-1234
Duty Circuit Court Judge	(608) 555-1234
Duty Generic City Police Officer	(608) 555-1234

Polling Places and Alternate Location:

The Generic City Common Council has approved the following locations as primary and emergency polling places for the city's election day activities:

Primary Polling Place	Address
King Elementary School	123 First Street, Generic City, WI 12345
Jackson Municipal Building	123 Second Street, Generic City, WI 12345

Emergency Polling Place	Address
Patel Public Library	123 Third Street, Generic City, WI 12345

Election Official Responsibilities:

All election officials should be knowledgeable of what to do in the event of an emergency event, as described below or more generally. This plan addresses security issues relating to clerks and local officials, poll workers, voters, election records, and equipment.

General Responsibilities:

- Know where the primary and secondary exits are for your facility.
- Locate the fire extinguishers.
- Learn where to go in your facility in case of an emergency, severe weather or tornado.
- Have a specific point or location for all employees to assemble, both inside and outside your facility.
- Report any unusual activity or persons at your location. Notify the Generic City Clerk's Office at (608) 555-1234, or dial 911 for emergency services.
- Document any evacuation or emergency activities on your Inspectors' Statement.

Polling Place Details:

Voters may cast their ballots at the appropriate polling place from 7:00 AM until 8:00 PM on election day.

In the event of an emergency, a court order may be requested to extend polling place hours.

In the event of an emergency which renders any Primary Location impossible or inconvenient for use, the Emergency Location designated herein shall be used as a replacement location. The list of potential emergencies listed herein constitutes the minimum emergency types that may warrant movement to the Emergency Location for polling place activities. Similar emergencies not listed in this policy, but otherwise requiring movement, are hereby authorized.

Steps will be taken to ensure the primary and backup sites comply with the accessibility requirements of Wis. Stat. § 5.25(4), notice requirements of Wis. Stat. § 10.01(2)(d), and the designation requirements of Wis. Stat. § 5.25(3).

If for any reason the polling place needs to be permanently evacuated during an election, all election materials shall be brought to the alternate location. Depending on the reason for the evacuation, a police escort and/or their designee will be provided. A trained individual must be stationed at or as near as possible to the closed location to notify all voters of the closure and of their new polling location. In addition, a notice should be posted on the entrance to the polling place notifying voters of the evacuation and that they should report to the alternate location to vote.

Ballot materials, voting equipment, and all materials must remain locked or properly secured, and at no time may these items be out of the sight of the election inspectors or local officials unless the emergency puts those parties in danger warranting evacuation without the materials. In that case, time and safety permitting, the election inspectors or local officials may take other measures to secure the election materials.

Other forms of communication to voters will include... **(e.g. City social media pages, email and text blasts, emergency notification systems, city website, local media outlets, etc.).**

Election Equipment and Ballot Security:

- The decision of what to do with ballots and election equipment will be directly proportionate to the type of emergency. The following represents a few considerations that may be necessary as the situation demands:
- When you are dealing with a life-threatening situation, the evacuation and safety of human life is always the first concern. Please remember to inform any voters at your location of the safety evacuation route.
- The chief inspector will call the Generic City Clerk's Office at (608) 555-1234 to keep the office informed of the situation.
- The chief inspector will keep the cell phone turned on and in hand to ensure that a line of communication is available for the Generic City Clerk's Office or other responding entities.
- If you have time and a safe exit route, you may bring the tabulator with you to your pre-arranged evacuation meeting location. Unplugging the tabulator will not affect your election results. **(MUNICIPALITIES SHOULD CONFIRM THIS IS ACCURATE FOR THEIR CHOSEN EQUIPMENT, BUT IT IS GENERALLY TRUE)**

- Election officials will maintain custody of the poll books, registrations, and all unvoted ballots. If you are able, allow voting to continue in the Emergency Location or parking lot of the Primary Location. Contact the Generic City Clerk if a change of location is required, so that the necessary steps may be taken. This must include a proper person being stationed at or as near as possible to the closed location to notify all voters of the closure and of their new polling location.
- Document the incident on your Inspectors' Statement, including the amount of time voting activities were suspended or unavailable.
- **FILL IN MUNICIPAL SPECIFIC RESPONSE PROVISIONS AS ALLOWABLE BY YOUR CITY'S OFFICIALS AND LEGAL COUNSEL.**

Medical Emergencies:

If you observe an election official, voter or observer who appears to be seriously ill or injured:

- **Dial 911 immediately.** Give the 911 operator the location and type of emergency. Follow the directions given to you by the 911 operator. Try to ensure voters remain calm, aware that emergency or law enforcement officials may be present, and that the flow of voting continues to the greatest extent possible.
- **FILL IN MUNICIPAL SPECIFIC RESPONSE PROVISIONS AS ALLOWABLE BY YOUR CITY'S OFFICIALS AND LEGAL COUNSEL. (e.g. when and how to administer aid, minimization of liability, information that should be reported or logged, etc.).**

Fire Evacuation:

- Remain calm. **Call 911.**
- Direct all election officials and voters in an orderly fashion to nearest exit.
- Do not use elevators.
- Refer to the Election Equipment and Ballot Security section for directions on dealing with ballots and equipment.
- Proceed to your designated assembly location. Be careful if crossing streets to your assembly point.
- Take a head count and note any missing people. Report any missing people to emergency personnel.
- Stay in your designated area until emergency personnel direct you to move elsewhere.
- Do not attempt to re-enter the building until advised by emergency personnel.
- Document this event on your Inspectors' Statement, including the amount of time voting was halted.
- **FILL IN MUNICIPAL SPECIFIC RESPONSE PROVISIONS AS ALLOWABLE BY YOUR CITY'S OFFICIALS AND LEGAL COUNSEL (e.g. with whom can emergencies be discussed, how to handle media presence, additional safety protocols).**

Threatening Phone Calls, Bomb Threats, and Suspicious Objects:

- Keep anyone from handling the object or going near it. The object may be dangerous. In addition, preservation of evidence is important for law enforcement.
- If a suspicious object is located, immediately evacuate the area, leaving the object undisturbed until the police arrive.
- In the event of a threatening phone call or bomb threat, promptly write down everything you can remember about receiving the verbal or written threat, parcel, or suspicious object. Listen for background noise, the caller's voice, and what was said. If the situation allows, ask questions about where the bomb is located, when it will explode, the person's name and address. Police interviewers will need this information.
- **Call 911 immediately** and assess whether an evacuation is necessary.
- Document this incident on your Inspectors' Statement, including the amount of time voting is unavailable.
- **FILL IN MUNICIPAL SPECIFIC RESPONSE PROVISIONS AS ALLOWABLE BY YOUR CITY'S OFFICIALS AND LEGAL COUNSEL.**

Threats of Violence:

Be aware of the possibility of an incident occurring at your polling location. Local officials should pre-plan for threats of violence, disruptions, and elections or other crimes in advance of election day. This includes de-escalation training, reminders of the chief inspector's authority, threat landscape briefings between local officials and law enforcement, and planning for law enforcement presence or responses on election day. Please note the following:

- Take all threats of violence seriously.
- Report any threats to the chief inspector to make a determination as to the next course of action.
- For any situation that involves an immediate threat of violence, an election official should notify law enforcement or the duty officer is one is predetermined. **Dial 911.**
- In the event of a confrontation, do not panic. Do exactly what you are told—no more and no less. Do not do anything to surprise the threatening individual.
- Document incident on the Inspectors' Statement.
- **FILL IN MUNICIPAL SPECIFIC RESPONSE PROVISIONS AS ALLOWABLE BY YOUR CITY'S OFFICIALS AND LEGAL COUNSEL.**

Active Shooter:

Active shooter situations are unpredictable and evolve quickly. Because active shooter situations are often over within three to five minutes, before law enforcement arrives on the scene, poll workers should be prepared both mentally and physically to deal directly with an active shooter situation. Keep safety first. If an active shooter event occurs at the polling place, use the **Run | Hide | Fight** model. Once shooting starts, it is too late for negotiation to help.

- **RUN:** If it is safe to do so, exit the facility immediately to **avoid the shooter**. Run if the path is clear and you can easily reach an exit. Do not worry about the ballots or election supplies.

- **HIDE:** If you are unable to safely exit the facility, lock yourself in any room and barricade the door to **deny the shooter access**. Because each polling location has different types of doors, each polling place is encouraged to develop plans in advance for where and how to barricade the door shut. Depending on the type of door and how it opens, you might barricade the door using a door stop, binder, table, or belt. Turn off the lights, silence cell phones, and remain quiet. If you barricade, prepare for your next response if the attacker finds you or gets into the room.
- **FIGHT:** If you are unable to utilize the avoid and deny strategies successfully, **defend yourself using whatever means are available**. When the shooter is in close range and you cannot flee, your chance of survival is much greater if you try to incapacitate the shooter.
- The weapon in the shooter's hand is the biggest threat. If possible, attack the shooter immediately as the attacker enters the room, before they orient themselves. Grabbing the gun tightly with a c-shaped grip around its top or slide can hinder a handgun's operation. After grabbing the gun by the slide, use your other hand with a hammer fist to strike at the shooter's vision and wind, or just keep hitting their nose. If the shooter has a rifle, grab outside of the shooter's hands from the side, and drive the rifle down toward the shooter's legs and away from you. Do not stop fighting until the shooter is incapacitated or disarmed.
- If you are within 20 feet of the shooter in an open area, you may be better off running toward the shooter than away from them; otherwise, you are giving them time to aim at you. **Call 911 as soon as possible.**
- **FILL IN MUNICIPAL SPECIFIC RESPONSE PROVISIONS AS ALLOWABLE BY YOUR CITY'S OFFICIALS AND LEGAL COUNSEL, OR IN ACCORDANCE WITH YOUR SPECIFIC ACTIVE SHOOTER PLAN OR TRAINING.**

Major Event Elsewhere (ex. 9/11/2001 terrorist attacks):

- In the event of a major terrorist attack or similar event, all elections will continue unless federal or state of Wisconsin officials have ordered otherwise.
- If there is no police order to take cover or remain indoors, all operations of the polling place can remain intact.
- If you are notified to evacuate the polling place, refer to Election Equipment & Ballot Security section for directions on dealing with ballots and equipment.

Hazardous Leak:

- If you are the first person to identify a leak or hazardous substance release, **call 911 to report the incident**.
- The Generic City Fire Department or other relevant utility/agency will assess the situation.
- Remain at the polling location unless notified otherwise by the emergency personnel. Close doors and windows if leak or spill is outside of your facility.
- Refer to the Election Equipment and Ballot Security section for directions on dealing with ballots and equipment.

- **FILL IN MUNICIPAL SPECIFIC RESPONSE PROVISIONS AS ALLOWABLE BY YOUR CITY'S OFFICIALS AND LEGAL COUNSEL.**

Tornado/Severe Weather:

- In the event of a tornado warning, or severe weather warning, immediately seek shelter in a secure location. All election officials should know this location ahead of time. If time does not allow you to evacuate to a safe location, find shelter under a heavy object, such as a table, and protect your head.
- Take a head count of your group. Try to remain calm and quiet during the waiting period. Do not wander.
- If the building is struck by a tornado, remain in your location until it is safe to evacuate.
- It is important to stay away from all sources of power, power lines, phone lines, gas lines, and windows.
- Once you are clear of the area, do not re-enter the building without clearance from emergency personnel.
- Document the incident on your Inspectors' Statement, including the amount of time voting was halted.
- **FILL IN MUNICIPAL SPECIFIC RESPONSE PROVISIONS AS ALLOWABLE BY YOUR CITY'S OFFICIALS AND LEGAL COUNSEL.**

Power Outage:

- Remain calm and provide assistance to visitors and staff in your immediate area.
- If charged, use the flashlight provided by the Generic Clerk's Office.
- If you are in a location that does not have windows, proceed cautiously to an area that has emergency lights.
- The tabulator will retain all data in its memory.
- Document the incident on your Inspectors' Statement.
- Call the local power company and Generic City's Public Works Office to inquire about options for restoring power or utilizing backup power sources.
- **FILL IN MUNICIPAL SPECIFIC RESPONSE PROVISIONS AS ALLOWABLE BY YOUR CITY'S OFFICIALS AND LEGAL COUNSEL (e.g. safety considerations related to power outages, requirements for the presence of backup generators, etc.).**

Observers:

Observers are required to follow all emergency procedures. They are prohibited from interfering with the election process or emergency procedures and must obey lawful orders of the chief inspector or local officials.

Part 13
Polling Places & Supplies

Establishing, closing, relocating, and consolidating polling places; polling place supplies; supplies checklist

Polling places are where in person voters go on Election Day to cast their votes. They are established by the governing body of the municipality well in advance, and strict rules govern when they can be closed, relocated, or consolidated. Municipal clerks should use this chapter ahead of each election to ensure that each polling place in their jurisdiction has sufficient supplies.

Chapter 13.1: Introduction

A polling place is the actual location where the elector's vote is cast. Wis. Stat. § 5.02(15). Polling places are established by the governing body of a municipality ahead of Election Day, and municipal clerks perform all work necessary to adequately stock and staff each polling place for all voters in their jurisdictions.

Note: Clerks should rely on the Polling Place Checklist produced in Appendix 1 of this chapter to plan for each election.

Polling places can be the center of activity on Election Day, particularly in municipalities with only one polling place.

Best Practice: if the municipal clerk is on the ballot, they should not be stationed in the polling place. While their presence may be momentarily needed to assist with issues on Election Day, steps should be taken ahead of time to minimize voter interaction. If the polling place and the clerk's office share the same building, clerks should attempt to use different walking routes or restrooms as to not put themselves in view of voters. If clerks on the ballot are needed at the polling place, they should make visits as short as possible or deputize someone to help in their place.

Chapter 13.2: Polling Place Establishment & Guidance

Polling places are established by the governing body of a municipality at least 30 days before any election. Wis. Stat. § 5.25(3)(a). Polling places are usually public buildings, unless the governing body determines that the public building choices are impractical or that the use of a nonpublic building better serves the needs of their voters. Wis. Stat. § 5.25(1).

Polling places must be accessible to all individuals with disabilities. Wis. Stat. § 5.25(4)(a).

Polling place locations can only be entered into WisVote by Commission staff. If there are new polling places, or changes to existing polling places, municipal clerks must contact Commission staff directly at elections@wi.gov.

Sec. 13.2.1: Guidance for Choosing Polling Place Locations

There are approximately 2,000 to 3,000 polling places in use throughout the state on Election Day, each of which are unique to the needs of the municipality. In addition to public buildings, most polling places are usually located in churches and schools. However, polling places have also been in bowling alleys, supper clubs, private businesses, retirement facilities, recreation clubs, zoos, and even empty storefronts. There are many considerations that go into choosing polling place locations, including sufficient space for voting, availability, cost, and accessibility.

Governing bodies choosing polling place locations should carefully consider whether a particular location, especially some private locations, may give the perception of electioneering or otherwise make voters uncomfortable. For example, some voters may perceive that certain houses of worship have political correlations that may make them hesitant to want to enter the space. Likewise, some voters may feel similarly about police stations or other public buildings where law enforcement are routinely present. Obviously, a polling place should never be in the headquarters of a political party or candidate's campaign office, but proximity to those types of offices within the same multi-use building can also pose an issue.

Sec. 13.2.2: Polling Place Accessibility

All polling places must be accessible to all individuals with disabilities. Wis. Stat. § 5.25(4).

Note: If a potential polling place location is not accessible, it cannot be chosen, no matter how good of a fit it is for the municipality.

The Commission is required to ensure that all polling places are accessible. *Id.* The Commission accomplishes this by requiring municipal clerks to certify to the Commission that all polling places used within the municipality satisfy the accessibility requirements established by the Commission. The Commission also hires accessibility reviewers to assess accessibility set up at polling places on Election Day.

For more detailed information on polling place accessibility, **see Part 11: "Accessibility."**

Sec. 13.2.3: Who Votes Where? Single & Multi-Ward Polling Places

All electors within a ward must vote at the same polling place Wis. Stat. § 5.25(5)(a). A single polling place can serve more than one ward in a municipality. Wis. Stat. § 5.25(5)(c).

Important Exception: if an elderly or disabled elector is unable to vote at the polling place that serves their residence due to age or an accessibility issue, the municipal clerk or board of election commissioners of a municipality may reassign the elector to another polling place within the municipality that is accessible to their needs. Wis. Stat. § 5.25(5)(b). If this is necessary, the municipal clerk should ensure that the polling place to which the elector is reassigned has the correct ballot style available for the voter's ward.

When two or more wards are combined for voting purposes at a single polling place the governing body must do so by resolution at least 30 days before any election. Wis. Stat. § 5.15(6)(b). In municipalities where the population is less than 35,000, the governing body may provide in the resolution to combine

the election results for each set of combined wards. The governing body of a municipality of 35,000 or more may by resolution combine election returns of a ward with an adjacent ward if the ward has a population of 20 or less and the total population of the combined wards would not exceed that municipality's population range for wards. Election results can be combined only if electors in the combined wards vote for the same offices. Wis. Stat. § 5.15(6)(b).

If a municipality only has one ward or combines all of their wards into a single polling place, the municipal board of canvass can occur at that polling place after polls close. Wis. Stat. § 7.53(1)(a). **See Chapter 14.27: "Municipal Boards of Canvassers."**

Sec. 13.2.4: Combining Polling Places for Multiple Municipalities

Municipalities may use the same polling place location (meaning the same room in the same building) so long as the location can be set up to accommodate voters from both areas in a way that minimizes confusion. For example, two neighboring villages may wish to utilize the same multipurpose room in one of the town halls because it is a large, free space that is also properly accessible to voters. If municipalities wish to do this, each municipality still must take all of the required steps to establish the location as the designated polling place for their jurisdiction. Each municipality must still have its own poll books, ballots, election materials, voting equipment, and poll workers even if sharing the same polling place location with another municipality.

Co-locating polling places for more than one municipality is not prohibited by state law, but municipalities contemplating this option should take care to ensure that all steps of establishing the co-location as a polling place for their voters are followed.

Chapter 13.3: Closing Polling Places

In 2023, a new law went into effect governing when polling places can be closed ahead of Election Day. Wis. Stat. § 5.25(3). The law has always required governing bodies to establish polling places at least 30 days ahead of Election Day. Wis. Stat. § 5.25(3)(a). However, the law was previously silent on whether anyone had the authority to close, consolidate, or otherwise make changes to polling places within 30 days of an election. This came to a head during the early days of the COVID-19 pandemic when virus mitigation efforts and poll worker shortages posed logistical problems for the 2020 Spring Election. Ahead of the 2020 Spring Election, the Commission had issued limited, election-specific guidance stating that municipal clerks had authority to close and consolidate polling places for the upcoming election without the approval of their governing bodies in situations where the COVID-19 pandemic required changes to or consolidation of polling places, such as shortage of available poll workers. After the height of the pandemic, the Commission attempted to promulgate an administrative rule to effectuate that guidance, but that rule attempt was abandoned in the wake of the enactment of Wis. Stat. § 5.25(3).

The new law aims to address situations where municipalities closed or consolidated polling places within days or weeks of Election Day, causing confusion and lack of easy voting access for voters.

No established polling place may be closed to voters on Election Day unless a majority of the governing body of a municipality makes a finding of emergency. The majority of the governing body and the municipal clerk must both approve the closure. If this occurs, the municipal clerk must do the following, according to Wis. Stat. § 5.25(3)(a).

Closing a polling place during an emergency:

- Post public notice of the closure on the municipality's website or, if the municipality does not maintain a website, post notices in at least 3 different locations within the municipality reasonably calculated to notify the most residents. Wis. Stat. § 10.05.
- Publish a class 3 notice under ch. 985 notifying the public of the closure.
- Publish a class 2 or class 1 notice under ch. 985 notifying the public of the closure if time does not permit publication of a class 3 notice.
- Designate a person to be stationed at or as near as possible to the closed location to notify all electors of the closure and of their new polling location.
- In a municipality establishing one polling place only, the municipal clerk must establish a new polling location approved by the majority of the governing body and the municipal clerk.

A municipality may never close more than one-half of its polling places within 30 days of an election, except in cases where a municipality only has one polling place. Wis. Stat. § 5.25(3)(b).

After an election and more than 30 days before the next election, the location of a polling place in a municipality may not be discontinued without the approval of the municipality's governing body after a public hearing. At the hearing, the public must be given an opportunity to present testimony on the proposed discontinuation. Wis. Stat. § 5.25(3)(c).

Chapter 13.4: Relocating Polling Places Due to Emergencies

When it becomes impossible or inconvenient to hold an election at the designated location, state law permits election inspectors to adjourn to another location under specific procedures. Wis. Stat. § 7.37(1).

For more information on planning for relocation, **see Chapter 12.3: "Contingency Planning Additional Topics."** It is crucial to have an updated Election Day Emergency Response Plan that is reviewed before each election. Election inspectors should be aware of any emergency preparedness or contingency plans, and plans should be shared with your county clerk and local emergency response crews, such as the police, fire, and emergency government departments.

Chapter 13.5: Consolidating Polling Places for School District Special Elections

Please note that there are specific statutes that allow a school board to consolidate the number of polling places during a special election. Under Wis. Stat. § 120.06(9)(a), a school board has the authority to consolidate polling places for its school district elections when no other elections are being conducted in the municipality on that same date. In such cases, instead of maintaining multiple polling locations, the school board may designate a single polling place within the district for voters to cast their ballots. The school board must officially designate the consolidated polling place and provide proper public notice so that electors are informed of where to vote. Wis. Stat. § 120.06(9)(c).

Important Exception: The school board may not close or consolidate a polling place if ten percent or more of the voters voting in the last school board election voted at that polling place or if the polling place is located in a municipality which is located entirely within the school district. Wis. Stat. § 120.06(9)(b).

For more information on school district clerk responsibilities for school district special elections, **see the Election Administration Manual for Wisconsin School District Clerks.**

Chapter 13.6: Polling Place Supplies

A checklist outlining what materials and set-up the municipal clerk must provide for each polling place follows this section.

This chapter should be used when preparing for each election. **See Chapter 11.7: "Polling Place Set-Up"** and **Chapter 14.5: "Election Observers"** for more information on polling place set-up.

Each polling place must be provided with the following:

- Voting Booths
- Electronic Voting Systems
- Paper Ballots
- Ballot Boxes
- National Flag
- Election Laws and Manuals
- Tables and Chairs
- Signs
- Observer Area
- Voter Information and Notices
- Election Day Forms and Supplies

Sec. 13.6.1: Voting Booths

Every polling location is required to have at least one voting booth for every 200 electors who voted in the last general election. Wis. Stat. § 5.35(2). Tip: Municipal clerks should review their participation from the previous election in preparation for each upcoming election to confirm that each polling place will have sufficient voting booths.

At least one voting booth must meet specific accessibility criteria. See Wis. Stat. § 5.25(4)(a). One booth must be at least 30 inches wide with a writing surface between 28 and 34 inches high in order to meet accessibility standards, in addition to the accessible voting equipment. Knee clearance from the floor to the underside of the booth should be at least 27 inches. Toe/knee clearance from the front to the back of the booth should be at least 17 inches. These specific standards are set by federal regulations that implement the Americans with Disabilities Act. Specifically, these standards come from the ADA

Accessibility Guidelines, which Title II and Title III ADA facilities (which includes polling places) must follow. For more detailed information on polling place accessibility, **see Sec. 11.7.6: "Voting Area."**

Booths must have a surface on which to write and be sufficiently enclosed to ensure privacy for the elector. Wis. Stat. § 5.35(2). It is important to remember that the accessible booth must also be sufficiently enclosed to ensure privacy for the elector. This can be achieved by using a privacy shield or by positioning the table so that the face of the equipment is directed away from the view of the room.

Pencils or appropriate marking pens must be provided. For municipalities using electronic voting systems with optical scan ballots, the vendor of the voting equipment will advise which writing implements may be used. For hand count jurisdictions, most writing implements are sufficient, provided they make legible marks.

Sec. 13.6.2: Electronic Voting Systems

All municipalities with a population of 7,500 or more are required to use electronic voting systems. Wis. Stat. § 5.40(1).

Every polling location must have at least one piece of voting equipment that meets accessibility standards set forth by the WEC to allow individuals with disabilities to vote privately and independently. Wis. Stat. § 5.25(4)(a).

For more information **see Part 9: "Voting Equipment."**

Sec. 13.6.3: Paper Ballots

Even where voter-verified paper audit trail (VVPAT) systems are used, there must be a supply of paper ballots available at the polling place. See Wis. Stat. § 7.50(1)(a) ("Only ballots provided by the person authorized to have them printed shall be cast and counted in any election."). This paper ballot supply is for cases in which the electronic voting equipment breaks down/malfunctions, an elector votes provisionally, curbside, is assisted or challenged after the normal closing time due to court order.

Sec. 13.6.4: Ballot Boxes

For municipalities using hand-count paper ballots, one ballot box is required for each type of ballot used in the election. Wis. Stat. § 5.35(3). For descriptions of ballot styles, **see Chapter 5.2: "Ballot Format & Style."**

Where direct recording electronic equipment primarily is used at the polling place, a single ballot box for hand-counted paper ballots (such as absentee, assisted, and challenged ballots) is required. *Id.*

For municipalities using electronic tabulators, the ballot box is contained within the tabulator, and is where the paper ballots are securely stored after they are inserted into the tabulator by the voter.

If electors from more than one reporting unit use the same polling place, there should be separate ballot boxes provided for each reporting unit, unless the wards have been combined for reporting purposes. *Id.*

The boxes should be clearly labeled to indicate which ballots are to be deposited.

There should be a suitable lock and key for each ballot box, and the ballot box must have an opening no larger than is sufficient to receive a single ballot or single folded ballot. *Id.* In municipalities that use hand count paper ballot packets, a separate discard box should be provided for the paper ballots not marked by the elector, and the discard box should also be locked.

Sec. 13.6.5: National Flag

The American flag must be displayed during all hours the polling place is open. Wis. Stat. § 5.35(1).

> **Best Practice:** The flag can either be displayed on an outside pole or in the voting area.

Sec. 13.6.6: Election Laws And Manuals

Best Practice: The Commission recommends having paper copies of Chapters 5 through 12 of the Wisconsin State Statutes, as well as a copy of this manual, at all polling locations. Copies of these statutes and the manual can be downloaded from the agency website or ordered for a processing charge.

Sec. 13.6.7: Tables and Chairs

Clerks should ensure that there are enough tables and chairs for election inspectors to conduct their work. This need will vary depending on polling place size. Some electors may not be physically able to stand for extended periods of time. Chairs should also be available for these electors if they must stand in line. Wis. Stat. § 5.25(4)(a).

Best Practice: Observers are entitled to use whatever chairs are available in the polling place, but municipal clerks are not required to purchase new chairs just for their use. Wis. Admin. Code § EL 4.03(3). Municipal clerks may include extra chairs, or tables, for observers in their discretion.

Sec. 13.6.8: Signs

Best Practice: Traffic in the polling place can be improved by posting "Enter," "Exit," and "Voter Registration" signs. Municipal clerks may prepare as many signs, and types of signs, as necessary to facilitate voting.

Signs indicating the location of an accessible entrance and marking the accessible path must be prominently posted and easy to read from the parking lot. See Wis. Stat. § 5.25(4)(a). For more detailed information on accessible signs at polling places, **see Chapter 11.7: "Polling Place Set-Up."**

Best Practice: Signs containing written directions for poll workers can make the check-in process more efficient. This can be, but is not limited to, directions that instruct voters that they must give their name and address to the inspectors, provide proof of identification and sign the poll list can make the check-in process more efficient.

Sec. 13.6.9: Observer Area

A designated observation area at the polling place should permit observers to readily observe all public aspects of the voting process. When physically feasible, the observation area shall be not less than 3 feet, nor more than 8 feet from the table at which electors are announcing their name and address and being issued a voter number and the Election Day Registration table. For more detailed information on election observers, **see Chapter 14.5: "Election Observers."**

If necessary, additional observer areas may be established in other areas of the polling place to allow for observation of other public aspects of the voting process (challenges, ballot box security, etc.)

Best Practice: Municipal clerks may choose to include masking tape with their polling place supplies to clearly mark the observer areas in their polling places.

Please provide copies of the Commission's Wisconsin Election Observers Rules-at-a-Glance brochure and Elector Challenges brochures. Copies of each have been included in Appendix 1 for reference. These brochures should be provided to all observers upon check-in.

More information about how to handle election observers on Election Day **see Chapter 14.5: "Election Observers."**

Sec. 13.6.10: Voter Information And Notices

All of the following notices, statements, and postings must be supplied to the polling place so that they can be posted and easily read by electors entering the polling place or waiting in line to vote. All Election Day notices, statements, and postings should be printed in size 18 font or larger to ensure readability. Copies of sample voter information notices can be found on elections.wi.gov.

Notices: The Type B and D notices must be posted. The Type C notice must also be posted, if applicable. Wis. Stat. § 5.35(6)(a)1.

Sample Ballots: Two copies of each type of ballot. Wis. Stat. § 5.35(6)(a)3.

Statement of Election Fraud (EL-111): This statement sets out the laws and applicable penalties for election fraud. Wis. Stat. § 5.35(6)(a)2m.

Copy of the Election Fraud Laws: This requirement is met if the polling place contains a complete copy of Chapters 5 through 10 and 12 of the Wisconsin State Statutes. Wis. Stat. § 5.35(6)(a)2.

Notice of Crossover Voting at a Partisan Primary (EL-112): This is a statement explaining the effect of crossover voting at a partisan primary and is posted at a partisan primary only. Wis. Stat. § 5.35(6)(b).

Notice of Overvote (EL-113): This is a statement explaining the effect of overvoting the ballot and how to obtain a replacement ballot. Wis. Stat. § 5.35(6)(b).

Notice of Crossover Voting at a Presidential Preference Vote (EL-114): This is a statement explaining the effect of crossover voting at a Presidential Preference Vote and is posted at that election only. Wis. Stat. § 5.35(6)(b).

Voter Qualification Poster (EL-115): This notice explains the requirements for an individual to be a qualified elector. Wis. Stat. § 5.35(6)(a)4b.

Voting Rights (EL-117): This notice provides general information on voting rights protected by federal law. Wis. Stat. § 5.35(6)(a)4b.

Contact Information (EL-118): This posting provides electors with contact information if they have concerns with the voting process. The blank sections should be filled in before Election Day by the municipal clerk. Wis. Stat. § 5.35(6)(a)5.

Photo ID / Proof of Residence Information (EL-130): This posting provides electors with information regarding the state's photo ID and proof of residence requirements. Wis. Stat. § 5.35(6)(a)4a.

Ward Maps: A ward map clearly indicating all the wards in the municipality served by that polling place must be prominently displayed. Wis. Stat. § 5.35(6)(c).

> **Best Practice:** Street Directory: A street directory that indicates which streets are in each ward along with the location of the polling place in each ward is recommended. This information can be found in WisVote under "Maps."

Sec. 13.6.11: Election Day Forms And Supplies

Election Day forms and supplies are provided by the county, municipal, or school district clerk depending on the offices on the ballot.

Ballots and Sample Ballots: Two sample ballots for each ballot style should be posted at the polling place. See Wis. Stat. § 5.35(6)(a)3. For more information on preparing ballots, **see Part 5: "Ballots."**

Ballot Bags (EL-101): A ballot bag/container should be provided for each ballot style. See Wis. Stat. § 7.51(3)(a).

> **Best Practice:** For example, for municipalities that hand-count paper ballots, there should be (per reporting unit) one ballot bag for county, state, and federal ballots; one ballot bag for municipal ballots; one ballot bag for school district ballots; and one ballot bag for each referenda and special district ballot.
>
> Where optical scan or direct recording electronic ballots are used, only one ballot bag

Sec. 13.6.12: Polling Place Checklist

Supplies:

- ☐ Poll Book
- ☐ Supplemental (Election Day) Poll List (EL – 107)
- ☐ If using electronic poll books: backup paper copy of the poll book
- ☐ 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)
- ☐ Copy of Wisconsin Statute EL-4 (Election Observers)
- ☐ Election Observer Brochure
- ☐ Provisional Ballot Certificate Envelopes (EL-123)
- ☐ Provisional Ballot Reporting Form(s) (EL-123r)
- ☐ Provisional Voting Information Sheets for electors (EL-123is)
- ☐ 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 5-10, 12
- ☐ Original Ballots Envelope
- ☐ Spoiled Ballots Envelope
- ☐ Write-in voters list from the municipal clerk (not to be posted or mentioned)

Posted Notices:
All notices should be posted in 18 pt font, according to Wis. Stat. § 5.35(6)

- ☐ 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

Sec. 13.6.13: Frequently Asked Questions

Q Are polling places required to be in public buildings?

A No. Polling places should be in public buildings unless the governing body determines that the use of a nonpublic building better serves the needs of the voters. Wis. Stat. § 5.25(1).

Q Can the names of write-in candidates be posted at the polling place or in voting booths?

A No, names of known write-in candidates are not to be posted at the polling place. This is to avoid the perception of electioneering (which is prohibited) as even a list of candidates could be seen as activity which is intended to influence voting at an election. Wis. Stat. § 12.03(4). The Commission's guidance has been that election inspectors may only give the names of write-in candidates when specifically asked by a voter. In those cases, answers must be given carefully to avoid the appearance of endorsing or announcing a write-in candidate to other voters.

The Commission recommends that the municipal clerk provide the election inspectors with a list of registered write-in candidates to give to any voters that request this information. This list should be kept in a folder or another way that guarantees it is out of sight of the voters. Further, election inspectors may not advise voters if any ballot candidates no longer wish to run for office, even if asked by a voter.

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 Must be unexpired Must be Unexpired	May be used if hole punched and date visible May be revoked or suspended Must be Unexpired or expired after last General Election
State of WI Identification Card	State Government	Cannot be used as POR if hole punched Must be Unexpired	May be used if hole punched and date visible Must be Unexpired, or expired after last General Election
WI DOT Driver License Receipt	State Government	Must be Unexpired Valid for 45 days	Must be Unexpired Valid for 45 days
WI DOT ID Card Receipt	State Government	Must be Unexpired Valid for 45 days	Must be Unexpired Valid for 45 days
IDPP receipt	State Government	Must be Unexpired, valid for 60 days.	Must be Unexpired, valid for 60 days.
Citation or Notice to Revoke or Suspend WI Driver License	State Government	Must be Unexpired Dated within 60 days of the election	Must be Unexpired 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 be Unexpired, or expired after last General Election
Military ID card issued by a U.S. Uniformed Service	Federal Government	Cannot be used as POR	Must be Unexpired, or expired after 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 be Unexpired or has no expiration date
Certificate of Naturalization	Federal Government	Cannot be used as POR	Must be Unexpired issued not earlier than 2 years before 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 Requirements[1] (Issuing a ballot)
Wisconsin University, College or Technical College ID	Educational Institutions	Photo required Address not required on ID Plus fee receipt with address dated within last 9 months OR The clerk may verify the ID against the certified housing list	May be expired Date of issuance Signature of student Photo required Expiration date no later than 2 years after date of issuance. Document that proves enrollment not required if ID is unexpired
Identification 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
Identification 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).

What are Elector Challenges?

> Any elector may challenge for cause any person offering to vote whom the elector knows or suspects is not a qualified elector. **WIS. STAT. § 6.925.**

A voting challenge is when someone claims a person is not qualified to vote, whether they are voting in person or absentee.

Who Can Make a Challenge?

Only eligible voters (called electors) can challenge someone for cause.
Challengers must be:

- Over the age of 18
- U.S. citizens
- Residents of Wisconsin
- Eligible to vote in Wisconsin (they do not need to be registered to vote)

WIS. STAT. § 6.925; WIS. ADMIN. CODE EL §§ 9.02 – 9.06.

What a challenge looks like

When a voter is challenged, the election inspector will:

- Ask both the person challenging and the person being challenged, if present, to take an oath.
- The person being challenged will be asked questions to determine if they are allowed to vote.
- The inspectors will use the procedures spelled out in statute and administrative code to determine if the challenged elector will be issued a ballot.

WIS. STAT. § 6.92; WIS. ADMIN. CODE EL §§ 9.02 – 9.06.

Scan the code to view this document online:
elections.wi.gov/elector-challenges

Wisconsin Elections Commission
WEC Helpdesk:
608-266-8005
WEC Helpdesk e-mail:
elections@wi.gov

Cover photo by Michael Newman via Creative Commons.

ELECTOR CHALLENGES

What is a proper challenge?

All challenges must be **"for cause."** The term "for cause" has a specific legal meaning, and it relates to the qualifications of the challenged voter.

Specifically, a voter may only be challenged for the following reasons:

- The elector is not a U.S. citizen.
- They are not 18 or older.
- They do not reside in the district where they are trying to vote.
- They have a felony conviction **and** are still serving their sentence.
- They have been adjudicated incompetent by a judge with a loss of voting rights.
- They already voted in the same election.

WIS. STAT. § 6.925; WIS. ADMIN. CODE EL §§ 9.02, 9.04.

Administering Challenges

If a person is challenged as unqualified by an elector, election inspectors must follow the procedures in Wis. Admin. Code EL §§ 9.02 – 9.06.

Inspectors should use form EL-104c to administer the challenge.

One of the inspectors may administer the oath or affirmation to the challenged and challenging electors and ask the electors appropriate questions to test the elector's qualifications.

WIS. STAT. § 6.92.

What cannot be challenged?

Challenges based on race, ethnicity, not speaking English, or other unsubstantiated claims are not allowed.

An elector cannot challenge:

- absentee certificate and application
- adherence to other voting requirements

Absentee Challenges

If someone is voting by absentee ballot, their qualifications can still be challenged by another elector, using the same process as if they were voting in person.

WIS. STAT. § 6.93.

Penalties for Misuse

Any elector who abuses the right to challenge under Wis. Stat. § 6.925 may be subject to sanctions available to inspectors under Wis. Stat. § 7.41(3). The chief inspector of a polling place or the municipal clerk may order the removal of any such person if the person disrupts operations or violates Wis. Stats. §§ 12.03(2) or 12.035. Wis. Stat. § 7.41(3).

WIS. STAT. §§ 7.41(3), WIS. ADMIN. CODE EL § 9.02.

After Voting Activity Ends:

Candidates may be present, and individuals remaining at the location may create and transmit photos, videos, and audio recordings if such activity does not disrupt any election administration activity, including the canvass meeting at a polling place.

Specific Locations:

Polling Place: Observation begins at the earlier of 7:00 a.m. or when election equipment is zeroed out, and ends at the later of 8:00 p.m. or when the last voter in line has voted. When voting concludes, observers may remain to view the canvass meeting. Photos, videos, and audio recordings cannot be created or transmitted until the public canvass begins.

Clerk's Office or Alternate Sites: Observation is allowed during the hours of in-person absentee voting (IPAV) in the clerk's office (if in a public building) or at alternate sites. Observers may view the initial securing of ballots returned at the location during IPAV hours.

Absentee Ballot Canvasser Sites: Observation is allowed during the hours an absentee ballot board of canvassers is meeting to process absentee ballots, starting no later than the zeroing of the tabulators. Observers may create and transmit photos, videos, or audio recordings.

SVD Facilities: Only one observer appointed by each of the two major political parties may accompany each pair of Special Voting Deputies when they are administering absentee voting. Observers must comply with any visitor requirements of the facility. Observers cannot enter a voter's private room, and the voter may opt to close the door when voting.

Central Count: Observation is allowed during the hours ballots are tabulated at a central counting location. Observers may create and transmit photos, videos, or audio recordings.

Recounts: Observation is allowed during the hours when recount activities are happening. The petitioner, opposing candidates, interested persons, and associated counsel are not observers and not subject to these rules. Observers may create and transmit photos, videos, or audio recordings.

Wis. Election Observers Rules-at-a-Glance

This guide presents the main rules for election observers. Situations may require consulting Wis. Stat. § 7.41 and Wis. Admin. Code Chapter EL 4., but this guide provides what most observers need to follow to observe an election.

Members of the public (except candidates) may observe election activity at polling places, municipal clerk offices (that are in public buildings) or alternate sites, absentee ballot board of canvassers sites, central count sites, recount sites, and facilities being served by Special Voting Deputies.

Wisconsin Elections Commission

WEC Helpdesk:
608-266-8005
WEC Helpdesk e-mail:
elections@wi.gov

EL-109R December 2025

Observers must:

- Notify the designated election official that they wish to observe
- Show photo ID with the observer's name, sign the observer log, and print their name, address, and any organization being represented
- Follow the directives established by the designated election official
- Keep conversation to a minimum
- Wear an observer badge or sticker
- Depart the location if instructed to do so when the number of observers representing the same organization is limited due to space concerns
- Following a warning, cease conduct violating the observer rules, and if then asked to leave due to violating the rules, depart the location. The observer will receive a written order stating the reason for removal before departing.

Observers may:

- Observe all public aspects of the voting process
- Observe from any observer area, which must be accessible and 3 to 8 feet from each table for registration, check-in, absentee certificate processing, and ballot remaking.
- Bring a chair, mobility equipment, or disability aids, and use available chairs and restrooms at the location
- Move between observer areas
- Observe absentee ballot certificate envelopes set aside to be rejected
- Ask an election official to repeat, once, a name or address
- Direct questions to the designated election official
- If the observer is an elector, challenge a voter for cause under Wis. Admin. Code Ch. EL 9.
- Take notes, text, and email
- Assist a voter who requests the observer's assistance to vote
- When not disruptive, view the poll list or observer log

Observers may not:

- Engage in electioneering, which means any activity intended to influence voting at an election, including displaying or discussing anything related to a candidate, referenda question, or political party
- Post or distribute any election-related material, or imply that the observer is an election official
- Engage in loud, boisterous, or disruptive behavior, or initiate a conversation with a voter
- Make audio or visual calls
- Record any voted ballots or anyone returning or correcting an absentee certificate envelope
- Create or transmit any photos, videos, or audio recordings unless expressly permitted (see "Specific Locations" section)
- See or hear how an elector's votes
- Handle original election documents or view confidential information, including personally identifiable numbers (birth date, social security, bank account, etc.), confidential voter information, voted ballots, registration forms, proof of residence documents, and IDs

Communications media: individuals who communicate to the designated election official that they intend to record or report information outside of the voting area, and must identify themselves and any organization represented to the designated election official. Video and still camera use is allowed outside the voting area only at the discretion of the designated election official and within the limits set by that official, and they may not record confidential information or disrupt the election. Communications media members are not observers unless they sign in as an observer.

Polling Place Accessibility Assessments: Certain individuals are authorized by the Commission to monitor compliance with accessibility standards. Accessibility Reviewers are not observers.

Part 14
Election Day

Election Day Roles; Setting Up and Opening the Polls; Observers; Registration; Challenges; Poll Books; Voting Procedure; Voting with Assistance; Curbside Voting; Provisional Ballots; Common Issues; Processing Absentee Ballots; Counting Votes; Write-Ins; Overvotes & Crossvotes; Closing the Polls; End of Night; Local Board of Canvassers; Transmitting Results; Municipal Board of Canvassers

Part 14 contains the entirety of what used to be the Election Day manual. It contains all election administration topics election inspectors will need for Election Day, from start to finish. It can be printed or saved as a separate resource specific to everything clerks and election inspectors need on Election Day.

Chapter 14.1: Election Day Contacts

OFFICE OF THE MUNICIPAL CLERK	POLICE/SHERIFF/LAW ENFORCEMENT
Email:	Email:
Phone:	Phone:
OFFICE OF THE COUNTY CLERK	**D.M.V.**
Email:	Email:
Phone:	Phone:
WISCONSIN ELECTIONS COMMISSION	**DEPARTMENT OF CORRECTIONS**
Email:	Email:
Phone:	Phone:
OTHER:	**OTHER:**
Email:	Email:
Phone:	Phone:

Important: Complete this section before Election Day

Chapter 14.2: Roles of Election Officials

Although most election functions on Election Day will be carried out by municipal clerks and their poll workers, county clerks and the Commission also have important roles to play.

Sec. 14.2.1: Role of the Commission on Election Day

The Commission provides extended hours leading up to and on Election Day. In the days before and after, Commission Staff are often available until at least 6 p.m. On the weekend before Election Day, Commission Staff are also available to assist clerks with whatever they need.

Note: On Election Day, Commission Staff are available from 5 a.m. to midnight.

Local election officials should use general channels of communication on Election Day, rather than contacting Commission Staff individually, except in special cases. On Election Day, staff will be busy answering calls and emails and may not have time to get back to individual contacts.

The best way to get in touch is to call the Help Desk at (608) 266-8005 or email Elections@wi.gov. By contacting the main channels, questions will be routed to the next available specialist.

Commission Staff are available to assist everyone from voters to county clerks with scenarios ranging from general election questions to polling place locations to questions about a voter's record and registration. Wis. Stat. § 7.08(11).

- The WEC Help Desk assists with transferring calls to specialists, helping with WisVote password reset and login issues, and routine questions from voters, including where they vote, absentee ballot questions, using MyVote, and more.
- The Election Administration team assists with more detailed questions, such as counting write-ins, acceptable forms of proof of identification and proof of residence, provisional voting processes, and routing materials at the end of night.

- The Public Information Officer manages communications between the agency and the public and media, and can assist with interacting with the media, crafting press releases, crisis communication, and social media.
- The Legal team assists with questions related to legal compliance, including statutory obligations, legal risks, or more serious election day matters without obvious solutions.
- Badger Book staff are available to assist with any questions or issues regarding the state's electronic poll book system, including download issues before polls open, technical and connectivity issues, and end-of-night processes.

Note: On Election Day, if there are security or safety issues, the Commission will be in contact with information and next steps.

Here are a few examples of topics Commission Staff cannot assist local election officials with on Election Day:

- Any statutes outside of our jurisdiction (including town, city, and municipal statutes and statutes covered by other agencies, such as the Wisconsin Ethics Commission or the Department of Motor Vehicles)
- Personal legal questions
- Status of absentee ballot beyond what shows on the MyVote absentee ballot tracker, including location and sufficiency
- Questions or concerns about specific polling places — these should be directed to the municipal clerks in charge of the polling places

Sec. 14.2.2: Role of the County Clerk on Election Day

Though they don't have as many specific Election Day statutory responsibilities, county clerks are an important resource to support their municipal clerks on Election Day.

Extra Ballots

On Election Day, county clerks are on standby with backup ballots for the relevant elections in case any municipal clerks are starting to run low. In that case, county and municipal clerks work together using previously established procedures to get ballots to the affected polling places before they run out. Wis. Stat. § 7.10(1)(a).

Help with Questions

County clerks can assist with scenarios ranging from general election questions to polling place locations to questions about a voter's record and registration. They can also answer questions from clerks and poll workers regarding election administration, including questions regarding proper training and procedure of election officials Wis. Stat. § 7.10(9).

Help Solve Poll Worker Shortages

Since poll workers are required to be a qualified voter of the county of the polling place in which they serve according to Wis. Stat. § 7.30(2)(a), county clerks are a valuable resource in case municipal clerks are having trouble staffing polling places on Election Day. County clerks should work with municipal clerks ahead of Election Day to build an awareness of potential election official shortages and surpluses as a part of the contingency plans.

Sec. 14.2.3: Role of the Municipal Clerk on Election Day

On Election Day, each polling place is run by the Chief Inspector, who operates under the supervision of the municipal clerk. Wis. Stat. § 7.36.

The municipal clerk should be available to monitor polling places, check supply and ballot levels, respond to news media inquiries, and assist with any problems that arise. They should be responsive to questions or issues that arise about any of the pre-Election Day duties they fulfill. They should also be available to poll workers for advice, requests, or assistance. They also have obligations to their voters and should assist with scenarios ranging from general election questions, to polling place locations, to questions about a voter's absentee ballot status. Wis. Stat. § 7.15(10).

> **Best Practice:** The municipal clerk should avoid stationing themselves inside the voting area, and from spending extended periods of time at the polling place. This is especially true if the municipal clerk is a candidate on the ballot, but it is also to avoid the municipal clerk performing the duties of poll workers when they have not been so appointed. Finally, municipal clerks may need to be called away during Election Day, and so the operation of the polling place cannot depend on them.

Authorizing a Deputy to Assume Responsibilities

If necessary, municipal clerks may deputize someone to take over or assist with official duties on Election Day. To deputize someone, a clerk must put in writing exactly what the deputy is authorized to do and for what specific time frame. An Oath of Office is also required and can be found on elections.wi.gov/forms.

Municipal Clerk as Election Registration Official (ERO)

A municipal clerk may serve as an ERO and register voters at the polling place on Election Day, as long as they meet the qualifications to be an poll worker. However, they may not do this if they are a candidate on the ballot for that election. Wis. Stat. § 6.55(6).

End of Night Responsibilities & Reporting Results

Municipal clerks are responsible for organizing and routing election materials and making the results public. **See Chapter 14.24: "Closing the Polls, LBOC, & End of Night Process" on page 219**.

Chapter 14.3: Setting up the Polling Place

This section focuses on setting up the voting area within the polling place prior to polls opening on Election Day. For information about other zones of the polling place, parking, exterior route, entrance, and interior route, **see Part 11: "Accessibility."**

Sec. 14.3.1: Introduction

There are six main activities that occur in the voting area in every polling place:

- Voter registration
- Check in at the poll book
- Ballot issuance
- Marking of Ballots
- Tabulation of Ballots
- Absentee processing

There is no one-size-fits-all solution to setting up a voting area, but there are accessibility standards all polling places must follow, **see Chapter 11.7: "Polling Place Set-Up."** Remember many tasks require two poll workers to complete. Ensure there is enough seating at every station. **See Chapter 14.5: "Election Observers" on page 13** for information about setting up an observer area.

Note: Municipal clerks may have also provided more detailed instructions for how a particular polling place should be set up and what materials go at which station. Refer to those instructions in conjunction with this chapter of the manual.

Sec. 14.3.2: Setting up the Registration Area

- It is recommended to put the registration table nearest the entrance to the voting area since that is a voter's first step if they are not registered or need to update their name or address.
- Providing chairs will make voters more comfortable while they complete a registration form.
- If a municipality uses more than one polling place, there must be ward maps or street directories posted prominently. Wis. Stat. § 5.35(6)(c). These can be on or near the registration table.
- A line may form if there are many voters who need to register. Place the registration table in a location where there is room for a line that will not disrupt other activities in the voting area.
- Posters depicting acceptable forms of proof of residence and photo ID can be posted in areas where voters wait in line to prompt them to have their documents ready.

Sec. 14.3.3: Setting up the Check-In Area/Poll Book Table

The check-in table is where voters state their name and address, show photo ID, sign the poll book, and are assigned a voter number. This is often the point where long lines start to form. It is recommended that seating be provided for voters who are not able to stand for long periods. At polling places that serve many voters, it may be more efficient to split the poll book alphabetically and have multiple check-in tables. Since two copies of the poll book must be maintained, this may take up a lot of space.

When deciding where to place these tables, designate room for lines to form that will not disrupt other activities in the voting area. It may be helpful to put masking tape on the floor to guide voters to form a line in a specific place or direction. It is not recommended to use cones or other barriers as they can become tripping hazards or narrow paths of travel to less than 36 inches wide which would no longer meet accessibility standards, **see Sec. 11.3.2: "Stating Name And Address at the Poll Book."** 2010 ADA Standards for Accessible Design § 403.5.1.

Sec. 14.3.4: Setting up the Ballot Issuance Table

At the ballot table, voters hand their voter number to the poll workers. The poll workers select the ballot style that the voter should receive based on their address and issue the ballot to the voter.

> **Best Practice:** A stack of voter numbers can pile up quickly, so it may be necessary to place them in a basket or bin.

Sec. 14.3.5: Setting up the Voting Booths & Accessible Equipment

There must be at least one voting booth for every 200 voters who voted in the last general election. Wis. Stat. § 5.35(2). The exterior of voting booths must be in view of the poll workers, and booths and voting equipment must be separate from other activities in the polling place. Wis. Stat. § 5.35(4). Voting booths can be products sold as voting booths, carrels built onto a wall, tables with privacy screens, etc.

Every polling place needs at least one accessible voting booth where a paper ballot can be marked from a seated position. For dimensions of an accessible voting booth, **see Sec. 11.7.6: "Voting Area."** Wis. Stat. § 5.25(4)(a). They should be arranged in a way that provides privacy to the voter. Wis. Stat. § 5.35(2). Keep in mind that if a voter is seated, anyone walking behind them will be able to look over their shoulder to see how they're marking their ballot. Every polling place also needs at least one piece of accessible voting equipment arranged to provide privacy, **see Sec. 11.7.6: "Voting Area."** Wis. Stat. § 5.25(4)(a); HAVA § 301(a)(3)(B).

Accessible Voting Equipment

Every municipality, even those that hand count ballots, is required to have accessible voting equipment at every election. **The accessible equipment must be set up and turned on prior to polls opening at 7 a.m.** For more information on the set up and operation of accessible voting equipment, **see Chapter 11.7: "Polling Place Set-Up"** or the municipal clerk.

Sec. 14.3.6: Setting up the Tabulator Area

Voters cast their ballots either by depositing them into electronic tabulators or ballot boxes (for hand count jurisdictions). In some places, voters cast their ballots on direct-recording electronic (DRE) equipment. No matter how a voter casts their ballot, the tabulator must be set up prior to polls opening. Municipal clerks will have provided detailed instructions for setting up electronic tabulators, and poll workers should follow those instructions and contact their municipal clerk with concerns.

Sec. 14.3.7: Setting up the Absentee Processing Area

Absentee ballots must be opened in the same room where votes are cast, so the voting area also must have a designated area for processing absentee ballots.

For information on setting up an absentee processing area, **see Sec. 11.3.5: "Returning an Absentee Ballot."**

Chapter 14.4: Opening the Polls

Each polling place must open no later than 7:00 a.m. Wis. Stat. § 6.78(1m). However, poll workers must ensure that observers are able to enter the polling place in time to observe the zeroing of any tabulators. Wis. Admin. Code § EL 4.05(1)(a).

Best Practice: The zero tape should be generated no later than 6:50 a.m., and if so, that is the earliest point that observers may observe. Before generating the zero tape, poll workers should check to see if any observers are trying to access the polling place.

The Chief Inspector oversees opening the polling place and should keep track of the exact time. See Wis. Stat. § 7.36. To accomplish this, the chief Inspector will need to establish a clear chain of communication to lead other poll workers in efficiently carrying out all opening tasks. *Id.* Relying on this chain of command, if the chief Inspector believes that any issue may lead to a delay in opening the polls, the chief Inspector should contact the municipal clerk to explain the circumstances. *Id.* Throughout the day, any significant question regarding the proper procedure of election officials should be referred to the municipal clerk. *Id.*

Best Practice: The chief Inspector must ensure that:

- The doors to all entrances, including any alternate accessible entrances are unlocked and usable by 7:00 a.m. This likely requires assigning possession of keys or codes to the chief Inspector, or other poll workers, ahead of election day.
- The poll workers test the tabulator by securing a printed results "zero tape" showing a zero count for every candidate and referendum.
- The opening of the polls is announced out loud to the room so that votes and election officials know that voting may begin.
- The exact time that the polls opened is recorded in the Inspectors' Statement (EL-104). If the polls open late, even by a minute, the occurrence and the reason must be clearly documented on the EL-104.

Poll workers are responsible for maintaining an environment at the polling place that allows voters to cast their ballots without disruption from the opening of the polls to the closing of the polls. Poll workers must also ensure that the voting process is transparent and open to the public.

Poll workers may allow people into the polling place prior to 7:00 a.m. to observe the zeroing of the tabulator, however, voters may not check-in or receive a ballot prior to 7:00 a.m. See Wis. Stat. § 6.78(1m).

Chapter 14.5: Election Observers

A member of the public who is not a candidate at the election has the right to observe election proceedings. Wis. Stat. § 7.41(1). All clerks will need to establish observation areas and train election officials to conduct election observation. Wis. Admin. Code Chapter EL 4 addresses observation and all election officials who will be involved in election observation should be familiar with this rule. This chapter discusses the rule requirements in detail and also provides best practices for effectively managing observation.

Sec. 14.5.1: Managing Election Observation

Observers may observe at every polling place, in-person absentee voting (IPAV) site,[1] board of absentee ballot canvassers location, Special Voting Deputy location,[2] central count location, and recount location. Wis. Admin. Code § EL 4.02(11).

In some municipalities, this could mean multiple observer areas will be needed, with several officials trained to manage the sites. At a recount, the board of canvassers is in charge of observation. Wis. Admin. Code § EL 4.02(6). For all other locations, the default individual in charge of election observation at a site will be either the Chief Inspector of a polling place or the municipal clerk. *Id.* The Chief Inspector or clerk has the option to delegate management of election observers at a site to another election official — either the poll workers or the clerk's authorized representatives. *Id.* Whoever is in charge of election observation at a site is called the designated election official *Id.*

The rules for election observation cannot "be construed to distract, disrupt, obstruct, slow, or prevent a qualified voter from casting a lawful ballot or registering to vote." Wis. Admin. Code § EL 4.01. This establishes a balance between the primary right of voters to register and vote and the right of observers to be present, and it shows that election officials must always ensure that voting continues unencumbered.

---

1 The only exception is a clerk's office that is not located in a public building, i.e. the clerk's private home.

2 Subject to certain limitations. Observation at Special Voting Deputy facilities is unique and is covered in **Sec. 7.3.15: "Rules for Observers"**.

Best Practice: All Chief Inspectors should be trained to manage election observation and should train at least one additional poll worker at each polling place (more if different shifts of individuals will be present at different times). One authorized representative of the clerk working at each in-person absentee voting location should also be trained in managing observers.

This gives the clerk and Chief Inspectors the option to delegate this responsibility for the efficient management of the site. If a municipality has more than one IPAV site in operation at any time, the clerk will need to designate at least one official for each site to manage election observation.

Sec. 14.5.2: Establishing Observer Areas

The observer area will be managed by the designated election official. The clerk or their designee should plan out the location of the observer areas in advance to ensure that each site is in compliance with Wis. Admin. Code § EL 4.03(1).

Observer areas[3] must be established within 3 to 8 feet of every:

- Registration Table
- Check-in Table where voters announce their names and addresses or election officials announce the names of absentee voters
- Ballot Remake Table, see Wis. Stat. § 5.85(3)

If there is more than one of any table type, there must be an observation area within 3 to 8 feet of it. Wis. Admin. Code § EL 4.03(1)(b). Several observation areas may be needed to meet this requirement. At smaller locations, it may also be possible for one observer area to be within 3 to 8 feet of multiple tables.

Observer areas must be positioned to not disrupt or interfere with the proceedings, and to minimize contact between observers, voters, and election officials. Wis. Admin. Code § EL 4.03(1)(a). In addition to the 3-to-8-foot rule, each observer area must enable observers to readily observe all

3 Wis. Stat. § 7.41(2), Wis. Admin. Code § EL 4.03(1)(b).

public aspects of the voting process. Wis. Stat. § 7.41(2), Wis. Admin. Code § EL 4.03(1)(a). This means, essentially, that the tasks statutorily required to be carried out at an observable location by election officials must be within sight of the observers (i.e. not conducted in a separate room) even though they may be more than 8 feet away.

Best Practice: Brightly colored tape may be used to mark observer areas and clarify exactly where an observer may be during the day. Larger sites that may have many observers are encouraged to make the observer areas as clear as possible so that both observers and election officials know where observers can observe.

If any observable location could not establish sufficient observer areas meeting the above requirements, the designated election official must record the reason that the requirements were not met and must send a copy of that document to the Commission within 60 days of the applicable election. Wis. Admin. Code § EL 4.03(5). This record may be a page of the Inspectors' Statement, or another convenient document. This does not include a reasonable limitation of observers representing the same organization.

Sec. 14.5.3: Accessibility

Members of the public have the right to observe elections, which means that all observer areas must be accessible to people with disabilities. Wis. Admin. Code § EL 4.03(1)(c). There must be space for mobility equipment, chairs, and other disability aids brought to the site by an observer with a disability. *Id.* Further, observers must have access to chairs already available at the site and must be able to use a restroom at the site if election officials have access to a restroom. Wis. Admin. Code § EL 4.03(3).

Note: The restroom used by election officials and observers does not necessarily need to be the same restroom if there are multiple options, provided the access is similarly convenient.

Sec. 14.5.4: Supplies

Each observable location should have a sufficient number of copies of the Commission's Elections Observers Log (EL-109) and enough copies of the Commission's Election Observers: Rules-at-a-Glance (EL-109R) brochure so every observer can receive one. Additionally, a few copies of the Order to Leave Observable Location (EL-110) should be available.

Sec. 14.5.5: Observer Check-in Process

Any member of the public[4] has the right to become an observer by signing the observer log and agreeing to follow the observer rules. Wis. Admin. Code §§ EL 4.02(10), (13), EL 4.04(1), see Wis. Stat. § 7.41(1). Anyone intending to observe must notify the designated election official of that intent. Wis. Admin. Code § EL 4.04(1). A member of the public is not an observer until the check-in process is complete.

> **Best Practice: Observers should easily find where to check in. The designated election official[5] should be ready to receive members of the public wishing to check in as observers at least 10 minutes before any voting activity starts so that observers intending to see the zeroing of any tabulators may see this event.**

The designated election official is in charge of the observer check-in process. For each member of the public, the designated election official must:

- **Require the observer to enter his or her full name, street address, and municipality onto the observer log along with any organization the observer represents.** Wis. Admin. Code §§ EL 4.03(2)(a), EL 4.04(1).

  An observer represents an organization when they were deployed by, assigned to the location by, or who identifies as representing an organization, and an organization includes but is not limited to political

4 This means anyone besides an election official, accessibility reviewer, a candidate on the ballot for the site, or a registered write-in candidate for the site.

5 A "designated election official" is the Chief Inspector, if the observable location is a polling place, or the clerk, or any other election official designated by a Chief Inspector or clerk to carry out the election responsibilities under this chapter. At a facility served by special voting deputies, designated election official means the special voting deputies. At a recount, designated election official means the board of canvassers.

parties, candidates, or campaigns. Wis. Admin. Code §§ EL 4.02(14), (17). An observer is not required to represent any organization and may leave the space blank if that is the case. Wis. Admin. Code § EL 4.04(1).

- **Require the observer to provide photo ID showing their name and ensure the ID reasonably resembles the individual.** Wis. Admin. Code §§ EL 4.03(2)(a), EL 4.04(1). The ID need not meet the requirements of a photo ID for voting purposes. It simply must contain an image of the individual that the designated election official can use to determine that the individual has properly entered their name on the observer log. *Id.* For example, an out of state Driver's License or a library card with a photo and the person's name would suffice for observation purposes.
- **Offer each individual a summary of the rules for observers.** Wis. Admin. Code § EL 4.03(2)(b).

Note: The Commission has designed the Election Observers: Rules-at-a-Glance (EL-109R) brochure as an easy way for election officials to meet this requirement. The official should also provide a brief verbal summary of the main points.

- Explain to each observer how they may ask questions during the day, how they can move between different observer areas, and where any ballot would be remade during the day. Wis. Admin. Code § EL 4.03(2)(b), see Wis. Stat. § 7.41(2).
- Provide each observer with a sticker, badge, or other item that identifies the individual as an observer and distinguishes them from an election official, and direct them to an observer area. Wis. Admin. Code § EL 4.03(2)(c).

If there are groups of observers arriving together, the explanations can be given to the group as a whole, but any observer arriving alone must be given the same information. See Wis. Admin. Code § EL 4.03(2).

Sec. 14.5.6: What Observers May Do

Once an individual completes the check-in process and becomes an observer, they have the right to observe all public aspects of the voting process. Wis. Stat. § 7.41(2), Wis. Admin. Code § EL 4.03(1)(a). To observe public aspects of the voting process means to see and hear the election activities that take place at an observable location, from an established observer area, except for confidential information. Wis. Admin. Code §§ EL 4.02(12), (16), 4.03(10).

Other specific things that observers can do to facilitate their observation:

- **Observers may communicate with and ask questions of the designated election official as explained during the check-in process**. Wis. Admin. Code § EL 4.04(4), (14). Observers may communicate with and ask questions of other election officials at the discretion of the designated election official as explained during the check in process. *Id.*

Best Practice: Generally, the designated election official should be available for observer questions during the day as time allows. Other election officials — unless otherwise required — do not need to be available to observers. A reasonable balance may be for the designated election official to explain that other officials may answer questions when they are not busy. During some elections, other officials may be actively working on tasks the entire day.

- **If an observer asks an election official to repeat a name or address** that has just been said aloud, **the official must repeat the name once** and may repeat the name or address again at the official's discretion. Wis. Admin. Code § EL 4.03(6).
- **Observers may view the public portions of the poll book** during times when voting and voters will not be impeded in the designated election official's discretion. Wis. Stat. §§ 6.45(1m), 7.41(4), Wis. Admin. Code § EL 4.03(8). **This excludes all confidential and protected voters.**

Note: This includes Badger Books used as e-pollbooks but does not include a Badger Book currently being used to register voters. Election officials must disclose the existence of any confidential poll book, how many voters appear on the list, and the number of them who have voted. Wis. Stat. § 7.41(4).

- **Observers may converse with other observers as necessary** as long as such conversation is quiet and does not distract voters or election officials. Wis. Admin. Code § EL 4.04(8).
- **Observers may move between established observer areas** in a manner explained by the designated election official during the check-in process. Wis. Stat. § 7.41(2), Wis. Admin. Code § EL 4.04(3).
- **Observers may silently text and send emails.** Wis. Admin. Code § EL 4.04(12).
- **Observers may view absentee certificate envelopes** that have been set aside to be rejected at the discretion of the designated election official. Wis. Admin. Code § EL 4.03(7).

Best Practice: Election officials may wish to establish a specific location, or specific times, for observers to view rejected envelopes so that all observers may see them.

- **An observer who is an elector,** which means an adult U.S. citizen who has resided in a Wisconsin election district or ward for 28 consecutive days, and who is not disqualified from voting due to any reason such as a current felony conviction, **may challenge a voter for cause** in accordance with Wis. Stat. §§ 6.925, 6.93, 6.935, Wis. Admin. Code Ch. EL 9, § EL 4.04(5).

Note: Because only voters, election officials, and observers are allowed in the voting area. Wis. Stat. § 5.35(4), a person waiting to challenge a voter needs to sign in as an observer. See Wis. Stat. § 5.35(4).

- **If a voter approaches an observer and asks for assistance, the observer may provide that assistance** under Wis. Stat. §§ 6.82, 6.87(5), or 6.875(6)(c)1. Wis. Admin. Code § EL 4.04(15), provided they are not the voter's employer or an agent of that employer or an officer or agent of a labor organization which represents the voter.

Sec. 14.5.7: What Observers May Not Do

To ensure the orderly operation of an observable location, and to protect the right of voters to vote securely and privately, there are regulations limiting observer activities and observers must follow the designated election official's instructions. Wis. Admin. Code § EL 4.04(2).

- **Observers may not physically handle any election related materials or materials provided by the voter.** Wis. Admin. Code §§ EL 4.02(12), EL 4.03(9), see Wis. Stat. § 5.87(1).
- **Observers may not view confidential information,** including specific items but also may include other documents that a voter brings to an observable location. Wis. Admin. Code §§ EL 4.02(5), EL 4.03(10).

  Confidential information includes an operator's license or identification card number issued by the Wisconsin department of transportation, a birth date, a social security number or any portion thereof, accommodation information on a voter registration form, information concerning a confidential voter, guardianship information, a voted ballot, and a communication by a voter to a person rendering voting assistance under Wis. Stat. §§ 6.82, 6.87(5), or 6.875(6)(c)1. Wis. Admin. Code § EL 4.02(5). The *type* of document submitted as photo ID is not confidential information, even though the information printed on it is. Wis. Admin. Code § EL 4.02(5). The designated election official, and all election officials, must take care to ensure that confidential information is not shown to observers. Wis. Admin. Code § EL 4.03(10).

- **Observers may not engage in any loud, boisterous, or otherwise disruptive behavior**, that, in the discretion of the designated election official, threatens the orderly conduct of the election or interferes with voting or registration. Wis. Admin. Code § EL 4.04(6), see Wis. Stat. § 7.41(3)(a).
- **Observers may not engage in electioneering or distribute election related material.** Wis. Stat. § 7.41(3)(b), Wis. Admin. Code § EL 4.02(18), (15), EL 4.04(9). Observers cannot display the name or likeness of, or text related to, a candidate, party, or referendum position appearing on the ballot, or display text which describes, states, or implies that the observer is an election official. Wis. Admin. Code § EL 4.04(10).

- **An observer also may not engage in any conversation concerning a candidate, party, or question appearing on the ballot.** Wis. Admin. Code § EL 4.04(11).
- **Observers may not use a communication device inside an observer area to make an audio or video communication,** such as making a phone call or livestreaming the event. Wis. Admin. Code § EL 4.04(12).
- **Observers may not create or transmit photos, videos, or audio recordings *at* a polling place, in-person absentee voting site, or SVD voting site.** Wis. Admin. Code § EL 4.04(7).
- **Observers may not *initiate* a conversation with a voter.** Wis. Admin. Code § EL 4.04(13). If a voter initiates a conversation with an observer, the observer may briefly respond in a way that does not interfere with other voters, such as by explaining that the observer is observing the election and may also refer the voter to an election official if appropriate. *Id.* A brief wave or greeting to a known individual is not prohibited. *Id.*

Sec. 14.5.8: Limiting Number of Observers

The designated election official may limit the number of observers representing the same organization due to the physical limitations of the location or the orderly administration of the election, or both. Wis. Admin. Code § EL 4.03(4), see Wis. Stat. § 7.41(1). If any organization is limited for this reason, the same limit must apply to all organizations. Wis. Admin. Code § EL 4.03(4). The designated election official will use the organizations that have been entered on the observer log to make this determination. See Wis. Admin. Code §§ EL 4.02(14), (17), EL 4.03(2)(a), EL 4.04(1).

Note: If the designated election official limits the number of observers, they may need to monitor the number of observers leaving the site, as this may allow other observers to take their place. Observers can be instructed to tell the designated election official when they are leaving.

Sec. 14.5.9: Communications Media

A communications media member is an individual who notifies the designated election official that the individual seeks to record or report information outside the voting area. Wis. Admin. Code §§ EL 4.02(4), EL 4.07(1). This is a broad definition that includes more than just traditional media members such as those working for an established newspaper, TV station, or radio station. See Wis. Admin. Code § EL 4.02(4). The voting area is where voters receive, prepare, or deposit their ballots, or where voters cast their votes on a voting machine. Wis. Admin. Code § EL 4.02(18).

If a media member wishes to record information outside of the voting area, they **must** identify themselves and any organization they represent, which may be a business or a non-profit, to the designated election official. Wis. Admin. Code § EL 4.07(1).

Note: While this information is not recorded on the observer log unless the media member also signs in as an observer, it should be recorded on the Inspectors' Statement.

The designated election official, working with the Chief Inspector or clerk as necessary, may in their discretion allow the media member to use video and still cameras outside of the voting area. Wis. Admin. Code § EL 4.07(1), (2). Any camera use may not allow the recording of any confidential information — including voted ballots — and may not disrupt or interfere with the election. Wis. Admin. Code § EL 4.07(1). The designated election official may limit the amount of time any media member may use cameras at a site, but any such limitation must be uniformly applied to all media members. Wis. Admin. Code § EL 4.07(2).

Any media member that wishes to observe the election from within the voting area must sign in as an observer and be bound by all applicable observer rules, including applicable limitations on camera use. Wis. Admin. Code § EL 4.07(3).

Note: While media members may record information at the discretion of the designated election official, they must be outside of the voting area and therefore have less access than observers, and they have no right to see and hear all election activities taking place at a site unless they sign in as an observer and agree to be bound by all observer rules.

Best Practice: Municipal clerks should work with Chief Inspectors and designated election officials as necessary to establish an area where media members may record non-confidential information. Appropriate placement will depend on the layout of the site. Further, specific times of the day could be established for media purposes. Media members wishing to appear at a site are encouraged to notify a municipal clerk well ahead of the election to provide time to explain any regulations that will be placed on media members at a site. Likewise, clerks are encouraged to contact any media members and explain any regulations if they happen to be aware that the media member wishes to appear at a voting site.

Sec. 14.5.10: Warning & Removing Election Observers

Election observers agree to follow the observer rules when they sign the observer log. Wis. Admin. Code § EL 4.04(1). An observer who does not follow the rules or election official instructions may be warned and, if the conduct continues, removed from the site. Wis. Admin. Code §§ EL 4.03(11), EL 4.04(2), see Wis. Stat. § 7.41(3).

The following process must be followed if the designated election official believes that an observer has violated an applicable rule or statute:

1. The designated election official shall first, verbally or in writing, **warn an observer to cease** conduct that violates an observer rule, statute, or direction of the official. Wis. Admin. Code § EL 4.03(11).

Best Practice: The warning should very clearly explain what conduct caused an issue and how to resolve that issue. For example, an observer who continues to start conversations with voters should be told observers cannot initiate conversations with voters, warned to stop doing so, and told that a failure to stop could result in the observer being asked to leave the location.

2. If an observer does not cease the offending conduct following a warning, the designated election official may **issue a written order to the observer to depart the location.** Wis. Admin. Code § EL 4.03(11)(a), (b), see Wis. Stat. § 7.41(3). If the designated election official is not either the Chief Inspector or municipal clerk, the designated election official must notify the Chief Inspector or municipal clerk and explain the circumstances. Wis. Admin. Code § EL 4.03(11)(a).

   The written order must be given to the observer and must state the reason the order was issued and contain the signature of the designated election official. Wis. Admin. Code § EL 4.03(11)(b). The Commission has established the Order to Leave Observable Location (EL-110) for this purpose. If the designated election official issuing the order was appointed from a partisan list of nominees, the official must offer to an official appointed from another partisan list of nominees, if such a person is available on a timely basis, the opportunity to sign the form and to note any agreement or disagreement with the order. Wis. Admin. Code § EL 4.03(11)(c). The order is valid regardless of whether an official from another party list is available to review the order or disagrees with the order. Wis. Admin. Code § EL 4.03(11)(c). A copy of the order must be kept with the Inspectors' Statement and also sent to the Commission within 60 days of the incident. See Wis. Admin. Code § EL 4.03(11)(d).

3. After an observer has been given a written order to leave, the observer must leave the location. Wis. Admin. Code § EL 4.03(11)(b). **If the observer refuses to leave,** the designated election official may summon law enforcement to remove the observer from the location. Wis. Stat. § 7.37(2), Wis. Admin. Code § EL 4.03(11)(b).

4. If any observer was ordered to leave the location, **a copy of the order and of any other documentation associated with the order must be provided to the Commission within 60 days of the incident**. Wis. Admin. Code § EL 4.03(11)(d). The copy can be a scan or picture of the order that was kept with the Inspectors' Statement.

Best Practice: Before reaching the warning stage, the designated election official may remind an observer about the content of the observer rules or of a specific instruction from an election official. A conflict between an observer and an election official can itself be disruptive, and reasonable steps to avoid a disruptive conflict are worthwhile.

Sec. 14.5.11: Location-Specific Requirements

The rules covered in this chapter apply generally to all observable locations, but certain aspects are site specific, such as operating hours. Please review the following rules for any sites you will be involved with.

Polling Places

Election observation must begin at 7 a.m. or whenever the tabulators are zeroed out on election day, whichever is earlier, and observation ends at 8 p.m. or whenever the last voter in line has voted and left the polling place. Wis. Admin. Code § EL 4.05(1)(a), see Wis. Stat. § 7.41(1). To ensure that observers may begin at 7 a.m. or when tabulators are zeroed out, observers should be able to check in ten minutes before this time. Observers are allowed to remain after voting concludes to attend the canvass meeting under Wisconsin's open meetings law, but no observer may create or transmit photographs, videos, or audio recordings of the interior of the observable location until the public canvassing meeting has begun. Wis. Admin. Code § EL 4.05(1). If any observer is allowed access outside of these time frames, all observers must be allowed the same access. Wis. Admin. Code § EL 4.05(1)(a).

In-Person Absentee Voting (IPAV) in a Clerk's Office or Alternate Site

Election observation is allowed during all hours that IPAV activity may occur at any site. Wis. Admin. Code § EL 4.05(2)(a), see Wis. Stat. § 7.41(1). However, if voting occurs in a clerk's private home, the clerk is not required to permit observation. See Wis. Stat. § 7.41(1), Wis. Admin. Code § EL 4.05(2)(a). Observation of the return of voted by-mail absentee ballots to a municipal clerk's office or alternate site by the United States postal service is not covered by the Observer rule unless it occurs in the same location and during the same hours as the issuing and voting of absentee ballots. Wis. Admin. Code § EL 4.05(2)(a). The initial enclosing and securing of absentee ballots at an IPAV site is covered by the rule and observable. Wis. Admin. Code § EL 4.05(2)(b).

Board of Absentee Ballot Canvassers ("Central Count")

The meeting of the Board of Absentee Ballot Canvassers is most commonly but colloquially referred to as "central count." It is where a municipality has elected to count all absentee ballots at a central location. See Wis. Stat. § 7.52.[6] Many municipalities statewide use this process to tally their absentee ballots. Election Observation is allowed during all hours when an absentee ballot board of canvassers is meeting to canvass absentee ballots beginning no later than when the tabulators are zeroed out. Wis. Admin. Code § EL 4.05(3)(a), see Wis. Stat. § 7.52(1)(a). Observers may create or transmit photographs, videos, or audio recordings of the observable location, but may not record any confidential information, including any voted ballot, or any individual returning a ballot or correcting a certificate envelope. Wis. Admin. Code § EL 4.05(3)(b).

Special Voting Deputy (SVD) Voting Sites

Regulations for the observers who may accompany SVDs to a facility are discussed in **Chapter 7.3: "Types of Absentee Voters: SVDs"** concerning SVD voting. See Wis. Stat. § 6.875(7), Wis. Admin. Code § EL 4.05(4).

Recount

Election observation is allowed during the hours a recount is occurring. Wis. Admin. Code § EL 4.05(5)(a), see Wis. Stat. § 9.01(1)(b)11. The petitioner of the recount, all opposing candidates, interested persons, and all associated counsel are not election observers and not subject to the observer rule, though they must identify themselves as such to the designated election official. Wis. Admin. Code § EL 4.05(5)(b), see Wis. Stat. § 9.01(3). Though there will not be any check-in table or registration table, the designated election official must establish at least one observation area. Wis. Admin. Code § EL 4.05(5)(c). Observers may create and transmit photos, videos, or audio recordings of the location, but may not record any confidential information. Wis. Admin. Code § EL 4.05(5)(d).

"Central Count"

Election observation is allowed at any central counting location where all ballots for a municipality, or municipalities, are counted. Wis. Admin. Code § EL 4.05(6)(a), see Wis. Stat. § 5.87(1). Though there will not be any check-in table or registration table, the designated election official must establish at least one observation area in which observers may observe the proceedings.

---

6 Statutes distinguish between what is commonly called "central count," which is actually a meeting of the Board of Absentee Ballot Canvassers, and an actual central counting location where all the ballots of a municipality are counted. See below.

See Wis. Admin. Code § EL 4.05(6)(a). Observers may create and transmit photos, videos, or audio recordings of the location, but may not record any confidential information. Wis. Admin. Code § EL 4.05(6)(b).

Note: Do not confuse this "central count" with the board of absentee ballot canvassers above. This "central count" is an option for counting all *in-person election day* ballots at a central location, which may be delegated by multiple municipal clerks to their county clerk. See Wis. Stat. §§ 5.84, 5.85(1), (5), 5.86, and 5.87(1).

Sec. 14.5.12: After Observation Ends

After all voting activity has concluded within the observable location, candidates may be present and the prohibition of creating or transmitting photographs, videos, and audio recordings does not apply unless such action is disruptive or interferes with the administration of the election. Wis. Admin. Code § EL 4.06. At a polling place, observers may remain as members of the public to watch the canvass proceedings, but cannot create photos, videos, or audio recordings until the canvass begins. Wis. Admin. Code § EL 4.05(1)(b).

The designated election official must return the observer log to the clerk after the observable activities have concluded. Wis. Admin. Code § EL 4.03(2)(d).

Any documents that must be provided to the Commission can be sent to elections@wi.gov.

Chapter 14.6: Election Day Registration

Sec. 14.6.1: Introduction

Wisconsin is one of about thirty states that permit same-day voter registration at the polling place on Election Day, meaning unregistered voters can register to vote prior to casting their ballots. Wis. Stat. § 6.55.[1] This is known as Election Day Registration (EDR), or colloquially as "same-day registration."

All voters must be registered before being issued a ballot unless specifically exempt from registration. Wis. Stat. § 6.27. New and former Wisconsin residents voting Presidential-only ballots are not required to register, and military voters voting by absentee ballot are also not required to register. Wis. Stat. §§ 6.15, 6.18, 6.22(3).

Note: Although military voters are not required to register, they may still choose to do so. Military voters can utilize special federal forms to accomplish registration. **See Chapter 7.4: "Types of Absentee Voters: UOCAVA"** for more information about how military voters may register to vote.

Sec. 14.6.2: Does the Voter Need to Register?

Every polling place must have a designated area set up to register voters.

When a voter enters the polling place, poll workers should ask:

1. "Are you registered to vote?"
    a. **If no:** Voter directed to registration table
    b. **If yes:** Proceed to Question 2
2. "Have you changed your name or moved since the last time you registered?"
    a. **If no:** Voter can proceed to poll book
    b. **If yes:** Voter likely needs to re-register

---

1 Statute refers to this process as "polling place registration," but it is more commonly known as election day registration.

Voters may not know that they are not registered, or that they need to re-register, until they attempt to check in to the poll book to request their ballot.

If poll workers cannot find a voter's name in the poll book, prior to directing the voter to re-register, they should take the following steps:

- Confirm that the voter is at the correct ward in the correct polling place. If the voter is at the wrong polling place or ward, provide instructions for how to get to the right location. Wis. Stat. § 6.55(3)(a).
- Confirm the spelling of the voter's last name, particularly if it contains an apostrophe, to see if it appears in a different part of the poll book.
- Confirm whether the voter is a Protected Voter (like a judicial officer). If they are, their name will appear in a separate section of the poll book.

If the poll worker confirms that none of the scenarios above apply, the voter should be directed to re-register.

Best Practice: Voters may sometimes get upset when they are told they need to re-register, especially if they believe they have always voted at the same polling place with no issues. **There could be several reasons why a voter's name does not appear in the poll book, even if the voter insists that they are registered.**

If the voter is very insistent, poll workers can suggest that they try to contact the office of the municipal clerk, either before casting their ballot or after re-registering, whatever they prefer. The municipal clerk will be able to examine their voter record and determine the reason they do not appear in the poll book.

Another option is to reassure the voter that they can re-register today at the polling place, be permitted to vote, and then work with the municipal clerk after voting to ensure that their voter record is correct.

Sec. 14.6.3: Confirming Voter Not on DOC Ineligible List

If a voter needs to register, or re-register, prior to having them begin the registration process, poll workers must first check and see if the voter's name appears on the Department of Corrections ("DOC") list of ineligible voters. Wis. Stat. § 6.55(2)(cs). If the voter's name appears on the list, the poll workers shall inform the voter that they are not eligible to register to vote. *Id.* If the voter insists that they are eligible, poll workers shall permit them to vote, but shall mark "ineligible to vote per Department of Corrections" on the Voter Registration Application (EL-131). Wis. Stat. § 6.55(2)(cs). If the voter wishes to cast a ballot after registering, poll workers shall start the voting process and then must challenge the voter under Wis. Stat. § 6.79(2)(dm). **See Chapter 14.7: "Challenging Electors on Election Day" on page 43** for more information on challenging voters.

Sec. 14.6.4: Completing the Voter Registration Application

Voters completing an EDR fill out a Voter Registration Application (EL-131) in the same way a voter would prior to Election Day.

Proper completion of the Voter Registration Application (EL-131) will ease the process of entering information into WisVote and ensure the voter will appear on the poll list for Election Day. See Wis. Stat. § 6.36(2)(a). It is the responsibility of the municipal clerk to notify a voter of any insufficiency in their voter registration application within 5 days, if possible. Wis. Stat. § 6.32(2).

> **Best Practice:** If the voter is missing proof of residence, the Missing POR Notification Letter (EL-132) is a customizable template that is available for this purpose.

Front Side of Voter Registration Application
This is a summary of each entry on the EL-131 voting registration form:

1. Qualifications
Registrants must be able to check each of the four boxes in this section. These boxes correlate with the legal qualifications for voting. Wis. Stat. §§ 6.02, 6.03.

The registrant can register at 17 years old if they will be 18 years old by the time of the next election. Wis. Stat. § 6.05.

Note: A person less than 18 years of age cannot vote in a primary election even if they will be 18 years old on the date of the general election.

2. Your Name
The registrant should provide their full name as it appears both on their Wisconsin Driver License or Wisconsin DOT–Issued Identification Card, if applicable, and the proof of residence document provided for box 8 on the form. Wis. Stat. § 6.33(1).

3. About You

Date of Birth
Month, day, and year of birth is required. Wis. Stat. § 6.33(1). Best Practice: Voters should be encouraged to use all four digits of their year of birth (e.g. "1989" instead of "89"), but if someone writes the last two digits, the application should not be rejected.

Contact Information: Phone Number and Email Address (OPTIONAL)
Registration applications should not be rejected because a voter has failed to, or refuses to, provide their phone number or email address. Voters are not required to provide their phone number or email address, but doing so is useful in case the clerk needs to contact the voter to correct errors in the registration form or paperwork. See Wis. Stat. § 6.32. Clerks can still contact voters at the addresses they provide, but email or phone may be quicker and more efficient to resolve issues in a timely manner.

Be Advised: Any phone or email address provided becomes a public record.

4. The Address Where You Live

This is the voter's address where they reside, which may be different than their mailing address. Wis. Stat. § 6.10.

This section will also be used to indicate military or permanent overseas statuses. Military voters are not required to register to vote but some choose to do so anyways. Wis. Stat. § 6.22(3). Overseas voters, both permanent and temporary, are required to register. Wis. Stat. §§ 6.24(3), 6.27. **See Chapter 7.4: "Types of Absentee Voters: UOCAVA"** for more information on military and overseas voter registration.

5. Your Mailing Address (OPTIONAL)

Voters are not required to provide mailing addresses to register, though doing so is often a good idea in case their municipal clerk needs to contact them. **Registration applications should not be rejected because a voter has failed to, or refused to, provide a mailing address.**

> **Best Practice:** If the registrant does not receive mail at their residential address, a mailing address should be provided. Failure to provide a valid mailing address may result in the voter registration being inactivated since they would not be able to receive the verification postcard.

6. Prior Registration Information

Name Change

A voter is required to re-register if they change their legal name. See Wis. Stat. § 6.33(5)(a)1.

> **Best Practice:** As it may take some time for a voter to receive proper documentation of their new legal name, a registered voter may continue to vote using their former name until the necessary documentation to re-register is received.

Address Change

A registered voter is required to re-register if they wish to vote from their new residence. See Wis. Stat. §§ 6.10(1), 6.33(5)(a)1.

7. Identification

To complete the Voter Registration Application (EL-131) or online voter registration, the registrant must provide either a Wisconsin Driver License number or Wisconsin DOT–issued Identification Card number, or the last four digits of their Social Security Number. Wis. Stat. § 6.33(1). This does *not* require visual confirmation by the clerk or a poll worker, and the voter may write down or recite the number if they choose. A voter cannot be required to show their WI Driver License, WI DOT–issued ID card, or Social Security card as a condition of registration, unless the voter is offering it as acceptable proof of residence. Wis. Stat. §§ 6.33(1), 6.34(2), (2m).

Wisconsin Driver License or Wisconsin DOT–issued ID Card Number

If the registrant has been issued either a WI Driver License or WI DOT–issued ID Card that is unexpired or not cancelled, they must provide the number and expiration date, even if the registrant's driving privileges were revoked or suspended. Wis. Stat. § 6.33(1) (requiring a "valid" license or ID).

> **Best Practice: If the registrant has a WI Driver License or WI DOT–Issued ID Card that is unexpired but does not have the number or expiration date readily available, they may call DMV at (608) 266-1069, option 1, to look up the information.**

If the registrant has either a WI Driver License or WI DOT–Issued ID Card that is currently expired or cancelled, they must provide the last 4-digits of the Social Security Number instead. Wis. Stat. § 6.33(1).

Social Security Number: Last Four Digits

If the registrant has not been issued a WI Driver License or WI DOT–Issued ID Card or the document is expired or cancelled, the registrant must provide the last 4-digits of their Social Security Number. Wis. Stat. § 6.33(1).

If the registrant does not have either a WI Driver License or WI DOT–Issued ID Card and has not been issued a Social Security Number, they may indicate this by checking the box signifying they have none of these documents. See Wis. Admin. Code § EL 3.04(3) implementing 52 U.S.C. § 21083(5)(A)(ii). **Voters in this circumstance check the appropriate box on the EL-131 but still must be permitted to register to vote.**

8. Proof of Residence
The registrant will affirm that they are providing a valid form of proof of residence with this application. The document must list the voter's complete name and Wisconsin residential address. See Wis. Stat. § 6.34(3)(b).

9. Signature and Certification
The registrant should read this language before certifying that they are an eligible voter and have resided in the ward for at least 28 days. Wis. Stat. § 6.33(2)(b). They will provide their signature and the date they are signing. *Id.*

10. Assistant
If the registrant required another person to complete this form on their behalf due to a physical disability, the assistant should sign and provide their residential address here. Wis. Stat. §6.33(2)(a).

Official Use Only Section
The election official receiving the application (clerk, poll worker, election registration official)[2] should review the proof of residence. See Wis. Stat. §§ 6.32(2), 6.33(1), 6.34.

Proof of Residence Types
At the top of the section, the official will circle the Proof of Residence type. Wis. Stat. § 6.33(2)(a).

The following are the Proof of Residence types listed by their abbreviations in the Voter Registration Application (EL-131). **See Sec. 14.6.5: "Proof of Residence" on page 37** for more specific information on what constitutes sufficient proof of residence or is required in each category.

- **WI DL:** Wisconsin DOT–Issued Driver License.
- **WI ID:** Wisconsin DOT–Issued Identification Card.
- **UTIL:** Any form of utility bill.
- **BANK/CC:** A bank or credit card statement.
- **PYCK:** Paycheck or Paystub.
- **STDNT ID:** A student ID that includes a photo (address not required).
- **GOV DOC:** Any government-issued document.

---

2 Any staff member, or any other individual, appointed as an ERO would need to complete election official training before registering any qualified voter to vote." Wis. Stat. § 7.315(4).

- **LSE:** A residential lease (may not be used to register by mail).
- **GOV ID:** Any other identification card or license issued by a Wisconsin governmental body or unit.
- **EMPL ID:** An identification card issued by an employer in the normal course of business and bearing a photo of the card holder.
- **RES CARE:** A contract or intake document from an occupant of a residential care facilities that specifies the occupant currently resides in the facility.
- **TAX:** A real estate tax bill or receipt for the current year or the year preceding the date of the election.
- **HMLSS:** A signed letter on public or private social security agency letterhead identifying a homeless voter and describing the individual's residence for voting purposes.

Proof of Residence Issuing Entity

The clerk should write the name of the entity that issued the proof of residence document. Wis. Stat. § 6.33(1). This is necessary to ensure that the proof of residence satisfies one of the legal types. Wis. Stat. § 6.34(3)(a).

Examples: WI DMV, MG&E, WE Energies, etc.

Proof of Residence Number, if any

If a unique number associated with the proof of residence is seven or more digits in length, the last four digits should be recorded here. See Wis. Stat. § 6.36(1)(a)12. For example, bank accounts are usually ten digits long, but only the last four digits should be recorded.

If a unique number associated with the proof of residence is six or fewer digits in length, only the last two digits are recorded here. See *Id.* For example, if an ID has five digits, only the last two would be recorded.

Date Complete/POR Received

> **Best Practice:** If the application is complete and the proof of residence is acceptable (see below), the election official who received the application (election registration official, clerk or poll worker) should date it.

Election Day Voter Number

If registering on Election Day, the voter will be issued a voter number before they are given their ballot. Wis. Stat. § 6.79(2)(b). This number should also be recorded on the supplemental poll list. Wis. Stat. § 6.79(2)(c). For more information on the Election Day Registration (EDR) procedures, **See Chapter 14.6: "Election Day Registration" on page 28.**

WisVote ID

This number is assigned by the clerk only once the registration has been entered in WisVote. See Wis. Stat. § 6.36(1)(a)4.

Confidential Voter ID

If the registrant has registered through the confidential voter process, they will be issued a number that should be listed here. See Wis. Stat. §§ 6.33, 6.47(3).

Official's signature

- The election official first receiving the application (election registration official, clerk, poll worker) should review the form for completeness and legibility before signing. Wis. Stat. §§ 6.32, 6.33(1).
- If the application is incomplete or illegible, the election official should not sign the form. See Wis. Stat. § 6.32(2).
- If the registrant is still available, ask the registrant to complete the missing information or print more clearly. See Wis. Stat. § 6.32(2).

> **Best Practice:** If the registrant is no longer available, the election official should submit this form to the clerk with a note explaining the deficiency.

- The clerk should contact the registrant within 5 days of receipt of any incomplete or illegible applications. Wis. Stat. § 6.32(2).

Bottom Row

The clerk should record this information to properly determine the offices and referenda for which a voter is eligible to vote. This is entered when the registration is processed. In the case of Election Day registrations, it must be done right away to make sure the voter gets the correct ballot. Wis. Stat. § 6.33(1).

- Ward
- Sch. District
- Alder
- City Supr.
- Ct. of App
- Assembly
- St. Senate
- Congress

Back Side of Voter Registration Application

If the registrant resides somewhere without a designated address, the registrant should use the map in box 4 on the backside to diagram where they reside in relation to known streets or landmarks. See Wis. Stat. § 6.10(1).

If the registrant needs accommodations at their polling place (curbside voting, braille materials, etc.), they should make those requests on the bottom of the application. See Wis. Stat. § 6.36(1)(a)10.

If the registrant is interested in being a poll worker, they can indicate in the checkbox on the bottom of the application.

Sec. 14.6.5: Proof of Residence

Everyone (except military and permanent overseas voters and new and former Wisconsin residents) who wishes to register to vote or update their voter registration must present a proof of residence document to prove that the person resides at the address listed on the Voter Registration Application (EL-131). Wis. Stat. § 6.34. If the person is registering in-person with an election official, they do not need to provide a copy of the document for the election official to keep; they may simply show it to the election official so the official can verify the registration in real time. See Wis. Stat. §§ 6.32, 6.34.

Best Practice: Electronic versions of proof of residence are acceptable and can be displayed on a phone or other electronic device. The document must contain the voter's current and complete name and current and complete Wisconsin residential address. Wis. Stat. § 6.34(3)(b). If the document has an expiration date, it must not be expired on the day registration is made. Wis. Stat. § 6.34(3)(c). Note that some documents (like a utility bill) do not have an expiration date and are still considered valid.

Note: Types of acceptable proof of residence are specifically listed by state law. Wis. Stat. § 6.34. If a proof of residence document does not fall into one of the following categories, it cannot serve as acceptable proof of residence.

The following documents constitute acceptable proof of residence:

- An unexpired Wisconsin Driver License or receipt for license, even if driving privileges were revoked or suspended. Wis. Stat. § 6.34(3)(a)1.
- An unexpired Wisconsin DOT–Issued Identification Card or receipt for identification card. Wis. Stat. § 6.34(3)(a)2.
- Any other official identification card or license issued by a Wisconsin governmental body or unit, unless otherwise prohibited by state law. Wis. Stat. § 6.34(3)(a)3. See Wis. Stat. § 66.0438 for special guidelines for locally-issued identification documents.
- Any identification card issued by an employer in the normal course of business and bearing a photo of the card holder, but not including a business card. Wis. Stat. § 6.34(3)(a)4.
- A real estate tax bill or receipt for the current year or the year preceding the date of the registration. Wis. Stat. § 6.34(3)(a)5.
- A utility bill for the period commencing not earlier than 90 days before Election Day. Wis. Stat. § 6.34(3)(a)8.
    - Examples include gas, electric, water, sewer, telephone/cell phone, cable/satellite, TV, Internet, etc.

- **A residential lease.** A residential lease should contain, at minimum:
    - Landlord Name
    - Tenant Name
    - Address Subject to Lease
    - Term
    - Rent
    - Landlord Signature
    - Tenant Signature
    - If one or more of these are missing, it is up to the clerk to determine if the information contained is sufficient for proof of residence.

Note: A residential lease cannot be used as proof residence if a voter is registering by mail or online. Wis. Stat. § 6.34(2).

- **A university, college or technical institute identification card** (must include photo, address not required) with one of the following:
    - A fee payment receipt issued to the cardholder by the university, college, or technical college dated no earlier than 9 months before the date of the election. Wis. Stat. § 6.34(3)(a)7.a.
    - A certified and current list of students who reside in housing sponsored by the university, college, or technical college. Wis. Stat. § 6.34(3)(a)7.b.

Note: This list should be provided by the university, college, or technical college and the election official must verify that the student presenting the card is included on the list.

- **Bank statement.** Wis. Stat. § 6.34(3)(a)9. This can include:
    - A bank statement issued by a bank or credit union
    - A mortgage statement issued by a bank or credit union
    - A home equity credit line statement issued by a bank or credit union
    - A credit card statement issued by a bank or credit union, but not an offer for a credit card
    - Paycheck or paystub documentation of direct deposit. Wis. Stat. § 6.34(3)(a)10.

- **A check or other document issued by a unit of government.** Wis. Stat. § 6.34(3)(a)10.
  - Units of government include federal, state, county, municipal, school district, tribal, etc., both foreign and domestic.
  - **Examples of government documents** (not an exhaustive list):
    - Vehicle registration
    - BadgerCare/Medicare statements[3]
    - Social Security statements[3]
    - Public school correspondence
    - Federal student loan notices[3]
    - Change of Address letter from the U.S.P.S.
    - Government-owned medical facilities, such as UW Hospitals and Clinics, county-owned health care clinics and VA Hospitals
    - A signed letter on public (government) social service agency letterhead identifying a homeless voter and describing the individual's residence for voting purposes.
- **A contract or intake document from an occupant of a residential care facility,** such as a nursing or group home, or community-based residential facility that specifies that the occupant currently resides in the facility. A room number is not required. Wis. Stat. § 6.34(3)(a)12.
- **An identification card issued by a federally recognized Native American Wisconsin tribe.** Wis. Stat. § 6.34(3)(a)(13).

Electronic Proof of Residence

Otherwise valid proof of residence documents presented electronically on a device such as a laptop, smartphone, or tablet are acceptable for voter registration purposes.[4] Electronic forms of proof of residence are not prohibited by state law. See Wis. Stat. § 6.34, which requires only "an identifying document."

---

3 If issued by a government agency

4 On August 28, 2012, the G.A.B. voted unanimously to allow electronic versions of acceptable proof of residence during the voter registration process.

The standard of review should be the same whether the document is physically presented to an election official or viewed in an electronic format. See *Id.*

Election officials **may not reject** an otherwise valid proof of residence merely because it is in an **electronic format.** See *Id.* (requiring only "an identifying document").

If the document is not readable in the format presented or the election official is otherwise unable to determine that it constitutes a valid proof of residence, the election official may reject the document and require the registrant to present another form of proof of residence. See Wis. Stat. § 6.34(2).

Election officials are not required to provide computers or Internet access for voters to use to obtain electronic copies of proof of residence to facilitate voter registration. It is the responsibility of the registrant to show or provide a copy of their proof of residence. *Id.*

Election officials are not required to handle a registrant's electronic device but may do so with the registrant's permission.

> **Best Practice:** If the proof of residence is presented using the registrant's electronic device, the election official may ask the registrant to expand the size of the type or image, or otherwise navigate the document or image so that the election official may view any required information (i.e., name of the registrant, address, account number, date, type of document, and issuing entity or institution).

Sec. 14.6.6: EDR for Confidential Voters

If a voter at the polling place says they are not registered, but also that they wish to register as a confidential voter, the **registration cannot be completed at the polling place.** Instead, the voter must be directed to the office of the municipal clerk to register, even on Election Day. Wis. Stat. § 6.55(2)(cm). The municipal clerk shall then follow the registration process for confidential voters described by Wis. Stat. § 6.47(3). **See Chapter 14.10: "Confidential Voters at the Polling Place" on page 84** for more information on confidential voters.

Sec. 14.6.7: Designating a Separate Location for Registration

If there are space concerns in the voting area, the governing body of the municipality may by resolution designate another readily accessible location for registration in the same building. Wis. Stat. § 6.55(2)(c)1.

1. If this process is utilized, the municipal clerk is required to prominently post a notice of the registration location at the polling place. *Id.*
2. Upon completing the registration, the clerk serially numbers the registration and gives one copy to the voter for presentation at the polling place. *Id.*
3. The clerk shall also issue a certificate addressed to the poll workers at the polling place directing that the voter be permitted to cast his or her vote. Wis. Stat. § 6.55(2)(c)2.
    a. The clerk enters the voter's name and address on the face of the certificate, and it should be numbered serially and prepared in duplicate. *Id.*
    b. One copy goes with the voter, the other is retained by the clerk. *Id.*

Chapter 14.7: Challenging Electors on Election Day

A challenge is when an voter or election inspector claims, with cause, that a voter is not qualified to vote. Wis. Stat. § 6.925. Challenges can be brought before Election Day, as well as whenever a voter is casting a ballot, be it in person on Election Day or by absentee ballot. Wis. Stat. §§ 6.92–6.97.

This chapter only applies to challenges made on Election Day.

Sec. 14.7.1: What Types of Challenges Exist?

There are four types of voter challenges:

- **Pre-Election Day Challenges to Voter Registration:** These challenges are brought by voters of the jurisdiction directly to the municipal clerk or board of elections commissioner. Do not refer to this chapter for challenges brought under Wis. Stat. § 6.48. These challenges follow a different process than Election Day challenges.
- **Election Day Challenges in Person at the Polls by Voters:** These challenges can be brought in person by any voter of the state at the polling place on Election Day, and can only challenge a voter's qualifications to vote, not the process by which they cast their ballot. Wis. Stat. § 6.925.
- **Election Day Challenges to Absentee Voters:** At the Polling Place – Wis. Stat. § 6.93; At "Central Count" – Wis. Stat. § 7.52(5). These challenges can be brought by any voter of the state in the same manner and using the same grounds as challenges in person at the polling place.
- **Election Day Challenges Made by Election Inspectors:** These challenges can be brought by election inspectors, either against the voter's qualifications to vote, or because the voter has not followed the correct voting procedure. Wis. Stat. § 6.92.

Sec. 14.7.2: What is a Challenge "for Cause"?

All challenges must be made for cause, regardless of who is bringing the challenge and who the voter is. Wis. Stat. §§ 6.92, 6.925. "For cause" means there needs to be a legal reason to bring the challenge, something beyond speculation or unsubstantiated claims. "For cause" also means that the challenge must be made based on personal knowledge or suspicion that the voter is not a qualified voter. Challenges based on race, ethnicity, or the ability to speak English, and no other basis, are not permitted.

Sec. 14.7.3: What Can be Challenged by Electors?

Any elector of the state can challenge a voter's qualifications to vote, not the process by which they cast their ballot. Wis. Stat. §§ 6.03, 6.925. The challenging elector need not be an elector of the municipality in which they are making the challenge, they just need to be an elector of the state. Note that if a challenger themselves is not qualified to vote (i.e. not an elector), they cannot bring the challenge. *Id.*

Grounds for Qualification Challenges by Electors

- **Citizenship:** The voter is not a U.S. Citizen.
- **Age:** The voter is not at least 18 years old on or before Election Day.
- **Residency:** The voter has not resided in the municipality for at least 28 days before the election.
- **Felony Status:** The voter has not completed the terms of their sentence.
- **Competency to Vote:** The voter has been adjudicated incompetent by a court.
- **Bet or Wager:** The voter has placed a bet or wager on the election.
- **Voted Previously at the Same Election:** The voter has already cast a ballot for this election. Wis. Admin. Code § EL 9.02, Wis. Stat. § 6.94.

Electors cannot challenge another voter based on an argument that proper voting procedures were not followed. Compare Wis. Stat. § 6.92(1) (which permits this type of challenge when made by election inspectors) with Wis. Stat. § 6.925 (which does not for challenges made by electors).

Sec. 14.7.4: What Can be Challenged by Election Inspectors?

Election inspectors, also referred to as poll workers, can challenge any of the qualification to vote grounds discussed above in Sec. 14.7.3, and may also challenge any voter when any of the following situations occur:

- The voter refuses to sign the poll book where physical disability does not prevent signing of poll list. Wis. Stat. § 6.79(2)(am).
- The voter has insisted they are eligible to vote even though their name appears on the Department of Correction's ineligible list. Wis. Stat. § 6.29(2)(am).
- The voter has returned their absentee ballot, but their name appears on the Department of Correction's ineligible list. Wis. Stat. § 6.88(3)(c).
- A voter completing an EDR has insisted they are eligible to vote even though their name appears on the Department of Correction's ineligible list. Wis. Stat. §§ 6.55(2)(cs) and (3)(b), 6.79(2)(dm).
- Any other failure to adhere to voting requirements. Wis. Stat. § 6.92

Note: If poll workers believe an absentee certificate envelope is insufficient, they should follow the ballot rejection procedures, not the voter challenge procedures. Wis. Stat. § 6.88(3)(b).

High school election inspectors may not bring challenges. Wis. Stat. § 6.92(2).

Sec. 14.7.5: Challenge Procedure & Form EL-104c

Whenever an Election Day challenge is brought, the procedures outlined in Wis. Admin. Code EL Chapter 9 should be followed. The Commission has prescribed a specific form, Challenge Documentation (EL-104c), that walks election inspectors through all the proper requirements and procedures. The EL-104c, as well as the procedures laid out in EL Chapter 9, are the primary resources for challenge procedure.

Inspectors are required to complete an EL-104c for every challenge made at the polling place, whether or not a ballot is issued to the challenged voter. Wis. Admin. Code § EL 9.05.

A sample of the EL-104c is located at the end of this chapter. Refer to it for more detail on how to complete the specific challenge procedure.

> **Best Practice:** Whenever a challenge is made, election inspectors should notify the chief election inspector and the municipal clerk so that all election officials are aware of the challenge. While the municipal clerk is not needed to resolve the challenge, knowing that there is one or more challenges will be helpful to them as they prepare Election Day materials for the municipal board of canvassers meeting following the election.

Sec. 14.7.6: Overview of the Challenge Process

The steps below provide a general, narrative overview of the challenge process. When administering a challenge, election inspectors should use and refer to the EL-104c as that form contains all required procedures, questions, and steps.

- **Challenger Oath:** When a challenge is made, the challenging voter is placed under oath and asked to make a sworn statement giving the reason for the challenge and answering questions posed by the election inspectors. Wis. Admin. Code § EL 9.02(1), (2). If the inspector is making the challenge, they do not need to be placed under oath.
- **Inspector Questions:** The election inspector administering the challenge follows the questions and procedures on Form EL-104c to administer and document the challenge. Wis. Admin. Code § EL 9.01(2). This includes administering an oath to the challenged voter if the voter is voting in person, and if an absentee voter is available, and asking questions relevant to the challenge. Wis. Stat §§ 6.92(1),6.925, Wis. Admin. Code §§ EL 9.01(1), (2), 9.02(3).

- **Withdrawing the Challenge:** Once the challenged voter has responded to the challenge, the challenging inspector or voter has an opportunity to withdraw his or her challenge. Wis. Admin. Code § EL 9.01(3), 9.02(4). If the challenge is withdrawn, a ballot is issued to the voter with no special marks, a notation is made in the Inspector's Statement (EL-104), and no mark is made in the poll book. *Id.*
- **Oath of Eligibility:** If the challenge is not withdrawn, the election inspector administers the affirmation or oath of eligibility to the challenged voter, if present. Wis. Stat. § 6.94, Wis. Admin. Code § EL 9.01(4), 9.02(5).

Best Practice: Indicate "sworn" on the poll book.

- **When the Voter is not Issued a Ballot:** If the challenged voter refuses to answer fully any relevant questions put to him or her by the election inspector administering the challenge, they shall not be issued a ballot. Wis. Stat. § 6.94, Wis. Admin. Code § EL 9.01(6), 9.02(7). If answers the challenged voter gives to the inspector's questions demonstrate their ineligibility to vote, they shall not be issued a ballot. *Id*. If the voter refuses to take the oath, they shall not be issued a ballot. Wis. Stat. § 6.94, Wis. Admin. Code § EL 9.01(5), 9.02(6).
- **When the Voter is issued a Ballot:** If the voter makes the oath and asserts their eligibility, and their answers to the inspector's questions demonstrate that they meet the voting requirements, the challenge process is complete, and the voter is issued a ballot and permitted to vote. Wis. Stat. § 6.94, Wis. Admin. Code § EL 9.01(7), 9.02(8).

Important: There is no requirement for the challenged voter to provide proof or documentation. If they make the oath of eligibility and answer all pertinent questions, they shall be issued a ballot. Wis. Stat. § 6.94, Wis. Admin. Code § EL 9.01(7), 9.02(8).

- **Voting Procedure:** Once the challenge is complete, a ballot is issued to the voter with "Section 6.95" and the voter number marked on the back of the ballot. Wis. Stat. § 6.95, Wis. Admin. Code § EL 9.03. If direct-record electronic (DRE) voting equipment is used, the ballot should be remade so these notations can be added. *Id.* This notation will signal to canvassers, and potential recounters, that the ballot of this voter had been challenged. The challenged voter then votes the ballot like normal.
- **Documentation:** The entire EL-104c must be completed regardless of the outcome of the challenge, including if it was withdrawn. The completed EL-104c is attached to the Inspector's Statement (EL-104). Election inspectors should also make note of the challenge in the notes on the EL-104. Finally, inspectors shall write "Challenged" beside the voter's name in the poll book, along with the reason for the challenge. Wis. Admin. Code § EL 9.03.

Sec. 14.7.7: Challenging Absentee Voters

The same challenge procedures used for voters at the polling place also apply to absentee voters. Wis. Stat. § 6.93, Wis. Admin. Code § EL 9.04. Only election inspectors can challenge absentee ballots that did not comply with voting procedures. Wis. Stat. § 6.92(1).

The absentee voter is unlikely to be present in the polling place when their ballot is challenged on Election Day. For municipalities using a board of absentee ballot canvassers ("central count"), those inspectors may "call before it any person whose absentee ballot is challenged." Wis. Stat. § 7.52(5)(b). Since statute and administrative code are clear that absentee voter challenges should be treated the same as in-person voter challenges, the Commission believes that election inspectors at polling places may also call before them any person whose absentee ballot is challenged. Wis. Stat. § 6.93, Wis. Admin. Code § EL 9.04.

Best Practice: Contact Challenged Absentee Voters.

State law is clear that election inspectors may attempt to contact absentee voters who are being challenged to give them an opportunity to participate in the challenge process. **However, the law is silent on how this should be accomplished.**

The Commission has issued the following guidance to assist election inspectors:

1. **Contacting the challenged absentee voter is discretionary,** and the decision of whether to do so is made by the election inspectors at the polling place or at "central count." See Wis. Stat. § 7.52(5)(b):

   > *"For the purpose of deciding upon ballots that are challenged for any reason, the board of absentee ballot canvassers **may call** before it any person whose absentee ballot is challenged **if the person is available to be called.**"* (Emphasis added).

2. **Contact by phone is preferred,** and inspectors may leave a voicemail if given the option to do so.[1] If the voter has an email address on file, inspectors may also reach out by email. If the voter has neither phone number nor email address on file, the election inspectors may, in their discretion, attempt to contact the voter by any other feasible means. If communication is not possible, the challenge proceeds. See Step 6 Below.
3. **If the absentee voter wishes to respond to the challenge, they must do so in person before the election inspectors.** See Wis. Stat. § 7.52(5)(b). Inspectors should not attempt to conduct a challenge over the phone because there is no way to verify that the person on the other line is the challenged voter.

Best Practice: If the challenged absentee voter does not answer the phone, the election inspector placing the call should leave a voicemail if possible and give the voter an hour to respond to the message before proceeding with the challenge. If it is not possible to leave a voicemail, the challenge proceeds.

1 The municipal clerk or their staff may contact challenged voters in addition to election inspectors.

4. If the voter arrives, the inspectors should ask the voter to present photo ID so they can confirm that the person is the challenged voter. See Wis. Stat. § 6.79(2)(a) (requiring photo ID for in person voting, which an in-person challenged voter would have already completed) Wis. Stat. § 12.13(1)(d) (prohibiting any person from impersonating a registered voter or posing as another person for the purpose of voting)
5. If the challenged voter does not respond, does not appear, or cannot appear, the challenge proceeds. The challenger is placed under oath, and answers the questions put to them by the inspectors. **See "Best Practice: Voter is not available" below.** Wis. Admin. Code § EL 9.02(2).
6. All challenges can be reviewed and decided by the boards of canvassers.

Best Practice: Voter is not available

The law does not answer what election inspectors should do if the challenger asserts, under oath, that an absentee voter is not qualified to vote, but **the absentee voter is not available** to appear to complete the challenge process.

Normally, a voter is permitted to cast a challenged ballot if the voter swears to the oath of eligibility and their answers to inspectors' questions demonstrate that they are eligible to vote. Wis. Admin. Code § EL§ 9.01(7), 9.02(8).

But the law does not answer how a challenge should be resolved if the absentee voter is unavailable to swear the oath of eligibility and answer questions. In such circumstances, fairness to the voter should compel election inspectors to accept the challenged voter's ballot under the Wis. Stat. § 6.95, Wis. Admin. Code § EL 9.03 process.

A determination of the challenge itself would then be made by the board of canvassers under a beyond a reasonable doubt standard. Wis. Stat. §§ 6.325, 6.95, Wis. Admin. Code § EL 9.06.

See Sec. 14.7.8: "Review of Challenges by Boards of Canvassers" on page 51 for guidance on the beyond a reasonable doubt standard.

In other words – Election inspectors should **always count a challenged absentee ballot unless** the voter appears and gives answers through the challenge process that demonstrate they are not eligible to vote, or refuses to take an oath.

Sec. 14.7.8: Review of Challenges by Boards of Canvassers

The municipal board of canvassers, and, if applicable, the county board of canvassers, and the Commission Chairperson can review and decide any challenges during their canvasses. Wis. Stat. § 6.95, Wis. Admin. Code § EL 9.06. The "beyond a reasonable doubt" standard should be used to determine the validity of challenged ballots. Wis. Stat. §§ 6.325, 6.95, Wis. Admin. Code § EL 9.06.

Note: Election law does not define "beyond a reasonable doubt" for the purpose of voter eligibility. However, *in criminal law* the term "reasonable doubt" means doubt based upon reason and common sense.

It is a doubt for which a reason can be given, arising from a fair and rational consideration of the evidence or lack of evidence. It means such a doubt as would cause a person of ordinary prudence to pause or hesitate when called upon to act in the most important affairs of life.

A reasonable doubt is not a doubt which is based on mere guesswork or speculation.

The decisions of the boards of canvassers, and the Commission, can be appealed under the recount statute, Wis. Stat. § 9.01, Wis. Admin. Code § EL 9.06.

Sec. 14.7.9: Frequently Asked Questions

Q What happens to the EL-104c when it is complete?

A It should be attached to the Inspector's Statement and retained with all other Election Day materials for the boards of canvassers. See Wis. Admin. Code § EL 9.06.

Q The challenged voter answered all the questions, but the election inspector doesn't believe they're being truthful, or still isn't sure if the voter is qualified to vote. Can they ask for documentation or proof?

A No. Election inspectors are only permitted "to ask questions which are appropriate as determined by the commission, by rule, to test the qualifications of the challenged voter." Wis. Stat. §§ 6.92, 6.925. The Commission's administrative rules specify what those questions are Wis. Admin. Code § EL 9.01(2). Neither statute nor administrative rules permit election inspectors to ask or require the challenged voter to produce documents or proof to resolve the challenge. If the challenged voter "answers fully all relevant questions," takes the required oath of eligibility, and their answers indicate that they meet the voting qualification requirements, they must be issued a ballot. Wis. Admin. Code §§ EL 9.01(7), 9.02(8).

Best Practice: The voter may choose to produce documentation voluntarily, and the election inspectors can consider documents if offered, but they cannot prompt the challenged voter to do so.

Q Can election inspectors consult with other resources to try and determine the outcome of a challenge?

A No. The law provides for a careful process where both the challenger and the challenged voter must answer questions and make certain assertions under oath. Just like election inspectors cannot ask or compel the voter to produce documentation to prove their eligibility, they also cannot consult with other resources to try and determine if the voter is eligible. If the voter makes the oath of eligibility, and their answers to the questions listed in Wis. Admin. Code § EL 9.01(2) establish that they are eligible, they must be permitted to vote. Wis. Admin. Code §§ EL 9.01(7), 9.02(8).

Q What if the challenge process becomes disruptive to the polling place?

A Any voter who is abusing the challenge process can be warned and/or removed using the same procedures for disruptive election observers. Wis. Admin. Code § EL 9.02, Wis. Stat. §§ 7.37(2) and 7.41(3). **See Chapter 14.5: "Election Observers" on page 13** for more information on removing disruptive observers.

Q Do challenges apply to absentee voters?

A Yes. If someone is voting by absentee ballot, their qualifications can still be challenged by another voter, using the same process.

Challenge Documentation

(*Inspector should attach this form to the Inspectors' Statement (EL-104)*

Name and Address of **Challenged** Elector:

_____

_____

Challenged Elector Voter number _____
(Fill in only if Part D is completed)

Identifying Challenge Participants

Name of Inspector Administering Challenge Process _____

1. Person Challenging Elector who is Present at the Polling Place
(Check the box that applies and provide the information requested.)

❑ **Inspector** (Who Is a Qualified Elector) *Making Challenge to an Elector who is Present*

Name of Challenging Inspector_____ (Proceed to Part A.)
or
❑ Name and Address of **Elector** *Making Challenge to an Elector who is Present*

_____

_____ (Proceed to Part A.)

2. Person Challenging Elector who is not Present at the Polling Place
(Check the box that applies and provide the information requested.)

❑ **Inspector** (Who Is a Qualified Elector) *Making Challenge to an Elector who is not Present*

Name of Challenging Inspector_____ (Complete Parts A & E.)
or
❑ Name and Address of **Elector** *Making Challenge to an Elector who is not Present*

_____

_____ (Complete Parts A & E.)

_____ _____
(signature of *challenging* elector) (signature of *challenged* elector)

Part A. Challenger
(Indicate the challenger's answers to your questions by checking "Yes" or "No." Provide any other information requested.)

1. Oath (or Affirmation) of Truthfulness given by the inspector to the challenger:
   "Do you solemnly swear (or affirm) that you will fully and truly answer all questions put to you regarding the challenged person's place of residence and qualifications as an elector of this election."
   ❑ Yes ❑ No
   If "Yes," proceed with the challenge process. If "No," see the end of this section*.
2. Inspector asks the challenger if they are a qualified elector of Wisconsin. (Only an elector may challenge.)
   ❑ Yes ❑ No
   If "Yes," proceed with the challenge process. If "No," see the end of this section*.
3. Challenger gives the reason(s) for challenge using the following criteria that applies to the person being challenged:
   ❑ The person is not a citizen of the United States.
   ❑ The person is not at least 18 years of age.
   ❑ The person has not resided in the election district for at least 28 consecutive days.
   ❑ The person has a felony conviction and has not been restored to civil rights.
   ❑ The person has been adjudicated incompetent.
   ❑ The person has voted previously in the same election.

Only election inspectors can challenge for the following reasons:

- ❑ The person who requested a replacement absentee ballot is not the person who originally requested the ballot.
- ❑ The person claims to have a physical disability that prevents them from signing the poll book, but *both* inspectors did not agree.
- ❑ The person does not adhere to the following voting requirement (specify alleged violation below):

_____

_____

4. Inspector asks the following question(s) of the challenger which are appropriate to determine the qualifications of the challenged elector:
   - ❑ Why do you believe that the challenged elector is not a United States citizen?
   - ❑ Why do you believe that the challenged elector is not at least 18 years of age?
   - ❑ Why do you believe that the challenged elector has not, for at least the 28 consecutive days before this election, resided in, or been a resident of, the ward or election district from which he or she seeks to vote?
   - ❑ For which of the following reasons, and why, do you believe the challenged elector is currently disqualified from voting:
     - ❑ A felony conviction for which the challenged elector is still serving probation or is on parole or extended supervision?
     - ❑ A judge's ruling that he or she is incapable of voting?
     - ❑ Having made a bet or wager on this election?
     - ❑ Having voted previously in this election?

   (Inspector challenge only):
   - ❑ Why do you believe that the challenged elector, who requested a replacement absentee ballot, is not the person who requested the original ballot?
   - ❑ Why do you believe that the challenged elector is not unable to sign the poll book due to a physical disability?
   - ❑ Why do you believe this person does not meet the specified voting requirement?

   Record Challenger's Answer(s):

   _____
   _____
   _____
   _____

   *If the challenger refuses to take the oath (or affirmation) of truthfulness, is not a qualified elector of Wisconsin, refuses to give a valid reason for challenge, or refuses to provide information to support the challenge; the challenge process is terminated and *the elector is allowed to vote*.

   OTHERWISE:

5. *Proceed to Part B*.

Part B. Challenged Elector

(Indicate the challenged elector's answers to your questions by checking "Yes" or "No.")

1. Oath (or Affirmation) of Truthfulness given by the inspector to the challenged elector:
   "Do you solemnly swear (or affirm) that you will fully and truly answer all questions put to you regarding your place of residence and qualifications as an elector of this election."

   ❑ Yes ❑ No

   If "Yes," proceed with challenge process. If "No," see end of this section*.

2. Inspector asks the challenged elector the following questions which are appropriate to test the person's qualifications based on the cause for the challenge:

❑ Are you a United States citizen? ❑ Yes ❑ No

❑ Are you at least 18 years of age? ❑ Yes ❑ No

❑ For at least the 28 consecutive days before this election, have you resided in, or been a resident of, the ward or election district from which you seek to vote? ❑ Yes ❑ No

❑ Are you currently disqualified from voting for any of the following reasons?

- ❑ A felony conviction for which you are still serving probation or are on parole or extended supervision? ❑ Yes ❑ No
- ❑ A judge's ruling that you are incapable of voting? ❑ Yes ❑ No
- ❑ Having made a bet or wager on this election? ❑ Yes ❑ No
- ❑ Having voted previously in this election? ❑ Yes ❑ No

(Inspector challenges only):

❑ Are you unable to sign the poll book due to a physical disability? ❑ Yes ❑ No

Record Challenged Elector's Explanation, if any:

_____

_____

*If the challenged elector refuses to take the oath (or affirmation) of truthfulness, refuses to answer any of the questions in Part B, or the answers given indicate that the challenged elector does not meet voting eligibility requirements; *the challenged elector is not given a ballot*. Indicate the reason for not issuing a ballot to the challenged elector in the box at the bottom of Page 4.

OTHERWISE:

3. *Proceed to Part C.*

Part C. Opportunity to Withdraw Challenge
(Indicate the challenger's answer by checking "Yes" or "No.")

Does challenger withdraw the challenge?

❑ Yes (Challenge process is terminated, and elector is given a ballot.) ❑ No (*Proceed to part D.*)

Part D. Oath (or Affirmation) of Eligibility
(Indicate the answers to your questions by checking "Yes" or "No.")

1. Inspector administers Oath (or Affirmation) of Eligibility to the challenged elector:

"Do you solemnly swear (or affirm) that: you are at least 18 year of age; you are a citizen of the United States; you are now and for 28 consecutive days have been a resident of this ward except under Wis. Stat. § 6.02(2); you have not voted at this election; you have not made any bet or wager or become directly or indirectly interested in any bet or wager depending upon the result of this election; you are not on any other ground disqualified to vote at this election."

❑ Yes ❑ No
If "Yes," proceed with 2.
If "No," see end of this section*.

2. If the challenged elector answered "Yes" to question number 1, the challenged elector is given a ballot. **Before issuing the ballot to the challenged elector, the inspectors must:**

- ❑ Write the voter number of the challenged elector and "Section 6.95" on the back of the ballot.
- ❑ Write the voter number on the front of this form and on the voter list.
- ❑ Indicate the reason for the challenge on the voter list.

*If challenged elector refuses to take the oath (or affirmation) of eligibility or refuses to register (where required), the elector may not be given a ballot. Indicate reason for not issuing a ballot to a challenged elector in the box at the bottom of Page 4.

Part E. For Challenged Absentee Elector Only

(Indicate that the following procedures have been accomplished by checking the box next to each procedure.)

Before depositing absentee ballot of the challenged elector in ballot box, inspectors must

- ❑ Write the voter number of the challenged elector and "Section 6.95" on the back of the ballot,
- ❑ Write the voter number on the front of this form and on the voter list,
- ❑ Indicate the reason for the challenge on the voter list.

When Ballot Is NOT Issued to a Challenged Elector

(Indicate the reason for not issuing a ballot to a challenged elector by checking the appropriate box.)

❑ The challenged elector refused to take the oath or affirmation of eligibility under Part D.

❑ The challenged elector refused to answer fully any relevant questions put to him or her by the inspector under Part B.

❑ The answers to the questions given by the challenged elector indicate that they do not meet the voting qualification requirements of Wis. Stat. §§ 6.02 and 6.03. Reason:)

What are Elector Challenges?

> Any elector may challenge for cause any person offering to vote whom the elector knows or suspects is not a qualified elector. *WIS. STAT.* § 6.925.

A voting challenge is when someone claims a person is not qualified to vote, whether they are voting in person or absentee.

Who Can Make a Challenge?

Only eligible voters (called electors) can challenge someone for cause.
Challengers must be:

- Over the age of 18
- U.S. citizens
- Residents of Wisconsin
- Eligible to vote in Wisconsin (they do not need to be registered to vote)

WIS. STAT. § 6.925; *WIS. ADMIN. CODE EL* §§ 9.02 – 9.06.

What a challenge looks like

When a voter is challenged, the election inspector will:

- Ask both the person challenging and the person being challenged, if present, to take an oath.
- The person being challenged will be asked questions to determine if they are allowed to vote.
- The inspectors will use the procedures spelled out in statute and administrative code to determine if the challenged elector will be issued a ballot.

WIS. STAT. § 6.92; *WIS. ADMIN. CODE EL* §§ 9.02 – 9.06.

Scan the code to view this document online:
elections.wi.gov/elector-challenges

Wisconsin Elections Commission
WEC Helpdesk:
608-266-8005
WEC Helpdesk e-mail:
elections@wi.gov

Cover photo by Michael Newman via Creative Commons.

ELECTOR CHALLENGES

What is a proper challenge?

All challenges must be **"for cause."** The term "for cause" has a specific legal meaning, and it relates to the qualifications of the challenged voter.

Specifically, a voter may only be challenged for the following reasons:

- The elector is not a U.S. citizen.
- They are not 18 or older.
- They do not reside in the district where they are trying to vote.
- They have a felony conviction **and** are still serving their sentence.
- They have been adjudicated incompetent by a judge with a loss of voting rights.
- They already voted in the same election.

WIS. STAT. § 6.925; WIS. ADMIN. CODE EL §§ 9.02, 9.04.

Administering Challenges

If a person is challenged as unqualified by an elector, election inspectors must follow the procedures in Wis. Admin. Code EL §§ 9.02 – 9.06.

Inspectors should use form EL-104c to administer the challenge.

One of the inspectors may administer the oath or affirmation to the challenged and challenging electors and ask the electors appropriate questions to test the elector's qualifications.

WIS. STAT. § 6.92.

What cannot be challenged?

Challenges based on race, ethnicity, not speaking English, or other unsubstantiated claims are not allowed.

An elector cannot challenge:

- absentee certificate and application
- adherence to other voting requirements

Absentee Challenges

If someone is voting by absentee ballot, their qualifications can still be challenged by another elector, using the same process as if they were voting in person.

WIS. STAT. § 6.93.

Penalties for Misuse

Any elector who abuses the right to challenge under Wis. Stat. § 6.925 may be subject to sanctions available to inspectors under Wis. Stat. § 7.41(3). The chief inspector of a polling place or the municipal clerk may order the removal of any such person if the person disrupts operations or violates Wis. Stats. §§ 12.03(2) or 12.035. Wis. Stat. § 7.41(3).

WIS. STAT. §§ 7.41(3), WIS. ADMIN. CODE EL § 9.02.

Chapter 14.8: Getting to Know the Poll Book

Sec. 14.8.1: Introduction

Poll books contain the names and addresses of registered voters in a reporting unit. Wis. Stat. § 6.36(2)(a). The municipal clerk will provide poll books to each polling place ahead of Election Day. Wis. Stat. § 6.79(2)(a). Poll books are generated from WisVote, which is Wisconsin's statewide voter database. Wis. Stat. § 6.36(2)(a).

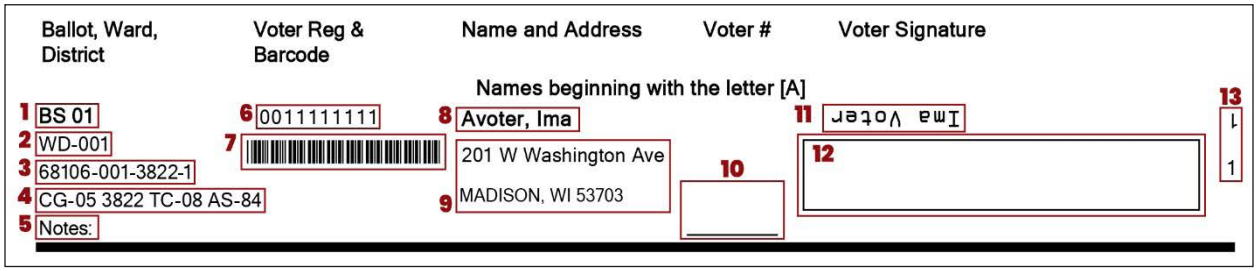
If a municipality uses paper poll books, each ward or combination of wards will have two poll books, which poll workers must mark identically on Election Day. Wis. Stat. § 6.79(2)(a). Poll workers verify existing voters and record newly-registered voters in the poll book to ensure only registered voters cast a ballot and to maintain accurate information about each registered voter who receives a ballot. Wis. Stat. § 6.79(2).

See Part 10: "Introduction to Badger Books" for information on electronic pollbooks, referred to as e-pollbooks or Badger Books.

Sec. 14.8.2: Anatomy of a Voter Entry

The voter entry in the poll book contains all of the pertinent information necessary to check the voter in and permit them to vote. **Figure 1** explains each part of the voter entry and what it means.

Figure 1: Anatomy of a Voter Entry



1. **Ballot Style Number:** This indicates which ballot style the voter should receive based on where they live. This is used to ensure the voter gets the correct ballot.
2. **Ward Number:** This indicates which ward the voter lives in based on where they live. This is used to ensure the voter gets the correct ballot.
3. **District Combo Code:** This code is assigned to the voter's address and indicates their municipality, ward, school district, and whether they live in a ward split.
4. **District Boundary Code:** This code indicates certain voting districts, such as their congressional district (CG), school district, technical college (TC), assembly district (AD), and aldermanic district (AL).
5. **Notes:** If a poll worker needs to add any notes to the poll book for the voter, they go here.
6. **Voter Registration Number:** This is a unique number assigned to the voter by WisVote when their registration is entered into the system.
7. **Barcode:** The barcode is associated with the voter's registration number. After the election, it can be scanned by the municipality to record voting participation into WisVote.
8. **Voter Name:** The name the voter used to register.
9. **Voter Address:** The address the voter used to register.
10. **Voter Number Line:** Record the voter number in this space once it is assigned.
11. **Voter Name:** The name the voter used to register, orientated to face the voter so they sign the right line.
12. **Voter Signature Box:** Where the voter signs and where any watermarks appear.
13. **Numbered Order in Poll Book:** These numbers refer to how the voter is ordered alphabetically in the poll book. They are not the voter number that is assigned when issuing a ballot.

Sec. 14.8.3: Watermarks

The poll book also contains different watermarks that appear in or beneath the voter signature box. **See Chapter 14.9: "Voting Procedure" on page 65** for a description of each watermark and what they mean.

Sec. 14.8.4: Parts of the Poll Book

The poll book may consist of up to five different parts, all of which contain subsets of voters from the reporting unit.

Regular Poll List

The "regular" poll list is the main part of the poll book and is likely the largest part. It contains the names of all the voters who registered to vote by 5:00 p.m. on the third Wednesday before Election Day. Wis. Stat. § 6.28(1)(a). The list is alphabetized by last name.

Pre-Printed Supplemental Poll List

The supplemental poll list will appear in a section after the regular poll list. It contains the names and addresses of all voters who registered to vote during late registration. Wis. Stat. § 6.29. In other words, it will contain the names of the voters who registered between the regular registration deadline (third Wednesday before Election Day) and 5:00 p.m. the Friday before Election Day. For more information about the late registration process, **see "Late-Registration Voters on Supplemental Poll List" on page 65**.

Handwritten Supplemental Poll List

This is the part of the poll book poll workers will use after voters have completed Election Day Registrations ("EDR") at the polling place on Election Day. This section prints from WisVote with the rest of the poll book as a blank sheet where the poll workers fill in new registrants' names, addresses, and district information. The poll workers may also use the Supplemental Poll List form (EL-107), which contains marked spots to enter this information.

After completing an EDR, poll workers must enter the name, address, and Election Day voter number of EDR registrants, as well as the type of proof of residence and the name of the issuing identity or organization. **See Chapter 14.6: "Election Day Registration" on page 28** for more information about the EDR process.

Confidential Voter List

The confidential voter portion of the poll book is not open to public inspection, and no observers should ever be permitted to view it. Wis. Stat. §§ 6.46(2), 6.47.

If there are any confidential voters in the reporting unit, their names and confidential voter identification numbers will appear at the back of the poll book in a separate section. These voters will present a confidential voter identification number and card instead of stating their name and address.

See Chapter 14.10: "Confidential Voters at the Polling Place" on page 84 for more information on confidential voter check in.

Protected Voters List

The protected voter portion of the poll book is not open to public inspection, and no observers should ever be permitted to view it. Wis. Stat. §§ 757.07(2)(a), 19.36(15).

If there are any protected voters in the reporting unit, their names and addresses will appear at the back of the poll book in a separate section. Protected voters are judicial officers and their qualifying family members who have applied to have their personally identifiable information protected. See generally, Wis. Stat. § 757.07.

See Chapter 14.10: "Confidential Voters at the Polling Place" on page 84 for more information on confidential voter check in.

Chapter 14.9: Voting Procedure

The most important task for poll workers on Election Day is to ensure that voters correctly complete all necessary voting procedures so their ballots can be counted.

Overview of Voting Process on using a paper poll book:

1. Voter States their Name and Address at the Poll Book
2. Voter Presents Acceptable Photo Identification
3. Poll workers Review Poll Book for Watermarks
4. Voter Signs the Poll Book
5. Poll workers Issue Voter Number and Record in Poll Book
6. Poll workers Confirm and Issue Ballot
7. The Voter Casts their Ballot

Sec. 14.9.1: Step 1: Voter States Their Name & Address at the Poll Book

The voter will state their name and address to the poll workers who are maintaining the poll books, and the poll workers will confirm that the voter is properly registered. The voter, or their assistant, needs to state their "full name and address," which the Commission interprets to mean their first and last name, and their street address (including unit number). Wis. Stat. § 6.79(2)(a). If a voter refuses to state their name or address (unless they are a confidential voter), they *cannot* be permitted to vote. Wis. Stat. § 6.79(3)(a).

Late-Registration Voters on Supplemental Poll List

Voters who register between the day after the third Wednesday before Election Day and by 5:00 p.m. the Friday before Election Day will appear on the pre-printed supplemental poll list. In the Badger Books, these voters appear in the voter search results list with any other voters. Voters who register by this method will receive a certificate (EL-133) containing the name and address of the voter. Wis. Stat. § 6.29(2)(b).

For more information on the late registration process at the clerk's office, **see Sec. 6.2.2: "Methods of Registration."** The voter must present the certificate (EL-133) either at the polls for in person voting, or together with their absentee ballot. Wis. Stat. § 6.29(2)(c).

> **Best Practice:** If the voter's name appears on the pre-printed supplemental poll list, but they do not have their certificate (EL-133), the voter should still be permitted to receive and cast their ballot. Since the pre-printed supplemental poll list was prepared by the municipal clerk, poll workers can safely assume that voters who appear on it have been properly registered, even if they forget to bring or include their EL-133.

If a voter does not have an EL-133, and their name does not appear on any part of the poll book, the poll worker should attempt to contact the clerk and determine if they have a record of the voter's registration. If there is no record of the voter's registration in the clerk's office, then the voter must complete an Election Day Registration (EDR).

Voters Unable to State Their Name or Address

A voter who is unable to state their name and address may have the poll worker or an assistant of their choosing state their name and address on their behalf. Wis. Stat. § 6.79(8). The assistant should state the voter's name after the poll worker verifies the voter's proof of identification (see Step 3). *Id.*

> **Best Practices:** The assistant may read the name and address on behalf of the voter directly from the poll book or the voter's photo ID. Voters can also provide their information in writing to their assistant or directly to poll workers.

Confidential Voters

Confidential voters do *not* state their name or address out loud and should not be asked to do so. Wis. Stat. § 6.79(6). Instead, confidential voters present their identification card or serial number issued under Wis. Stat. § 6.47(3). For more information on confidential voters, **see Chapter 6.3: "Confidential Voters."**.

Confidential voters appear in their own, dedicated section of the poll book. For more information about this section of the poll book, **see Chapter 14.10: "Confidential Voters at the Polling Place" on page 84**.

Protected Voters

Protected voters, such as judicial officers and their qualifying family members, are *not* exempt from needing to state their name and address and must do so out loud. Their special legal protections only extend to their information being made publicly available by a governmental agency or data broker. See generally Wis. Stat. § 757.07.

Protected voters appear in their own, dedicated section of the poll book which is not available for public inspection. For more information about this section of the poll book, **see Chapter 14.10: "Confidential Voters at the Polling Place" on page 84**.

Sec. 14.9.2: Step 2: Voter Presents Acceptable Photo Identification

After the voter, or their assistant, has stated their name and address, poll workers can find them in the poll book. If the voter's name does not appear in the poll book, the voter may not be registered, or the voter may need to re-register. If the voter's name does not appear in the poll book, refer to the troubleshooting in **see Chapter 14.6: "Election Day Registration" on page 28**, and, if necessary, direct the voter to register or re-register.

Poll workers must then ask the voter to show an acceptable form of proof of identification. Wis. Stat. § 6.79(2)(a). Proof of photo ID is mandatory for every voter, except for confidential voters and certain voters with suspended licenses. Wis. Stat. § 6.79(6), (7).

What is an Acceptable Photo ID?

The only photo IDs that can be accepted are the ones specifically listed by state law. Wis. Stat. § 5.02(16c), 5.02(6m), Wis. Stat. § 343.165(8). All forms of photo ID must contain the name of the individual and their photograph.[1] Wis. Stat. § 5.02(16c). Common examples of each type of acceptable photo ID are included **"Appendix 14.9A Acceptable Photo IDs for Voting in Wisconsin"**

---

1 The only exceptions to the photograph requirement are individuals who received special DOT-licenses without photographs for religious reasons. See Wis. Stat. §§ 343.14(3m), 343.50(4g).

The voter must present an original, hard copy photo ID. See Wis. Stat. § 5.02(6m) (requiring the document that was "issued" to the voter). A scan, photocopy, or photograph pulled up on a phone is not acceptable.

If a voter presents a photo ID that is not acceptable, or if a voter does not have an acceptable photo ID, they must vote using the Provisional Ballot process. **See Chapter 14.10: "Confidential Voters at the Polling Place" on page 84** to complete that process.

Acceptable Forms of Photo ID Include:

- **A Wisconsin DOT-issued driver's license**, even if driving privileges are revoked or suspended. Wis. Stat. § 5.02(6m)(a)1. The driver's license can be expired, but only since the last General Election. Wis. Stat. § 5.02(6m)(a).
  - **Note:** It does not need to contain the voter's current address.
  - **Note:** It does not need to be a REAL ID.
- **A Wisconsin DOT-issued identification card.** Wis. Stat. § 5.02(6m)(a)2. The ID card can be expired, but only since the last General Election. *Id.*
  - **Note:** It does not need to contain the voter's current address.
  - **Note:** It does not need to be a REAL ID.
- **A Military ID card issued by a U.S. uniformed service.** Wis. Stat. § 5.02(6m)(a)3. The ID card can be expired, but only since the last General Election. Wis. Stat. § 5.02(6m)(a)3.
- **A U.S. Passport.** Wis. Stat. § 5.02(6m)(a)4. The passport can be expired, but only since the last General Election. Wis. Stat. § 5.02(6m)(a).
  - **Note:** Some valid U.S. passports look like cards instead of books.
- **A certificate of naturalization** that was issued not earlier than two years before Election Day. Wis. Stat. § 5.02(6m)(b).
  - **Example**: For the 2024 General Election, the only naturalization certificates that are acceptable were those issued since the 2022 General Election.

- **An unexpired driving receipt issued by Wisconsin DOT**. Wis. Stat. § 5.02(6m)(c). These are issued under Wis. Stat. § 343.11. This must be the original receipt issued by the Wisconsin DMV (not any other state). It is a government document that can be used to vote for 45 days while the voter is waiting on their physical card to be mailed to them.
- **An unexpired identification card receipt issued by Wisconsin DOT**. Wis. Stat. § 5.02(6m)(d). These are issued under Wis. Stat. § 343.50. This must be the original receipt issued by the Wisconsin DMV (not any other state). It is a government document that can be used to vote for 45 days while the voter is waiting on their physical card to be mailed to them.
- **An identification card issued by a federally recognized Native American tribe in Wisconsin.** Wis. Stat. § 5.02(6m)(e). These are also known as Tribal ID cards.[2]
- **An unexpired identification card issued by an accredited Wisconsin university, college, or technical college**. Wis. Stat. § 5.02(6m)(f). Students presenting unexpired student ID cards do not need to show proof of enrollment.[3] The student ID must contain the date of issuance and signature of the holder, and must contain an expiration date indicating that the card expires no later than 2 years after the date of issuance. Wis. Stat. § 5.02(6m)(f).

---

2 Tribal ID cards are issued by Native American nations, and any questions regarding eligibility should be directed to the nations. The Wisconsin nations that currently issue Tribal ID cards include: the Bad River Band of the Lake Superior Tribe of Chippewa Indians, the Forest County Potawatomi Community, the Ho-Chunk Nation of Wisconsin, the Lac Courte Oreille Band of Ojibwe, the Lac du Flambeau Band of Lake Superior Chippewa, the Menominee Indian Tribe, the Oneida Tribe of Indians, the Red Cliff Band of Lake Superior Chippewa Indians, the Sokaogon Chippewa Community, the Stockbridge Munsee Community, and the St. Croix Chippewa Indians.

3 On July 29, 2020, the 7th Circuit Court of Appeals issued its decision in the *One Wisconsin* decision and determined that students who present a qualifying unexpired student ID as proof of identification are not required to also provide a proof of enrollment document to meet the requirement. However, if a student presents a qualifying expired student ID as proof of identification, they must then provide a proof of enrollment document to meet the requirement.

- **An expired identification card issued by an accredited Wisconsin university, college, or technical college**. Wis. Stat. § 5.02(6m)(f). *Students presenting expired student ID cards must provide proof of enrollment.*[4] Proof of enrollment includes, but is not limited to, a fee receipt, class schedule, or an enrollment verification form. The student ID must contain the date of issuance and signature of the holder, and must contain an expiration date indicating that the card expires no later than 2 years after the date of issuance. Wis. Stat. § 5.02(6m)(f).
- **An unexpired Veterans Affairs ID card**. Wis. Stat. § 5.02(6m)(g).
- **A temporary identification card receipt issued by Wisconsin DOT through the Identification Petition Process (IDPP)**. Wis. Stat. § 343.165(4). These are valid for 60 days.

On Badger Books, the IDs listed above are the only options available to select. Each ID still needs to be reviewed according to the criteria for that form of identification.

Common Reasons that a Photo ID Cannot be Accepted

Most voters will present a Wisconsin driver's license or ID card as photo ID, but there are some common reasons that photo IDs cannot be accepted.

Out of State License

A valid, unexpired driver's license or photo ID from another state may be a valid photo ID for other purposes, but it is not valid as a photo ID for voting in Wisconsin.

Expired Outside of Time Frame

Each type of photo ID has its own restrictions for when it can or cannot be expired, so poll workers should refer to this list often, especially when encountering unusual forms of photo ID.

Global Entry or NEXUS IDs

Voters may present special types of identification from certain federal travel programs, such as a Global Entry ID or NEXUS ID. These may be valid IDs for other purposes, but they are not valid forms of Wisconsin ID for voting purposes.

---

4 See Footnote 3.

Reviewing the Photo ID

Once the voter has presented an acceptable form of photo ID, the poll workers review it for three required components, each of which is discussed further below:

- The voter's name.
- The voter's photo.
- An expiration date.

Poll workers do not need to use the photo ID to verify the voter's address. A photo ID containing an address that does not match the voter's address in the poll book is still an acceptable photo ID.

Note: Poll workers can ask a voter to remove their ID from their wallet if they cannot see the relevant information.

The Voter's Name

The poll workers verify that the name on the photo ID conforms to the voter's name in the poll book. The name on the ID may be a variation of the name on the poll list, and they are acceptable as long as they are reasonable (i.e. "Robert" vs. "Bob" or "Margaret" vs. "Peggy"). Variations of initials or upper- or lower-case letters are also permitted, as are the presence or absence of hyphens or apostrophes in last names.

If poll workers do not believe that the name on the photo ID conforms to the poll book, the voter may not be permitted to vote but *may* vote a Provisional Ballot. Wis. Stat. § 6.79(3)(b). **See Chapter 14.13: "Provisional Voting" on page 95.**

The Voter's Photo

All acceptable forms of photo ID must contain the voter's photo, except for specific Wisconsin driver's licenses or ID cards where the voter has been granted a religious exception. The poll workers verify that any photo reasonably resembles the voter. Poll workers should take into account that changes in a voter's physical appearance do not invalidate the photo ID.

Best Practice: Whether a photo ID reasonably resembles the voter is a subjective, fact-specific decision made by poll workers, but it is something that should follow common sense. The photo ID does not need to exactly resemble the voter, but variations in hair color or length, facial hair, age, weight or other surface-level changes are all reasonable.

Note Regarding Face Coverings: Most voters will not have to remove their face covering to verify they reasonably resemble the photo on their ID. The requirement is that the photo on the ID must "reasonably resemble" the voter, and Commission staff believe this verification can be done in most instances without face covering removal. There may be rare instances where a poll worker may request the brief removal or rearrangement of the face covering during this process, but these instances would be the exception.

If poll workers do not believe that the photo on the ID reasonably resembles the voter, the voter may not be permitted to vote but *may* vote a Provisional Ballot. Wis. Stat. § 6.79(3)(b). **See Chapter 14.13: "Provisional Voting" on page 95.**

Best Practice: Before issuing a provisional ballot, poll workers should confer with the Chief Inspector to ensure there is consensus that the photo ID does not reasonably resemble the voter.

The Photo ID's Expiration Date

The poll workers will verify that the photo ID is unexpired or, if expired, it meets one of the expiration date specifications listed in the list of acceptable photo IDs above. If the photo ID does not meet the expiration date requirements, it is not a valid photo ID. If the voter cannot produce another acceptable photo ID, they can vote by Provisional Ballot. **See Chapter 14.13: "Provisional Voting" on page 95.**

Sec. 14.9.3: Step 3: Poll Workers Review Poll Book for Watermarks

Before the voter signs the poll book, the poll workers should review the voter's information line for any watermarks or notations by the municipal clerk. Watermarks are added to the voter signature box on the paper poll book and in their own column to the left of the voter's name in Badger Books. Watermarks convey important information regarding participation and voter eligibility. Some clerks utilize markings, highlighter, or other symbols in lieu of watermarks. **If a poll worker sees something notated or indicated in the poll book and isn't sure what it means, they must stop and confer with the Chief Inspector.**

Absentee Issued & Absentee Received

These watermarks appear in the poll book to indicate that the voter has either been issued or returned their absentee ballot. Both require action by the poll worker prior to the voter signing the poll book and being issued a ballot. **Any voter who mails or personally delivers their absentee ballot to the municipal clerk is not permitted to vote in person on Election Day.** Wis. Stat. § 6.86(6). These watermarks ensure that this statute is followed.

Absentee Issued

Figure 2: This watermark indicates that an absentee ballot was issued to the voter.

If this watermark appears, poll workers should ask the following question of the voter:

Q Have you mailed or personally delivered your absentee ballot to the clerk's office?

A If YES – Voter cannot vote in person. They have already voted. This is true even if the voter says they don't think their ballot is going to make it to their clerk on time.

A If NO – Voter can still vote in person. Any voter can choose not to return their absentee ballot and still vote in person on Election Day.

Note: Some municipalities maintain an Absentee Ballot Log (EL-124) that poll workers can use to determine if an absentee ballot has been returned. Poll workers can refer to this resource, but should still ask the voter the question above even if their name does not appear on the EL-124.

Absentee Returned

If this watermark appears in the poll book, it means the municipal clerk has recorded that the voter has already returned their absentee ballot. The voter cannot vote in person, should not sign the poll book, and cannot be issued a ballot. Wis. Stat. § 6.86(6).

Figure 3: Badger Books will not allow a voter with this notation to be checked in through the in-person process.

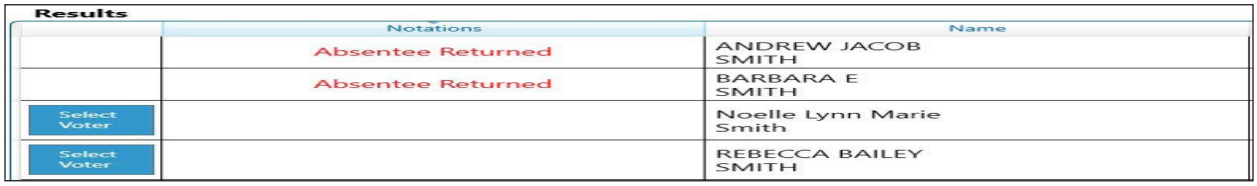


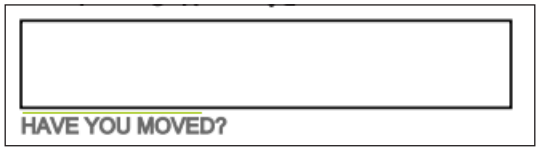
Figure 4: Absentee Returned watermark as it appears in the poll book

Note: A voter still may not vote at the polling place even if the absentee ballot they returned has issues or is rejected. Wis. Stat. § 6.86(6). Instead, the municipal clerk has the option to return the absentee ballot to the voter for a correction, if time permits, or contact the voter and allow them to cure any defect in person. Wis. Stat. § 6.87(9). See Chapter 14.18: "Correcting Defective Certificate Envelopes" on page 161.

Have You Moved?

This one does not appear as a watermark in the signature box, but it does appear in words printed beneath the signature box, so it's important to keep a careful eye out for it before the voter signs the poll book.

Figure 5: Have You Moved watermark as it appears in the poll book



This watermark appears whenever there is information in a voter's record that indicates that they may have moved since the last time they voted.[5] The information about a possible move comes from secure reports received by the Commission from the Electronic Registration Information Center ("ERIC").[6] For more information about ERIC and voter list maintenance, **see Chapter 3.4: "ERIC Movers" on page 6**.

If a poll worker sees these words beneath the voter's signature box, they should ask the voter if the voter has moved to a new address.

- **If the voter has NOT moved**, they can sign the poll book and continue with the voting process. This will later indicate to the clerk that the voter's record should be updated from Active-Movers to Active-Registered once participation from the election has been entered.
- **If the voter says they HAVE moved**, they should be given the option to re-register at their new address.

Confidential

This watermark indicates that the voter is a confidential voter under Wis. Stat. § 6.47. Confidential voters should appear in their own designated section of the poll book. The purpose of this watermark is to remind poll workers that confidential voters do not need to state their name or address or show proof of ID. See Step 1 and Step 3 of this Chapter. For more information on confidential voters, **see Chapter 14.10: "Confidential Voters at the Polling Place" on page 84**.

---

5 The Commission discussed and approved the procedures for the use of this watermark, among other things related to the ERIC movers data, at public meetings on September 24, 2019, December 2, 2019, January 11, 2021, March 2, 2021, and June 10, 2021.

6 For a detailed history of the ERIC movers data and how the Commission has handled it over the years, see: Wisconsin Mails Postcards to Voters Who May Have Moved | Wisconsin Elections Commission .

Figure 6: Confidential watermark as it appears in the poll book

Military Absentee/Perm Overseas Absentee

These watermarks indicate that the voter is a military or overseas voter. They are functionally the same as the Absentee Issued / Absentee Returned watermarks but give poll workers extra information about the voter in case it is useful. **These watermarks don't require any specific, additional action other than what should normally be done for Absentee Issued / Absentee Returned**.

Figure 7: Overseas Absentee Returned Watermark

Could also say "Absentee Issued"

Figure 8: Military Absentee Returned Watermark

Could also say "Absentee Issued"

Figure 9: Permanently Overseas Watermark

This one by itself means the voter is registered as permanent overseas but does not have an absentee request on file. These voters cannot vote at the polling place.

Military Must Rgstr

If the "MILITARY MUST RGSTR" 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. When military voters vote at their polling places, 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 that the voter should be directed to register to vote before casting their ballot in person at the polls**. On Badger Books, the only option will be to complete an Election Day Registration (EDR).

Figure 10: Poll Book Military Watermark

Figure 11: Badger Book Military Watermark

See Chapter 7.4: "Types of Absentee Voters: UOCAVA" *for more information about military voter exemptions and voting.*

Exempt

There is a checkbox in the voter record to indicate that the voter is unable to sign the poll book. When that box is checked, it generates the "Exempt" watermark. If this watermark is present, poll workers should still confirm with the voter that they are unable to sign the poll book. The watermark would not stop poll workers from challenging the voter if they don't agree that the voter is unable to sign.

See Sec. 14.9.4: "Step 4: Voter Signs the Poll Book" on page 79 for more details on voter ability to sign the poll book.

Figure 12: Watermark for voter exempt from signing the poll book

Multiple Watermarks

Sometimes, poll workers may see more than one watermark appear in the signature box depending on the voter's circumstances. A few examples and notations appear below.

Figure 13: Watermark for unregistered Military Voter who has returned an absentee ballot

Effect: *Voter cannot vote at the polls because they already returned their absentee ballot*

Figure 14: Watermark for permanently overseas voter who has returned an absentee ballot

Effect: *Voter cannot vote at the polls because they already returned their absentee ballot and because permanent overseas voters cannot vote at the polling place on Election Day*

Figure 15: Watermark for voter exempt from signing the poll book who has returned an absentee ballot

Effect: *Voter was issued an absentee ballot and may also be exempt from signing poll book*

Sec. 14.9.4: Step 4: Voter Signs the Poll Book

After the voter has stated their name, presented their photo ID, and the poll workers have confirmed there are no actionable watermarks in the poll book, the next step is for the voter to sign the poll book. Wis. Stat. § 6.79(2)(a). This is mandatory — if the voter refuses to sign or writes something other than their name (like profanity or someone else's name), they cannot be issued a ballot. *Id.*

The voter only needs to sign one copy of the poll book. Wis. Stat. § 6.79(6). Poll workers should ensure that all voters are signing the same copy of the poll book, which the Commission recommends be the copy that is later provided to the county clerk.

If the municipality uses Badger Books, the e-poll book is the copy the voters will sign. The paper copy is a backup to be used only in case of power failure.

Make sure the voter signs the correct line in the poll book. If the voter signs on the wrong line, document the error on the Inspectors' Statement (EL-104). Any voter whose line was incorrectly signed by another voter will instead sign the supplemental poll list.

> **Best Practice:** Signature guides are helpful tools that are available through the Commission. Use the Accessibility Supply Order Form (EL-502) to order 8 in. x 5 in. or credit card-sized signature guides.

Voter Assistance

If a voter is unable to sign their name due to a disability, and someone else signed their voter registration form to assist them, poll workers should write the word "Exempt" in the voter's signature line. Wis. Stat. § 6.79(6), 6.36(2)(a). If the voter was already registered, but claims to be unable to sign on Election Day due to a physical disability, and both poll workers working the poll book concur, the poll workers shall enter the words "Exempt by order of inspectors" on the signature line or select the "Physically Unable to Sign" button to add the note in the signature field on Badger Books. Wis. Stat. § 6.79(2)(am).

If both poll workers do not agree to provide the exemption, the voter should be provided a ballot, and then that ballot should be challenged by the objecting poll workers under Wis. Stat. § 6.92, 6.79(2)(am). The challenged voter may then provide evidence of their disability to the local board of canvassers, who convene immediately after polls close. Wis. Stat. 6.79(2)(am). For more on challenging voters, **see Chapter 14.7: "Challenging Electors on Election Day" on page 43**.

Legibility of the Signature

The voter's signature does not need to be legible. See Wis. Stat. § 6.79(2)(a) (requiring only a signature, not a legible one). The voter signs the poll book by making their "mark," which may or may not be legible. Poll workers are not required to compare the voter's signature to the signature on the voter's proof of ID, and denying the voter a ballot on that ground is improper.

Sec. 14.9.5: Step 5: Poll Workers Issue Voter Number & Record in Poll Book

After the voter has signed the poll book, poll workers issue them the next available voter number. A voter number is assigned to every voter beginning with the number "1." Wis. Stat. § 6.79(2)(b). The voter number is recorded simultaneously by poll workers on both copies of the poll book. This happens automatically in Badger Books. The voter is then given their voter number on a small slip of paper. Wis. Stat. § 6.79(2)(e).

Sec. 14.9.6: Step 6: Poll Workers Confirm & Issue Ballot

Once the voter's voter number has been recorded in both poll books, the voter exchanges the slip with their voter number for their ballot.

> **Best Practice:** Poll workers should first confirm that the voter is receiving the correct ballot style, particularly in polling places where voters from multiple wards or different school districts are voting.

Before the ballot is issued to the voter, it should be initialed by two different poll workers. Wis. Stat. § 6.80(2)(d). If poll workers forget, and the voter brings the ballot back, the poll workers must initial it. *Id.*

Best Practice: Two initials in the endorsement section of a ballot makes the ballot a "live" ballot. No matter how busy the polling place is, or how prepared or efficient poll workers want to be, they should never pre-initial ballots in advance before issuing them to individual voters. Unvoted ballots should always be stored where voters cannot access them.

Poll workers should be sure to ask the voter if they have any questions about how to correctly cast their ballot. Poll workers should be prepared to answer voter questions on how to use the voting equipment, how to mark a ballot, or how to place it in the ballot box. If the voter is casting their ballot using direct recording electronic (DRE) equipment or if they are using a ballot marking device, poll workers should remind them to check the voter-verified paper trail before the voter casts their ballot. Finally, poll workers should direct the voter to the voting area, and they should make sure they go straight there since the voter now possesses a live ballot.

Sec. 14.9.7: Step 7: The Voter Casts Their Ballot

The voter must proceed directly to the voting booth to cast their ballot. Wis. Stat. § 6.80(2)(a). Ballots cannot leave the poll site. Only one person at a time is permitted in each voting both, except children accompanying their parents or guardians, or a voter is receiving assistance due to a disability. Wis. Stat. § 6.80(1).

If a voter, by accident or mistake, spoils or erroneously prepares their ballot, they may receive another by returning the defective ballot to the poll workers. Wis. Stat. § 6.80(2)(c). A voter may be issued up to three ballots total if they make mistakes. Wis. Stat. § 6.80(2)(c). A voter spoiling a ballot at the polling place before voting it is not affected by the ballot spoliation litigation and guidance discussed in Ballot Spoiling Guidance.

Best Practice: Election officials spoil the discarded ballot by tearing it to make it unusable, but the pieces should be retained in an envelope to be returned to the municipal clerk with other election materials, and the request documented on the EL-104 Inspector's Statement. A notation of 2nd or 3rd ballot should be made on the EL-104 (NOT on the ballot), as well as in the poll book by the voter's name.

Once the voter has made all of their selections, the voter places their voted ballot into the tabulator or ballot box, thus completing the voting process. The voter should then leave the polling place unless they intend to stay as an observer.

For more information on observers, **see Chapter 14.5: "Election Observers."**

-ACCEPTABLE PHOTO IDS FOR VOTING IN WISCONSIN-

Information Provided by the Wisconsin Elections Commission

WHAT PHOTO IDS CAN I USE TO VOTE IN WISCONSIN?

State of Wisconsin Driver License

Can be expired since the last General Election

State of Wisconsin ID Card

Can be expired since the last General Election

Wisconsin Driver License OR State ID Card Receipt OR WI DMV ID Petition Process Photo Receipt

Valid for 45 days from the date receipt was issued OR 60 days for the ID Petition Process Receipt

Veterans Affairs ID

Must be unexpired or have no expiration

U.S. Passport Book or Card

Can be expired since the last General Election

Student ID Card + Enrollment Verification (If expired)

Valid for voting if the expiration date is no more than 2 years from the date the card was issued. If expired, must be accompanied with current enrollment verification

U.S. Uniformed Services

Can be expired since the last General Election

Tribal ID Card

Still valid for voting if expired

Certificate of Naturalization

Only valid for voting if Certificate was issued not more than 2 years before the date of the election

Find more information on the Photo ID law at: elections.wi.gov/photoid
Register to vote or check your registration status at: www.MyVote.wi.gov
Contact the Wisconsin Elections Commission at 1-866-Vote-Wis or at elections@wi.gov

Chapter 14.10: Confidential Voters at the Polling Place

Confidential voters are the victims of domestic abuse, sexual assault, stalking, or other qualifying individuals. Wis. Stat. § 6.47(2). Confidential voters apply for this status directly with their municipal clerk. It entitles them to special voting procedures to ensure that their information remains confidential. For more information about how confidential voters request this status with the municipal clerk, **see Chapter 6.3: "Confidential Voters."**

Sec. 14.10.1: Election Day Registration (EDR) for Confidential Voters

Confidential voters *cannot* register to vote in person on election day at their polling places. State law requires them to "register at the office of the municipal clerk of the municipality" where they reside. Wis. Stat. § 6.28(1)(b). If a confidential voter appears at the polling place and needs to register to vote, they should be directed to the clerk's office to complete their registration before returning to the polling place to vote.

If a voter wants to obtain a confidential voter listing on Election Day, they should be immediately directed to the municipal clerk's office. If the voter has all required documents and information to do so, they can obtain a confidential listing and then register to vote.

> **Best Practice:** If a voter applies for and receives confidential voter status on Election Day, the municipal clerk should coordinate with the Chief Inspector of the voter's polling place to ensure that the confidential voter gets properly checked into the poll book so their participation can be recorded.

Sec. 14.10.2: Voting Procedure for Confidential Voters

If the municipality has confidential voters, they will be indicated in the separate "Confidential" section of the pre-printed poll book. This section appears at the back of the poll book. **See Chapter 14.8: "Getting to Know the Poll Book" on page 61.**

Note: This section of the poll book is *NOT* open to public inspection or open records laws.

When checking in to vote, a confidential voter may either:

- Present his or her Identification Card for Protected Individual (EL-148),[1] or
- Announce his or her name and confidential voter identification number

A confidential voter will do either of these options but never needs to state their address out loud or provide proof of identification. Wis. Stat. § 6.79(6). The Identification Card for Protected Individual (EL-148) contains a unique identification serial number assigned to him or her by the municipal clerk. *Id.*. Confidential voters must still sign the poll list if they vote at the polls on Election Day. See Wis. Stat. § 6.79(2)(a).

Procedure for Voting at the Polling Place

1. The voter presents his or her Identification Card for Protected Individual (EL-148) or announces his or her name and confidential voter identification number *INSTEAD* of announcing his or her name and address at the polling place and providing proof of identification. If the confidential voter does not have their EL-148 and does not know their unique identification serial number, they will need to find and provide that information before they can be permitted to vote. Wis. Stat. § 6.79(6). This may be best achieved by sending the voter to the municipal clerk, who may be able to issue them a duplicate card under Wis. Stat. § 6.47(3).
2. The voter signs the poll book.

---

1 Although the title of this card is Identification Card for Protected Individual, it can only be used for confidential voters.

3. The voter is assigned a regular voter number.
4. The voter is then issued a ballot and allowed to vote like any other voter.
5. The address of the protected individual is not disclosed on the confidential portion of the poll book.

Note: The confidential portion of the poll book is *NOT* open to public inspection. Wis. Stat. §§ 6.87(6m), 6.47(2).

Sec. 14.10.3: Protected Voters

Effective April 1, 2025, judicial officers or members of their immediate family may request that certain information be protected from public disclosure and removed from public display. Wis. Stat. § 757.07. The Commission refers to this protection as "data privacy protection." For more information about this process, **see Chapter 6.3: "Confidential Voters."**

Protected voters are not confidential voters. They will appear in their own, separate section of the poll book, which cannot be made public. Wis. Stat. § 19.36(15). **See Chapter 14.8: "Getting to Know the Poll Book" on page 61**. The protected voter portion of the poll book should be as equally protected from observation as the confidential voter portion.

Procedure for Voting at Polling Place

Although the judicial privacy law broadly prevents government agencies from publicly sharing the protected information of judicial officers and their qualifying family members who seek that protection, the law does not address other areas of law where providing an address is required. Unlike confidential voters, judicial officers do not receive the same polling place protections.

Voting in Person at the Polls

Protected voters, meaning judicial officers and their qualifying family members, are not exempt from the requirement to state their name and address at the poll book when voting in person. Wis. Stat. § 6.79(2)(a). If a protected voter refuses to state their name at the poll book (assuming they are not also a confidential voter), they cannot be issued a ballot. Wis. Stat. § 6.79(3)(a).

Protected voters are also not exempt from Wisconsin's photo identification requirement. Wis. Stat. § 6.79(2)(a). If a protected voter refuses to show their photo ID, they cannot be issued a ballot. Wis. Stat. § 6.79(3)(b). Instead, they may cast a provisional ballot, if they are qualified to do so, and if showing their ID to the municipal clerk as part of that process would make them feel more comfortable than showing it at the polling place. *Id.*

Voting by Absentee Ballot

Protected voters are also not exempt from providing their residential address on their absentee certificate envelope, either as the voter or as a witness. If a voter has attempted to write something like "Exempt – Judicial Privacy" or "Exempt – 757.07," the certificate envelope is likely insufficient. **See Sec. 14.15.12: "Absentee Certificate Envelopes"**

If the municipal clerk has an approved data privacy request on file for the protected voter, no part of the voter's address on the absentee certificate envelope may be made public, nor should observers be permitted to view the voter's address. Wis. Stat. § 19.36(15). Just having protected voter status in WisVote is not enough — the municipal clerk of the jurisdiction must have separately received a data privacy request for this to apply.

Poll workers are only required to read the names of absentee voters, not addresses. Wis. Stat. § 6.88(3)(a). Accordingly, it is possible to avoid the difficulties raised by reading protected addresses by announcing the names of absentee voters.

Chapter 14.11: Voter Assistance on Election Day

Voters with disabilities have the right to receive assistance in completing the following tasks:

Sec. 14.11.1: Signing a Voter Registration Application

Q Who has the right to this assistance?

A Voters who are unable to sign a form due to a disability. Wis. Stat. § 6.33(2)(a).

Q Who can provide assistance?

A Any other voter authorized by the voter. *Id.*

Q How is assistance provided by another voter?

1. The assistant fills in the fields on the form at the direction of the voter.
2. The assistant signs the voter's name in Section 9.
3. The assistant signs their own name in Section 10 and provides their address.
4. When an assistant signs the voter's Registration Application by reason of the voter's disability, the voter is exempt from signing the poll book when voting in person, and the poll workers should write "exempt" on the signature line. *Id.*

Sec. 14.11.2: Stating Name & Address at the Poll Book

Q Who has the right to this assistance?

A Voters who are unable to state their name and address. Wis. Stat. § 6.79(8).

Q Who can provide assistance?

A The poll worker at the poll book or another person the voter chooses. Wis. Stat. § 6.79(8).

Q How is assistance provided?

1. The voter communicates to the poll worker that they are unable to state their name and address.
2. The poll worker verifies the voter's photo ID. *Id.*
3. The poll worker or an assistant states the voter's name and address. *Id.*
4. The voter signs the poll book if able. Wis. Stat. § 6.79(2)(a).

Best Practice: The Commission has the optional form State Your Name and Address Card (EL-503) that a voter can use to facilitate receiving assistance. This card is not required to access this type of assistance. It is a "best practice" to have copies of this card available to voters at the poll book table.

Sec. 14.11.3: Signing the Poll Book

Voters who completed an Election Day Registration (EDR), or who previously completed a registration, and had an assistant sign their name on the registration form are exempt from signing the poll book, and the poll workers must write "exempt" on the voter's signature line. Wis. Stat. §§ 6.36(2)(a), 6.79(2)(a).

If the voter previously signed their registration form, or was exempt from registration, and is unable, due to physical disability, to sign the poll book, the poll workers must waive the signature requirement and enter "exempt by order of inspectors" on the voter's signature line if the poll workers determine that the voter is unable to enter their signature due to physical disability. Wis. Stat. § 6.79(2)(am). If both officials do not waive the signature requirement, the official or officials must challenge the voter's ballot for cause under Wis. Stat. §§ 6.92(1), 6.79(2)(am). In the challenge, the voter may provide evidence of their physical disability to the board of canvassers. *Id.*

Note: A voter does not need to provide evidence in order to have the signature requirement waived. Poll workers should only proceed with challenging a voter's ballot if the poll worker has cause to believe that a voter is fraudulently attempting to attain a waiver of the signature requirement. Unless a poll worker would swear under oath that they know a voter is able to sign the poll book and can articulate the specific reasons why the poll worker knows that to be the case, a voter should not be challenged.

Best Practice: If a voter explains that they cannot sign the poll book due to a disability the poll workers can ask if the voter had an assistant sign their voter registration form. If the voter says yes, write "exempt" on the voter's signature line in the poll book, and if the voter says "no" or "I don't know" write "exempt by order of inspectors" on the voter's signature line. No additional information of any kind needs to be provided by the voter.

Sec. 14.11.4: Marking a Ballot

Q Who has the right to this assistance?

A Voters who are unable to or have difficulty reading, writing, or understanding English and voters who are unable to mark a ballot or depress a button or lever on a voting machine due to disability. Wis. Stat. § 6.82(2)(a).

Q Who can provide assistance?

A Anyone of the voter's choice who is not the voter's employer or an agent of that employer, or an officer or agent of a labor organization which represents the voter. *Id.*

Q How is assistance provided?

1. The voter explains to the poll workers that they need assistance to mark their ballot. *Id.*
2. The poll workers, if necessary, explain who can provide assistance and how it may be given. *Id.*

3. The poll workers enter the word "assisted" in the poll book after the name of the voter. Wis. Stat. § 6.82(2)(d).
4. Poll workers record the full name and address of the assistant in the poll book. *Id.*

Best practice: Enter the assistant's name and address in the back of the poll book so that a person requesting ballot images and poll book images cannot use this information to identify a voter's ballot. Please be aware that assistant information in the poll book may need to be redacted in the case of a public records request to prevent a ballot from being traced back to a voter. This may happen when there is only one voter who receives assistance.

5. The assistant goes into the voting booth with the voter. Wis. Stat. § 6.82(2)(b).
6. The assistant reads the names of all candidates on the ballot for each office and asks, "for which one do you vote?" *Id.*
7. The assistant marks the ballot or depresses the lever or button according to the voter's expressed preference. *Id.*
8. The assistant cannot request, suggest, or seek to persuade a voter to vote for or against any candidate, party, or question. Wis. Stat. §§ 6.82(4).
9. The assistant cannot intentionally misinform the voter about what is printed on the ballot, intentionally fail to cast the ballot in accordance with the voter's instructions, or disclose to any 3rd person how the voter voted. Wis. Stat. § 12.13(3)(j). To do any of these things may be punishable as a Class I felony. Wis. Stat. § 12.60(1)(a).
10. The assistant signs the Certification of Voter Assistance on the ballot. Wis. Stat. § 6.82(2)(a).
11. If voting equipment is used, the assistant certifies on the registration list. *Id.*

Best Practice: At least one poll worker should be trained and ready to provide assistance marking a ballot to a voter who requests an assistant. Poll workers should have signature guides and magnifiers available for voters who have difficulty seeing or writing in a small field.

Chapter 14.12: Curbside Voting

A voter who, as a result of disability, is unable to enter the polling place may elect to receive a ballot at the entrance of the polling place. Wis. Stat. § 6.82(1)(a). The voter may receive assistance in marking the ballot, if required, from a poll worker, or from any other person of the voter's choice except the voter's employer, an agent of the employer, or an officer or agent of the voter's labor organization representing the voter. *Id.* An unregistered voter may also register to vote curbside. Wis. Stat. §§ 6.55, 6.82(1)(a), 7.15(14).

Best Practice: Keep a waterproof curbside voting go-bag, so poll workers have everything they need when a curbside voter arrives.

- **Security sleeve**
- **Clipboard**
- **Pens**
- **Lighted magnifying glass/flashlight**

The poll workers may learn that a voter is at the curbside voting area in a variety of ways. An assistant may approach the poll workers in the polling place, a greeter stationed within sight of the curbside area may see that a voter wishes to vote curbside, or the voter or assistant may call the number or ring the doorbell as explained by the sign placed in the curbside area.

Once the poll workers become aware that a voter wishes to vote curbside, they should use the following procedure:

1. The poll workers announce in the polling place that a voter has requested a curbside ballot, and two poll workers are going to the polling place entrance or the vehicle to view the voter's proof of identification.
    a. If having two poll workers leave the polling area would result in fewer than three poll workers in the polling area, voting must stop until the poll workers return.
2. Two poll workers go to the vehicle to ask the voter for acceptable proof of identification. Wis. Stat. § 6.82(1)(a). The assistant, if necessary, may also present the voter's proof of identification to the poll workers. *Id.*

3. If the voter does not have an acceptable photo ID, the voter may still vote a provisional ballot. Wis. Stat. § 6.97. If the proof of residence (POR) document is missing, the voter must obtain a POR document and may not receive a provisional ballot.
4. The poll workers verify that the photograph appearing on the ID reasonably resembles the voter. Wis. Stat. § 6.82(1)(a).
5. The poll workers return to the polling area with the voter's ID and verify that the name on the ID conforms to the voter's name in the poll book. Wis. Stat. § 6.82(1)(a).

Note: If the voter is not in the poll book, they may not be registered to vote or may be at the wrong polling place, and the poll workers should advise the voter on how to proceed. Wis. Stat. § 6.55(3)(a). For more information on election day registrations, see Chapter 14.6: "Election Day Registration" on page 28.

6. The poll workers then announce that they are issuing a ballot to the voter, fulfilling the requirement to state the voter's name and address. Wis. Stat. § 6.79(2)(a), 6.79(8).
7. Two poll workers initial the ballot. Wis. Stat. § 7.37(4). A voter number is issued to the voter and recorded in the poll book. Wis. Stat. § 7.37(4).
8. Two poll workers then deliver the ballot to the curbside voter. Wis. Stat. § 6.82(1)(a). The Commission recommends that the ballots be delivered in a security sleeve.
9. The curbside voter marks the ballot or has the assistant mark the ballot and then returns the ballot to the poll workers. (If an assistant marks the ballot. **See Chapter 14.11: "Voter Assistance on Election Day" on page 88.** Wis. Stat. § 6.82(1)(a). The Commission recommends that the voted ballot be placed in the security sleeve by the voter or the voter's assistant. If there is no security sleeve, the ballot must be folded so that the voter's choices are not disclosed. *Id.*
10. The poll workers return to the voting area and announce: "I have a ballot offered by (voter's name), an elector who, as a result of disability, is unable to enter the polling place without assistance. Does anyone object to the reception of this ballot?". Wis. Stat. § 6.82(1)(b).

a. If an objection is made by a qualified voter for cause, follow the challenge procedures detailed in **Chapter 14.7 on page 43**. Wis. Stat. § 6.82(1)(a).

b. If no objection is made or after any challenge is resolved, the poll workers write the voter's name in the signature box in the poll book and deposit the ballot in the appropriate ballot box or tabulating equipment. *Id.* The poll workers must write "ballot received at poll entrance" after the voter's name in the poll book. *Id.*

c. This incident should be recorded on the Inspectors' Statement (EL-104).

Chapter 14.13: Provisional Voting

Sec. 14.13.1: Introduction

In Wisconsin, provisional voting is ONLY used in two situations. If either of the two situations listed below occur, the poll workers must inform the voter of their ability to cast a provisional ballot. Wis. Stat. § 6.97(1) and Wis. Admin. Code § EL 3.04(2).

No Wisconsin Driver License or State ID Number

Individuals who register to vote at the polling place on Election Day who have been issued a current and valid Wisconsin Driver License or Wisconsin DOT-issued Identification Card must provide that number on the registration form. Wis. Admin. Code § EL 3.04(1). If the individual is unwilling or unable to provide the license or state identification card number, and the lack of that number is the only missing item of information, the individual may vote provisionally. Wis. Admin. Code § EL 3.04(2).

Note: If a license has expired, or has been suspended or revoked, it is not a current and valid license and does not need to be provided. Wis. Admin. Code § EL 3.04(1). In this circumstance, the voter must provide the last four digits of the applicant's social security number if they have been issued one, and, if not, may acknowledge this fact and register without providing such a number. Wis. Admin. Code § EL 3.04(3). A voter may not vote provisionally if the voter does not provide the last four digits of their social security number. See Wis. Admin. Code § EL 3.04.

No Proof of Identification

If an individual is unable or unwilling to provide an acceptable form of proof of identification, he or she may vote provisionally. Wis. Stat. § 6.97(1). **See "Appendix 14.9A Acceptable Photo IDs for Voting in Wisconsin" on page 83** or a list of acceptable forms of proof of identification.

Note: If the poll workers do not believe that the name of the voter conforms to the name shown on the proof of identification, or if the voter does not reasonably resemble the photograph on the proof of identification, the poll workers should not offer a provisional ballot if the voter still intends to vote using that ID. Instead, the poll workers should challenge the voter's ballot see Chapter 14.7: "Challenging Electors on Election Day" on page 43.

Exceptions

There is NO other situation in which provisional voting should be used.

Provisional ballots are NOT given when:

- A voter is at the wrong polling place. See Wis. Stat. § 6.55(3)(a). If a voter appears at the wrong polling place, he or she will be directed to the proper location. *Id.*
- A person is attempting to register in-person at the polling place and cannot provide the required proof of residence.[1]
- A voter is challenged.

Sec. 14.13.2: Procedure

Once it is determined a voter will vote provisionally, the following procedures are required:

1. Every provisional voter must complete the affirmation provided on a Provisional Ballot Certificate Envelope (EL-123).

---

1 Though Wis. Stat. §§ 6.79(2)(d) and 6.97 refer to offering a provisional ballot to a voter regarding proof of residency, that process was specific to voters who were already registered to vote but who had not yet provided a proof of residency document. These voters were required to show POR before *voting*, and if they did not, were allowed to vote a provisional ballot. That process ended in 2011 with the passage of Act 23, and because any registered voter who had not already provided POR was now required to provide it before voting, all such voters either provided POR to vote or were eventually changed to inactive on the registration list due to failing to vote for four years. As of today, there are no voters who are required to provide POR to *vote*, and there is no statute or rule allowing a person a provisional ballot if they do not provide a POR document when *registering* to vote. See Wis. Stat. § 6.55(2)(b) and Wis. Admin. Code § EL 3.04.

2. The provisional voter completes the certificate envelope in the presence of at least one poll worker by providing:
    - Full name
    - Complete address, including municipality and county
    - Indication that they are 18 or older, are a U.S. citizen, have resided at the address provided for at least 28 consecutive days prior to the election and do not intend to move, and are not currently serving a sentence for a felony conviction
    - Signature and date

3. The poll worker completes the certificate envelope by:
    - Signing and dating the certificate envelope.
    - Indicating the type of required information, either "Driver License or State Identification Card Number" or "Proof of Identification," by checking the appropriate box or boxes on the certificate envelope.

4. The poll worker issues a provisional voter number (PV#). A voter number is NOT issued to the provisional voter at this time, and the provisional voter does NOT sign the poll list.
    - The PV# is issued sequentially, starting with "1."
    - The PV# is recorded in six places:
        i. On the back of the ballot
        ii. On the Inspectors' Statement (EL-104)
        iii. On the Provisional Ballot Certificate Envelope (EL-123)
        iv. On the Provisional Ballot Reporting Form (EL-123r)
        v. On the poll list or supplemental poll list
        vi. On the Provisional Voting Information Sheet for the provisional voter (EL-123is)
5. The provisional voter votes the provisional ballot, seals the voted ballot in the Provisional Ballot Certificate Envelope (EL-123), and returns the sealed envelope to the poll worker

6. The sealed certificate envelope (EL-123) is placed inside the Inspectors' Certificate for Provisional Ballots Envelope (EL-108).
7. The poll worker record the name of the provisional voter, the PV#, and the reason for the provisional ballot on the Provisional Ballot Reporting Form (EL-123r) and on the Inspectors' Statement (EL-104).
    - The Inspectors' Certificate of Provisional Ballots Envelope (EL-108) must be kept secure throughout Election Day.
8. When the polling place closes, the Inspectors' Certificate of Provisional Ballots Envelope (EL-108) must be secured in a separate ballot bag with a tamper-evident serialized numbered seal. The serial number shall be recorded on the signed ballot container certification attached to the bag and on the Inspectors' Statement. The bag should be marked "Provisional Ballots."
9. Poll workers must provide the provisional voter with the Provisional Voting Information Sheet (EL-123is) and should check the applicable reason that the provisional ballot was issued.
10. The municipal clerk must be notified of the number of provisional ballots issued on Election Day, and the name, address, and PV# of each provisional voter who received a provisional ballot. This is accomplished by providing the Provisional Ballot Reporting Form (EL-123r) to the municipal clerk. Wis. Stat. § 6.97(1).

Sec. 14.13.3: Curing a Provisional Ballot on Election Day

A voter who was issued a provisional ballot may return to the polling place before 8:00 p.m. to provide the missing documentation to the poll workers. Wis. Stat. § 6.97(3)(a). The poll workers must review the documentation to determine if it is valid. *Id.*

> **Best Practice:** If the provided documentation is not valid, the poll workers should inform the voter and record the incident on the Inspectors' Statement (EL-104) including the type of document presented and why it was not acceptable.

If the Provided Documentation is Valid

The provisional ballot must be tabulated if the proper and valid information is provided, and the ballot cannot be spoiled and revoted. Wis. Stat. § 6.97(3)(a).

1. Note on the Inspectors' Statement (EL-104) and initial and date the Provisional Ballot Reporting Form (EL-123r) that the voter provided the required documentation. *Id.*
2. Remove the voter's Provisional Ballot Certificate Envelope (EL-123) from the Inspectors' Certificate of Provisional Ballots (EL-108) envelope. *Id.*

> **Best Practice: Verify that the Provisional Ballot Certificate Envelope (EL-123) is still sealed. If the Provisional Ballot Certificate Envelope (EL-123) seal has been broken, the poll workers shall spoil the provisional ballot and instruct the voter to cast a new ballot.**

3. The poll workers note in the poll book that the provisional ballot is withdrawn by writing "withdrawn" next to the PV#. See *Id.*
4. The voter is issued a sequential voter number, which is recorded on the poll list and noted on the Provisional Ballot Reporting Form (EL-123r) by marking "on poll list" in the column labeled "Voter Number Issued." See Wis. Stat. §§ 6.79(2)(a) and 6.97(3)(a).
5. The poll workers remove the ballot from the Provisional Ballot Certificate Envelope (EL-123) and place it in the ballot box or voting tabulator without looking at the ballot or allowing anyone else to see what was written on it. Wis. Stat. § 6.97(3)(a).
6. Place the EL-123 back in the Inspectors' Certification of Provisional Ballots (EL-108) envelope. *Id.*

If a provisional ballot is withdrawn before close of polls, and the Chief Inspector has already notified the municipal clerk that a provisional ballot was cast, they must notify the clerk that it has been withdrawn. *Id.* In most cases, it should be clear on the Provisional Ballot Reporting Form (EL-123r) which voters provided the missing information and voted, and which did not and may still provide it to the municipal clerk.

Best Practice: At the end of voting, highlight the names of voters on the EL-123R who may still present the required information to the municipal clerk.

Sec. 14.13.4: Processing

A Provisional Ballot Reporting Form (EL-123r) must be completed by the poll workers at the polling place listing all of the voters who cast a provisional ballot. Wis. Stat. § 6.97(1) and (3)(b). The clerk must review the form and send a copy to each municipal, county, school or other special purpose district board of canvassers that will potentially need to canvass the outstanding provisional ballots. Wis. Stat. § 6.97(3)(b). The municipal clerk must keep a copy for his or her office and determine that each individual on the list is qualified to vote in the election. *Id.*

All voters who have been issued a provisional ballot must be tracked in WisVote on election night. WisVote must also be updated if/when a voter provides the missing information. Clerks with a WisVote provider will also need to notify the provider after the close of the polls on Election Day. Self-Providers must enter the information into WisVote. **Please see the WisVote Application Training Manual for details.**

- Reliers must provide the Provisional Ballot Reporting Form (EL-123r) to their Provider.
- Reliers must inform their Provider with updates if/when voters provide the missing information.
- Providers must enter provisional ballot information into WisVote on election night on behalf of their reliers. **Please see the WisVote Application Training Manual for details.**

Provisional ballots are maintained by the municipal clerk (NOT delivered to the county clerk with all other election materials). See Wis. Stat. § 6.97(3) and (4).

Provisional ballots are not counted until the required information (either WI Driver License Number, State Identification Card Number, or proof of identification) is provided to either the poll workers by the close of the polls, or to the municipal

clerk or deputy by 4:00 p.m. on the Friday after the election regarding ID and 4:00 p.m. the day after the election regarding a license or identification number. Wis. Stat. § 6.97(3)(b) and Wis. Admin. Code § EL 3.04(2).

Provisional voters who need to provide their WI Driver License Number or State Identification Card Number can do so in person, over the phone, or electronically by email or fax. Provisional voters who need to provide proof of identification must provide their ID in person. Wis. Stat. § 6.97(3)(b) and Wis. Admin. Code § EL 3.04(2).

Note: Voters who provide their information after Election Day do not sign the poll list. See Wis. Stat. §§ 6.97(3), (4).

If the person voting provisionally does not present the information to the municipal clerk by 4:00 p.m. on the Friday after the election, the Provisional Ballot Certificate Envelope (EL-123) is not opened. Neither the voter nor the ballot is counted as part of the Election Day results if the missing required information is not returned by the deadline. Wis. Stat. § 6.97(3)(c).

Chapter 14.14: Common Election Day Issues

Though it is impossible to prepare for every scenario, election officials may encounter unexpected events or behavior during Election Day. This chapter addresses some common issues that may arise at polling places.

Many of these scenarios don't have obvious answers in the law. Election officials should always use their best judgment, and bear in mind what will be the least disruptive to the voting process.

Voters have an absolute right to cast or return their ballot and to be free from any disruptive conduct that may hinder that right. The right of a voter to cast or return their ballot always outweighs the right of any other individual to engage in non-election-related conduct at or near the voting activity areas, even if there is not a specific law prohibiting that conduct.

Sec. 14.14.1: Responding to Disruptive or Prohibited Conduct

Poll workers have the "full authority to maintain order and to enforce obedience to their lawful commands" during the election. Wis. Stat. § 7.37(2). If anyone refuses to obey the lawful orders of a poll worker, or is disorderly, or interrupts or disturbs the proceedings of the election, poll workers may order law enforcement to remove the person from the voting area or take them into custody. *Id.*

Additionally, election observers are prohibited from engaging in "loud, boisterous, or otherwise disruptive behavior, that, in the discretion of the designated election official, threatens the orderly conduct of the election or interferes with voting or registration. Wis. Admin. Code § EL 4.04(6). **See Chapter 14.5: "Election Observers" on page 13** for additional details on Election Observers.

Best Practice: Election officials should use their best judgement when responding to disruptive or prohibited conduct. In some instances, warnings may be appropriate before escalation to removal, but in others, the conduct may be so prohibited or disruptive that immediate removal is warranted.

Sec. 14.14.2: Voter Cell Phones and Photography in Polling Area

Poll workers may direct anyone to cease their behavior if they are being disruptive, including when using cell phones.

Voter Phone Calls

Voters may use cell phones in the polling area if it is not disruptive.

Voters Taking Pictures or Videos

Voters should not be allowed to take photos or videos of other voters or other voters' ballots without their consent. Although voters will of course be seen by in-person election observers as they move through the polling place to cast their ballots, being recorded or photographed may rise to a different level of making the voter feel uncomfortable or even intimidated.

Some voters may wish to take a picture of themselves or to live stream themselves in the polling place. Voters can record themselves or livestream themselves provided it is not disruptive and does not record other voters.

State law prohibits anyone from "[soliciting] a person to show how his or her vote is cast." Wis. Stat. § 12.13(3)(q). State law also prohibits Wisconsin voters from intentionally "[showing] his or her marked ballot to any person or [placing] a mark upon the ballot so it is identifiable as his or her ballot." Wis. Stat. § 12.13(1)(f). Both statutes can be implicated when voters take photographs of marked ballots, even their own ballot. Taking a photo of a market ballot for personal use is not prohibited. Posting that photo on social media, sharing it with someone else, or livestreaming voting choices is prohibited by state law.[1]

1 Under certain circumstances, this prohibition may not be enforceable.

Poll workers should use their best judgment, but if a voter is taking a photo of themselves or their ballot quietly and without disrupting voting, it may be best to just allow that voter to finish up and leave the polling place. Confronting the voter over it may result in a larger disruption to voting than permitting the voter to take their photo.

Sec. 14.14.3: Election Observers

An election observer is a member of the public who is present at an observable location to observe an election or the absentee voting process. Wis. Admin. Code § EL 4.02(13), Wis. Stat. § 7.41.

See Chapter 14.5: "Election Observers" on page 13 for detailed information on the rights, responsibilities, and conduct of election observers.

Sec. 14.14.4: Federal Observers & the COCOA Act

It is becoming more common that poll workers may encounter other types of observers, who are entitled to observe under different laws than Wis. Stat. § 7.41.

Congressional Observers & the COCOA Act

Congressional observers are specifically authorized by the Committee on House Administration of the U.S. House of Representatives ("the Committee"). They are not candidates or current House representatives. They are official congressional staff who are being sent by the Committee to observe voting and gather information about the conduct of the election, specifically as it relates to House races. Congressional observers are a different type of lawful election observer, and their presence is authorized by the Congressional Observer Access Act of 2024 ("COCOA Act").

Congressional observers should be able to present an observer credential letter, which explains their presence and this process.

The COCOA Act grants congressional observers "full access to clearly observe all elements of election administration procedures, including, but not limited to, access to any area in which a ballot is cast, processed, scanned, tabulated, canvassed, recounted, audited, or certified, including during pre- and post-election procedures."

The COCOA Act also says that congressional observers can ask questions of election officials, but the law does not seem to require election officials to answer them immediately or on the spot.

The COCOA Act mirrors Wisconsin's observer statute in several important ways. First, congressional observers are prohibited from handling ballots or election equipment, advocating for a position or candidate, taking any action to reduce ballot secrecy or voter privacy, or interfering with a voter or election official to vote or carry out their election administration duties. Likewise, congressional observers are subject to removal by election officials if the official has a reasonable basis to believe they are engaged in, or about to be engaged, in intimidation, deception, or disruption. If a congressional observer is removed, the COCOA Act provides that notice must be given to the Committee, and the Committee can replace them.

However, there are two apparent differences in how the COCOA Act treats congressional observers versus how state law would treat them as regular election observers:

- **More Observable Activity** – As noted above, the COCOA Act appears to permit a broader spectrum of observable activity to congressional observers, including "pre- and post-election procedures" including "any area where a ballot is … processed". This may mean that congressional observers are entitled to view the types of clerk administrative work that regular observers are not permitted to see.
- **More Detailed Removal Provision** – The COCOA Act requires an election official to have a "reasonable basis" for removing a congressional observer. Our state law grants more leeway and focuses instead on the "overt acts" of observers. If election officials believe that removing a congressional observer is necessary, election officials should confer with their local counsel to ensure that the removal is properly articulated and the procedures of the COCOA Act are followed.

The COCOA Act also does not answer whether it intends to preempt existing state observer laws in their entirety or in part. The important parts of Wisconsin's observer law already apply to congressional observers because the COCOA Act contains similar provisions. It's less clear whether congressional observers must follow other aspects of Wis. Stat. § 7.41, such as whether they must follow the three- to eight-foot observable distance requirement. The Commission believes that the COCOA Act intends to grant congressional observers greater access than Wisconsin's observer law permits (including the distance requirement),

however municipal clerks may wish to consult with their local counsel ahead of any congressional visit to fully determine the applicability of Wis. Stat. § 7.41 to congressional observers.

Congressional observers are still restricted from viewing information that is protected by other Wisconsin law — such as information related to confidential voters, and Personally Identifiable Information on certain forms of ID.

Other Types of Federal Observers

The Civil Rights Division of the U.S. Department of Justice may also conduct monitoring of polling places on Election Day using federal observers, who are authorized to observe under the Voting Rights Act. These types of observers may also be known as "election monitors." They are not law enforcement officers, and are not there to enforce the law, just to observe and document. Their purpose to monitor the election to assess for compliance with the Voting Rights Act, and other federal statutes that offer voter protection, such as the Americans with Disabilities Act (ADA). Both Democratic and Republican administrations have sent these federal observers to polling places in previous elections, and their use is not new.

Prior to 2013, federal observers were only sent to states and counties that were certified for observation by the Attorney General. However, the U.S. DOJ has since adopted the position that it will not rely on AG certifications as a basis for sending federal observers to monitor elections.[2] This means that federal observers could be sent to any polling place in any state if the U.S. DOJ believes their presence is needed to assess compliance with federal law.

The U.S. DOJ should communicate with municipalities ahead of time to notify them of the observation. Municipal clerks should notify their governing bodies, their local counsel, and the Commission if they receive notice that US DOJ observers intend to appear, or if they do appear at any voting location.

Sec. 14.14.5: Media

Members of the media may be present at the polling place, central count location, or at a location where in-person absentee voting is occurring. They oftentimes want to shoot "B roll" footage of voting to use as part of Election Day stories, or even interview voters or election officials about their experiences.

---

2 For more information, see: justice.gov/crt/about-federal-observers-and-election-monitoring .

Members of the media are required to identify themselves, as well as their organization, upon arrival to the observable area. Wis. Admin. Code § EL 4.07(1). If they wish to enter the voting area (without cameras), they must check in as election observers and agree to be bound by those rules. Wis. Admin. Code § EL 4.07(3).

Members of the media are permitted to place and use video and still cameras *outside* of the voting area only, and only at the election officials' discretion. Wis. Admin. Code § EL 4.07(1). No matter where they are located, they are never permitted to record any confidential information, including voted ballots, and cannot interfere with voting or the orderly conduct of the election. *Id.*

Election officials may limit the amount of time members of the media can use video and still cameras, but if they do, the same limitations must be applied uniformly to all communications media members. Wis. Admin. Code § EL 4.07(2).

Interviews should be held outside of the voting area to ensure doors and entrances are not blocked and the voting process is not disrupted.

The municipal clerk should make sure that media is briefed about acceptable conduct, including by referring them to Wis. Admin. Code § EL 4.07 and the Observer Chapter of this manual.

See Sec. 14.5.9: "Communications Media" on page 22 for more information about media in the polling place.

Sec. 14.14.6: Polling Place Accessibility Reviews

Polling Place Accessibility Reviewers are individuals who may appear at polling places on Election Day to conduct accessibility reviews.

The Commission conducts reviews of polling places to check for compliance with the Americans with Disabilities Act, Help America Vote Act, and relevant state statute. Wis. Stat. § 5.25(4)(a). Reviewers are temporary staff that have been trained by the Commission. No notice is given in advance of a review. The goal of these reviews is to document the polling place exactly how a voter experiences it. These individuals are not considered observers and may complete their work outside of any designated observer area. Wis. Admin. Code § EL 4.02(13). Identifying name tags and/or shirts are permitted. A reviewer will provide a

letter of introduction to the Chief Inspector upon arrival at the polling place. The letter includes contact information for the Commission's staff in case the Chief Inspector has any questions or concerns. These individuals may use video and/or still cameras to document their findings but will not photograph voters' faces or marked ballots.

See Chapter 14.23: "Polling Place Accessibility Reviews" on page 218 for more information on Polling Place Accessibility Reviewers.

Sec. 14.14.7: Electioneering

Electioneering is any activity intended to influence voting at an election. Wis. Stat. § 12.03(4). Note that the statute says "an election," not "the day's election," meaning any type of election or campaigning is prohibited in the polling place, not just things that are directly related to that day's ballot. For example, partisan campaign attire would be equally prohibited at the nonpartisan election, as would attire for former candidates who are not currently on the ballot.

> **Best Practice:** State law does not further define what it means to influence voting at an election, but such conduct will be fact-specific, as determined by the election officials present who observe the conduct.

Electioneering is prohibited not only at polling places, but anywhere where voting activity occurs, including the clerk's office, alternate absentee ballot sites, and locations served by Special Voting Deputies. Wis. Stat. § 12.03(2). Electioneering is prohibited on public property within 100 feet of any building entrance a voter may use to access the polling place (or other voting activity location). Wis. Stat. § 12.03(2)(b)1. This does not apply to private property within the 100 feet rule.

Poll workers are required to enforce the prohibitions against electioneering and the distribution of unauthorized election-related material. Wis. Stat. § 7.37(2).

Best Practice: To avoid messy disputes about where the 100-foot boundary begins or ends, municipal clerks can work with their local law enforcement to have them pace out the appropriate distance from the entrance to the polling place and put down cones or other markers so there can be no confusion.

The remainder of this section addresses a few instances in which the prohibition against electioneering may be relevant. It is by no means an exclusive list, it just tries to address common questions the Commission has received.

Mixed-Use Buildings Containing Polling Places

For many polling places, the room containing the voting area is not immediately accessible from the exterior door where voters enter. Sometimes voters must walk down a series of hallways, or even up or down to different floors, to reach the voting area. The electioneering statute does not clearly contemplate these types of arrangements, and the path between the exterior door and the voting area can sometimes become a mixed-use grey zone where enforcing the prohibition against electioneering can become difficult for poll workers.

The law is clear that electioneering is prohibited "within 100 feet of an entrance to a building containing a polling place." Wis. Stat. § 12.03(2)(b)1. The law is further clear that electioneering is prohibited "during polling hours on election day at a polling place." Wis. Stat. § 12.03(2)(a)1. A "polling place" means the "actual location wherein the voters vote is cast." Wis. Stat. § 5.02(15).

The Commission believes that if the law protects the area outside the building entrance, and the voting area itself, then the law should also protect the reasonable internal pathway through a mixed-use building to the voting area. This includes the direct walking path and also any accessible routes. This does not mean the entire building containing the polling place must be screened for potential electioneering. Only the reasonable route from the exterior door to the voting area that voters must unavoidably walk through. Accordingly, poll workers may enforce the prohibition against electioneering along this reasonable, predetermined transit route.

Vehicles

It is not electioneering if a vehicle within 100 feet of the entrance to a polling place contains a bumper sticker. Wis. Stat. § 12.03(2)(d). Despite this exception, conduct could still cross the line and become electioneering if an individual

attempts to draw attention to the bumper sticker, or refer to it to influence voting. In this example, it is the conduct that could constitute electioneering, not the bumper sticker.

There is also an exception for bumper stickers on cars from the prohibition on election-related material, as discussed in the next section. Wis. Stat. § 12.035(4)(b).

Poll workers can ask (but not require) voters to move vehicles containing bumper stickers if complaints are received or the presence of the vehicle is disruptive.

Note that a bumper sticker means exactly what it says — a decal or other affixture applied to the bumper of a car. If a car contains a large sign on the top, on the hood, on the side, or anywhere other than the bumper, it is not a bumper sticker and does not qualify for the exception.

Employees who work in the building containing the polling place may have stickers on their cars but if complaints are made, the employee can be asked (but not required) to move his or her vehicle.

Election Materials

There are two types of posted materials that are prohibited. The first are campaign-like materials that may meet the definition of "electioneering," as described in the previous section. The second are "election-related material," which means written material which describes, or tries to describe, information relating to the rights or responsibilities of voters.

Campaign-Like Materials

Campaign signs or flyers may not be posted or distributed within the polling place or within 100 feet of any entrance to a polling place. Wis. Stat. § 12.03(2)(a)1, 12.03(2)(b)1. If campaign materials are found at a polling place, poll workers must promptly remove the material from the polling place. Wis. Stat. § 12.03(3).

Election-Related Materials

"Election-related materials" are those that describe, or try to describe, information relating to the rights or responsibilities of voters. Wis. Stat. § 12.035(1). Examples may include unauthorized information about polling place hours, voter registration requirements, voting procedure, or any other information related to the orderly operation of the election. The Legislature has found that such materials may "mislead and confuse voters about their rights and responsibilities regarding the exercise of the franchise and [that they tend] to disrupt the flow of voting activities at such locations." Wis. Stat. § 12.035(2).

Only the municipal clerk or authorized election officials may post election-related materials. Wis. Stat. § 12.035(4)(a).

The prohibitions against posting or distributing election-related material are the same as the prohibitions against electioneering. No one may do so at a polling place, within 100 feet of the entrance, or at other locations where voting activity is occurring. Wis. Stat. § 12.035(3).

Election officials or law enforcement may remove or confiscate unauthorized election-related material. Wis. Stat. § 12.035(5).

Campaign Attire

Just like any other conduct, campaign attire can cross the line and become electioneering if it is intended to influence voting at the election. Wis. Stat. § 12.03(4). If a voter is wearing a campaign item that expressly advocates voting for a specific candidate or referendum question, poll workers may ask that voter to remove or cover the campaign attire or return to the polling place without it. However, poll workers should also consider whether asking the voter to remove the campaign attire will draw more attention to the campaign attire from other voters. In some circumstances, it may be less disruptive to voting (with less of a risk of influence) to just allow the voter wearing the campaign attire to vote and leave the polling place.

Sec. 14.14.8: Solicitations

"Solicitations" refer to attempts to sell goods or services, often by a person stationed in one location to passersby. Solicitations in the voting area are almost certain to interrupt or disrupt the voting proceedings, and are not permitted. See Wis. Stat. § 12.13(3)(x). Solicitations within the building along the walking path to the polling place are likewise disruptive.

Solicitors can be present outside of the building housing the polling place, as long as they do not interfere with the access of voters entering or leaving the polling place. Solicitors do not have to be outside the 100-foot electioneering zone, unless their conduct crosses the line and intends to influence voting at the election.

Sec. 14.14.9: Petitions on Election Day

It is the formal opinion of the Wisconsin Elections Commission that soliciting signatures for a petition within 100 feet of a polling place on Election Day is NOT considered "electioneering," provided that the petition is not related to the election at hand and does not attempt to influence the voter regarding

that day's vote. For example, petitions for the recall of an elected official (who is not on the ballot that day), the institution of referenda, or other petitions to a governing body are not considered "election-related material" and do not violate the relevant statutes on electioneering.

However, petitioning inside the building containing the polling place on Election Day, along the route to the voting area, is considered disruptive, and is prohibited. See *Id.*

Sec. 14.14.10: Exit Polls

Exit polls are permitted by Wisconsin law but must not interfere with the orderly conduct of the election. Exit polls in the voting area are almost certain to interrupt or disrupt the voting proceedings and are not permitted. See *Id.* Exit polls within the building along the walking path to the polling place can be likewise disruptive.

Exit polls should be conducted outside of the polling place. Persons conducting exit polls must not interfere with the access of voters entering and leaving the polling place. See *Id.*

Voters should not be given the impression that their participation is required, and the exit poll should not resemble a sample ballot or otherwise imply that it is part of the election process. See Wis. Stat. § 12.035.

> **Best Practice:** Persons conducting exit polls are encouraged to contact the municipal clerk to discuss the conduct of exit polls, in order to take into consideration any unique circumstances created by the layout or configuration of a particular polling place.

Sec. 14.14.11: Bake Sales & Fundraising Events at or near Polling Places

Nonprofit groups, parent-teacher associations, or other interest groups often wish to take advantage of voter turnout to hold bake sales, fundraisers, or other engagement events at or near polling places. Such activities are not explicitly prohibited by law — assuming they do not cross into electioneering — but they still must not interfere with the orderly conduct of the election or intimidate voters.

Such events should *never* be permitted within the voting area, as their presence is almost certain to disrupt voting and cause a distraction. See Wis. Stat. § 7.37(2). These events may be present within the polling place or along the voter path from the entrance at the election officials' discretion.

Groups wishing to conduct this type of activity at or near a polling place should ensure they understand the prohibitions against electioneering and unauthorized election-related material, as well as the implications of the prohibition against bribery. Wis. Stat. § 12.03, 12.035, 12.11.

Best Practices:

- **If events like bake sales or fundraisers take place within the polling place, they should be set up in a separate room, or in a remote location.**
- **Any member of the public that may be at the polling place should be allowed the same access to the bake sale or fundraising activity as voters.**
- **Election officials should not advertise the presence of the event or sale to voters while they are registering, waiting to vote, or casting their ballot.**

Q A group is passing out water or other freebies to voters who are waiting in line either inside or outside the polling place. Is that allowed?

A If the activity is intended to influence voting and is occurring within 100 feet of the polling place entrance, it is likely electioneering and would not be permitted. Wis. Stat. § 12.03. It may still be considered bribery depending on circumstances, and concerns about bribery should be referred to local law enforcement. Wis. Stat. § 12.11.

Q There is an event set up across the street from the polling place offering freebies to the public, but it appears geared towards voters, or is Election Day-specific. Is that allowed?

A If it is more than 100 feet from the entrance to the polling place, the event is not electioneering, even if it is sponsored by a candidate, political party, or other group. It may still be considered bribery depending on circumstances, and concerns about bribery should be referred to local law enforcement. Wis. Stat. § 12.11.

Sec. 14.14.12: Weapons & Concealed Carry

Note: Wisconsin law does not expressly prohibit the carry of weaponry in polling places unless certain factors are met, and any prohibition on the possession of weapons (including legal possession) is a decision that needs to be made at the municipal level.

Best Practice: This decision should be made in advance of the election, adequately posted, and passed through an approved resolution or ordinance by the governing body.

Prior to Election Day, municipal clerks and their governing bodies should review the Commission's entire guidance on Wisconsin Weapons/Physical Security Laws and Applicability to Polling Places.[3]

Exception: K-12 Schools – Weapons Always Prohibited: Concealed carry and open carry are *always* prohibited in K-12 schools, including when school buildings are used as polling places. Wis. Stat. § 948.605(2).

The law generally allows a property's owner to set restrictions on that property, including prohibitions on openly carried or concealed weaponry. Wis. Stat. § 943.13, 943.14. The prohibition of weaponry in nonresidential buildings (where

3 Issued Oct. 20, 2020, available at: elections.wi.gov/sites/default/files/legacy/2020-10/Weapons_Polling%2520Place%2520Memo%252010-23-2020.pdf .

polling places are most likely to be located) requires the posting of a sign in prominent places near all entrances where an entrant can be reasonably expected to see the posting. The restriction cannot be applied to a designated parking area if the weapon remains in the vehicle. Government facilities are also required to post signage near all entrances where an entrant can be reasonably expected to see the posting. Wis. Stat. § 943.13.

Local government units may also restrict the right to carry concealed weapons in polling places by relying on the special event provisions of the Trespass to Land statutes. Wis. Stat. § 943.13(1m)(c)3.

If a voter, observer, or other individual attempts to bring a weapon into the polling place, election officials should immediately contact their municipal clerk and local counsel to understand the polling place's rules and restrictions on such weapons. If the individual is using or threatening to use the weapon in a dangerous manner, election officials should immediately contact law enforcement.Z

Chapter 14.15: Processing Absentee Ballots: Polling Place

Sec. 14.15.1: Introduction

Any registered voter in the state of Wisconsin may exercise the option to vote by absentee if, for any reason, they are unable or unwilling to appear at their polling place on Election Day. Wis. Stat. §§ 6.20, 6.85(1). For this reason, special procedures are in place to protect the voter and the integrity of the process.

Absentee ballots cannot be opened or counted until the polls open on Election Day. Wis. Stat. § 6.88(3)(a). The municipal clerk may take steps to organize the returned ballots by ward and by last name and may flag issues with eligibility or certificate envelopes. No envelopes can be opened before the polls open.

Absentee ballots are counted at the polling place for the ward in which the voter resides, or at the designated meeting location of the board of absentee ballot canvassers (commonly referred to as "central count"). **Chapter 14.16: "Processing Absentee Ballots: "Central Count"" on page 152** covers absentee ballot processing and handling in "central count" jurisdictions.

A35

Absentee ballots must be returned so they may be delivered to the polling place or "central count" location no later than 8pm on Election Day, Wis. Stat. §6.87(6).

All absentee ballots must be processed in the same room votes are cast or at a "central count" location so that any interested observer is able to hear the public announcement of the names of the absentee voters. Wis. Admin. Code § EL 4.03(1)(b)1. and Wis. Stat. § 6.88(3)(a).

Sec. 14.15.2: Polling Place Set-Up & Absentee Processing Area

Each polling place should be arranged to support the efficient processing of absentee ballots throughout the day. Poll workers should designate a specific absentee ballot processing table or zone within the polling place. This area must be located in the same room where in-person voting occurs, but positioned to minimize disruption to voter check-in, voting booths, and ballot casting.

The absentee ballot processing table or zone should be equipped with the materials necessary to review certificate envelopes, record voter participation in the poll list, and securely deposit processed ballots into the ballot box or optical scan equipment.

Important materials include:

- Ineligible Voter List
- EL-102 – Certificate of Rejected Absentee Ballots
- EL-103 – Used Certificate Envelopes of Absentee Voters
- EL-104 – Inspector's Statement
- EL-124 - Absentee Ballot Log
- EL-125 – Absentee ballot carrier envelope/containers

Observation of Absentee Ballot Processing

When setting up an absentee ballot processing area within the polling place, it's important to understand where observer areas are required.

Any table within the polling place where absentee ballots are being processed is generally observable (meaning it cannot be concealed from view), but not all aspects of absentee ballot processing must be within the three- to eight-foot distance of the observable area. See Wis. Stat. § 7.41(2) and Wis. Admin. Code § EL 4.03(1)(b).

Activity that must be within three- to eight-feet includes:

- The place where absentee voter names are announced. Wis. Admin. Code § EL 4.03(1)(b)1.
- The place where voters register (if it's the same as where absentee ballot processing occurs) Wis. Admin. Code § EL 4.03(1)(b)2.
- The place where absentee ballots are remade. Wis. Admin. Code § EL 4.03(1)(b)3.

Additionally, poll workers must allow observers to observe absentee ballot certificate envelopes that have been set aside to be rejected. Wis. Admin. Code § EL 4.03(7).

Any other type of absentee processing activity can be observed from the observable area, even if it is more than three- to eight-feet away.

See Chapter 14.5: "Election Observers" on page 13 for more detailed information on the rights and responsibilities of election observers.

Sec. 14.15.3: How Absentee Ballots Arrive at Polling Places or "Central Count"

On or prior to Election Day, the municipal clerk delivers the absentee ballots that were received at their office to the polling place or "central count" site. The ballots are delivered in a sealed envelope, container, or courier bag that bears the name and official title of the clerk and the language found in Wis. Stat. § 6.88(1). (EL-125 Absentee Ballot Carrier). If a container such as a box is used to transport absentee ballots to the polling place, then that container must have the EL-125 attached and be properly sealed. Once the container has been sealed, it cannot be opened again until the container or envelope is in the same room where votes are being cast at the polls during polling hours on Election Day or at "central count."

Sec. 14.15.4: Processing Absentee Ballots at the Polls

This section applies to absentee ballot processing at polling places. **See Chapter 14.16: "Processing Absentee Ballots: "Central Count""** for modified procedures for jurisdictions that utilize boards of absentee ballot canvassers ("central count").

Poll workers can begin processing absentee ballots no earlier than when polls open at 7 a.m. on Election Day. Wis. Stat. § 6.88(3)(a). Absentee ballots must be processed *in the same room* where in-person voters are casting their ballots on Election Day. *Id.*

Poll workers must continue counting absentee ballots at polling places if there are still lawfully-returned ballots to be counted after 8 p.m. See Wis. Stat. § 7.52(1)(a) (permitting counting of absentees past 8 p.m. at central count), Wis. Stat. § 6.78(4) (permitting in person voters to cast ballots past 8 p.m. if they are in line by 8 p.m.), Wis. Stat. § 6.87(6) (permitting municipal clerks to transport absentee ballots to polling places until 7:59 p.m.).

Poll workers must process absentee ballots continuously from the moment polls open at 7 a.m. until all ballots have been processed, even if they are very busy at the polling place. Moderation is key, poll workers must make multiple assessments throughout Election Day to balance processing absentee ballots and voters at the polls.

Sec. 14.15.5: Step 1: Retrieve & Document Absentee Ballot Batches

Returned absentee ballots arrive at the polling place either with the rest of the election supplies or through couriers throughout the day. Returned absentee ballots are stored in carrier envelopes, courier bags, or other containers. See Wis. Stat. § 6.88(1), (2). Municipal clerks provide detailed training and instruction to their poll workers on where to find the batches of returned absentee ballots that are to be processed.

The first step is locating the carrier envelopes or containers (all of which will have Form EL-125 attached) and bringing them to the absentee ballot processing area. **See Chapter 14.3: "Setting up the Polling Place" on page 7.**

In general, poll workers should:

- Open the large carrier envelopes or containers (EL-125) containing the absentee ballots. Wis. Stat. § 6.88(3)(a)
- Remove each Absentee Certificate Envelope (EL-122, EL-122M, EL-122 SVD, and EL-122 Special) organize or bundle them according to the municipal clerk's training and instructions.

It is likely that there will be a subset of absentee certificate envelopes that the municipal clerk has bundled or otherwise flagged for poll workers to set aside as "To be Rejected." Keep these sealed certificate envelopes in a secure location until 8 p.m. **See Sec. 14.15.14: "Rejecting Absentee Ballots" on page 146**.

Similarly, there may also be "Presidential-only" ballots transported alongside absentee ballots. These ballots will be in envelopes containing the language: "This envelope contains the vote for president and vice president of a new resident and shall be opened only at the polls during polling hours on Election Day." **See Sec. 5.5.5: "Processing Presidential-Only Ballots on Election Day"** for information on how to process Presidential-only ballots at the polling place.

Sec. 14.15.6: Step 2: Review Certificate Envelopes for Sufficiency

Open or Damaged Envelopes

Before looking at the details of the certificate, poll workers should first examine each certificate envelope to see if any are opened or damaged. Wis. Stat. § 6.88(3)(b). If a ballot is open, or has been opened and resealed, the poll workers shall not count the ballot. *Id.*

> **Best Practice:** Wis. Stat. § 6.88(3)(b) is intended to prohibit absentee ballots from being counted that have been obviously re-opened and resealed (torn flap, slit seams, clumsy repair of paper). Sometimes, voters tape their absentee ballots closed. Tape on a certificate envelope flap alone is not necessarily an indication that the ballot has been opened and resealed. Ideally, the municipal clerk will have noticed taped or open absentee ballots as they are returned. Poll workers should contact the municipal clerk if they encounter any certificate envelopes that are either opened or resealed. Ultimately, it is the decision of the municipal clerk and the boards of canvassers to decide whether these ballots should be accepted or rejected.

Certificate Envelope Sufficiency

Extensive detail on how to review absentee certificate envelopes for sufficiency is covered by **Sec. 14.15.12: "Absentee Certificate Envelopes" on page 127**. Poll workers should review that section in its entirety for step-by-step guidance on how to review certificate envelopes, and to understand the Commission's guidance for resolving common omissions or errors. **It is always up to the municipal clerk to decide whether a certificate envelope is insufficient, so it's also important to understand any jurisdiction-specific guidance or training from the clerk in addition to the Commission's guidance**.

See Chapter 14.18: "Correcting Defective Certificate Envelopes" on page 161 for information on correcting incomplete certificate envelopes.

See Sec. 14.15.14: "Rejecting Absentee Ballots" on page 146 for information on setting aside incomplete certificate envelopes for rejection.

Sec. 14.15.7: Step 3: Check Ineligible Voter List(s)

Ineligible Voter List (Felon List).

Each polling place will be equipped with the Ineligible Voter List, which poll workers use to determine if voters are ineligible to vote due to a felony conviction. Wis. Stat. § 6.88(3)(c).

If the voter's name matches a name on the Ineligible Voter List, poll workers continue processing the absentee ballot as described below but then issue a challenge prior to placing the ballot in the ballot box or optical scanner. *Id.* **See Chapter 14.7: "Challenging Electors on Election Day" on page 43** for more information on how to challenge absentee voters at the polling place.

Q What if the voter's envelope, or entry on the poll book, is marked "ineligible to vote per Department of Corrections," but the voter's name is not on the Ineligible Voter List?

A Contact the municipal clerk to resolve the discrepancy. It's possible that the voter has since completed their sentence, though if they were ineligible at the time they returned their absentee ballot, that might pose another eligibility issue. See Wis. Stat. § 6.87(2) (requiring voters to certify they are qualified to vote when completing the absentee certificate envelope).

> **Best Practice:** The poll workers should make a reasonable effort to contact the Commission to confirm a voter's felon status before processing the absentee ballot.

See Chapter 3.9: "Voters Convicted of a Felony/Treason/Bribery" for more information on voter ineligibility due to a felony conviction.

Adjudicated Incompetent "List"

In addition to the Ineligible Voter List, some municipal clerks may provide another list of the voters in their jurisdictions who have been adjudicated incompetent, in which a court has determined they are incapable of understanding the objective of the elective process. Wis. Stat. § 6.03. Providing this "list" is not required by law, but some clerks choose to provide it to aid poll workers in confirming voter eligibility. If the clerk has provided this list, it is a best practice to check absentee voters against that list before continuing

with the processing of the ballot. If a voter's name appears on the adjudicated incompetent "list," poll workers should confer with the municipal clerk and then challenge the voter's ballot. **See Chapter 14.7: "Challenging Electors on Election Day" on page 43** for more information on how to challenge absentee voters at the polling place.

Note: Public Access Caution – Adjudications of incompetency (including the identities of individuals who have been so adjudicated) are strictly confidential. Wis. Stat. §§ 19.35(1)(a), 54.75. If the municipal clerk does provide an adjudicated incompetent "list," observers should not be permitted to view it under Wis. Stat. § 54.75. See Wis. Stat. § 7.41(2) (permitting observation of all *public* aspects of the voting process). Likewise, if a challenge needs to be made against a voter due to an adjudication of incompetency, the voter's details shall be shielded and protected from public observation. Wis. Stat. §§ 19.35(1)(a), 54.75, 7.41(2).

See Chapter 3.8: "Voters Adjudicated Incompetent by a Court" for more information on voter ineligibility due to adjudications of incompetency.

Sec. 14.15.8: Step 4: Check in Voters at Poll Book

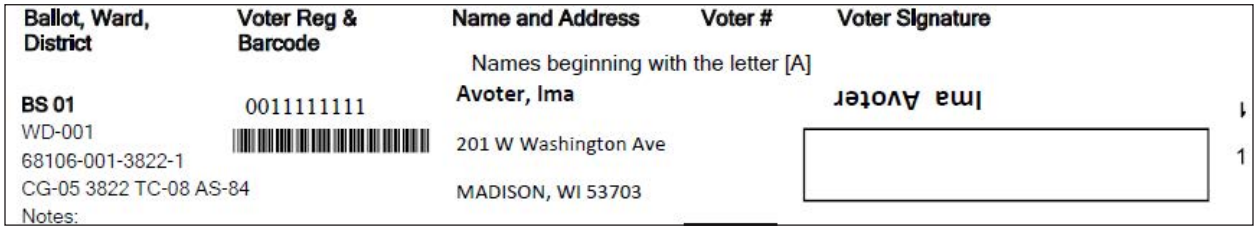
Before opening the certificate envelopes to retrieve the absentee ballots, poll workers must announce the names of the absentee voters (or their confidential voter number) and check them into the poll book. Wis. Stat. § 6.88(3)(a).

Note: Poll workers are not required to also read the addresses of absentee voters, though there is no harm in doing so. Wis. Stat. § 6.88(3)(a) (requiring poll workers to "…announce the name of the absent elector…" The poll book process should follow the regular voter check in process, which is described in further detail in Chapter 14.9: "Voting Procedure" on page 65.

Under no circumstances should there be a separate poll book to use for processing absentee voters, even if the clerk or poll workers think it will be more efficient. Using a separate poll book means that poll workers will be unable to check for instances of double voting.

Absentee Voter Number. Statute requires poll workers to enter an indication in the poll book next to the voter's name indicating that they cast an absentee ballot. Wis. Stat. § 6.88(3)(a). The easiest way to do this is by entering the letter "A" to proceed the next available voter number.

Figure 16: Example of how an absentee voter number should be recorded in the poll book



Best Practice: The Commission recommends that poll workers should check in small batches of absentee ballots. Poll workers can wear signs or name tags on the back of their shirts that say "Processing Absentee Ballots," which aim to explain possible voter concerns about why someone is handling more than one ballot at a time.

There is no requirement that poll workers must wait in line to check in absentee ballots at the pollbook. Waiting in line with in-person voters is a good idea to ensure that voters don't have to wait, but this is a balance that will have to be managed by Chief Inspectors. Sometimes, to avoid falling behind on processing absentee ballots, poll workers will have to step in front of voters, even if the polling place is very busy.

Sec. 14.15.9: Step 5: Open Envelopes & Remove & Examine Ballots

The same batch of absentee ballots that were checked into the poll book should then be opened together.

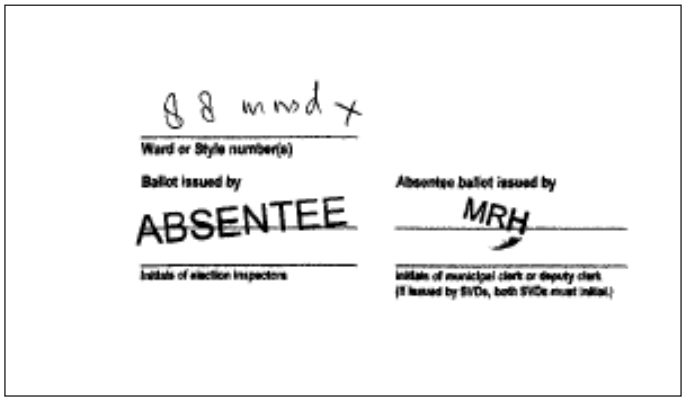
Poll workers should:

1. Open each certificate envelope in a manner that does not rip or damage the certificate on the face. Wis. Stat. § 6.88(3)(a). There should be letter openers in the polling place supplies.

2. Carefully remove each ballot from its certificate envelope without unfolding or looking at the ballot. Wis. Stat. § 6.88(3)(a).

Note: Some municipalities utilize certified ballot marking devices, like ExpressVote or ImageCast X, for in-person absentee voting. Accordingly, poll workers may encounter these types of ballots when opening and processing absentees, in addition to the traditional optical scan ballots. These ballots are "skinnier" than optical scan ballots but can still be processed by the tabulator without issues.

Figure 17: The endorsement typically appears at the bottom can look like this:



3. Examine the contents of the envelope to ensure that only a single ballot of any one kind is enclosed. *Id.*

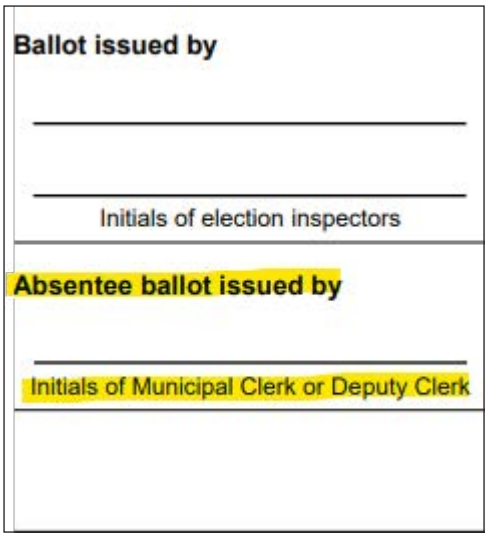
Note: It should be uncommon, but occasionally, a certificate envelope will contain more than one ballot, inserted by the voter. This is usually caused by a voter returning both a primary and general election ballot or if a married couple attempts to return both of their ballots in the same certificate envelope. If this occurs, poll workers should immediately notify the municipal clerk. These incidents should always be documented on the Inspector's Statement (EL-104), including details about how the situation was resolved.

4. Unfold and flatten each ballot once they are separated from their certificate envelopes. This ensures that poll workers won't know whose ballot is whose.

Best Practice: Check the ballots for any heavy creases or unusual marks such as cross-outs, incomplete, or erasures. This is especially important for creases that bisect any of the ovals on the ballot, as the creases may interfere with the optical scan voting equipment. If such creases are present, the ballot should be remade. See Chapter 14.22: "Overvoted & Crossover Voted Ballots" on page 211 for procedures for remaking ballots.

5. Check for Clerk Initials. Poll workers must examine each ballot to ensure it has been endorsed by the issuing clerk. Wis. Stat. §§ 6.88(3)(a), 5.54. The endorsement section usually appears on the back of ballots. Absentee ballots only need the initials of the municipal clerk or his or her deputies. Wis. Stat. § 5.54. It is not necessary for two poll workers to also input their initials the way they would do for in-person voting on Election Day.

Figure 18: Endorsement section of an optical scan ballot with highlights indicating where to find the municipal clerk's initials



Q What if the clerk's initials are missing in the endorsement section of the absentee ballot?

A The ballot must still be counted but do *not* add the initials.[1] The incident should be thoroughly documented and the ballot(s) counted once poll workers can confirm with the municipal clerk that the ballot was properly issued. The first step is to contact the municipal clerk to determine and confirm that the absentee ballot was properly issued, and the omission of the initials was due to clerk oversight. Once that is confirmed, document that confirmation (as well as other details of the incident) on the Inspector's Statement (EL-104) and count the ballot.

6. Review Ballot for Overvotes and Crossvotes. An "overvote" is when a voter has made more than one candidate selection in a race where they are only permitted to vote for one candidate. A "crossvote" is when a voter has voted in more than one party's primary in the partisan primary election (either by marking selections in more than one primary section on optical scan ballots, or marking selections on more than one primary ballot for hand-count paper ballots). If overvotes or crossvotes are present, poll workers may have to remake the ballot if voter intent is clear. **See "Overvoted & Crossover Voted Ballots" on page 211** for more information and the procedures for remaking ballots.

Sec. 14.15.10: Step 6: Tabulate the Ballots

Once all ballots in the batch have been reviewed, poll workers should tabulate them. For electronic voting equipment, insert each ballot into the tabulator one at a time. For hand-count jurisdictions, deposit the ballots into the appropriate ballot box.

---

1 Wis. Stat. §§ 7.51, 6.80, 6.88, 7.37, and 9.01, when read together, unambiguously establish that the lack of poll worker or municipal clerk initials on a ballot is not by itself a reason for rejecting the ballot, whether in an initial canvass or during a recount. Unendorsed ballots must be counted in the election unless there is a reason beyond the lack of an endorsement to reject them, such as when the total number of ballots exceeds the total number of voters recorded in the poll books. This section makes evident that the only reason that a missing endorsement would result in a ballot not being counted in the Election-Day canvass is if it is necessary to put the unendorsed ballot aside to reconcile the number of ballots with the number of voters who are recorded as having cast ballots in the election. *Gonfiantini v. Rock County Board of Canvassers*, 2025 WI App 26, 416 Wis. 2d 118, 20 N.W.3d 773, 24-1233.

Best Practice: Poll workers should consider wearing a sign or sticker on the backs of their shirts saying something like "Processing Absentees." This can reduce voter and observer confusion in case someone is wondering why an individual is inserting multiple ballots into the tabulator.

Sec. 14.15.11: Step 7: Record Details & Preserve Used Certificate Envelopes

Record Details

If anything unusual or noteworthy occurred while processing each batch of absentee ballots, ensure that the details of what occurred are recorded on the Inspector's Statement (EL-104). No detail is too small or insignificant — it is much better to take detailed notes that are not needed than to omit information that could later aid clerks, canvassers, or recounters.

Retain the Used Certificate Envelopes

After the ballots have been tabulated, retain the used certificate envelopes in the manner directed by the municipal clerk. See Wis. Stat. § 6.88(3)(a).

Sec. 14.15.12: Absentee Certificate Envelopes

An absentee certificate envelope is the specialized, designated envelope containing the voter's voted absentee ballot. Wis. Stat. § 6.87(2). The certificate envelopes serve as a combined absentee ballot application and an absentee ballot certificate.

The certificates (containing the voter and witness information) appear on the face of the envelopes (the side that does not contain the sealed flap) and are designed and prescribed by the Commission for use by all municipalities.[2]

---

2 The most recent redesign of the absentee certificate envelopes was completed in August 2023. The certificate envelopes underwent extensive usability testing with clerks, voters, witnesses, assistants, poll workers, and the United States Postal Service (USPS). See the meeting materials from the August 4, 2023 meeting for a summary of the project, and request for approval.

There are four variations of the Absentee Ballot Certificate Envelope:

- **EL-122 Standard Absentee Certificate Envelope (Purple),** used in most situations. The Commission has also prescribed a Spanish version of this certificate envelope (EL-122S).
- **EL-122M Absentee Certificate Envelope (Brown),** used for military and permanent overseas voters.
- **EL-122SVD (Teal),** used for absentee voting conducted by Special Voting Deputies in residential care facilities and retirement homes.
- **EL-122SP,** used for voters in SVD-eligible facilities that are not served by SVDs.

Note about Color: The different colors of certificate envelopes are to help poll workers quickly distinguish between certificate types. Text on the certificate itself also clearly indicates which type of certificate envelope it is. An absentee ballot should not be rejected just because the certificate envelope is not printed in color.

Certificate Envelope Sufficiency

Deciding whether a certificate envelope is sufficient is the decision of the municipal clerk. Wis. Stat. §§ 6.87(9), 6.88(3)(b). However, this section contains the Commission's guidance for how to interpret the law and procedures for returned absentee ballots. Poll workers should also be sure they understand any additional instructions or guidance they received from their municipal clerk as part of their poll worker training.

Rejectable vs. Correctable by Clerk or Voter

This section offers the Commission's guidance on each section of each certificate envelope, and what poll workers should do if required fields are incomplete or missing.

As this section explains in further detail, poll workers should keep the following general principles in mind:

- **Correctable by Voter/Witness OR Rejectable** – If information provided by the voter or the witness is missing (voter address, voter printed name, voter signature, voter DOB, witness signature, witness printed name), the certificate is likely insufficient and either needs to be corrected by the voter/witness, or the ballot needs to be rejected. The exception is the witness address field, which has its own dedicated section **See Chapter 14.17: "Witness Address Requirements" on page 157**.
- **Correctable by Clerk AND Count Ballot[3]** – If information is missing that was supposed to have been provided by the clerk (ward or aldermanic district, election date, initials at top for photo ID requirement), the ballot should not be rejected. Instead, the municipal clerk should correct the certificate envelope by providing the missing information, and document the correction on the Inspector's Statement.

If an absentee certificate envelope is insufficient, the municipal clerk has two options for how to proceed. First, they may attempt to return the ballot to the voter, together with a new envelope, if necessary, whenever time permits the voter to correct the defect and return the ballot in time. Wis. Stat. § 6.87(9). **See Chapter 14.18: "Correcting Defective Certificate Envelopes" on page 161.** Second, they may decide that the ballot should be set aside to be rejected. Wis. Stat. § 6.88(3)(b). **See Sec. 14.15.14: "Rejecting Absentee Ballots" on page 146**.

How to Review the Absentee Certificate Envelope

This section is designed to be a Step-by-Step resource to aid election officials in reviewing absentee certificate envelopes for sufficiency.

Step 1: Know Which Envelope Type is Used

Poll workers should first understand what type of absentee certificate envelope they have before them. Most certificate envelopes will be the standard EL-122 (Purple), which are used by most regular absentee voters. If the certificate envelope is for military and overseas voters, voters who used Special Voting Deputies (SVDs), or voters who reside in care facilities not served by SVDs, consult Steps Five, Six, or Seven for additional components to review.

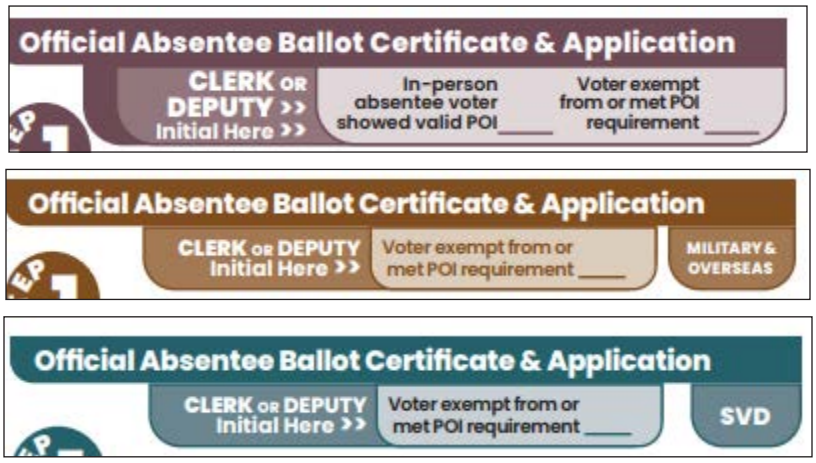
---

3 The Commission is prohibited from issuing guidance that municipal clerks can correct, or "cure," missing aspects of the witness address, but that prohibition does not extend to other missing information on the certificate information, particularly for information provided by the clerk and not the voter or witness. White et al. v. Wisconsin Elections Commission, (2022-CV-001008).

Step 2: Check Initials at Top

The municipal clerk will have entered his or her initials in either of the spaces at the top indicating that the voter either provided proof of identification or is exempt from doing so. Wis. Stat. § 6.87(2).

Figure 19: Examples of the Initial Lines on each certificate envelope type.



Q If the initials are missing, should the ballot be set aside to be rejected?

A **No.** Missing poll worker initials generally do not mean that the certificate envelope is insufficient. Instead, the first step is to contact the municipal clerk to confirm that the absentee voter either properly satisfied the photo ID requirement or is properly exempt. If they did provide the photo ID, or are exempt from that requirement, the municipal clerk, deputy clerk, or delegated poll worker should place their initials on the certificate envelope. The only exception is for the EL-122SP (Special) envelope described in Step Seven of this chapter. Clerk initials are not required for the EL-122SP.

Fixing this issue should only occur on Election Day and the process should be documented thoroughly on how the missing information was handled. This will resolve the issue permanently, which will also be helpful in case of a recount. Though it should be uncommon, if the clerk confirms that the voter did not meet the photo ID requirement, or is not properly exempt, the ballot should be set aside to be rejected unless the municipal clerk attempts to return it to the voter to be corrected. These steps should be documented on the Inspector's Statement (EL-104).

Step 3: Review Voter Information

The clerk or voter must complete the voter information section. Wis. Stat. § 6.87(4)(b)1. The information can be provided using a label generated by the municipal clerk through WisVote or handwritten by the voter or clerk.

The Election Date must also be completed. Wis. Stat. § 6.87(2). If the clerk uses printed labels from WisVote with the voter information, the Election Date will be printed on the label.

> **Best Practice:** The Commission strongly recommends that municipal clerks generate the voter information section by using pre-printed labels generated from WisVote. For instructions on how to do this, see Sec. 3.7 of the WisVote Manual.

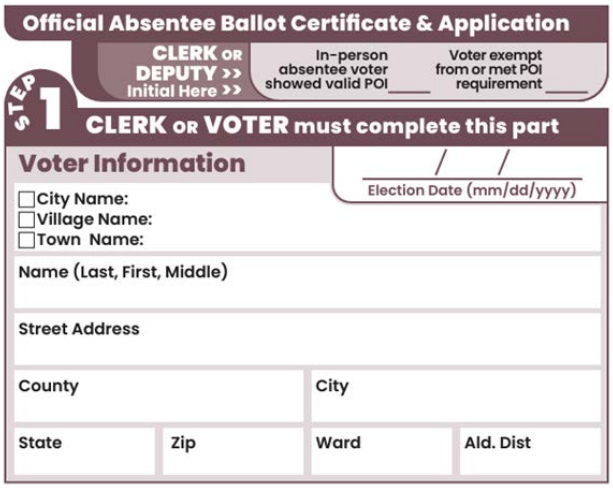
Q **If information from the voter section is missing, should the ballot be rejected?**

A **Yes, but only if the information is required to be entered by the voter**. Most clerks use pre-printed voter information labels that already contain all the required information for this step. However, if the voter was required to input their name and address, and that information is missing or incomplete, the ballot should be rejected unless the municipal clerk attempts to return it to the voter to be corrected. These steps should be documented on the Inspector's Statement (EL-104).

Q If the voter's ward or aldermanic district or Election Date are missing, should the ballot be rejected?

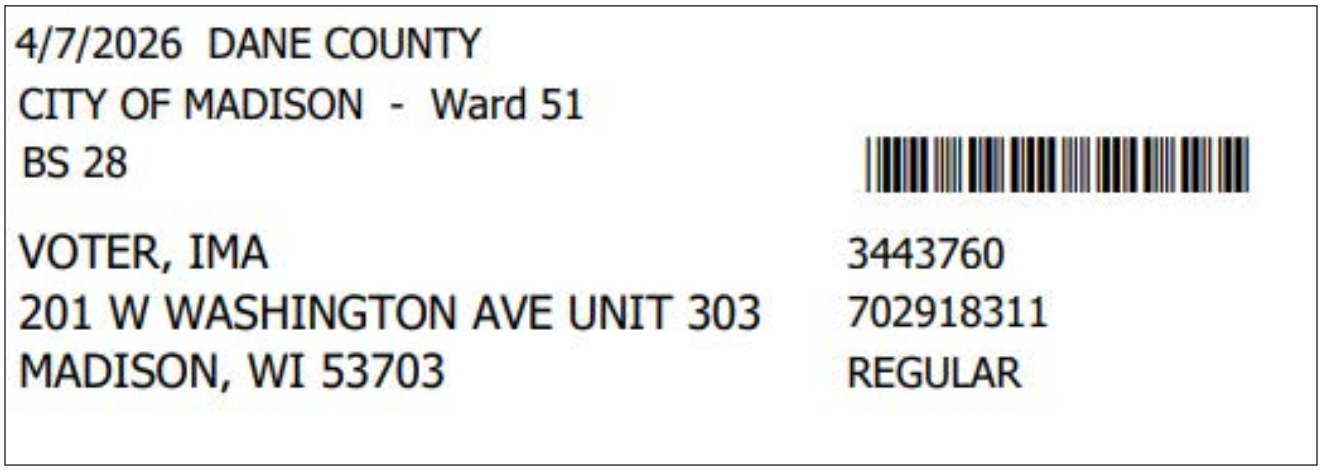
A No. Although this information is required to appear on the certificate envelope, voters cannot reasonably be expected to know their ward and aldermanic districts, and it would be unfair to penalize them for it by rejecting their ballot. If the ward is present, but not the aldermanic district, that is sufficient.[4] Likewise, the ballot should *not* be rejected if the municipal clerk failed to input the date of the election. If this information is missing, and the clerk has not utilized pre-printed labels for the voter information, the municipal clerk or deputy clerk should enter the information onto the certificate envelope, and the ballot should be counted. Fixing this issue on Election Day will resolve the issue permanently, which will also be helpful in case of a recount. These steps should be documented on the Inspector's Statement (EL-104).

Figure 20: The voter information section from the regular absentee certificate envelope (EL-122). This section is largely the same for all absentee certificate envelope designs



4 Wis. Stat. § 6.87(2) (I, ..., certify subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false statements, that I am a resident of the [.... ward of the] (town) (village) of ...., ***or*** of the .... aldermanic district in the city of ....,") (Emphasis added).

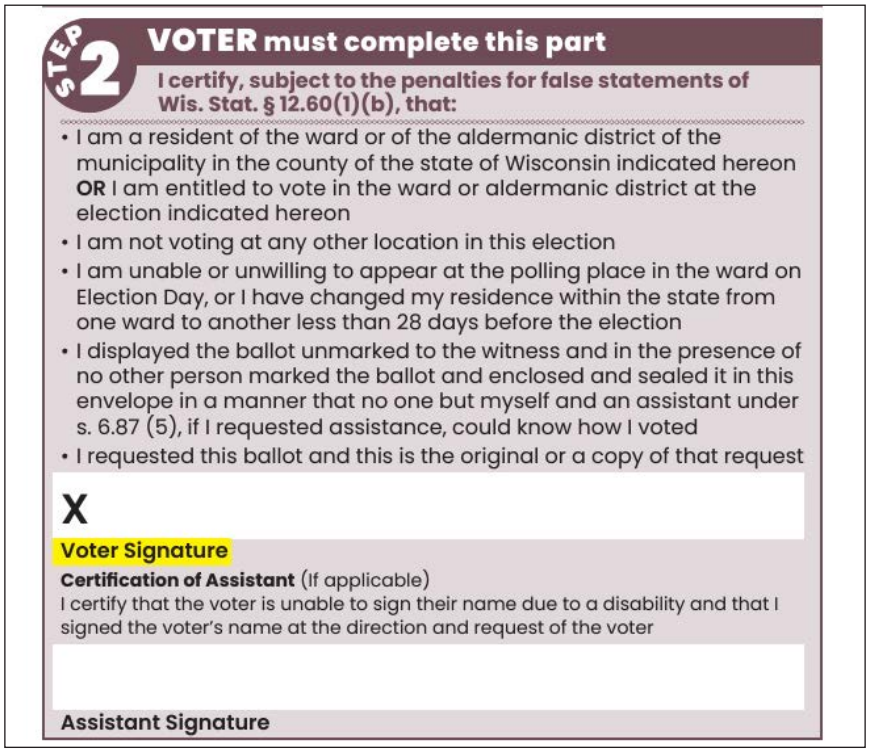
Figure 21: Example of a pre-printed voter information label generated by the clerk from WisVote. In most cases, this will be affixed over the "Step One" box on the envelope, and contains all of the necessary information. The election date and ward number have been highlighted above to show their locations.



Step 4: Voter Signature

The voter must complete the certification section by signing where highlighted. Wis. Stat. § 6.87(4)(b)1. If the voter needed assistance signing their name to the certification, the assistor signs the voter's name and signs their own name below in the assistor's field. Wis. Stat. § 6.87(5).

Figure 22: The certification and voter signature section from the regular absentee certificate envelope (EL-122). This section is largely the same for all absentee certificate envelope designs



Q If the voter accidentally signed the assistant signature line, should the ballot be rejected?

A No, assuming it is the voter's signature. If the poll worker can reasonably tell that the signature belongs to the voter, the ballot should not be rejected because the voter has still substantially complied with the requirements of making the certification. The same is true if the voter draws an arrow up to the voter signature line. However, if the signature is illegible, and the poll worker cannot reasonably determine that it is the voter's signature, the ballot should be rejected unless the municipal clerk attempts to return it to the voter to be corrected. These steps should be documented on the Inspector's Statement (EL-104).

Step 5: Witness Information

The witness must complete this section by signing and printing their name and providing their address. Wis. Stat. § 6.87(4)(b)1.

Witness Address

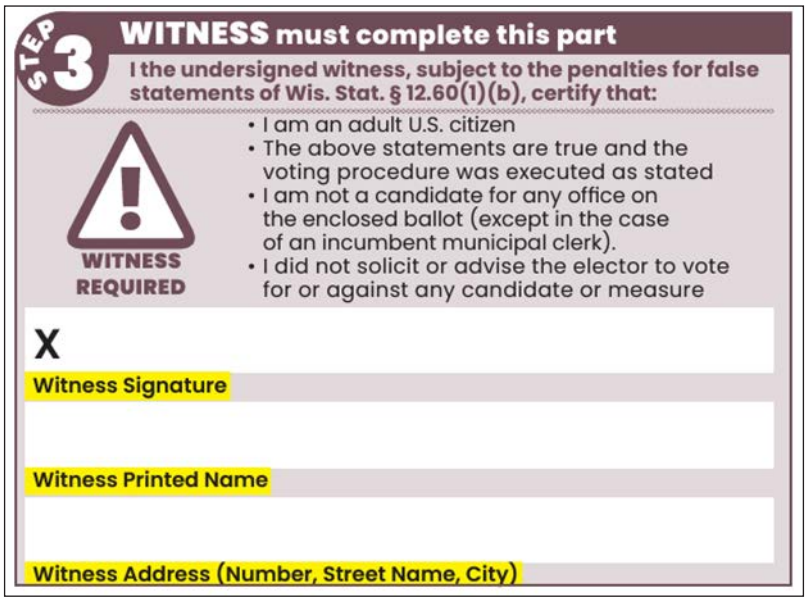
What constitutes a witness address has been the subject of extensive litigation. For more detailed Commission guidance on what constitutes a witness address, **see Chapter 14.17: "Witness Address Requirements" on page 157. Election officials should read that section in its entirety before deciding whether to return or reject an absentee ballot due to a witness address insufficiency.**

Q What if the witness' address is outside the municipality or outside of Wisconsin? Should the ballot be rejected?

A No. There is no residence requirement for the witness.

Witness Printed Name and Signature. The witness must add *both* their printed name and signature for the certificate to be sufficient.

Figure 23: The witness certificate section of the regular EL-122.



Q If the witness signed or printed their name, and then drew an arrow or used "ditto" marks or similar for the signature, should the ballot be rejected?

A Yes, unless the municipal clerk attempts to return it to the voter to be corrected. Both the witness' printed name and signature are required. These steps should be documented on the Inspector's Statement (EL-104).

Step 6: Additional Review for Military & Overseas Voters[5]

Step 5 is only required for the EL-122M envelope for military and overseas voters. Temporary overseas voters will also use the EL-122M.

There are 3 Different Formats for the EL-122M

The first is the Brown certificate envelope that looks the same as the others, which is used by military and overseas voters who requested their absentee ballot by mail or by email. The second and third are differently-formatted versions of the EL-122M, containing all the same required information, which are used by military and overseas voters who requested that their absentee ballot be delivered by email.

---

5 **Chapter 7.4** of the manual provides extensive detail on military and overseas voters. This section is limited only to what is necessary for their absentee certificate envelopes.

Figure 24: Example of the EL-122M formatting for military and overseas voters who request to receive their absentee ballot package by email.

Official Absentee Ballot Certificate & Application

CLERK or DEPUTY Initial Here >> | **Voter exempt from or met POI requirement** _____ | **MILITARY & OVERSEAS**

STEP 1 - CLERK or VOTER must complete this part

Voter Information | **Election Date (mm/dd/yyyy):** 2 /17 /2026

☐ **City Name:**
☐ **Village Name:** CITY OF MADISON - DANE COUNTY
☐ **Town Name:**

Ballot Type:

Name (Last, First, Middle)
Voter, Ima

Mailing ID: 3443762

Street Address
201 W WASHINGTON AVE UNIT 303

Email: test@wi.gov
Fax:

County	**City**	Ballot Style: BS 01
DANE COUNTY	MADISON	

State	**Zip**	**Ward**	**Ald. Dist**
WI	53703	City of Madison - Ward 51	

STEP 2 - VOTER must complete this part

I certify, subject to the penalties for false statements of Wis. Stat. § 12.60(1)(b), that:

- I am a resident of the ward or of the aldermanic district of the municipality in the county of the state of Wisconsin indicated hereon OR I am entitled to vote in the ward or aldermanic district at the election indicated hereon
- I am not voting at any other location in this election
- I am unable or unwilling to appear at the polling place in the ward on Election Day, or I have changed my residence within the state from one ward to another less than 28 days before the election
- I displayed the ballot unmarked to the witness and in the presence of no other person marked the ballot and enclosed and sealed it in this envelope in a manner that no one but myself and an assistant under s. 6.87 (5), if I requested assistance, could know how I voted
- I requested this ballot and this is the original or a copy of that request

Voter Signature
X

Date of Birth (mm/dd/yyyy) ____/____/____

Certification of Assistant (If applicable)
I certify that the voter is unable to sign their name due to a disability and that I signed the voter's name at the direction and request of the voter

Assistance Signature

STEP 3 - WITNESS must complete this part

I the undersigned witness, subject to the penalties for false statements of Wis. Stat. § 12.60(1)(b), certify that:

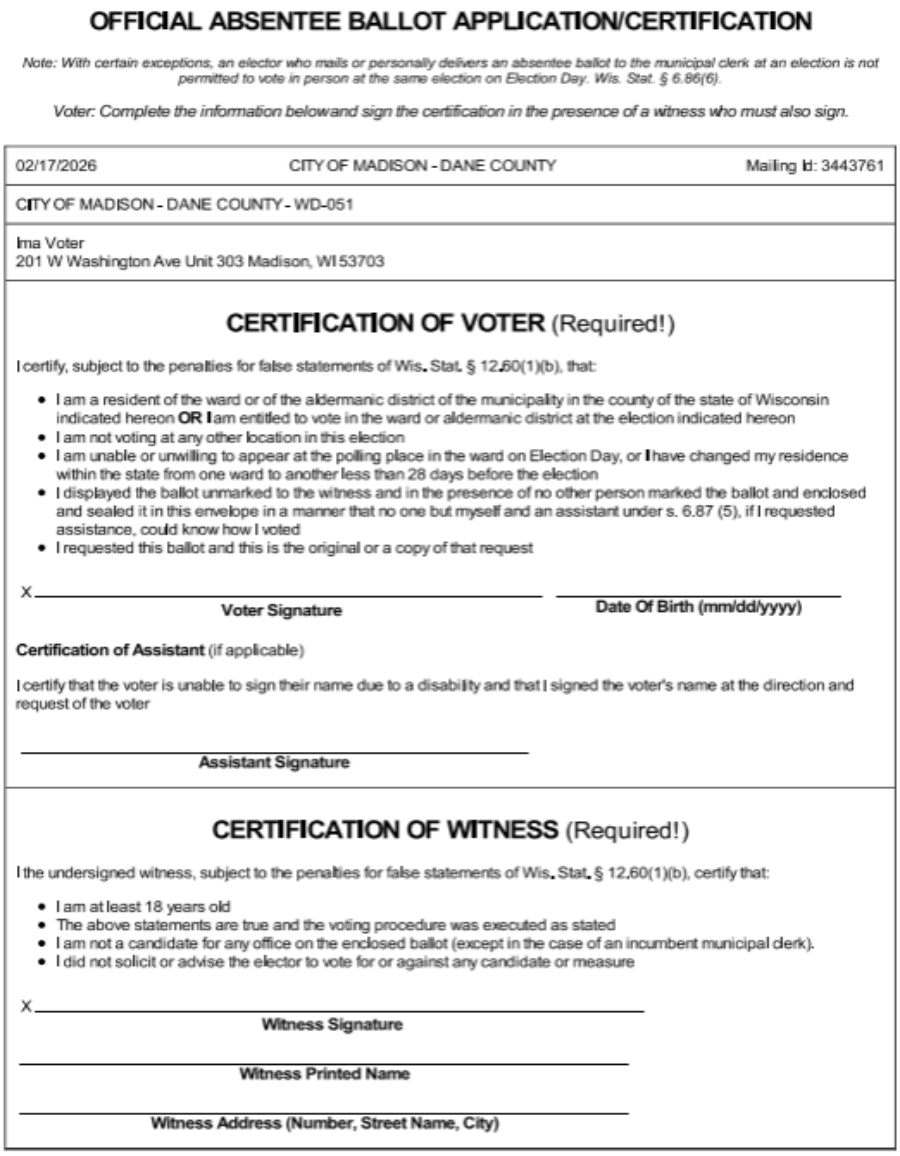
- I am at least 18 years old
- The above statements are true and the voting procedure was executed as stated
- I am not a candidate for any office on the enclosed ballot (except in the case of an incumbent municipal clerk).
- I did not solicit or advise the elector to vote for or against any candidate or measure

Witness Signature

Witness Printed Name

Witness Address (Number, Street Name, City)

Figure 25: Example of the EL-122M formatting for military and permanent overseas voters who request to receive their absentee ballot package electronically through MyVote



OFFICIAL ABSENTEE BALLOT APPLICATION/CERTIFICATION

Note: With certain exceptions, an elector who mails or personally delivers an absentee ballot to the municipal clerk at an election is not permitted to vote in person at the same election on Election Day. Wis. Stat. § 6.86(6).

Voter: Complete the information belowand sign the certification in the presence of a witness who must also sign.

02/17/2026 CITY OF MADISON - DANE COUNTY Mailing Id: 3443761

CITY OF MADISON - DANE COUNTY - WD-051

Ima Voter
201 W Washington Ave Unit 303 Madison, WI 53703

CERTIFICATION OF VOTER (Required!)

I certify, subject to the penalties for false statements of Wis. Stat. § 12.60(1)(b), that:

- I am a resident of the ward or of the aldermanic district of the municipality in the county of the state of Wisconsin indicated hereon **OR** I am entitled to vote in the ward or aldermanic district at the election indicated hereon
- I am not voting at any other location in this election
- I am unable or unwilling to appear at the polling place in the ward on Election Day, or I have changed my residence within the state from one ward to another less than 28 days before the election
- I displayed the ballot unmarked to the witness and in the presence of no other person marked the ballot and enclosed and sealed it in this envelope in a manner that no one but myself and an assistant under s. 6.87 (5), if I requested assistance, could know how I voted
- I requested this ballot and this is the original or a copy of that request

X _____ _____
Voter Signature **Date Of Birth (mm/dd/yyyy)**

Certification of Assistant (if applicable)

I certify that the voter is unable to sign their name due to a disability and that I signed the voter's name at the direction and request of the voter

_____
Assistant Signature

CERTIFICATION OF WITNESS (Required!)

I the undersigned witness, subject to the penalties for false statements of Wis. Stat. § 12.60(1)(b), certify that:

- I am at least 18 years old
- The above statements are true and the voting procedure was executed as stated
- I am not a candidate for any office on the enclosed ballot (except in the case of an incumbent municipal clerk).
- I did not solicit or advise the elector to vote for or against any candidate or measure

X _____
Witness Signature

_____
Witness Printed Name

_____
Witness Address (Number, Street Name, City)

Date of Birth

Date of birth is *required* for military and *permanent* overseas voters (not temporary overseas voters), and it should be entered by the voter next to their signature. Wis. Stat. §§ 6.22(5), 6.24(7). If the voter has omitted their date of birth, first contact the municipal clerk to confirm that the voter is either a military voter or *permanent* overseas voter. If they are a temporary overseas voter, the ballot should *not* be rejected for missing date of birth because that is not required for *temporary* overseas voters. If the voter is indeed a military or permanent

overseas voter, and the date of birth is missing, the ballot should be rejected unless the municipal clerk attempts to return it to the voter to be corrected. These steps should be documented on the Inspector's Statement (EL-104).

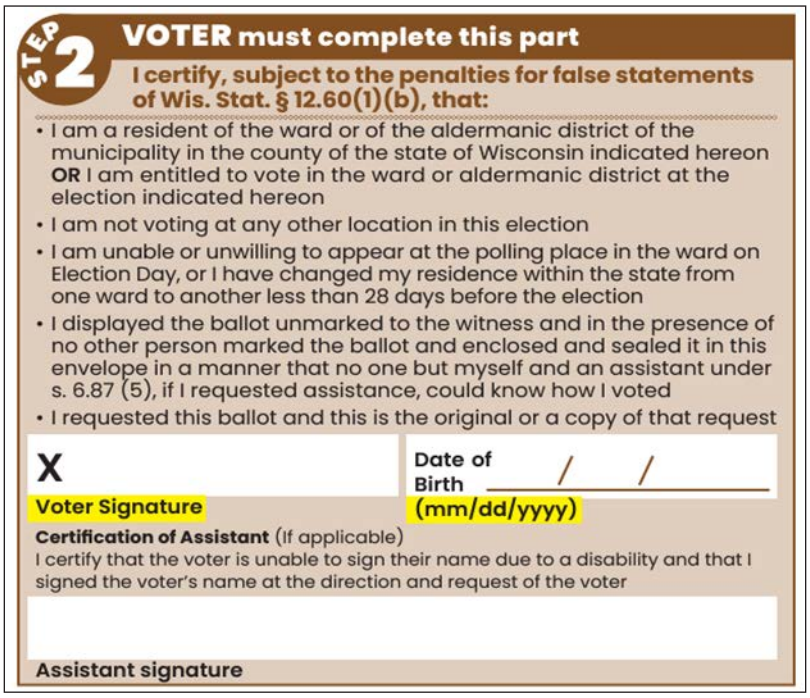
Q What if the voter accidentally put the date of signature instead of their date of birth?

A It is the same situation as if they had omitted it. See the above paragraph for guidance.

Witness Need Not be a U.S. Citizen

Q There is no requirement that the witness for a permanent or overseas voter (temporary or permanent) to be a U.S. citizen.

Figure 26: Voter signature certification box from the EL-122M printed envelope.


STEP 2

VOTER must complete this part

I certify, subject to the penalties for false statements of Wis. Stat. § 12.60(1)(b), that:

- I am a resident of the ward or of the aldermanic district of the municipality in the county of the state of Wisconsin indicated hereon **OR** I am entitled to vote in the ward or aldermanic district at the election indicated hereon
- I am not voting at any other location in this election
- I am unable or unwilling to appear at the polling place in the ward on Election Day, or I have changed my residence within the state from one ward to another less than 28 days before the election
- I displayed the ballot unmarked to the witness and in the presence of no other person marked the ballot and enclosed and sealed it in this envelope in a manner that no one but myself and an assistant under s. 6.87 (5), if I requested assistance, could know how I voted
- I requested this ballot and this is the original or a copy of that request

X

Voter Signature

Date of Birth ___/___/___

(mm/dd/yyyy)

Certification of Assistant (If applicable)

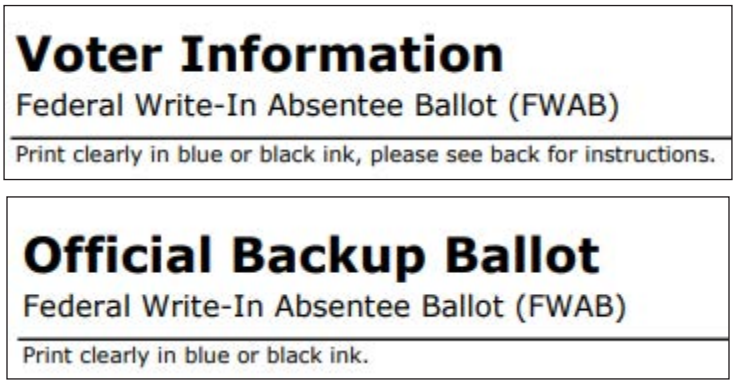
I certify that the voter is unable to sign their name due to a disability and that I signed the voter's name at the direction and request of the voter

Assistant signature

Federal Write-in Absentee Ballot (FWAB)

Poll workers may encounter a FWAB when opening and processing absentee ballots. This is a federal form that will look completely different from the EL-122M. Military and overseas voters are permitted to use this special form as a backup ballot in case the ballot they received from the municipal clerk is not returned on time. **See Chapter 7.4: "Types of Absentee Voters: UOCAVA"** for detailed information on how to review a FWAB for sufficiency.

Figure 27: The top left corner of each page of the FWAB will have one of the two images below and will clearly label the form as a FWAB.



Step 6: Additional Review for Voters Using Special Voting Deputies (SVD)[6]

Step 6 is only required for the EL-122SVD envelope for absentee voters who cast their ballots with the aid of Special Voting Deputies (SVD). The EL-122SVD is used by SVDs conducting absentee voting in residential care facilities and retirement homes.

Voter's Assistant

If a voter using SVD voting has used an assistant, the assistant must be either one of the SVDs or a relative of the voter. Wis. Stat. § 6.875(6)(c)1.

Signatures & Addresses of SVDs Required

In step 3 of this envelope, the signatures and addresses of both SVDs are required in the witness section. The individuals who complete Step 3 of this envelope *must* be SVDs because SVDs are the only people who are authorized to witness ballots under this voting procedure. *Id.*

Q If the SVDs provided the clerk's office address, instead of their own residential address, is that acceptable?

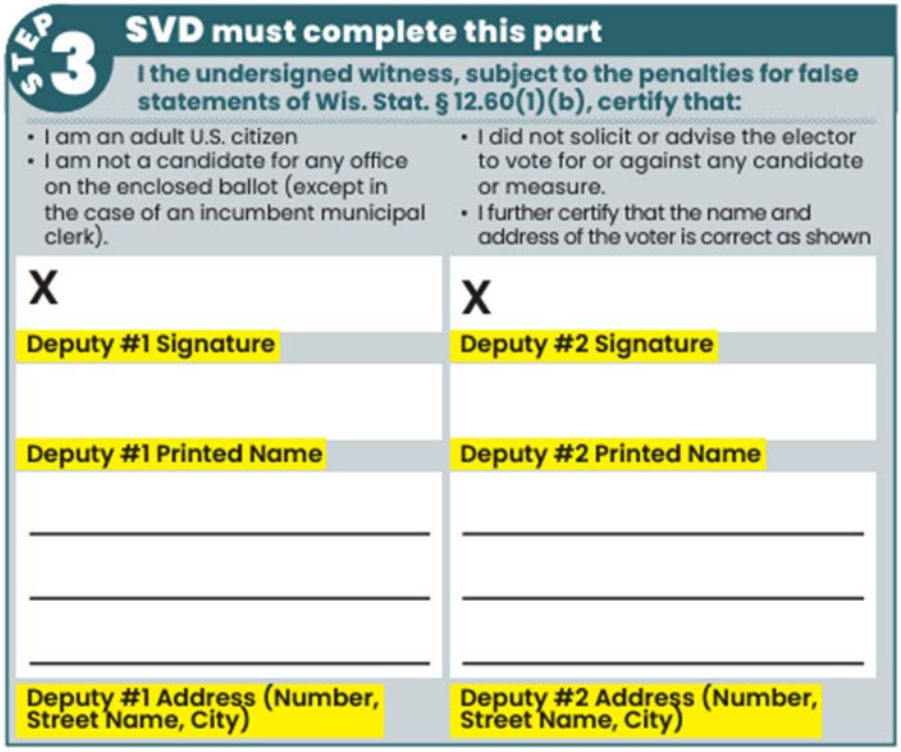
A Yes.

6 **Chapter 7.3** of the manual provides extensive detail on absentee voting through Special Voting Deputies. This section is limited only to what is necessary for their absentee certificate envelopes.

Q If the certificate envelope is missing information in Step 3, should the ballot be rejected?

A Both the SVDs printed names and address are required. If any of those required fields are missing, the poll workers will have to decide whether the certificate is insufficient, and if it is insufficient, reject the ballot. Wis. Stat. § 6.88(3)(b). These steps should be documented on the Inspector's Statement (EL-104).

Figure 28: SVD Witness Signature Box of the EL-122SVD certificate envelope.



Step 7: Voters Not Served by SVDs

Step 7 is only required if poll workers encounter EL-122SP (Special), which should be uncommon.

This certificate envelope is used by voters who meet the following conditions:

- They reside in SVD-eligible care facilities and retirement homes not served by SVDs.
- They applied for an absentee ballot but not as an indefinitely confined voter.
- They do not have an acceptable photo ID on file and did not include a copy of their photo ID with their absentee ballot request.

This certificate envelope may appear as a regular envelope with the EL-122SP taped or glued on, and that is acceptable.

No Clerk Initials Needed

The clerk does not need to initial the top of the EL-122SP to indicate that the voter is either exempt from or has provided sufficient photo ID.

Care Facility Signature

The EL-122SP has an additional Step Four where the authorized representative of the care facility signs this section. If the care facility representative completes Step Four, the voter is exempt from providing a copy of their photo ID with their absentee ballot. Wis. Stat. § 6.87(4)(b)5.

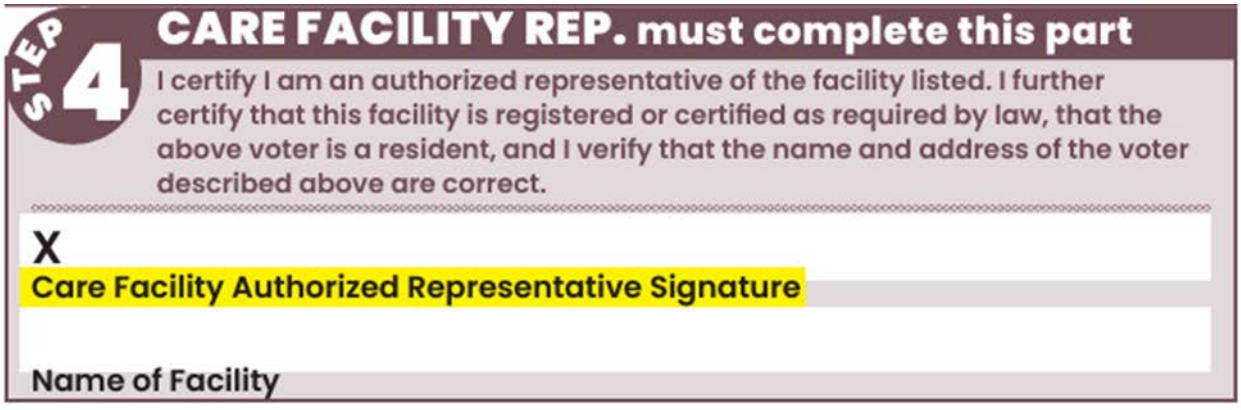
Q What if the Name of Facility is missing from Step Four? Should the ballot be rejected?

A **Only if it does not otherwise appear on the EL-122SP**. Check first to see if the name of the facility was included as part of the voter's address in Step 1 of the EL-122SP. If it was, the ballot should not be rejected. If it is missing entirely, however, it should be rejected unless the municipal clerk attempts to return it to the voter to be corrected. These steps should be documented on the Inspector's Statement (EL-104).

Q What if Step 4 isn't completed at all?

A If Step Four is not completed, but the voter has included a copy of their photo ID in the certificate envelope with their ballot, the ballot should not be rejected.

Figure 29: Step Four of the EL-122SP (Special) certificate envelope



Sec. 14.15.13: Absentee Voters at the Polling Place

Poll workers should follow these procedures if a voter with an absentee designation in the poll book comes to the polling place to vote on Election Day.

Absentee voters may appear at the polling place for legitimate, legal reasons, including:

- To vote in person instead of returning their absentee ballot
- To lawfully return a voted absentee ballot either for themselves or as a lawful assistant to a voter with a disability
- To correct an insufficiency on a certificate envelope

Appearing at a polling place does not mean that the voter is no longer eligible to be an absentee voter. See Wis. Stat. § 6.85(1). The commission voted to agree with this interpretation, see complaint.[7]

Voter Wants to Vote In Person

Voters are permitted to vote in-person on Election Day if they have not returned their absentee ballot (including by placing it in the mail or drop box). Wis. Stat. § 6.86(6). To find out if a voter has already returned their ballot, poll workers can consult the poll book (which may have an "Absentee Returned" watermark), or the Absentee Ballot Log (EL-124).

Q The poll book has an "Absentee Issued" watermark. Can the voter still vote in person?

A Only if they have not returned the ballot (by any method). Poll workers should ask:

Q Have you mailed or personally delivered your absentee ballot to the clerk's office?

A If YES – Voter *cannot* vote in person. They have already voted. This is true even if the voter says they don't think their ballot is going to make it to their clerk on time.

A If NO – Voter can still vote in person. Any voter can choose not to return their absentee ballot and still vote in person on Election Day.

---

7 See also EL 24-34, *Yunker v. Luedtke* (2025), pgs. 6-7, on appeal to Waukesha County Circuit Court (2025CV001277). Available at: elections.wi.gov/resources/complaints/el-24-23-yunker-v-luedtke.

Q The voter says they returned their absentee ballot, but the municipal clerk said they have no record of receiving it. It may have gotten lost in the mail. Can the voter still vote in person?

A Unfortunately, no. If the voter has placed their absentee ballot in the mail or drop box, or returned it in person, the option of voting in person at the polls is closed to them for that ballot, even if the ballot is never received by the clerk. Wis. Stat. § 6.86(6).

Q What if the voter says they didn't return their absentee ballot, they vote in person, and then an absentee ballot later arrives for that voter?

A The absentee ballot would be rejected, and the municipal clerk should be notified immediately. The municipal clerk will gather information and then determine whether the voter should be referred to the county's District Attorney for violating the law against double voting. Wis. Stat. §§ 7.15(1)(g), 12.13(1)(e).

Q The voter has brought their blank absentee ballot with them but says they want to vote in person. What happens to the absentee ballot?

A The voter can vote in person, but they should be issued an in-person ballot and should not vote the absentee ballot. The voter has brought a live ballot into the polling place, so careful steps should be taken to ensure that only one ballot can be voted and counted.

A First: Confirm with the voter that they want to vote in person. Inform them that once they decide to vote in person, they cannot change their mind and vote the absentee ballot.

A Second: Before issuing the in-person ballot to the voter, the poll workers should direct the voter to tear the unvoted ballot and certificate envelope in half, then surrender the envelope and ballot pieces to the poll worker for retention. Additional complications could arise if poll workers take possession of the unvoted absentee ballot before the voter spoils it, even if it's blank. See Wis. Stat. §§ 6.86(5), 6.86(6). The poll workers should retain the pieces together in the spoiled ballots envelope and clearly document the incident on the Inspector's Statement.

A Third: Document the occurrence thoroughly on the Inspector's Statement (EL-104).

A Fourth: Permit the voter to cast an in-person ballot like normal.

Voter Wants to Return their Absentee Ballot

A voter may lawfully return his or her voted absentee ballot in person to their polling place before 8 p.m. on Election Day. Wis. Stat. § 6.87(6). The Commission voted to agree with this interpretation, see complaint.[8]

If the absentee voter returns the ballot to the polling place, the poll workers should indicate that the absentee ballot was hand-delivered on the Inspectors' Statement (EL-104) and Absentee Ballot Log (EL-124).

Q Can the voter bring their absentee ballot materials and complete and vote the absentee ballot at the polling place?

A Yes, though they cannot also vote in person. This would be the equivalent of the voter returning their voted absentee ballot directly to the polling place. The voter should not expect poll workers to serve as their witness, though they may do so on their discretion. After the voter has completed their ballot and sealed it within the certificate envelope, poll workers should process it as if the voter had returned it to the polling place.

Lawful Third-Party Return of Absentee Ballots

In addition to the voter themselves, two types of third-parties are permitted to return absentee ballots to the polling place on behalf of a voter:

1. Agents for hospitalized voters; and
2. Assistants aiding voters with disabilities. **No other third party is permitted under law to return an absentee ballot on behalf of another voter.**

Agents for Hospitalized Voters. An agent may return a completed absentee ballot on behalf of a hospitalized voter by following the procedures required in Wis. Stat. § 6.86(3)(a). **See Sec. 7.2.3: "Hospitalized Voters"** for more information. Absentee ballots returned by this method should be processed like any other absentee ballot, but a notation should be made on the Inspector's Statement (EL-104) that a hospitalized voter returned a ballot by agent.

Assistants Aiding Voters with Disabilities

Pursuant to the Voting Rights Act, any Wisconsin voter who requires assistance with mailing or delivering their absentee ballot to the municipal clerk because of a disability must be permitted to receive such assistance by a person of the

---

8 See also EL 24-34, *Yunker v. Luedtke* (2025), pg. 5, on appeal to Waukesha County Circuit Court (2025CV001277). Available at: elections.wi.gov/resources/complaints/el-24-23-yunker-v-luedtke.

voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union. *Carey v. Wis. Elections Comm'n, 624 F. Supp. 3d 1020 (W.D. WI 2022).*

When an election official is presented with an absentee ballot delivered in-person, the official may ask the following questions[9]:

Q Are you the voter?

A If the response is **yes**, the ballot may be accepted.

A If **not**, then:

Q Are you delivering the voter's ballot because the voter has determined that they require assistance returning their ballot due to their disability?

A If the response is **no**, then they are not permitted to return the ballot.

A If **yes**, then:

Q Are you someone other than the voter's employer, an agent of that employer, or an officer or agent of the voter's union?

A If the response is **yes**, then the ballot can be accepted

A If **no**, they are not permitted to return the ballot

Voter is Correcting an Insufficiency on a Certificate Envelope

For more information and detail on correcting insufficient certificate envelopes, **See Chapter 14.18: "Correcting Defective Certificate Envelopes" on page 161.**

Sec. 14.15.14: Rejecting Absentee Ballots

Note: Ballots should only be rejected *after* 8 p.m. on Election Day.
Until then, any ballot that may need to be rejected should be set aside.

9 These questions were issued by the Commission as part of guidance issued on September 7, 2022. Available at: elections.wi.gov/memo/guidance-absentee-ballot-return-options-under-federal-voting-rights-act .

The municipal clerk may prepare a mailer or bundle of voted absentee ballots that should be set aside for rejection because the clerk has determined one of the grounds to reject applies. The reasons why each ballot should be rejected should be recorded on the Absentee Ballot Log (EL-124). If poll workers are unsure why a ballot has been set aside to be rejected by the clerk, they should contact the clerk.

Poll workers should be sure they understand their municipal clerk's policies for attempting to return sealed absentee certificate envelopes to voters before rejecting any ballots. Wis. Stat. § 6.87(9). **See Chapter 14.18: "Correcting Defective Certificate Envelopes" on page 161**.

> **Best Practice:** Rejecting absentee ballots should be uncommon. If poll workers perceive that they are needing to reject large numbers of absentee ballots, contact the municipal clerk so he or she is aware and can help troubleshoot any potential issues.

Grounds for Rejecting Absentee Ballots

Rejecting absentee ballots is required by law in certain scenarios, each of which is discussed in further detail in this section:

- **Insufficient or missing witness certificate envelope.** This is the most common reason an absentee ballot must be rejected. The determination of certificate insufficiency is made by the municipal clerk, though the Commission has provided guidance on certain types of certificate insufficiencies in **See Sec. 14.15.12: "Absentee Certificate Envelopes" on page 127**.
- **Voter is not qualified/eligible.** The absentee ballot should only be outright rejected on voter qualification or eligibility grounds when the municipal clerk can confirm the voter is no longer eligible to vote. If their voter registration is inactive, and they did not appear in the poll book, the absentee ballot should be rejected outright. If there are substantive questions about the voter's eligibility, and their registration is still active when the absentee is processed, the voter should be challenged, not rejected. **See Chapter 14.7: "Challenging Electors on Election Day" on page 43.**
- Certificate envelope has been opened or resealed. **See Sec. 14.15.12: "Absentee Certificate Envelopes" on page 127**.
- Voter returned more than one ballot in the certificate envelope. **See Sec. 14.15.12: "Absentee Certificate Envelopes" on page 127**.

- **Superseding ballot received.** This can happen either because the voter cast a ballot in person and an absentee ballot was later received, or when A/B ballots are used. For more information about A/B Ballots, **see Chapter 5.1: "Ballot Creation Procedures."**

Process for Rejecting Absentee Ballots

The following procedures must be followed when rejecting absentee ballots. Wis. Stat. § 6.88(3)(b).

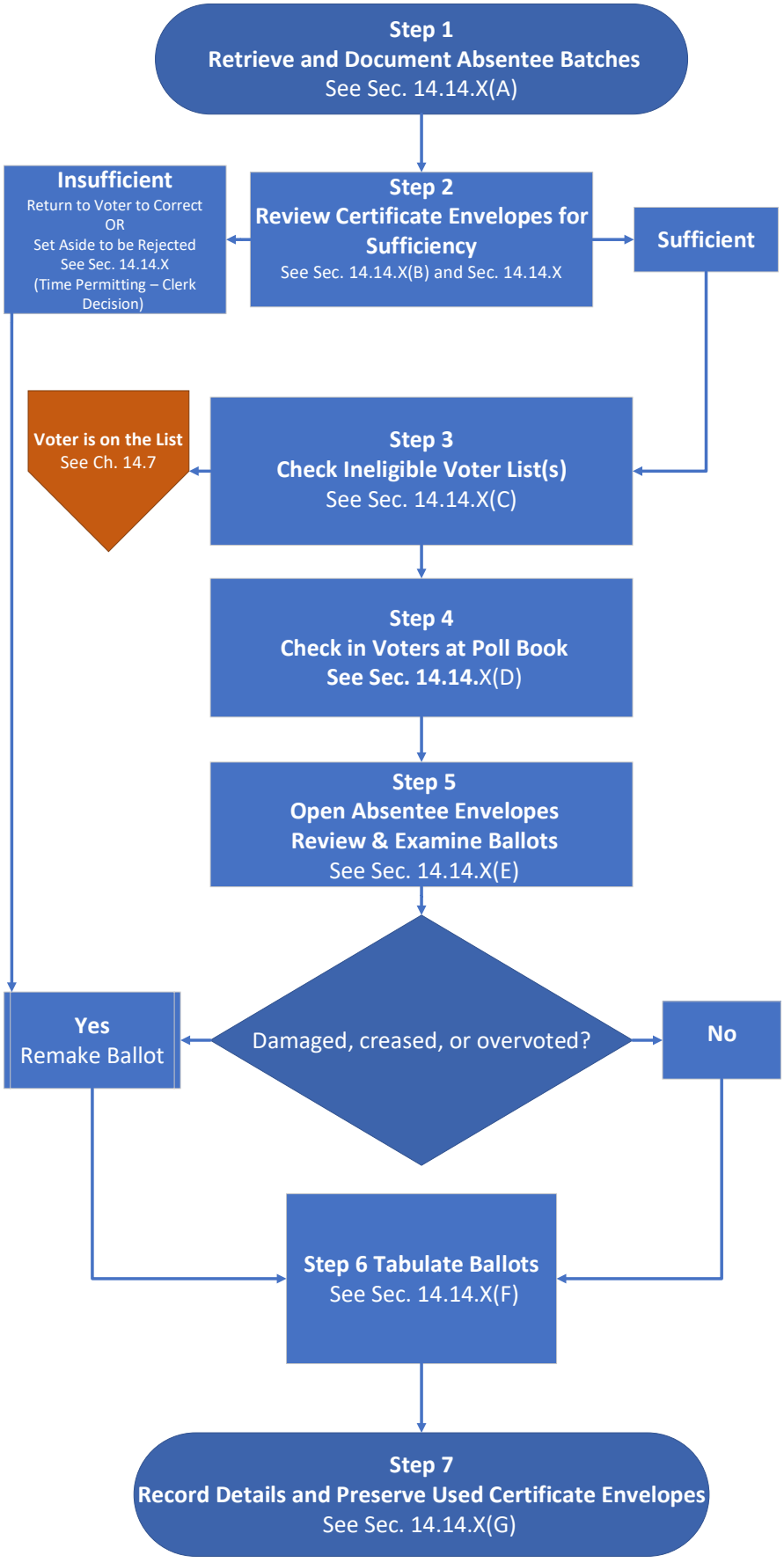
- Do not issue a voter number or check the voter into the poll book. Their participation will be recorded and resolved during post-election reconciliation.
- Do not open the envelope containing the ballot
- Mark the envelope "Rejected ballot #_" (beginning with the number 1). Write the reason for rejection on the envelope.
- List the voter's name, identifying number of the rejected ballot (Rejected Ballot #1, etc.), and the reason for rejection on the Inspectors' Statement (EL-104).
- Record the reason for rejection next to the voter's name on the Absentee Ballot Log, and record the ballot as not counted (EL-124).
- Place each rejected certificate envelope in the Certificate of Rejected Absentee Ballots (EL-102) brown carrier envelope.

End of Night Procedure for Rejected Absentee Ballots

After the polls have closed and all rejected absentee ballots have been processed, poll workers complete the endorsement section of the Certificate of Rejected Absentee Ballots (EL-102) brown carrier envelope. The EL-102 must be signed by the Chief Inspector and one of the poll workers representing each of the 2 major political parties. Wis. Stat. § 6.88(3)(b). Best Practice: If there are *not* poll workers from each of the major parties, the EL-102 should be completed by at least 2 unaffiliated poll workers.

The EL-102 is then returned to the municipal clerk in the same manner as the official ballots voted at the election. Wis. Stat. § 6.88(3)(b).

Figure 30: Processing Absentee Ballots



CERTIFICATE
OF
REJECTED ABSENTEE BALLOTS

We certify that the absentee ballots contained in this envelope were rejected by us at the election held in

the _____ Ward(s)

of the Town / Village / City of _____, _____County, Wisconsin

on the _____ day of _____, _____

for the reasons shown on the back of each certificate envelope. Each rejected certificate envelope was assigned a number and listed on the Inspectors' Statement (EL-104) prepared and filed by us with the election returns.

Chief Inspector	
Election Inspector (Party 1)	
Election Inspector (Party 2)	
Election Inspector	
Election Inspector	
Election Inspector	
Election Inspector	

Dated this _____ day of _____, _____.

☆ ☆ ☆

CERTIFICATE
OF
REJECTED ABSENTEE BALLOTS

We certify that the absentee ballots contained in this envelope were rejected by us at the election held in

the _____ Ward(s)

of the Town / Village / City } of _____, _____County, Wisconsin

on the _____ day of _____, _____

for the reasons shown on the back of each certificate envelope. Each rejected certificate envelope was assigned a number and listed on the Inspectors' Statement (EL-104) prepared and filed by us with the election returns.

Chief Inspector	
Election Inspector (Party 1)	
Election Inspector (Party 2)	
Election Inspector	
Election Inspector	
Election Inspector	
Election Inspector	

Dated this _____ day of _____, _____.

☆ ☆

Election Inspectors

- Ballots of absentee voters which are rejected pursuant to the provisions of §6.88, Wis. Stats., shall be kept in their certificate envelopes and returned enclosed in this carrier envelope to the municipal clerk.
- These ballots may not be counted, and the names of voters may not be entered on the poll list or assigned a number on the registration list.
- Each certificate envelope should be numbered and the reason for rejection listed on the back of the envelope and on the Inspectors' Statement (EL-104).
- This carrier envelope will be returned by the inspectors to the municipal clerk after the polls close. §6.88(3)(b), Wis. Stats.

Municipal and County Clerks

- The municipal clerk is responsible for delivery of this carrier envelope to the county clerk by 4 p.m. on the day following the election if a county, state or federal election is held in conjunction with the election for which these ballots were cast. If there is no county, state or federal election held in conjunction with this election, this envelope shall be kept by the municipal clerk or returned to the clerk responsible for administering the election for which the absentee ballots were cast. §7.51(3)(d), (5), Wis. Stats.
- In the event of a recount, the county clerk or appropriate municipal clerk will return this carrier envelope to the board of canvassers responsible for conducting the recount. §9.01, Wis. Stats.

This form is printed on a brown envelope.

Chapter 14.16: Processing Absentee Ballots: "Central Count"

Sec. 14.16.1: Observation at "Central Count"

Election observers are allowed to attend the meeting of the board of absentee ballot canvassers at the "central count" location to observe the processing of absentee ballots. Wis. Stat. §§ 7.52(1)(a), 7.41(1). They have the same rights of access as they would at a polling place.

The entirety of the Commission's EL Chapter 4 (Election Observers) applies to observation at "central count."
Important differences for "Central Count" observation:

- Observers must be permitted to observe no later than when the election equipment is zeroed out. Wis. Admin. Code § EL 4.05(3)(a).
- Observers can create or transmit photos, videos, or audio recordings since voters are not present, but if a voter arrives to return an absentee ballot or correct a certificate envelope, recording and photos are not permitted. Wis. Admin. Code § EL 4.05(3)(b).

For extensive detail on the rights and conduct of election observers, **Chapter 14.5: "Election Observers" on page 13**.

Sec. 14.16.2: Voters at "Central Count"

Voters cannot cast ballots at "central count" locations, but they, or their lawful assistants, can return their absentee ballots directly to these locations by 8:00 p.m. on Election Day. Wis. Stat. § 6.87(4)(b)1.[1]

1 "The envelope shall be mailed by the voter, or delivered in person, to the municipal clerk issuing the ballot or ballots." The Commission has long-interpreted this provision to mean that voters are permitted to return their absentee ballots directly to their polling places or "central count" locations. This instruction has appeared in the Commission's Uniform Instructions for Absentee Voting since at least 2020.

Sec. 14.16.3: Processing Absentee Ballots at "Central Count"

The actual work of processing the absentee ballots at the "central count" location is very similar to how absentee ballots are processed at the polls:

Step 1: Certificate Envelopes Reviewed for Sufficiency.

Poll workers review certificate envelopes just like they would at the polling place. Wis. Stat. § 7.52(3)(a).

For reviewing absentee certificate envelopes, **Sec. 14.18.1: "Reviewing the Certificate Envelope" on page 161**.

For guidance on how the voter or witness can complete missing information, **Sec. 14.18.2: "Returning the Ballot to the Voter" on page 162**.

For guidance on rejecting insufficient absentee ballots, **Sec. 14.18.3: "Setting the Ballot Aside for Rejection" on page 165**.

Step 2: Check Ineligible Voter List(s).

Poll workers also ensure that each absentee voter is a qualified voter and is not ineligible due to a felony conviction or adjudication of incompetency. Wis. Stat. §§ 7.52(3)(a), 7.52(6).

For additional guidance, **Sec. 14.15.7: "Step 3: Check Ineligible Voter List(s)" on page 121**.

Step 3: Absentee Voters are Checked into the Poll Book.

Whether a municipality is using e-pollbooks (Badger Books) or paper pollbooks, poll workers read each absent voter's name out loud, and they are assigned a voter number in the pollbook. Wis. Stat. § 7.52(3)(a). It is not necessary to read the absentee voter's address out loud, but poll workers may do so if they wish, if they take care not to read out loud the addresses of confidential or protected voters. Wis. Stat. § 7.52(3)(a) (requiring the announcement of the absentee voter's name but not address).

For more detail on checking voters into the poll book**Chapter 14.9: "Voting Procedure" on page 65**.

Step 4: Open Absentee Envelopes and Review & Examine Ballots.

Poll workers carefully open the certificate envelopes, retrieve the ballots, and inspect them for creases or damage. Wis. Stat. § 7.52(3)(a). If the ballots are so defective that the poll workers cannot determine with reasonable certainty for whom it was cast, they shall not count the ballot. Wis. Stat. § 7.52(4)(b).

If a ballot needs to be remade, **see "Procedure for Remaking Ballots" on page 213**.

Important: At "central count" locations, poll workers must record the voter's absentee voter number from the poll book on the back of the voter's absentee ballot before tabulating it. Wis. Stat. § 7.52(3)(a). The Legislature considered amending this provision during the 2025-2026 session, but no bill or amendment was passed. Accordingly, poll workers must continue recording absentee voter numbers on the backs of ballots until and unless the law changes.

Step 5: Reject Absentee Ballots if Necessary.

The board of absentee ballot canvassers may reject absentee ballots in the same manner as they can be rejected at the polls. Wis. Stat. § 7.52(3)(b).

For more detail, **see Sec. 14.15.14: "Rejecting Absentee Ballots" on page 146**.

Step 6: Tabulate Ballots.

Many municipalities that use "central count" locations have also purchased high-speed tabulators that can process many more ballots per hour than the ones at polling places. Other municipalities use the same type of voting equipment that they use at their polling places.

Note: The "central count" statute describes a ballot tabulation process that has been made obsolete by electronic voting equipment. Under the literal language of the law, of which the relevant portions were written in 2005, poll workers do not unfold the absentee ballots and instead deposit them, folded, into the "proper ballot box." Wis. Stat. § 7.52(3)(a). Later, the law directs poll workers to sift through the folded ballots in the box and see if two or more have been folded together, which could be evidence that a voter returned more than one ballot. Wis. Stat. § 7.52(4)(a). Nowadays, electronic tabulators require ballots to be flattened to be scanned, and traditional ballot boxes are increasingly uncommon. Poll workers will notice whether a voter has attempted to return a second ballot when they remove the ballot from the certificate envelope.

Sec. 14.16.4: End of Night Procedures

Just like the processing of absentee ballots, the end of night procedures at "central count" locations are very similar to those at polling places.

The board of absentee ballot canvassers replaces the local board of canvassers for absentee ballots counted at "central count" locations. Wis. Stat. § 7.51(1).

See "Closing the Polls, LBOC, & End of Night Process" on page 219 for more details on End of Night Procedures.

Complete Election Day Paperwork

Poll workers must maintain, in duplicate, a log that tracks the number of ballots that were set aside, defective, or challenged

The reasons each ballot falls under one of those categories. The board of absentee ballot canvassers certifies that this record is correct, signs it, and attaches it to the tally sheet.

Organize & Seal Election Paperwork & Records

Ballots, used certificate envelopes, and other election materials should be secured and packaged by following the end of night procedures described in **Chapter 14.24: "Closing the Polls, LBOC, & End of Night Process" on page 219**, along with any additional instructions from the municipal clerk. Wis. Stat. §§ 7.52(4)(g), (h), (i).

Sec. 14.16.5: Challenging Absentee Voters at "Central Count"

The ballots of absentee voters in places using "central count" locations can be challenged in the same manner as they could be at polling places. Wis. Stat. § 7.52(5)(a).

For more information, **see Chapter 14.7: "Challenging Electors on Election Day" on page 43**.

Chapter 14.17: Witness Address Requirements

- All certificate envelopes for returning absentee ballots require the witness, or for SVD voting, witnesses, to provide an address, and the ballot may not be counted if the address is missing entirely. Wis. Stat. §§ 6.87(2) and (6d) (requiring but not defining a witness address).
- Following litigation, a 2024 Wisconsin Court of Appeals decision, *Rise, Inc. v. Elections Comm'n*, provided a statewide definition of a witness address. Below, the Commission's guidance applies this definition and addresses several common questions.
- If a municipal clerk, or poll worker, believes a witness address on a certificate envelope is not sufficient, **see Chapter 7.12: "Witness Address Requirements"** for more information on correcting insufficient certificate envelopes or **see Sec. 14.15.14: "Rejecting Absentee Ballots" on page 146** for more information on rejecting absentee ballots.

Sec. 14.17.1: Frequently Asked Questions

Q Can an election official modify or add information to absentee ballot witness certifications?

A No. Election officials cannot modify or add information to absentee ballot witness certifications.[1]

Q What does "address" mean as used in Wis. Stat. §§ 6.87(2) and (6d)?

A It means "a place where the witness may be communicated with."[2]

1 *Rise, Inc. v. Elections Comm'n*, 2024 WI App 48, ¶ 11, 413 Wis. 2d 366, 377, 11 N.W.3d 241, 246 (quoting *White v. WEC*, Waukesha Cnty. No. 2022CV1008 (order issued Oct. 3, 2022)).

2 *Rise, Inc. v. Elections Comm'n*, 2024 WI App 48, ¶ 3, 413 Wis. 2d 366, 372, 11 N.W.3d 241, 244.

Q What information is required for a sufficient witness address?

A No particular components or information are required, but an absentee ballot cannot be rejected under Wis. Stat. § 6.88(3)(b) or Wis. Stat. § 7.52(3)(b), or returned to a voter for correction under Wis. Stat. § 6.87(9), as long as "the face of the certificate contains sufficient information to enable a municipal clerk to reasonably identify a place where the witness may be communicated with."[3] This does not prevent returning an absentee ballot to a voter or rejecting an absentee ballot after 8 p.m. on Election Day if this standard cannot be met or if there is a separate issue, such as a missing witness signature or missing voter signature.

The Commission has determined that it is an abuse of discretion for a municipal clerk to apply this standard to reject absentee ballots if a witness address is missing the state and ZIP code and there is more than one municipality of the name given in the United States.[4]

Q What information is enough for the municipal clerk to reasonably identify a location where the witness can be communicated with?

A "As long as the address information provided by the witness is sufficient to enable communication with the witness, the purposes of the address requirement are fulfilled" and "specific address components are not necessary"[5] A municipal clerk may reasonably rely upon the clerk's "own knowledge of community places, building names, and local addresses" to determine if the envelope contains enough information to identify a location where the witness may be communicated with.[6]

---

3 *Rise, Inc. v. Elections Comm'n*, 2024 WI App 48, ¶ 59, 413 Wis. 2d 366, 408, 11 N.W.3d 241, 261.

4 See 2026-0002, *In re City of Mequon* (Decided April 30, 2026). Available at: elections.wi.gov/event/commission-meeting-april-30-2026 .

5 *Id.* ¶ 56–57 (finding that the purposes of a witness address are 1. "to prevent abuses like fraud and undo influence" and 2. "to streamline and simplify the absentee voting process").

6 *Id.* ¶ 64–65.

Q Where on a certificate envelope can a clerk look for a witness address?

A A clerk may look for witness address information "on the face of the certificate," rather than just the information on the "address" line.[7] If a witness writes "same as the voter" or "ditto" on the witness address line, "that is sufficient information to enable the municipal clerk to identify a place where the witness can be communicated with, so long as sufficient address information is provided in the voter's certificate."[8]

Sec. 14.17.2: Best Practices for Acceptable Witness Addresses

- The Commission believes that the four scenarios below would provide a municipal clerk with a place where the witness can be communicated with and that a clerk need not examine an address further if:
- The witness's street number, street name, and municipality are present, regardless of whether a state name or a ZIP code are provided;
- The witness's street number, street name, and ZIP code are present, but there is neither a municipality nor a state name provided;
- The witness's street number and street name are present and match the street number and street name of the voter, but no other address information is provided; or
- The witness certification indicates that the witness address is the same as the voter's address with any or any combination of the following words: "same," "same address," "same as voter," "same as above," "see above," "ditto," or by using quotation marks and/or an arrow or line pointing to or from the voter address.

---

7 *Id.* ¶ 65.

8 *Id.* ¶ 65 note 23 and ¶ 66.

Q If one of these four scenarios is not present, should the absentee ballot be rejected?

A Not on that basis. If an election official determines that one of the four scenarios above is present, the Commission believes that the witness has provided a sufficient address, and no further determination is needed. If one of these scenarios is not present, an election official must apply the standard in Answer 3, which is to look to the face of the certificate for information that would allow the municipal clerk to reasonably identify a place where the witness may be communicated with. If the information can be found on the face of the certificate, it is sufficient.

Chapter 14.18: Correcting Defective Certificate Envelopes

Note: This section of the manual covers a clerk's ability to return absentee ballots to voters under Wis. Stat. § 6.87(9), or to set the absentee ballot aside for rejection under Wis. Stat. § 6.88(3)(b) when there are defects on the certificate envelope. For information on a municipal clerk's ability to issue a new absentee ballot to a voter under Wis. Stat. § 6.86(5) when the ballot is spoiled or damaged, see Chapter 7.14 "Spoiling and Replacement Ballots." Be advised that these two sections of the manual are not interchangeable.

Sec. 14.18.1: Reviewing the Certificate Envelope

Municipal clerks should make every effort to review absentee certificate envelopes as they receive voted absentee ballots from voters so that they can choose to exercise their authority under Wis. Stat. § 6.87(9) or role under Wis. Stat. § 6.88(3)(b) ahead of Election Day if the certificate has any defects. Defect, as used in this chapter, means anything that would lead the certificate to be rejected. Doing this review as the ballots arrive leaves the largest amount of time for a voter or witness to correct the defect as described below. The clerk should document any certificate defects on the Absentee Ballot Log (EL-124).

If the information on the absentee certificate envelope is incomplete, or if the certificate is missing, the clerk has two options for how to proceed:

Return the Ballot to the Voter - Time permitting, the clerk may attempt to return the ballot and incomplete certificate envelope to the voter for the voter to correct the defect; or

Set the Ballot Aside for Rejection – When the certificate cannot be corrected, the clerk should set is aside and inform poll workers that it is insufficient under Wis. Stat. § 6.88(3)(b).

Sec. 14.18.2: Returning the Ballot to the Voter

If the information on the absentee certificate envelope is missing, incomplete, otherwise defective, or if the certificate is missing entirely, the clerk "may return the ballot to the voter . . . whenever time permits the voter to correct the defect and return the ballot" so that the municipal clerk can cause the completed ballot to be delivered to the proper polling place by 8 p.m. on Election Day. Wis. Stat. § 6.87(9).

There is not a specific method by which a municipal clerk may "return the ballot" to the voter. See Wis. Stat. § 6.87(9). The Commission recommends that if the defect is correctable — meaning that the issue has to do with how the certificate was filled out rather than the qualifications of the voter or witness — the clerk contact the voter directly if possible, such as by phone, email, or another convenient method, to notify the voter and advise the voter of how they may correct the defect. Whenever time permits, a clerk may choose to return the ballot to the voter by returning it by mail, or by returning it to the voter in person in the clerk's office or at the polling place on Election Day. How much time is enough is a matter of local discretion, but for mailing the absentee back to the voter less than one week is likely not enough time.

For correcting the certificate envelopes in person in the clerk's office or alternate site, the Commission recommends that the clerk allow this possibility until the clerks must prepare ballots for delivery to the polling places or board of absentee ballot canvassers. See Wis. Stat. § 6.88(2). After the ballots have been sent to the proper polling place or board of absentee ballot canvassers, the Commission recommends that clerks have a notice, or a staff member on duty, to explain to voters where they must go to make a correction.

It is incumbent upon the voter to correct the defect and municipal clerks and election officials cannot correct voter or witness errors on the certificate.[1] If necessary, a clerk may include a new certificate envelope to the voter when returning a ballot for a voter to correct Wis. Stat. § 6.87(9).

---

1 See *Rise, Inc. v. Elections Comm'n*, 2024 WI App 48, ¶ 11, 413 Wis. 2d 366, 377, 11 N.W.3d 241, 246 (quoting White v. WEC, Waukesha Cnty. No. 2022CV1008 (order issued Oct. 3, 2022)).

If the certificate envelope containing the ballot has been returned to the voter, the voter must ensure that the corrected certificate envelope is returned so it is delivered to the polling place no later than 8 p.m. on Election Day. *Id.* A voter may accomplish this by mailing the ballot back to the clerk or delivering the ballot to the clerk or at the voter's polling place or board of absentee ballot canvassers meeting. If a municipal clerk returns a ballot to a voter, the clerk or the clerk's provider should choose the "not returned, sent to voter for resolution" status for the ballot in WisVote. If a voter does not return it or place it in the mail with the defect corrected, the voter may still vote in person at the polls on Election Day, or vote in person absentee pursuant. See Wis. Stat. § 6.86(6).

Defect in Voter Information Section

If the voter is correcting the original certificate envelope (to fill in a missing required field, for example), the original witness does not need to be present to witness the voter correcting the defect under Wis. Stat. § 6.87(9).

Defect in Witness Information Section

Regarding the Witness's Printed Name: If an absentee certificate is missing the witness's printed name, it is within the clerk's discretion how to proceed. Statute directs that the absentee ballot certificate language appear in "substantially" the form listed in Wis. Stat. § 6.87(2), which includes a field for a witness's printed name, in addition to the signature. A clerk should determine whether a missing witness printed address renders the certification "insufficient" when determining if they should take action under Wis. Stat. § 6.88(3)(b).

If the witness address or witness signature is missing, the certificate is defective but can be corrected. Wis. Stat. § 6.87(2), (6d) and (9). Please **see Chapter 14.17: "Witness Address Requirements" on page 157** for a description of what constitutes a sufficient witness address. To correct the certificate, the Commission believes that the voter and their original witness may go together to the clerk's office or polling place for the witness to correct the defect and, if the voter consents and communicates that consent to the clerk, the witness alone may go to the clerk's office or polling place for the witness to correct the defect in the witness information section.

Issuing a New Certificate Envelope

A new certificate envelope may be necessary if the voter or witness are unable to correct the defect on the existing envelope. Wis. Stat. § 6.87(9). The certificate may only be replaced "if necessary" and the Commission cautions against

issuing a new certificate unless the original has been damaged and can no longer be used due to the potential difficulty of both the voter and the original witness being able to complete a new certificate envelope.

The clerk may not issue a new certificate envelope to the witness only — if a new certificate envelope is issued to allow a witness to correct a defect, the voter must also be present because the voter must complete the voter signature section. A poll worker at the polls may issue a new envelope, if necessary, pursuant to the clerk's authority under Wis. Stat. § 6.87(9). If a new certificate envelope is issued and completed, the Commission recommends labeling the original defective certificate envelope with "void - new certificate envelope issued" but still maintaining the record so that it is accounted for in the event of a recount.

If the municipal clerk has provided the voter with a new envelope, the voter must request that their original witness re-complete the witness portion of the absentee envelope. See Wis. Stat. § 6.87(2). The original witness must be used in this case because they were the one who witnessed the voter marking, folding, and depositing the ballot into the envelope. A new witness cannot be used because there is no way for a new witness to witness the voter marking their ballot if a voter is attempting to correct a defect of the certificate envelope under Wis. Stat. § 6.87(9)

If the voter is correcting a defect and the clerk has issued a new certificate envelope, the voter should take the following steps:

- Open the original certificate envelope (if present)
- Verify their ballot

> **Best Practice:** The voter should not remove the ballot from the polling place or the clerk's office.

- Seal the ballot in the new certificate envelope and complete the certifications with their original witness. Wis. Stat. § 6.87(2).

If the voter corrects a defect of the certificate envelope, they may only correct the defect — they may not vote a new ballot. See Wis. Stat. §§ 6.86(5), 6.87(9).

The clerk or poll worker should document that a correction was made (and if the ballot was accepted on Election Day) on the Absentee Ballot Log | EL-124.

Sec. 14.18.3: Setting the Ballot Aside for Rejection

Best Practice: If the clerk determines that there is not enough time for a voter to correct the defect, if the clerk has notified the voter of the defect but the voter has not come in to correct it and has not responded to the inquiry, or if the defect cannot be corrected, the clerk should gather all such ballots, label them as "to be rejected" and separate them when preparing ballots for delivery to the polling places or board of absentee ballot canvassers under Wis. Stat. § 6.88(2).

If there are ballots that cannot be corrected, such as for voters who died before an Election Day, a clerk should also make clear to the poll workers or board of absentee ballot canvassers which ballots can still be corrected by the voters, and which cannot. Keeping the different kinds of ballots separate — those that appear sufficient, those that appear insufficient but are correctable, and those that are insufficient and uncorrectable — will help the polling places and absentee ballot board of canvassers stay organized.

- The clerk should package these ballots together and make clear to the poll workers who will be responsible for processing the ballots at the polling places under Wis. Stat. § 6.88(3) or the board of absentee ballot canvassers under Wis. Stat. § 7.52(3) which ballots the clerk believes could still be corrected and which ballots the clerk believes could not be corrected due to the voter or witness being unqualified. Though the poll workers or canvassers will need to make their own determinations regarding the sufficiency of the absentee ballot and are responsible for officially rejecting defective envelopes, knowing which ballots have certificate envelope defects right away will greatly simplify their Election Day processes, and better allow them to facilitate correction by voters or witnesses during before 8 p.m.

Chapter 14.19: How to Determine Voter Intent

When a voter has marked a ballot in a way that does not clearly indicate his or her voting objective and the standards laid out in Wis. Stat. § 7.50(2) do not apply, the poll workers must attempt to determine the voter's intention. *Roth v. LaFarge School District Board of Canvassers, 2004 WI 6, 268 Wis. 2d 335, 677 N.W.2d 599, 02-0542.*

Determining a voter's intent is necessary whenever poll workers need to remake a ballot. **See "Overvoted & Crossover Voted Ballots" on page 211** for more information about remaking a ballot.

Sec. 14.19.1: Determining Voter Intent

All poll workers should be part of the determination process, and the majority must agree that the voter's intention can or cannot be determined. Wis. Stat. § 7.51(2)(b). Even though tabulators may be used to assist in counting, the decision on how to treat a questionable ballot is made by the poll workers.

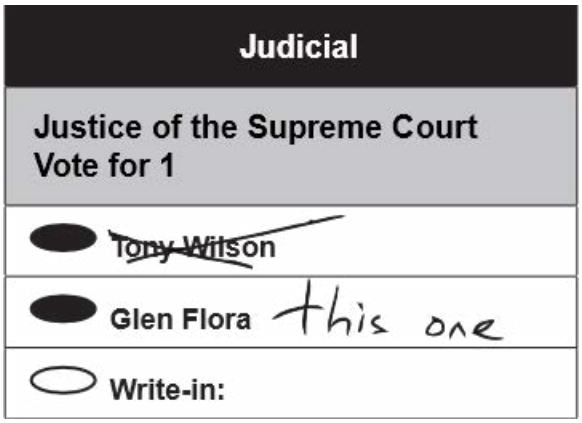
When a voter's intent can be determined despite the voter failing to fully comply with the proper procedures, the vote must be counted. Wis. Stat. § 7.50(2). This may be due to the voter applying a nonstandard mark to the ballot by a candidate's name. Wis. Stat. § 7.50(2)(c). If there appears to be an erasure mark next to one candidate's name and the voter has marked one or more other names, the name with the erasure mark cannot be counted if it would result in an overvote. *Id.*

One common example of when a determination of voter intent and the validity of a ballot must be made is when a voter has overvoted (cast more votes than allowed) an office on the ballot. If a majority of the poll workers agree that the voter's intention can be determined, the vote for that office is counted as the majority decided. If a majority of the poll workers agree that a determination of intent cannot be made and the office has truly been overvoted, the ballot is treated as an overvote *for that office only*. See Wis. Stat. § 5.85(2)(b)1. A record is made on the Poll workers' Statement (EL104) that a vote was not counted for that office because of an overvote. *Id.* All other offices on that ballot must be counted if voter intent can be determined. *Id.*

Sec. 14.19.2: Examples

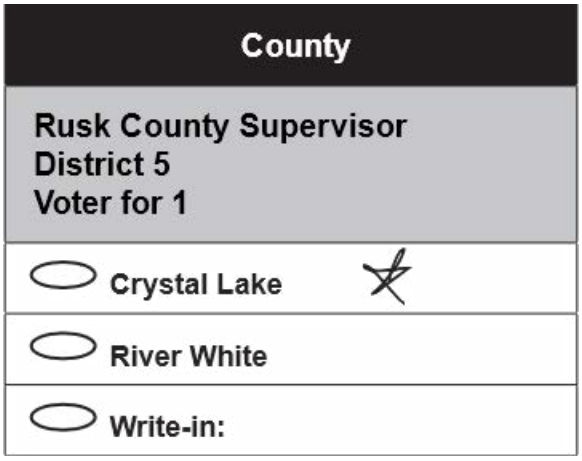
Here are some examples of common marks election officials may see, along with the determination of how to record the vote:

Figure 31: Crossing out name/writing "this one"



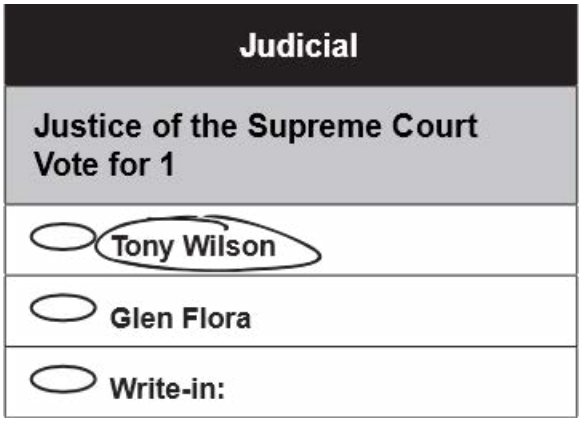
Vote counted for Glen Flora

Figure 32: Star near name



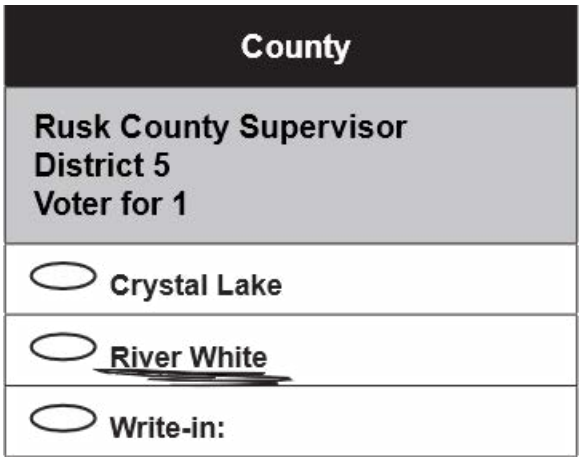
Vote counted for Crystal Lake

Figure 33: Circling name



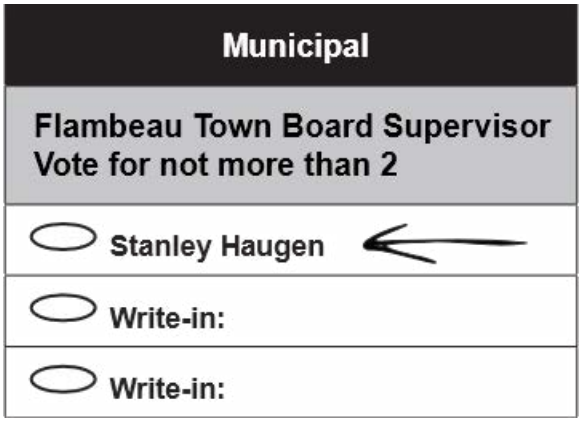
Vote counted for Tony Wilson

Figure 34: Underlining name



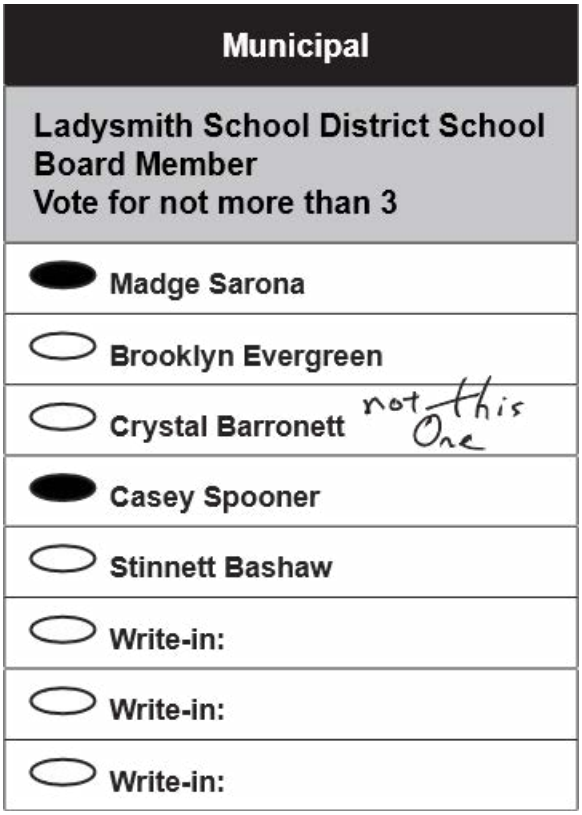
Vote counted for River White

Figure 35: Arrow pointing to name



Vote counted for Stanley Haugen

Figure 36: Negative writing by name



Votes counted for Madge Sarona and Casey Spooner (not Crystal Barronett)

Chapter 14.20: Counting Votes

Sec. 14.20.1: Statutory Authority

The information in this section represents the Commission's interpretation of the application of the law set out in Wis. Stat. § 7.50, to the general situations described. Poll workers and candidates should review the law or consult an attorney about any specific application of the law.

The counting of votes is always done *publicly* after the polls close at 8:00 p.m. by the poll workers. Wis. Stat. § 7.51(1). The governing body of a municipality may also appoint tabulators to assist poll workers in the counting of votes. Wis. Stat. § 7.30(3). Any person, including candidates at the election, may observe the counting of votes. Wis. Admin. Code §§ EL 4.05(1)(a), 4.06.

Sec. 14.20.2: Determining Voter Intent

This is a brief overview of determining voter intent. **See Chapter 14.19: "How to Determine Voter Intent" on page 166** for more information and examples when it comes to determining voter intent, including for write-in scenarios.

When a voter has marked a ballot in a way that does not clearly indicate his or her voting objective and the standards laid out in Wis. Stat. § 7.50(2) do not apply the poll workers must attempt to determine the voter's intention. Roth v. LaFarge School District Board of Canvassers, 2004 WI 6, 268 Wis. 2d 335, 677 N.W.2d 599, 02-0542.

All poll workers should be part of the determination process, and the majority must agree that the voter's intention can or cannot be determined. Wis. Stat. § 7.51(2)(b). Even though tabulators may be used to assist in counting, the decision on how to treat a questionable ballot is made by the poll workers.

When a voter's intent can be determined despite the voter failing to fully comply with the proper procedures, the vote must be counted. Wis. Stat. § 7.50(2). This may be due to the voter applying a nonstandard mark to the ballot by a candidate's name. *Id.* If there appears to be an erasure mark next to one candidate's name and the voter has marked one or more other names, the name with the erasure mark cannot be counted if it would result in an overvote. *Id.*

One common example of when a determination of voter intent and the validity of a ballot must be made is when a voter has overvoted (cast more votes than allowed) an office on the ballot. If a majority of the poll workers agree that the voter's intention can be determined, the vote for that office is counted as the majority decided. If a majority of the poll workers agree that a determination of intent cannot be made and the office has truly been overvoted, the ballot is treated as an overvote *for that office only*. See Wis. Stat. § 5.85(2)(b)1. A record is made on the Inspectors' Statement (EL104) that a vote was not counted for that office because of an overvote. Wis. Stat. § 5.85(2)(b)1. All other offices on that ballot must be counted if voter intent can be determined. Wis. Stat. § 5.85(2)(b)1.

Sec. 14.20.3: Procedure for Hand-Counting Paper Ballots

The procedure for counting paper ballots is as follows:

1. If there are multiple ballot boxes, open boxes one at a time.
2. Count the ballots in each box (without examining them) to determine the total number.
3. Determine if the number of ballots is equal to the number of voters.
    a. Check to see that two or more ballots are not folded together.
        i. If two or more ballots are folded together, set them aside until the count is completed.
        ii. Compare the total voter count and the number of ballots including the ballots that were set aside. To determine the total number of votes, **see Sec. 14.24.9: "Completing the Tally" on page 222**.
        iii. If a majority of poll workers agree that the ballots folded together were voted by the same person, the ballots are removed, marked with the reason for removal, set aside, and preserved. Wis. Stat. § 7.51(2)(a).
    b. When the number of ballots is equal to or less than the number of voters, proceed with counting the ballots.

4. If the number of ballots is greater than the number of voters make certain that there is no alternative reason for the ballot overage. **Consult the "Drawdown Considerations and Procedure" section of this chapter**. Proceed to Step 5 once the overage is addressed. Wis. Stat. § 7.51(2)(e).

5. Mix the ballots so that it cannot be determined in what order they were placed in the ballot box. See *Id.* Count and record the votes on two separate Tally Sheets (EL-105). Reconcile the tally sheets when the counting for each office is complete. See *Id.*

    a. State statutes do not specify the method for counting ballots. See *Id.* ("The inspectors shall then open, count and record the number of votes."). **Here is the method recommended by the Commission:**

        i. One election official reads each ballot while a second election official observes, and two other election officials mark the votes using hash marks (/) on the Tally Sheets (EL-105).

        ii. Rotate these tabulation jobs among election officials after each office or separate ballot-type is counted. All election officials and tabulators should participate in the counting of ballots (unless a greeter was appointed, who may not participate). High school students serving as poll workers may participate in the counting.

        iii. When counting is complete the tally sheets are compared for accuracy and totals documented for each candidate.

    b. Determine if any of the ballots are "Defective, Objected to, or Rejected" by applying the principles from the section with this title below.

6. Announce the results of the votes cast at the polling place and prepare all election materials for delivery to the municipal clerk. **See Chapter 14.24: "Closing the Polls, LBOC, & End of Night Process" on page 219** Wis. Stat. § 7.51(4) *Do not seal the completed Tally Sheets in the ballot bag*.

Sec. 14.20.4: Procedure for Counting Optical Scan Ballots

1. Open the optical scan tabulating unit to remove any ballots from the auxiliary ballot box that were not entered into the tabulating unit. Enter them into the optical scan unit.
2. Ballots which were stored in the auxiliary ballot box because they were rejected when entered into the optical scan unit should be examined by two election officials (one representing each political party, if affiliated) to determine the cause for rejection. The two election officials make a duplicate ballot to correct the problem unless the ballot is completely defective. **See "Overvoted & Crossover Voted Ballots" on page 211.** The duplicate ballot is entered into the machine. The original ballot is preserved in the Original Ballots envelope. Wis. Stat. § 5.85(3).
3. Remove all write-in ballots from the write-in compartment (if equipment deflects ballots with write-in marks to the write-in compartment).
    a. Tally write-in votes on duplicate Tally Sheets (EL-105).
    b. Do not reenter the ballots into the optical scan unit because the rest of the ballot has already been counted.
4. Examine the ballots from the main bin for write-in votes that were not separated by the machine (There may be write-in votes for which the voter did not make a mark or complete the arrow).
    a. Record write-in votes on the tally sheet.
    b. This may require a change to the printout from the voting equipment. If a voter completes the arrow or fills in the oval next to a candidate's name, and also writes in a candidate but fails to complete the arrow or fill in the oval next to the write-in blank, the machine will incorrectly count the vote for the candidate on the ballot. Write-in votes, even if the arrow/oval is not completed, should be counted instead of the vote for the candidate on the ballot if the write-in is a registered candidate or if a ballot candidate died. Wis. Stat. § 7.50(2)(d). Therefore, the returns may need to be amended to reflect the correct number of votes. In this case, subtract a vote for the ballot candidate and add a vote for the write in candidate on the tape. Document the reason for any change on the Inspectors' Statement (EL-104).

Special Considerations Where Optical Scan (OS) Voting Systems are Used

Write-in Votes

A voter is not required to mark a square, arrow or oval to vote for a write-in candidate. Wis. Stat. § 7.50(2)(d). Therefore, care must be taken to assure that eligible writein votes are counted when the voter fails to mark a square/arrow/oval next to the writein line. It is equally important to ensure that write-in votes counted by an electronic tabulator are eligible to be counted.

The reading capability of optical scan voting equipment is limited. The voting equipment "reads" a vote based on its assessment of the marks placed on the ballot by the voter. The optical scan voting equipment approved by the Commission may not "see" a write-in vote when the square/arrow/oval has not been marked. The OS voting equipment cannot differentiate between registered and non-registered write-in candidates, nor is it able to determine whether write-in votes are eligible to be counted. Therefore, poll workers must *examine each ballot when canvassing the election* to determine if a writein vote has been cast and if that vote has been counted properly or improperly. Wis. Stat. § 5.85(2)(a).

Adjusting the Machine Tape

If a voter has marked the square/arrow/oval next to a ballot candidate and has also written in a name but did not mark the square/arrow/oval next to the write-in line, the equipment will "see" only the vote marked for the ballot candidate and record that vote. In this case, the poll workers must adjust the machine tape to subtract one vote from the ballot candidate's total and then determine the eligibility of the vote for the write-in candidate.

Overvoted Ballots

If an optical scan ballot has been overvoted, it must be remade by the election officials, and remaking any entries regarding overvoted contests will depend on if the voter's intent can be determined, with the overvoted contest left blank if voter intent cannot be determined. Wis. Stat. § 5.85(2). It may also be possible to override the contest if voter intent cannot be determined depending on the municipality.

Sec. 14.20.5: Defective, Objected To, & Rejected Ballots

Whenever a ballot is found to be entirely defective, is objected to, or is rejected, the ballot must be identified with a number and set aside, and a notation must be made on the Inspectors' Statement (EL104). Wis. Stat. § 7.51(2)(b), (d).

When there is a question on how a vote should be counted because the choice(s) is not clearly marked as prescribed by the instructions on the ballot, the decision is made by a majority of the poll workers. Wis. Stat. § 7.51(2)(b).

Table 24: Ballot Counting Decisions

Ballot Status	Definition	Is it counted?	Statute
"Defective" Ballot	A ballot that is completely damaged, overvoted, or otherwise impossible to determine voter intent as determined by the majority of poll workers. If a minority of poll workers disagrees with the determination, that must also be recorded on the inspector's statement.	No	Wis. Stat. § 7.51(2)(b).
"Objected To" Ballot	A ballot for which a minority of poll workers disagree with the intent determination of the majority to count (if hand counting) or remake and count one or more offices.	Yes	Wis. Stat. §§ 5.85(3), 7.51(2)(b), (d).

Ballot Status	Definition	Is it counted?	Statute
Rejected Ballot	**An absentee ballot which:** Does not contain the signatures of the voter and the signature and address of a witness **OR** The certificate envelope contains more than one marked ballot of the same type **OR** The applicant is not a qualified voter **OR** The ballot envelope is open or has been opened and resealed **OR** The ballot envelope contains more than one ballot of any one kind **OR** The certificate of a military or overseas voter who received an absentee ballot by fax or e-mail is missing (except in central count municipalities) **OR** Was voted by a voter for which proof was submitted to the poll workers that the voter has since died	No	Wis. Stat. § 6.88(3)(b)

Missing Initials on the Ballot

If the ballot is missing a poll workers' or municipal clerk's initials, that is not by itself a reason to reject the ballot. "...the only reason that a missing endorsement would result in a ballot not being counted in the election-day canvass is if it is necessary to put the unendorsed ballot aside to reconcile the number of ballots with the number of electors who are recorded as having cast ballots in the election." *Gonfiantini v. Rock Cty. Bd. Of Canvassers, 2025 WI App 26, 416 Wis. 2d 118, 20 N.W.3d 773, 24-1233.*

Sec. 14.20.6: Drawdown Considerations & Procedure

If there are more ballots than there are voters recorded on the poll list, the poll workers may proceed with a drawdown as allowed in Wis. Stat. § 7.51(2)(e). This is the process of randomly selecting and removing a ballot so the number of ballots and the total number of voters shown on the poll list agree. A drawdown may be performed regardless of whether the polling place utilizes hand count ballots, optical scan ballots, or direct recording equipment (DRE) voting equipment.

Best Practices

Before proceeding with a drawdown, poll workers should eliminate every possibility that the number of ballots and recorded voters do not match for an explainable reason, such as a ballot jam or a voter not signing the poll list. If the discrepancy can be explained, a drawdown is not necessary. A drawdown should be the last resort option after all efforts to determine the cause of the discrepancy have failed.

- **Ensure that each voter was issued a voter number.**
- **Ensure no voters were issued the same voter number.**
- **The issuance of the same voter number to two or more individuals can explain why the number of ballots exceed the number of voters. Similarly, the number of ballots would be off by one if a voter signed the poll list but was not issued a voter number.**
- **Ensure no voters were issued the wrong ballot.**

Best Practices

In the case of two or more reporting units, if there are more ballots than voters for one reporting unit and less ballots than voters for the other reporting unit, but the total number of ballots for both units is equal to or less than the number of total voters, voters were likely given the wrong ballot. This should be noted on the inspectors' statement but does not warrant a drawdown.

- **Count the physical number of ballots to rule out a ballot jam.**
- **Review the Inspectors' Statement (EL-104) for any oddities.**

If any oddities explain the discrepancy, carefully document why the poll workers believe that there is not an excess of ballots and do not proceed with a drawdown.

Procedure

1. Before drawing down ballots, be certain that there is no alternative reason for the ballot overage.
2. Ballots cast by challenged voters should have been issued a voter number and are counted and included in the total number of voters. Wis. Stat. § 7.51(2)(c), (3)(c).
3. Place all ballots face up to check for blank ballots (blank ballots are ballots on which no votes were cast for any office or question). Blank ballots are marked, set aside, but preserved. Wis. Stat. § 7.51(2)(c).
4. If the number of ballots still exceeds the number of voters, place the ballots face down and proceed to check initialing. Mark, set aside, but preserve any ballot not bearing the initials of two poll workers, or any absentee ballot not bearing the initials of the municipal or a deputy clerk. *Id.*
5. If the number of ballots still exceeds the total number of voters recorded on the voter lists, separate the absentee ballots from the Election Day ballots. Absentee ballots will either contain only one set of initials, either the municipal clerk's or a deputy clerk's, or two initials of special voting deputies.

6. If there are more absentee ballots than absentee voters, the absentee ballots are placed in the ballot box and one of the poll workers publicly and without examination draws by chance the number of ballots equal to the excess number of ballots. Wis. Stat. § 7.51(2)(e). Mark these ballots as "removed due to an excess number of absentee ballots" And set aside and preserve all ballots removed. See Wis. Stat. § 7.51(2)(d).
7. If there are more non-absentee ballots than voters, those ballots are placed in the ballot box and one of the poll workers publicly and without examination draws by chance the number of ballots equal to the excess number of ballots. Wis. Stat. § 7.51(2)(e). Mark these ballots as "removed due to an excess number of ballots." Set aside and preserve all ballots removed. See Wis. Stat. § 7.51(2)(d).
8. When the total number of ballots and the total number of voters shown on the voter lists agree, return the ballots, except for those that were removed and set aside, to the ballot box and mix. Wis. Stat. § 7.51(2)(e).
9. Re-open the ballot box and count the ballots one at a time. *Id.*

Chapter 14.21: Write-In Votes

Sec. 14.21.1: General Guidelines for Determining Write-In Votes

When a voter casts a write-in vote in a manner inconsistent with the ballot instructions for casting a write-in vote, or the write-in vote is deficient to cause the poll workers to question the voter's intent, the vote is described as "irregular." An irregularity can be caused by failure of the voter to follow instructions, less-than-legible handwriting, inadequate erasures, indicating a candidate preference with unconventional or stray marks, etc. *An irregular vote may be counted if the intent of the voter can be determined.*

Count Write-In Votes When

- The name of the person is misspelled, but the intent of the voter can be reasonably determined.
- The name of the person is abbreviated, but the intent of the voter can be reasonably determined.
- A name contains a wrong initial or an initial is omitted.
    - **Example:** The write-in candidate is Jonathan L. Seagull. The voter writes in Jonathan T. Seagull or Jon Seagull.
- Only the last name of a person is written in.
    - Count the vote if:
        - The person is a registered write-in candidate and/or
        - The intent of the voter can be reasonably determined.
        - The voter did not make an X or other mark, fill in a square or oval, or complete an arrow next to the write-in line
- The voter did not make an X or other mark, fill in a square or oval, or complete an arrow next to the write in line.
    - *No mark is required* next to the write-in line to cast a write-in vote. Wis. Stat. § 7.50(2)(d).

- A sticker containing the name of a registered write-in candidate and the office sought is placed on the face of the ballot, but not in a particular office space.

Best Practice: Some of the examples of write-in vote irregularities refer to write-in stickers. Although 2015 Act 37 removed the language in Wis. Stat. § 7.50 relating to affixing a write-in sticker on a ballot, the Act did not specifically prohibit the use of write-in stickers. If a write-in sticker is affixed to a ballot, the poll workers must treat it the same as any other write-in vote.

Do Not Count Write-In Votes When

- A name is misspelled or abbreviated and the intent of the voter cannot be reasonably determined.
- A write-in sticker is placed on the endorsement (back) side of a paper ballot.
- A write-in sticker is found in the ballot box and is not attached to any ballot.
- The instruction on the ballot is "Vote for 1" and the name of more than one person has been written in for a single office.
  - This is an overvote. No votes are counted for that office.
- The instruction on the ballot is "Vote for 1" and the name of more than one person has been written in for an office and a vote has also been cast for a ballot candidate for the same office.
  - This is an overvote and no votes are counted for that office.

The following four questions should be asked when determining write-in vote viability and in what situations votes for ballot candidates may also be considered. Taking time to ask these questions should help to sort out the confusion write-in votes can cause.

Q Can all write-in votes be counted or just those for registered write-in candidates?

If there are at least as many ballot candidates as there are seats to fill; only votes for registered write-in candidates may be counted. Wis. Stat. § 7.50(2)(em).

Q Is (or are) the write-in candidate(s) registered?

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

If there are at least as many write-in votes as there are seats to fill, votes for ballot candidates may not be counted. Wis. Stat. § 7.50(2)(d).

Q How many votes is the voter entitled to cast for the office?

If the number of counted write-in votes plus the number of marked ballot candidates exceeds the number of votes to which the voter is entitled, the marked ballot candidates may not be counted. Wis. Stat. § 7.50(2)(em).

Best Practice: In a "Vote for 1" situation, the presence of a write-in vote means no ballot candidate votes can be counted.

In a "Vote for not more than…" situation, the total number of write-in votes cast and the number of votes to which the voter is entitled will determine whether ballot candidate votes may be counted.

Sec. 14.21.2: Write-In Scenario Examples with Solutions

For the following examples, review a contest on four different ballots for mock elections in the Town of Flambeau.

Answer each of the four questions listed below to determine whether the write-in vote will be counted:

Q Can all write-in votes be counted or just those for registered write-in candidates?

If there are at least as many ballot candidates as there are seats to fill; only votes for registered write-in candidates may be counted. Wis. Stat. § 7.50(2)(em).

Q Is (or are) the write-in candidate(s) registered?

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

If there are at least as many write-in votes as there are seats to fill, votes for ballot candidates may not be counted. Wis. Stat. § 7.50(2)(d).

Q How many votes is the voter entitled to cast for the office?

If the number of counted write-in votes plus the number of marked ballot candidates exceeds the number of votes to which the voter is entitled, the marked ballot candidates may not be counted. Wis. Stat. § 7.50(2)(em).

Then, consider the following factors that impact the final result:

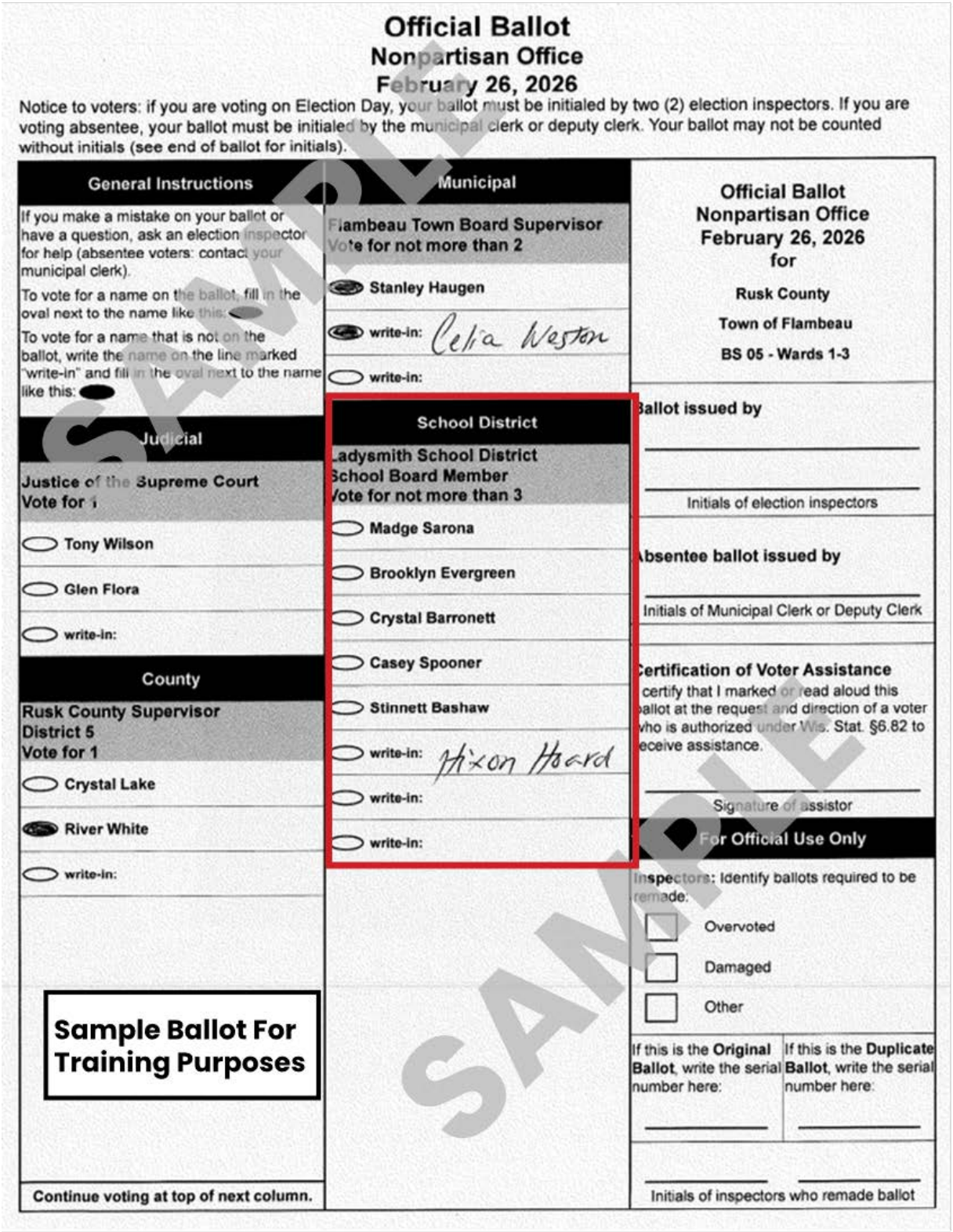
- Which votes, if any, are counted for this contest?
- How did the voting equipment count this vote? Does the tape need to be adjusted?

For this election, here is the list for registered write-in candidates:

- Supreme Court - Sheldon Murry
- Flambeau Town Board Supervisor - Eileen Clover
- Rusk County District 2 Supervisor - Russell Keystone
- Ladysmith School Board - Hixon Hoard

14.21.2 Example 1

Figure 37: Ladysmith School District Board Member



Official Ballot
Nonpartisan Office
February 26, 2026

Notice to voters: if you are voting on Election Day, your ballot must be initialed by two (2) election inspectors. If you are voting absentee, your ballot must be initialed by the municipal clerk or deputy clerk. Your ballot may not be counted without initials (see end of ballot for initials).

General Instructions

If you make a mistake on your ballot or have a question, ask an election inspector for help (absentee voters: contact your municipal clerk).

To vote for a name on the ballot, fill in the oval next to the name like this:

To vote for a name that is not on the ballot, write the name on the line marked "write-in" and fill in the oval next to the name like this:

Judicial

Justice of the Supreme Court
Vote for 1

- Tony Wilson
- Glen Flora
- write-in:

County

Rusk County Supervisor
District 5
Vote for 1

- Crystal Lake
- River White
- write-in:

Sample Ballot For Training Purposes

Municipal

Flambeau Town Board Supervisor
Vote for not more than 2

- Stanley Haugen
- write-in: Celia Weston
- write-in:

School District

Ladysmith School District
School Board Member
Vote for not more than 3

- Madge Sarona
- Brooklyn Evergreen
- Crystal Barronett
- Casey Spooner
- Stinnett Bashaw
- write-in: Dixon Hoard
- write-in:
- write-in:

Official Ballot
Nonpartisan Office
February 26, 2026
for
Rusk County
Town of Flambeau
BS 05 - Wards 1-3

Ballot issued by

Initials of election inspectors

Absentee ballot issued by

Initials of Municipal Clerk or Deputy Clerk

Certification of Voter Assistance

I certify that I marked or read aloud this ballot at the request and direction of a voter who is authorized under Wis. Stat. §6.82 to receive assistance.

Signature of assistor

For Official Use Only

Inspectors: Identify ballots required to be remade:

- Overvoted
- Damaged
- Other

If this is the **Original Ballot**, write the serial number here:	If this is the **Duplicate Ballot**, write the serial number here:

Initials of inspectors who remade ballot

Continue voting at top of next column.

SAMPLE

Q Can all write in votes be counted or just those for registered write in candidates?

A There are three positions to be filled and five ballot candidates. **Only votes for registered write-in candidates are eligible to be counted.**

Q Is the write-in candidate registered?

A Hixon Hoard is a registered write-in candidate. **The vote for Hixon Hoard is counted.**

The voter is entitled to two more votes.

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

A **No.** There are three positions to be filled and only one write-in vote. There are not enough write-in votes to fill the three positions. Ballot candidates can be considered.

There are no marked ballot candidates. **Only the vote for the write-in is counted.**

Q How many votes is the voter entitled to cast for the office?

A **Three.** The instructions are "Vote for not more than 3."

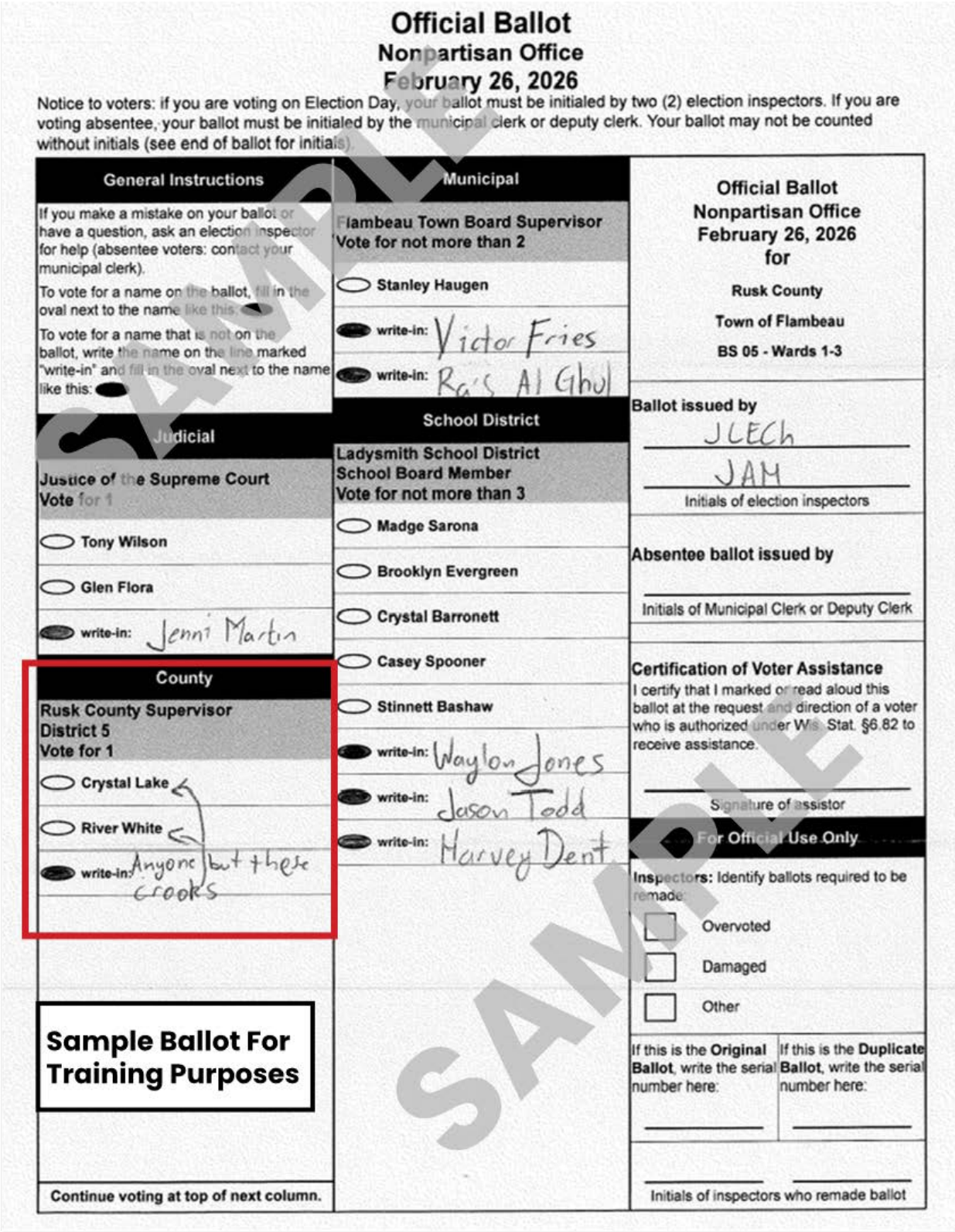
The voter has cast a vote for one candidate.

Final Result:

- There is one vote marked. **The write-in vote for Hixon Hoard is the only vote counted for this office.** Record Hixon's vote on the write-in tally sheet.
- The voting equipment has recorded this office as undervoted — no votes were recorded by the voting equipment.
- Adjust the tape to reflect a write-in vote.

14.21.2 Example 2

Figure 38: Rusk County Supervisor



Official Ballot
Nonpartisan Office
February 26, 2026

Notice to voters: if you are voting on Election Day, your ballot must be initialed by two (2) election inspectors. If you are voting absentee, your ballot must be initialed by the municipal clerk or deputy clerk. Your ballot may not be counted without initials (see end of ballot for initials).

General Instructions

If you make a mistake on your ballot or have a question, ask an election inspector for help (absentee voters: contact your municipal clerk).

To vote for a name on the ballot, fill in the oval next to the name like this: ●

To vote for a name that is not on the ballot, write the name on the line marked "write-in" and fill in the oval next to the name like this: ●

Judicial

Justice of the Supreme Court
Vote for 1

- ○ Tony Wilson
- ○ Glen Flora
- ● write-in: Jenni Martin

County

Rusk County Supervisor
District 5
Vote for 1

- ○ Crystal Lake
- ○ River White
- ● write-in: Anyone but these crooks

Municipal

Flambeau Town Board Supervisor
Vote for not more than 2

- ○ Stanley Haugen
- ● write-in: Victor Fries
- ● write-in: Ra's Al Ghul

School District

Ladysmith School District
School Board Member
Vote for not more than 3

- ○ Madge Sarona
- ○ Brooklyn Evergreen
- ○ Crystal Barronett
- ○ Casey Spooner
- ○ Stinnett Bashaw
- ● write-in: Waylon Jones
- ● write-in: Jason Todd
- ● write-in: Harvey Dent

Sample Ballot For Training Purposes

Continue voting at top of next column.

Official Ballot
Nonpartisan Office
February 26, 2026
for

Rusk County
Town of Flambeau
BS 05 - Wards 1-3

Ballot issued by
JLECh
JAM
Initials of election inspectors

Absentee ballot issued by
Initials of Municipal Clerk or Deputy Clerk

Certification of Voter Assistance
I certify that I marked or read aloud this ballot at the request and direction of a voter who is authorized under Wis. Stat. §6.82 to receive assistance.

Signature of assistor

For Official Use Only

Inspectors: Identify ballots required to be remade:

- ☐ Overvoted
- ☐ Damaged
- ☐ Other

If this is the **Original Ballot**, write the serial number here:

If this is the **Duplicate Ballot**, write the serial number here:

Initials of inspectors who remade ballot

SAMPLE

Q Can all write-in votes be counted or just those for registered write-in candidates?

A There is one position to be filled and two ballot candidates. **Only registered write-in votes are eligible to be counted.**

Q Is (or are) the write-in candidate(s) registered?

A In this case, this question is irrelevant because the voter did not write in a candidate but put a note instead.

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

A **Yes.** There is one position to be filled and one write-in vote. There are enough write-in votes to fill the position. Marked ballot candidates may not be considered.

The voter is not entitled to any more votes.

Q How many votes is the voter entitled to cast for the office?

A **One.** The instructions are "Vote for 1."

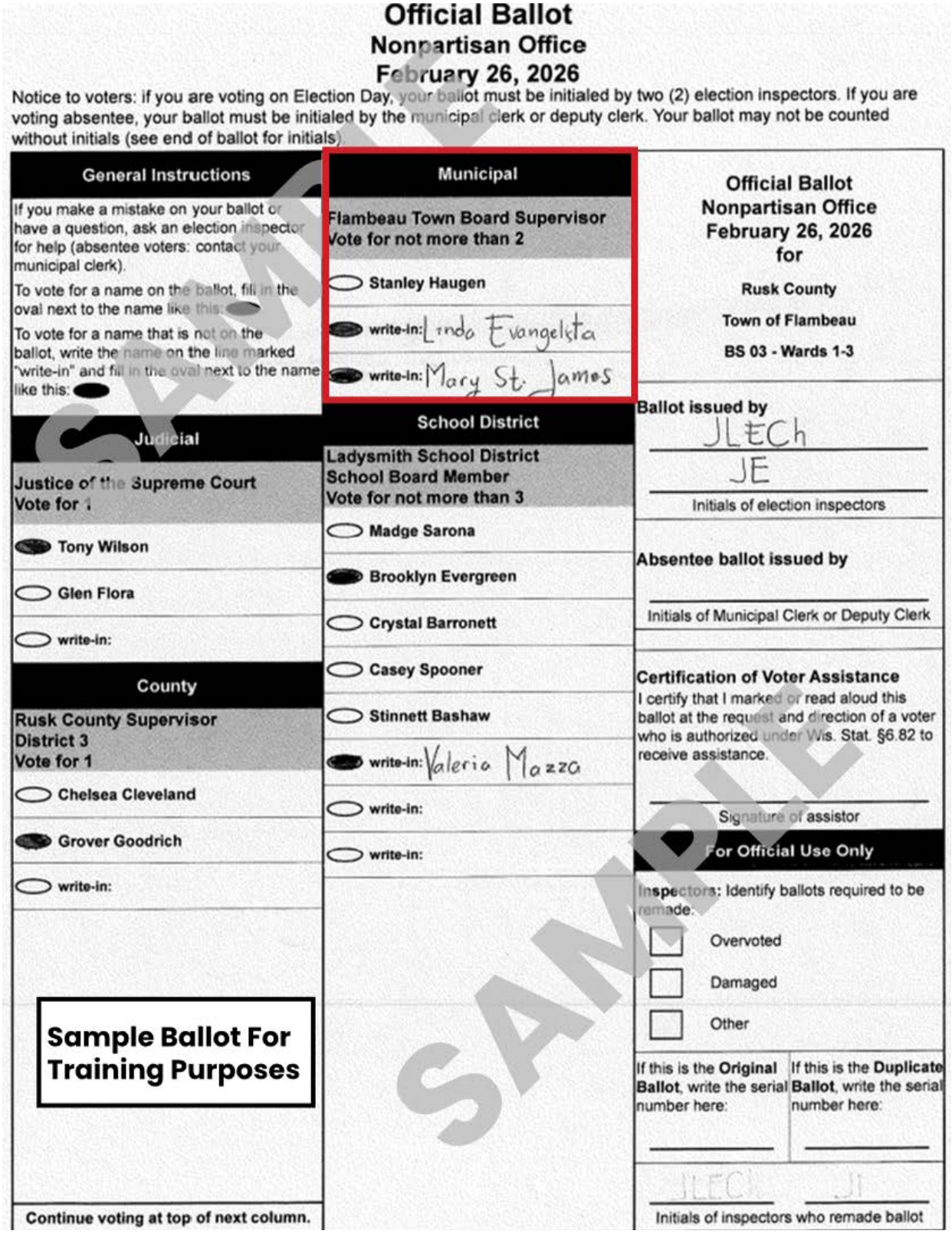
The voter has filled in one bubble in the write-in line.

Final Result:

- No votes are counted for this contest.
- The voting equipment has recorded a write-in vote because the bubble is filled in.
- On the tape, the poll workers subtract a vote from the write-in votes.

14.21.2 Example 3

Figure 39: Flambeau Town Board Supervisor



Official Ballot
Nonpartisan Office
February 26, 2026

Notice to voters: if you are voting on Election Day, your ballot must be initialed by two (2) election inspectors. If you are voting absentee, your ballot must be initialed by the municipal clerk or deputy clerk. Your ballot may not be counted without initials (see end of ballot for initials).

General Instructions

If you make a mistake on your ballot or have a question, ask an election inspector for help (absentee voters: contact your municipal clerk).

To vote for a name on the ballot, fill in the oval next to the name like this: ●

To vote for a name that is not on the ballot, write the name on the line marked "write-in" and fill in the oval next to the name like this: ●

Judicial

Justice of the Supreme Court
Vote for 1

- ● Tony Wilson
- ○ Glen Flora
- ○ write-in:

County

Rusk County Supervisor
District 3
Vote for 1

- ○ Chelsea Cleveland
- ● Grover Goodrich
- ○ write-in:

Sample Ballot For Training Purposes

Continue voting at top of next column.

Municipal

Flambeau Town Board Supervisor
Vote for not more than 2

- ○ Stanley Haugen
- ● write-in: Linda Evangelista
- ● write-in: Mary St. James

School District

Ladysmith School District
School Board Member
Vote for not more than 3

- ○ Madge Sarona
- ● Brooklyn Evergreen
- ○ Crystal Barronett
- ○ Casey Spooner
- ○ Stinnett Bashaw
- ● write-in: Valeria Mazza
- ○ write-in:
- ○ write-in:

Official Ballot
Nonpartisan Office
February 26, 2026
for

Rusk County

Town of Flambeau

BS 03 - Wards 1-3

Ballot issued by

JLECh
JE

Initials of election inspectors

Absentee ballot issued by

Initials of Municipal Clerk or Deputy Clerk

Certification of Voter Assistance

I certify that I marked or read aloud this ballot at the request and direction of a voter who is authorized under Wis. Stat. §6.82 to receive assistance.

Signature of assistor

For Official Use Only

Inspectors: Identify ballots required to be remade.

- ☑ Overvoted
- ☐ Damaged
- ☐ Other

If this is the **Original Ballot**, write the serial number here:	If this is the **Duplicate Ballot**, write the serial number here:

JLECh JI

Initials of inspectors who remade ballot

SAMPLE

Q Can all write-in votes be counted or just those for registered write-in candidates?

A There are two positions to be filled and one ballot candidate. **All write-in votes are eligible to be counted.**

Q Are the write-in candidates registered?

A In this case, this question is irrelevant because Question 2 determined that **all write-in votes are eligible.**

The votes for the two write-in candidates are counted.

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

A **Yes.** There *are* two positions to be filled and two write-in votes. Ballot candidates may not be considered.

The voter is not entitled to any more votes.

Q How many votes is the voter entitled to cast for the office?

A **Two.** The instructions are "Vote for not more than 2."

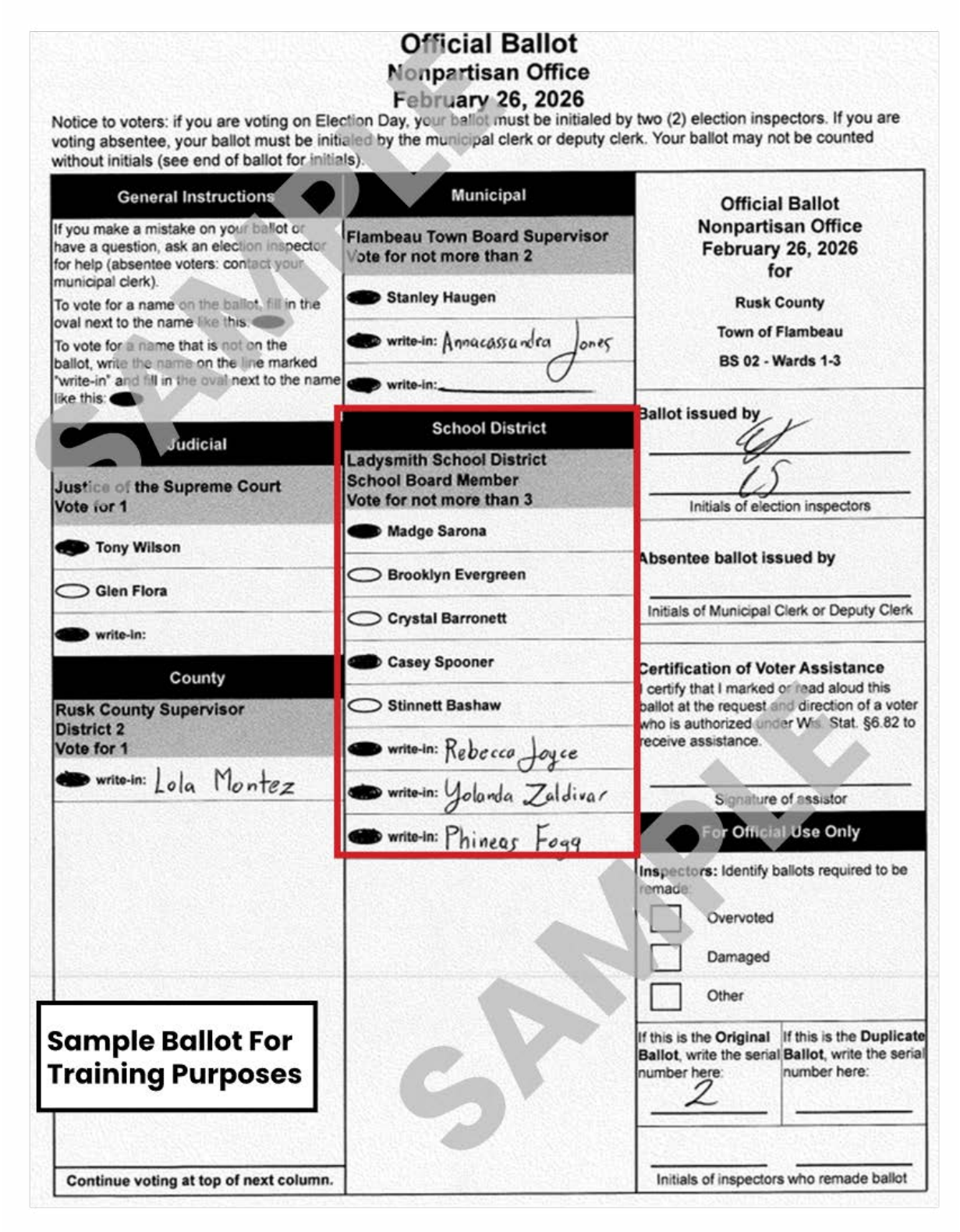
The voter marked wrote in two names.

Final Result:

- The votes for the two write-in candidates are counted for this office. **Record one vote each for Evangelista and St. James on the tally sheet.**
- The voting equipment has recorded two write-in votes. Nothing needs to be adjusted on the tapes.

14.21.2 Example 4

Figure 40: Ladysmith School District Board Member



Official Ballot
Nonpartisan Office
February 26, 2026

Notice to voters: if you are voting on Election Day, your ballot must be initialed by two (2) election inspectors. If you are voting absentee, your ballot must be initialed by the municipal clerk or deputy clerk. Your ballot may not be counted without initials (see end of ballot for initials).

General Instructions

If you make a mistake on your ballot or have a question, ask an election inspector for help (absentee voters: contact your municipal clerk).

To vote for a name on the ballot, fill in the oval next to the name like this.

To vote for a name that is not on the ballot, write the name on the line marked "write-in" and fill in the oval next to the name like this:

Judicial

Justice of the Supreme Court
Vote for 1

- Tony Wilson
- Glen Flora
- write-in:

County

Rusk County Supervisor
District 2
Vote for 1

- write-in: Lola Montez

Municipal

Flambeau Town Board Supervisor
Vote for not more than 2

- Stanley Haugen
- write-in: Annacassandra Jones
- write-in:

School District

Ladysmith School District
School Board Member
Vote for not more than 3

- Madge Sarona
- Brooklyn Evergreen
- Crystal Barronett
- Casey Spooner
- Stinnett Bashaw
- write-in: Rebecca Joyce
- write-in: Yolanda Zaldivar
- write-in: Phineas Fogg

Official Ballot
Nonpartisan Office
February 26, 2026
for
Rusk County
Town of Flambeau
BS 02 - Wards 1-3

Ballot issued by

Initials of election inspectors

Absentee ballot issued by

Initials of Municipal Clerk or Deputy Clerk

Certification of Voter Assistance
I certify that I marked or read aloud this ballot at the request and direction of a voter who is authorized under Wis. Stat. §6.82 to receive assistance.

Signature of assistor

For Official Use Only

Inspectors: Identify ballots required to be remade:

- Overvoted
- Damaged
- Other

If this is the **Original Ballot**, write the serial number here: 2

If this is the **Duplicate Ballot**, write the serial number here:

Initials of inspectors who remade ballot

Sample Ballot For Training Purposes

Continue voting at top of next column.

SAMPLE

Q Can all write-in votes be counted or just those for registered write-in candidates?

A There are three positions to be filled and five ballot candidates. **Only registered write-in votes are eligible to be counted.**

Q Are the write-in candidates registered?

A None of the write-in candidates are registered.

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

A **Yes.** There *are* three positions to be filled and three write-in votes.

There are enough write-in votes to fill the position. Marked ballot candidates may not be considered.

The voter is not entitled to any more votes.

Q How many votes is the voter entitled to cast for the office?

A **Three.** The instructions are "Vote for not more than 3."

The voter has voted for two ballot candidates and three write-in candidates.

Final Result:

- No votes are counted for this contest.
- The voting equipment has recorded this as an overvote because of the five bubbles being filled in.
- The equipment tape does not need to be adjusted.

Sec. 14.21.3: Counting Write-In Votes at a Nonpartisan Election

Count Write-In Votes When

- The name of the person is misspelled, but the intent of the voter can be reasonably determined.
- The name of the person is abbreviated, but the intent of the voter can be reasonably determined.
- A name contains a wrong initial or an initial is omitted.
  - Example**:** The write-in candidate is Jonathan L. Seagull. The voter writes in Jonathan T. Seagull or Jon Seagull.
- Only the last name of a person is written in.
  - Count the vote if:
    - The person is a registered write-in candidate and/or
    - The intent of the voter can be reasonably determined.
- The voter did not make an X or other mark, fill in a square or oval, or complete an arrow next to the write-in line
  - *No mark is required* next to the write-in line to cast a write-in vote. Wis. Stat. § 7.50(2)(d).
- A sticker containing the name of a registered write-in candidate and the office sought is placed on the face of the ballot, but not in a particular office space.
  - The sticker is counted for the name and office listed on the sticker.

Best Practice: Some of the examples of write-in vote irregularities refer to write-in stickers. Although 2015 Act 37 removed the language in Wis. Stat. § 7.50 relating to affixing a write-in sticker on a ballot, the Act did not specifically prohibit the use of write-in stickers. If a write-in sticker is affixed to a ballot, the poll workers must treat it the same as any other write-in vote.

Do Not Count Write-In Votes When

- A name is misspelled or abbreviated and the intent of the voter cannot be reasonably determined.
- A write-in sticker is placed on the endorsement (back) side of a paper ballot.
- A write-in sticker is found in the ballot box and is not attached to any ballot.
- The instruction on the ballot is "Vote for 1" and the name of more than one person has been written in for a single office.
    - This is an overvote. No votes are counted for that office.
- The instruction on the ballot is "Vote for 1" and the name of more than one person has been written in for an office and a vote has also been cast for a ballot candidate for the same office.
    - This is an overvote and no votes are counted for that office.

The following four questions should be asked when determining write-in vote viability and in what situations votes for ballot candidates may also be considered. Taking time to ask these questions should help to sort out the confusion write-in votes can cause.

Q Can all write-in votes be counted or just those for registered write-in candidates?

If there are at least as many ballot candidates as there are seats to fill; only votes for registered write-in candidates may be counted. Wis. Stat. § 7.50(2)(em).

Q Is (or are) the write-in candidate(s) registered?

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

If there are at least as many write-in votes as there are seats to fill, votes for ballot candidates may not be counted. Wis. Stat. § 7.50(2)(d).

Q How many votes is the voter entitled to cast for the office?

If the number of counted write-in votes plus the number of marked ballot candidates exceeds the number of votes to which the voter is entitled, the marked ballot candidates may not be counted. Wis. Stat. § 7.50(2)(em).

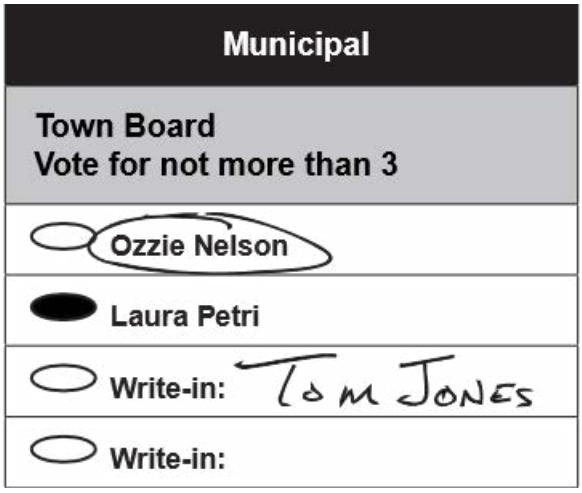
Best Practice: If the number of counted write-in votes plus the number of marked ballot candidates exceeds the number of votes to which the voter is entitled, the marked ballot candidates may not be counted. Wis. Stat. § 7.50(2)(em).

In a "Vote for 1" situation, the presence of a write-in vote means no ballot candidate votes can be counted.

In a "Vote for not more than…" situation, the total number of write-in votes cast and the number of votes to which the voter is entitled will determine whether ballot candidate votes may be counted.

14.21.3 Example 1

Figure 41: Town Board Supervisor



Q Can all write-in votes be counted or just those for registered write-in candidates?

A There are two ballot candidates for this three-seat office, so **all write-in votes may be counted**.

Q Is the write-in candidate registered?

A **No.** But all write-in votes may be counted: Count a vote for Peter.

Q Regardless of whether the write-in vote can or cannot be counted, are there enough write-in votes to fill the number of seats up for election?

A **No.** There are three seats to fill and one write-in vote. Therefore, votes for ballot candidates *may* be counted. The voter has indicated their selection by circling the ballot candidates.

Q How many votes is the voter entitled to cast for the office?

A **Three.**

We have determined that the **one write-in vote is counted**.

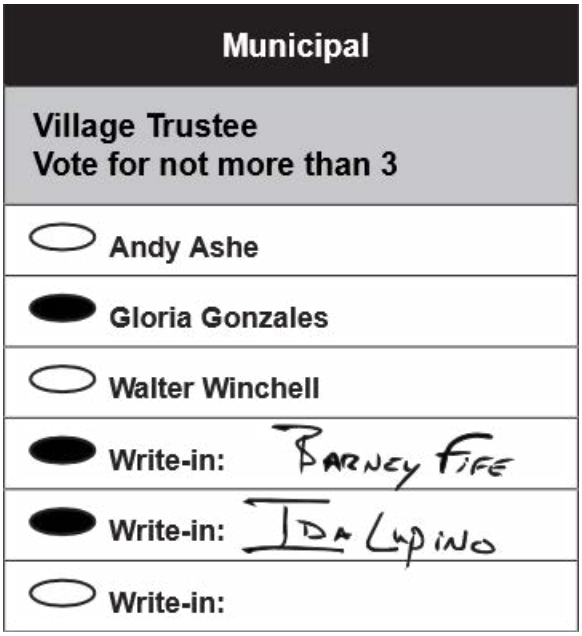
We have also determined that votes for ballot candidates may be counted.

One vote each for Ozzie and Laura are counted.

Final Result:
One write-in vote and two votes for the ballot candidates are counted for this contest *(Don't forget to add one vote each to Ozzie's and Laura's vote totals.)*

14.21.3 Example 2

Figure 42: Village Trustee



Q Can all write-in votes be counted or just those for registered write-in candidates?

A There are three ballot candidates for this "Vote for not more than 3" office, so **only votes for registered write-in candidates may be counted**.

Q Are the write-in candidates registered?

A Barney is registered; Ida is not. One vote is counted for Barney.

Q Regardless of whether the write-in votes can or cannot be counted, are there enough write-in votes to fill the number of seats up for election?

A No. There are three seats to fill and two write-in votes. Therefore, votes for ballot candidates may be counted.

Q How many votes is the voter entitled to cast for the office?

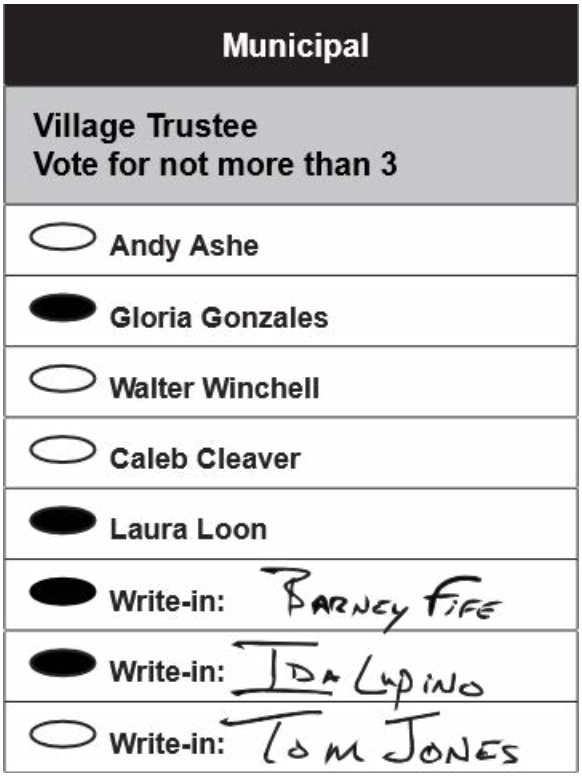
A Three. We have determined that **one write-in vote (Barney) is counted**.

We have also determined that votes for ballot candidates may be counted; **a vote for Gloria is counted**.

Final Result:
One write-in vote and one ballot candidate vote are counted for this contest.

14.21.3 Example 3

Figure 43: Village Trustee



Q Can all write-in votes be counted or just those for registered write-in candidates?

A There are five ballot candidates for this three-seat office, so **only votes for registered write-in candidates may be counted**.

Q Are the write-in candidates registered?

A All three are registered. Three write-in votes are counted.

Q Regardless of whether the write-in votes can or cannot be counted, are there enough write-in votes to fill the number of seats up for election?

A Yes. There are three seats to fill and three write-in votes. Therefore, votes for ballot candidates *may not* be counted.

Q How many votes is the voter entitled to cast for the office?

A Three. We have determined that **three write-in votes count.** (The voter has reached the limit of votes to which they are entitled.)

We have also determined that the votes for the **ballot candidates may not be counted.**

In addition, the three counted write-in votes plus the vote for the ballot candidate would exceed the number of votes to which the voter is entitled.

Final Result:
Three write-in votes are counted for this contest. *(Don't forget to subtract the vote the equipment counted for the ballot candidate.)*

Sec. 14.21.4: Counting Write-In Votes at a Partisan Primary

Each ballot-status party in Wisconsin holds a primary on the 2nd Tuesday in August of an even-numbered year. Wis. Stat. §§ 5.02(12s), 5.62. Though the primaries are conducted on the same day, each party's primary is considered a separate election event. See Wis. Stat. § 5.62(1)(a). At a partisan primary, a voter may vote only in one party's primary, and by voting in a party's primary, the voter is participating in the nomination process for candidates of that party. Wis. Stat. §§ 6.80(2)(f), 7.50(1)(d).

If different parties appear on separate ballots, the voter marks only one party's ballot, deposits it in the locked or sealed ballot box and then places the unused ballots in a locked or sealed discard box or container. Wis. Stat. § 6.80(2)(f). When counting ballots, if two or more party ballots are folded together or a certificate absentee envelope contains more than one party ballot, examine the ballots carefully and if more than one ballot is marked, no ballot may be counted. Wis. Stat. §§ 6.80(2)(f), 7.50(1)(d), and see Wis. Stat. §§ 6.88(3)(b), 7.51(2)(a). The ballots are marked "crossover" and placed in the "Original Ballots" envelope. In the case of an absentee voter, the ballots are returned to the certificate envelope and marked "rejected crossover." If one party's ballot is marked and the other is not, count the marked ballot and deposit the other ballot in the discard container. Wis. Stat. §§ 6.80(2)(f), 7.50(1)(d), and see Wis. Stat. §§ 6.88(3)(b), 7.51(2)(a).

If optical scan voting systems are used, the voter identifies their party preference either by voting in only one party or by marking a party preference. Wis. Stat. § 7.50(1)(d). Selecting the party preference will not prevent crossover voting, but it is a safeguard so that a voter will not lose all votes if he or she does crossover. *Id.* Selecting a party preference preserves the votes cast in the preferred party, and leads to votes cast in for another party simply not being counted. *Id.* If a voter does not select a party preference and votes for

candidates of more than one political party, no partisan votes are counted (if there are nonpartisan offices or referenda on the ballot as well, those may still be counted). *Id.*

General Rules Regarding Party Preference

1. Selecting a party preference preserves the votes cast in the preferred party even if the voter crosses over and votes in another party. *Id.*
2. Casting votes for candidates of only one party is the same as selecting a party preference. See *Id.*
3. If no party preference is selected, and the voter marks *more than one party's ballot*, no votes will count. *Id.*
4. If no party preference is selected, and the voter marks *only one party's ballot*, but on *that same party ballot* writes in the name of a ballot candidate or registered write-in candidate of another party, all votes are counted except the office with the write-in vote. Wis. Stat. § 7.50(1)(d), (2)(g).
5. **Regardless of if a party preference is selected**, the name of a ballot candidate or registered write-in candidate of Party X written on a Party Y ballot will never count. Wis. Stat. § 7.50(1)(d), (2)(g), (2)(h).
6. **Within the same party**, a voter may write in the name of a ballot candidate or registered write-in candidate for an office under a different office, but it is counted only if there are no ballot candidates for the different office or if a ballot candidate has died. Wis. Stat. § 7.50(2)(g).

The following scenarios presume a write-in vote is eligible to be counted, either because it is for a registered write-in candidate, there are no ballot candidates, or a candidate has died.

Count Write-In Votes at a Partisan Primary When

- **The voter has selected a party preference.** The voter casts votes in the preferred party and then marks candidates in another party:
  - The votes cast in the preferred party only are counted. **See Rule 1**

- **The voter has selected a party preference.** The voter casts votes for ballot candidates in the party selected and writes in, *on that same party ballot*, the name of a person who appears as a ballot candidate *on a different party ballot*:

- All votes are counted except for the office with the write-in vote. **See Rules 1, 2, and 5**
- The voter has not physically voted on more than one party's ballot.
- The voter benefits from the party preference safety net.
- Votes for a candidate of one party may not be counted on the ballot of a different party.

- **The voter has selected a party preference.** The voter casts votes for ballot candidates in the selected party and then writes in a name *on another party's ballot*:
  - The votes cast in the selected party are counted. **See Rules 1 and 5**
  - The name written in on the other party ballot does not count.
  - Although the voter has physically voted on more than one party's ballot, the voter has benefited from the preferred party safety net.

- **The voter has not selected a party preference** but has voted for candidates of only one party. The voter writes in, *on that same party ballot*, the name of a person who appears as a ballot candidate *on a different party ballot*:
  - All votes are counted except for the write-in vote. **See Rules 2, 4, and 5**
  - The voter has not physically voted on more than one party's ballot.
  - Votes for candidates of one party may not be counted on the ballot of a different party.

- A candidate's name is printed on a party ballot for one office, and the voter writes in that candidate's name for a different office *on the same party ballot*:
  - The vote is counted for the person for the office where the name is written if there are no ballot candidates for that office or if a candidate for that office has died. **See Rule 6**

- The name of a registered write-in candidate is written in under an office other than the one for which the candidate registered, but in the same party for which the candidate registered:

- The vote counts for the write-in candidate for the office where the name is written if there are no ballot candidates for that office or if a candidate for that office has died. **See Rule 6**

- The name of a registered write-in candidate is written in under the office for which the write-in candidate is running, but in a different party:
  - The write-in vote is not counted. **See Rule 6**

Do Not Count Write-In Votes at a Partisan Primary When

- **The voter has selected a party preference.** On the face of the ballot, in no party or office space, the voter writes the name, office and political party of a ballot candidate or registered write-in. The political party the voter has written is *different from the preferred party the voter selected*:
  - The vote is not counted. Any votes cast in the preferred party are counted. **See Rules 1 and 5**
  - The voter has voted on more than one party's ballot but has benefited from the party preference safety net.

- **The voter has *not* selected a party preference.** The voter casts votes for candidates on one political party's ballot, and then votes for a candidate *on another party's ballot* or writes in a name on *another party's ballot*:
  - No votes are counted for partisan contests. **See Rule 3**
  - The voter has physically voted on more than one party's ballot without the benefit of the party preference safety net.

- The name of a registered write-in candidate is written in under a party other than the one indicated on the campaign registration statement:
  - The vote is not counted. **See Rule 5**

- A candidate's name is printed on a party ballot for an office and the voter writes that candidate's name under a different office on a different party ballot:
  - The vote is not counted. **See Rule 5**

The 4 Principles of Counting Write-In Votes at a Partisan Primary with Examples

Principles

1. If one or more ballot candidates of a specific party are listed under a given office:
   - Only votes for registered write-in candidates are eligible for counting in that party's contest.

2. If one or more ballot candidates of a specific party are listed under a given office, but one or more are deceased:
   - All write-in votes are eligible for counting in that party's contest.

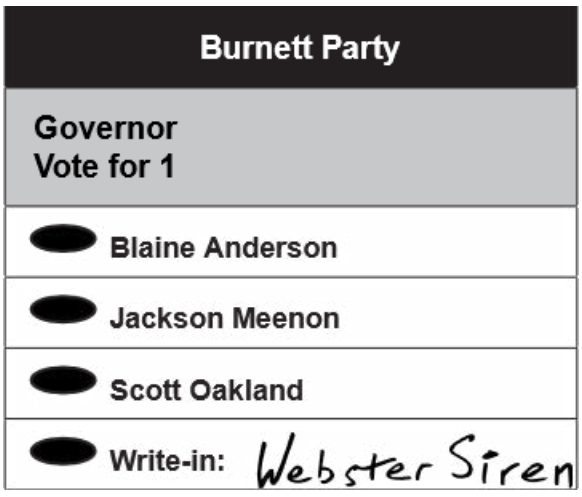
3. If there are no ballot candidates of a specific party listed under a given office:
   - All write-in votes are eligible for counting in that party's contest.

4. If there is at least one write-in vote cast (regardless of the eligibility of the write-in vote):
   - No votes for ballot candidates may be considered in that party's contest.

Using the following partisan primary ballot examples, determine how each office should be counted by answering the four questions that follow the example.

14.21.4 Example 1

Figure 44: Governor



Webster Siren is a registered write-in candidate.

Q Can all write-in votes be counted or just those for registered write-in candidates? (See Principle 1)

A There is one position to be filled and three ballot candidates. **Only votes for registered write-in candidates are eligible to be counted.**

Q Is the write-in candidate registered?

A **Webster Siren is a registered write-in candidate.** The vote for Webster Siren is counted.

The voter is entitled to no more votes.

Since Webster Siren's vote has been counted, the following question is not necessary, but the answer has still been provided.

Q Regardless of whether the write-in vote can or can't be counted, are there enough write-in votes to fill the seats up for election? (See Principle 4)

A **Yes.** There is one position to be filled and one write-in vote. Ballot candidates may not be considered.

Q How many votes is the voter entitled to cast for the office? (Refer to the ballot instructions.)

A **One.** The instructions are "Vote for 1." The voter has marked four candidates, which is three too many.

Final Result:

- There are four votes marked for this office. The voter is only entitled to one vote.
- Only the write-in vote for Webster Siren is counted.
- The voting equipment has recorded this office as overvoted — no votes were recorded.
- The tape is adjusted to add a write-in vote to this office in this party.

Note: If Webster Siren were not a registered write-in candidate, the vote for Webster Siren would not be counted. And since there is a write-in vote for this "Vote for 1" office, ballot candidates cannot be considered. So, if Webster Siren were not a registered write-in, no votes would be counted.

- The reason for the adjustment is recorded on the Inspectors' Statement (EL-104).

14.21.4 Example 2

Figure 45: Town Board

Stinnett is a registered write in candidate.

Q Can all write-in votes be counted or just those for registered write-in candidates? (See Principle 1)

A There is one position to be filled and three ballot candidates. **Only registered write-in candidates are eligible to be counted.**

Q Is the write-in candidate registered?

A **Yes.** Stinnett Longlake is a registered write-in candidate. The vote for write-in candidate Stinnett Longlake is counted.

The voter is not entitled to any more votes.

The following question is not necessary, but the answer has still been provided.

Q Regardless of whether the write-in vote can or can't be counted, are there enough write-in votes to fill the seats up for election? (See Principle 4)

A **Yes.** There is one position to be filled and one write-in vote.

Q How many votes is the voter entitled to cast for the office? (See Principle 1)

A **One.** The instructions are "Vote for 1." The voter has marked one candidate and written in a candidate.

Final Result:

- The write-in vote for Stinnett Longlake is counted.

- The voting equipment has recorded a vote for the ballot candidate, Madge Trego.
- The poll workers must adjust the tape by subtracting a vote from Madge's total.
- The reason for the adjustment is recorded on the Inspectors' Statement (EL-104).

Write-In Vote Irregularities for the Partisan Primary

- A voter writes in the name of a registered write-in candidate under an office other than the one for which the candidate is registered:
  - The vote is counted for the office under which the name is written if:
    - The office under which the name is written has no ballot candidates or one or more ballot candidates is deceased, **and;**
    - The office under which the name is written is the same party in which the registered write-in candidate is running.
- A name is written in **the margin**, rather than in an office space:
  - If the person whose name is written in is a registered write-in candidate, the name is counted as a vote for the write-in candidate in the office and party in which he or she is registered.
  - If the name is that of a ballot candidate, the vote is counted for the candidate in the office and party for which he or she is registered.
- The voter **marks the ballot for a name that is printed on the ballot** and **writes in another person's name for the same office**:
  - If the write-in vote is deemed eligible, the write-in vote is counted. The vote for the ballot candidate is not counted. **(See Principles 1 and 4)**
- The name of a registered write-in candidate for one party is written in under the same party, *but for an office other than the one for which the candidate registered*.
  - The write-in vote counts for the person for the office where the name is written, if there are no ballot candidates for the office or one or more ballot candidates are deceased. **(See Principles 2 and 3)**

Sec. 14.21.5: Counting Write-In Votes for Governor & Lt. Governor

If a voter writes in the name of a ballot candidate or registered write-in candidate for lieutenant governor but does not write in a name of a candidate for governor, a vote is counted for the candidate for lieutenant governor. Wis. Stat. § 7.50(2)(i).

If a voter writes in the name of a ballot candidate or registered write-in candidate for governor but does not write in a name of a candidate for lieutenant governor, a vote is counted for the candidate for governor. *Id.*

However, a write-in vote for governor or lieutenant governor alone shall not be added to the votes of the same candidate if there are different combinations of governor/lieutenant governor.

For example:

- A write-in vote for Mary Jones for governor and Samuel Smith for lieutenant governor may not be added to a write-in vote for Mary Jones for governor with a different candidate for lieutenant governor or no candidate for lieutenant governor.
- A write-in vote for Mary Jones for governor and Samuel Smith for lieutenant governor may not be added to a write-in vote for Samuel Smith for lieutenant governor with a different candidate for governor or no candidate for governor.
- A write-in vote for Mary Jones for governor may not be added to a write-in vote for Mary Jones for governor with a different candidate for lieutenant governor.
- A write-in vote for Samuel Smith for lieutenant governor may not be added to a write-in vote for Samuel Smith for lieutenant governor with a different candidate for governor.

In these scenarios, the write-in votes are listed separately on the tally sheet for each combination of candidates:

Table 25: Governor and Lieutenant Governor Write-In Scenarios

Write in Candidates (Governor / Lt. Governor)	Counted as a Vote for
Mary Jones / Samuel Smith	Mary Jones / Samuel Smith
Mary Jones / Jack Frost	Mary Jones / Jack Frost
Mary Jones / No Candidate	Mary Jones (Governor only)
Robin Bird / Samuel Smith	Robin Bird / Samuel Smith
Jay Blue / Samuel Smith	Jay Blue / Samuel Smith
No Candidate / Samuel Smith	Samuel Smith (Lt. Governor only)

Sec. 14.21.6: Counting Write-In Votes for President & Vice President of the U.S.

Registered & Non-Registered

Generally, only votes for registered presidential/vice-presidential write-in candidates are required to be counted. However, there is a circumstance that would require poll workers to count votes for non-registered write-in candidates for president/vice president.

Write-in votes for President/Vice-President are to be counted in two instances under Wis. Stat. § 8.185(1):

- The candidate has filed with the Commission a list of presidential electors and a Declaration of Candidacy (a "registered write-in candidate") as discussed earlier; and
- A non-registered candidate who is written in for President receives 10% of the total votes cast in the ward, or the municipality if not divided into wards.

To comply with Wis. Stat. § 8.185(1), poll workers must document any non-registered write-in candidate for President/Vice-President who appears to be receiving a large number of votes.

Best Practice: **Before beginning to count write-in votes for President/Vice-President, the poll workers may easily determine the number of votes a non-registered write-in candidate would need to meet the 10% threshold by taking the total number of votes cast in the ward and moving the decimal point left one digit. It will likely be obvious from your voting equipment tape whether the total number of scattering votes for President/Vice-President is even close to the 10% threshold and whether poll workers will need to document any votes for non-registered write-in candidates. If the number of total scattering votes is not close to the 10% threshold, the focus is only required to be given to the registered write-in candidates, as meeting the threshold would be mathematically impossible.**

Examples:

Total votes cast for president in the ward	=	5,280.	10% of 5,280	=	**528**
Total votes cast for the office in the ward	=	410.	10% of 410	=	**41**
Total votes cast for the office in the ward	=	42.	10% of 42	=	**5**

If a write-in candidate is at or close to 10% of the votes cast in the ward for the office of President/Vice-President, the votes for the candidate must be individually tallied. However, once it becomes evident that it is mathematically impossible for a non-registered write-in candidate to reach the 10% threshold, votes for that candidate no longer need to be tallied.

Each prospective write-in candidate for the offices of President and Vice-President is required to file a Declaration of Candidacy and a list of "electors." "Electors" are individuals who will support the candidate in the Electoral College should they receive the highest number of votes in Wisconsin. When the deadline for filing these documents has passed, the Commission provides a list of "registered" Presidential and Vice-Presidential write-in candidates to the municipal clerks.

Wis. Stat. § 7.50(2)(i) provides direction on how votes should be counted for President and Vice-President in certain circumstances:

- A registered write-in vote for only President is counted.
- A registered write-in vote for only Vice-President is not counted.
- A write-in vote for President and Vice-President that combines the name of a registered write-in candidate with the name of a candidate on the ballot is not counted.

Table 26: Quick-reference guide for Tallying Write-in Votes for President/Vice-President on Election Night

Presidential Candidate	Vice Presidential Candidate	Vote Counted?
Registered write-in	Registered write-in	**Yes**
Non-registered write-in	Non-registered write-in	No
Registered write-in	Non-registered write-in	**Yes**
Non-registered write-in	Registered write-in	No
Registered write-in	None	**Yes**
None	Registered write-in	No
Non-registered write-in	None	No
None	Non-registered write-in	No
Registered write-in	Ballot Candidate	No
Ballot Candidate	Registered write-in	No
Non-registered write-in	Ballot Candidate	No
Ballot Candidate	Non-registered write-in	No
Pres. Ballot Candidate	Running mate of Pres. Candidate on Ballot	**Yes**
Pres. Ballot Candidate	Running mate of another Pres. Candidate on ballot.	No

Here is another resource to use on Election Day to determine whether write-in votes on the ballots may be counted:

Table 27: Election Day Write-in Scenarios

Scenario	Solution	Notes
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.
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.
There are candidates on the ballot 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.
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 even if they have been selected.	If there are more write-in votes than seats to be filled, no votes are counted for the office.

Chapter 14.22: Overvoted & Crossover Voted Ballots

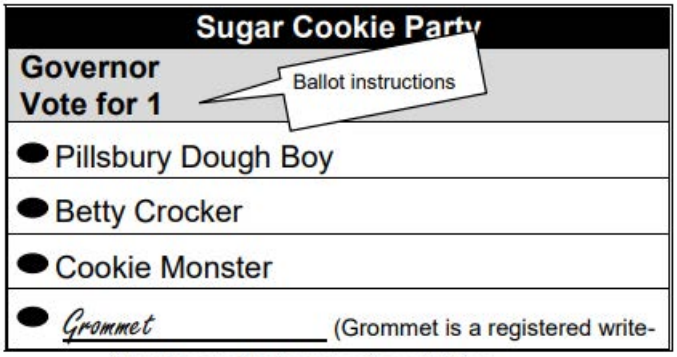
This chapter explains how to process overvoted or crossover voted ballots in municipalities that do not allow an override function on the voting equipment and those that do. Please see the section below that describes the process applicable to your municipality. This information does not apply to municipalities that use hand count paper ballots. Hand counted paper ballots do not need to be overridden or remade and the canvassers will simply determine whether any votes on the ballot must be counted.

Sec. 14.22.1: Definitions

Overvoted ballot: A ballot with at least one contest in which the voter has voted for more than the maximum number of selections allowed. Wis. Stat. § 5.85(2).

Crossover vote: A ballot where the voter has not selected a party preference and has voted in more than one party, which is prohibited by state law. Wis. Stat. §§ 5.81(4) and 7.50(1)(d).

Figure 46: Example: Overvoted Contest



3 ballot candidates for a 1-seat office.

Sec. 14.22.2: Municipalities that Do Not Allow Use of the Override Function

If your municipality uses electronic tabulation equipment and does not allow for the use of the override function in the event of an overvoted or crossover voted ballot, those ballots will have to be remade by poll workers at the polls on Election Day if there are any votes that still must be counted. Wis. Stat. §§ 5.81(4), 5.85(2), and 7.50(1)(d).

Remaking Ballots with Overvotes

Poll workers may be required to remake ballots with overvotes. Wis. Stat. § 5.85(2)(a). These are ballots with at least one instance in which the voter has voted for more than the maximum number of selections allowed in a contest. Wis. Stat. § 5.85(2).

For Election Day voters, poll workers should instruct the voter of the overvote error and provide them the opportunity to spoil their ballot and be issued a new ballot. Wis. Stat. § 6.80(2)(c). A voter may be issued up to three ballots. *Id.* If the voter does not vote a new ballot[1], or for any overvoted absentee ballot, two poll workers must remake the ballot so the electronic tabulator will accept it. Wis. Stat. § 5.85(2)(b)1. On a new ballot, poll workers transfer all votes from the overvoted ballot in which the voter's intent can be determined. Wis. Stat. §§ 5.85(2)(b)1., 7.50. No votes are transferred for the overvoted contest, unless voter intent can be determined. Wis. Stat. §§ 5.85(2)(b)1., 7.50. **See Chapter 14.19: "How to Determine Voter Intent" on page 166.**

Remaking Ballots with Crossover Votes

At a partisan primary, those in Party B would not. If the voter fails to select a party preference and then votes in more than one party's primary, the electronic tabulator should reject the ballot and notify the voter of a crossover vote if they are present. See Wis. Stat. §§ 5.81(4), 5.91(6), and 7.50(1)(d).

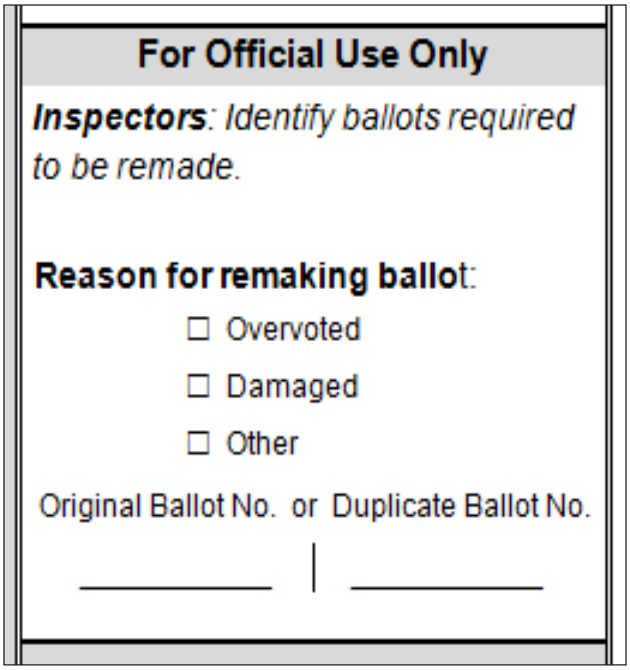
1 For example, the voter left the voting location before their ballot was tabulated.

Procedure for Remaking Ballots

To remake a ballot, the following steps must be followed:

1. At least two poll workers (if party-affiliated inspectors are present, use one of each party) must participate in this process. Wis. Stat. § 5.85(2)(b)1.
2. Poll workers shall announce to observers, if present, that a ballot is being remade and the reason for doing so. Wis. Admin. § Code EL 4.03(1)(b)3. and see Wis. Stat. § 5.85(3).
3. Note and select a reason for remaking the ballot in the endorsement section of the ballot. Wis. Stat. § 5.85(2)(b)2.

Figure 47: Ballot Endorsement Section



- "Overvoted" ballots are ballots with at least one instance in which the voter has voted for more than the maximum number of selections allowed in a contest. Wis. Stat. § 5.85(2)(a).
- "Damaged" ballots include ballots in which the voter circled names rather than marking the arrows or ovals, ballots with selections that were erased or crossed out by the voter, and ballots mutilated by postal equipment. See Wis. Stat. §§ 5.85(3) and 7.50(2).
- "Other" ballots include ballots emailed or faxed to a voter and ballots accessed and completed by a military or overseas voter through MyVote Wisconsin. See Wis. Stat. § 5.85(3).

4. These ballots are labeled "Original Ballot # (serial number)" and "Duplicate Ballot # (same serial number)" in the endorsement section of the ballot. Wis. Stat. § 5.85(2)(b)2. Remade ballots are issued a sequential serial number, starting with 1, regardless of the reason the ballot was remade. Wis. Stat. § 5.85(2)(b)2. and (3). These ballots are labeled: original ballot number, duplicate ballot number, same serial number. *Id.*
5. Transfer votes based on voter intent from the original ballot to the duplicate ballot so the electronic tabulator will accept the ballot. Wis. Stat. § 5.85(2)(b)1. Any votes cast correctly on the original ballot can be transferred onto the duplicate ballot. An overvoted contest on the original ballot is left blank on the duplicate ballot, unless voter intent can be determined. Wis. Stat. §§ 5.85(2)(b)1. and 7.50. The duplicate ballot for a crossover voted original ballot without party preference is a blank ballot. Nonpartisan contests, if any are present on the ballot, would still be counted.
6. Describe on the Inspectors' Statement (EL-104) why the ballot had to be remade. Wis. Stat. § 5.85(2)(b)1.
   - Use a code of "OV" to identify overvoted ballots.
   - Use a code of "DM" to identify damaged ballots.
   - Use a code of "OT" to identify ballots remade for other reasons.
7. The "duplicate" ballots are initialed by the election officials in the endorsement area and inserted into the tabulating device. Wis. Stat. § 5.85(2)(b)2. and (3).
8. The original ballots are bundled together, marked and placed in the "Original Ballots Envelope." Wis. Stat. § 5.85(2)(b)2. and (3).
9. The "Original Ballots Envelope" is placed in the ballot container. *Id.*

Sec. 14.22.3: Municipalities that Allow Use of the Override Function

If the voting equipment is programmed to permit the use of the override function to tabulate overvoted ballots and ballots with crossover votes, that function may be used instead of remaking ballots for which the voter's intent regarding the contest(s) in question cannot be determined. Wis. Stat. § 5.85(2)(b)1. See also Wis. Stat. § 7.50.

Best Practice: To avoid confusion and any complications during a recount, Commission staff recommend all ballots at the polling place be treated uniformly, either by remaking the ballot or using the override function, as instructed by the municipal clerk. Clerks should clarify this with poll workers before Election Day. When programmed to use the override function, the voting equipment will display a warning message after a voter inserts an overvoted ballot or a ballot with crossover votes into the machine. An poll worker should be assigned to monitor the tabulation equipment at all times that voters are inserting ballots into the machine. The poll worker monitoring the tabulator should position themselves so they are able to assist when needed without impeding voter privacy.

There are currently several different types of tabulation equipment in use in Wisconsin, and each piece of equipment displays a different notification when an overvoted or crossover voted ballot is inserted into the machine. The lack of standard content for notifications across different equipment creates the potential for voter confusion and reinforces the need for election officials to be familiar with the notification screens and the impact on a ballot if the override function is used. A poll worker should monitor the use of the equipment and be able to explain to the voter that votes for at least one ballot contest will not be counted if the voter decides to cast an overvoted or crossover voted ballot. Poll workers may familiarize themselves with the equipment used at their polling place by attending the public test for their municipality. Wis. Stat. § 5.84(1). This is a good opportunity to see how the tabulators react to different types of events.

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

Sec. 14.22.4: Procedure: Overvoted & Crossover Voted Absentee Ballots

1. The poll worker inserts the ballot without inspection into the tabulation equipment, and the machine displays the warning message. Wis. Stat. § 5.91(7) and (12).
2. The inspector selects the option to return the ballot.
3. The inspectors review the ballot to attempt to determine the voter's intent for the contest or contests in question. Wis. Stat. § 7.50. For example, a stray mark could have mistakenly caused the machine to identify the ballot as overvoted or crossover voted.
    - If voter intent can be determined, the ballot is remade to correct the error for the contest(s) in question and include all other votes using the process outlined in the Election Day Manual. Wis. Stat. § 5.85(3).
    - If voter intent cannot be determined, continue to Step 4.
4. The inspector reinserts the ballot into the tabulation equipment and casts the ballot using the override function.
5. The inspector makes a notation on the Inspectors' Statement (EL-104) to indicate that the override function was used to cast the ballot. Wis. Stat. § 5.85(2)(b)1. The reason why the override function was used should also be included in this notation. The ballot is not marked.

Sec. 14.22.5: Procedure: Overvoted & Crossover Voted Ballots When Voter is Present at the Polling Place

1. The voter inserts the ballot into the tabulation equipment, and the machine displays the warning message. Wis. Stat. § 5.91(7) and (12).
2. The poll worker assigned to monitor the tabulation equipment explains the notification to the voter.
   - Overvoted Ballot: Casting an overvoted ballot with the override function would result in no votes being counted for the overvoted contest(s) but votes for all other contests would be counted. Wis. Stat. § 5.85(2)(b)1.
   - Crossover Voted Ballot: Casting a ballot that contains a crossover vote would result in no votes being counted for any partisan office but votes for any nonpartisan contests (if present) would be counted. Wis. Stat. §§ 5.81(4) and 7.50(1)(d).
3. The voter is informed that they can spoil the ballot and mark another ballot (up to three ballots) OR cast the ballot as is.
   - If the voter chooses to spoil the ballot, the poll worker selects the option to return the ballot, returns the ballot to the voter without examining it, and directs the voter to spoil and exchange the ballot at the ballot-issuing table for a replacement ballot. See Wis. Stat. § 6.80(2)(c).
   - If the voter wants the ballot cast as is, the inspector should first offer to use the option to return the ballot to the voter so that the voter may review the ballot before making the final decision. If the voter does not wish to examine the ballot, the election official casts the ballot using the override function. If the voter wishes to examine the ballot first, the voter or inspector selects the option to return the ballot and the voter determines whether to spoil the ballot or to have the poll worker cast it using the override function.
4. The poll worker makes a notation on the Inspectors' Statement (EL-104) to indicate that the override function was used to cast the ballot. Wis. Stat. § 5.85(2)(b)1. The reason why the override function was used should also be included in this notation. The ballot is not marked.

Chapter 14.23: Polling Place Accessibility Reviews

The Commission conducts reviews of polling places on Election Days to check for compliance with the Americans with Disabilities Act, Help America Vote Act, and Wis. Stat. § 5.25(4). Clerks and poll workers will not receive notice in advance of a review. The goal of these reviews is to document the polling place as a voter with a disability would on any normal Election Day. Reviewers are not observers and may complete their work outside of any designated observer area.

When a reviewer arrives at a polling place, they will introduce themselves to the Chief Inspector and provide a letter of introduction that explains the review program. The letter includes contact information for Commission staff in case the Chief Inspector has any questions or concerns. The visit should be noted on the Inspector's Statement (EL-104). The reviewer will take photos and record measurements on a tablet. If the chief inspector is available, the reviewer will let them know they have completed their review before they leave.

See Part 11: "Accessibility" for more information regarding Accessibility.

Chapter 14.24: Closing the Polls, LBOC, & End of Night Process

Chapter 14.21 covers the important steps of closing the polls, the work of the local board of canvassers (LBOC) and the end of night process for poll workers on Election Night.

Sec. 14.24.1: Closing the Polls

All polling places in Wisconsin close at 8:00 p.m. However, voters in line at the time the polls close must be permitted to vote. Wis. Stat. § 6.78(1m).

To close the polling place:

- The Chief Inspector announces the closing of the polls.
- The End of Line Officer stands behind the last voter in line at 8:00 p.m. to clearly identify who is entitled to vote. The End of Line Officer should be established by the municipal clerk prior to Election Day. The End of Line Officer may be a poll worker, election registration official, employee of the clerk, or police officer. Wis. Stat. § 7.37(13)
- Poll workers should continue counting and processing absentee ballots received before 8 p.m. and should not close the polls until all absentee ballots are counted. Wis. Stat. § 7.52(1)(a) (permitting counting of absentees past 8 p.m. at "central count"). Wis. Stat. § 6.78(4) (permitting in person voters to cast ballots past 8 p.m. if they are in line by 8 p.m.). Wis. Stat. § 6.87(6) (permitting municipal clerks to transport absentee ballots to polling places until 7:59 p.m.).

Do not close the polls on the tabulator before verifying that all absentee ballots have been tabulated.

Sec. 14.24.2: Court-Ordered Extension of Voting

If the poll workers are informed that a court has issued an order extending the hours that the polling place is open beyond 8:00 p.m., the polls cannot be closed until the time indicated in the order. The end of line rule applies to the new time. A voter entering the polling place after that time will have his or her ballot marked with the notation "Section 6.96." The poll workers should then

make the same notation on the poll list next to the voter's name. This enables ballots cast after the polls close pursuant to a court order to be removed from the count if the court order is set aside. Wis. Stat. § 6.96.

See Part 12: "Emergency Preparedness & Contingency Planning" for more information on seeking extensions of voting hours.

Sec. 14.24.3: What is the LBOC?

Once all voters have cast their ballots, and once the polls are officially closed, the poll workers become the local board of canvassers (LBOC). The LBOC completes the process of reconciling poll lists, counting ballots, completing the required forms, and transmitting unofficial results. Wis. Stat. § 7.51(1).

The doors to the polling place must NOT be locked when voting ends — all post-election paperwork, tallying, and end of night tasks are open to the public.

Sec. 14.24.4: Tally & Return

Election officials looking to the plain language of Wis. Stat. § 7.51 might be confused by a statutory scheme that was written when the hand counting of paper ballots was the norm. The use of electronic tabulators streamlines many of the tally and return procedures in statute. A provision was added to the statue clarifying that electronic tabulators can replace some functions if the general process still follows the canvass of paper ballots insofar as applicable. Wis. Stat. § 7.51(6).

This chapter discusses the legal requirements of Wis. Stat. § 7.51 in the context of modern electronic tabulation systems. The chapter also clarifies end of night packaging of election materials to conform with best practices identified by Wisconsin election officials.

Sec. 14.24.5: Who Can Attend the LBOC?

The (LBOC) is a governmental body subject to open meetings law. Wis. Att'y Gen. Op. 5-14.

Anyone, *including a candidate*, has the right to observe the end of night activities. Any observers who are present may remain, and they become regular members of the public attending a public meeting. Wis. Admin. Code § EL 4 regulating the

conduct of election observers does not apply once the LBOC begins its work. Attendees are permitted to transmit photographs, videos, and audio recordings, if they are not disruptive. Wis. Admin. Code § EL 4.06.

> **Best Practice:** Canvassers should not permit a member of the public to photograph or record the entire results tape as it may have sensitive information like county or municipal IP addresses. Canvassers should not cover sensitive information with their hand or a sheet of paper. The better process is to direct the member of the public to submit a public records request for the results tape so that anything sensitive can be properly redacted and explanations of the redactions provided.

Sec. 14.24.6: What is the Purpose of the LBOC?

The purpose of any of the boards of canvassers is to "publicly canvass" the votes. Wis. Stat. § 7.51(1). Canvass is the process of making sure all eligible ballots have been counted, discrepancies are explained and documented, and results are determined. This entails much more than just reading the unofficial results from the tabulator tape and packaging everything up to go back to the municipal clerk. All the important work that poll workers do after the polls close serves the important purpose of ensuring that the unofficial results accurately reflect the reality of how many people voted and who they voted for.

Sec. 14.24.7: Central Counting Location for Unified Tabulation

Different from Absentee Ballot "Central Count"

Wisconsin law allows for the governing body to authorize the municipal clerk to complete the LBOC at a "central counting location"—meaning the clerk takes all voted ballots (not just absentees) at the end of the night to a single place to run them through an electronic tabulator. Wis. Stat. § 7.51(1). **This is not the same thing as the meeting of the municipal board of absentee ballot canvassers counting all absentee ballots in one location (commonly known as "central count").**

The Commission is not aware of any municipality in Wisconsin that uses a "central counting location" as a method of unified tabulation under Wis. Stat. § 7.51(1) This statute likely exists from an earlier time when the use of electronic tabulators was more expensive and less widespread.

Sec. 14.24.8: What is the Correct Order of Operations?

Several of the processes outlined in this chapter can be completed at the same time by different poll workers. For example, some poll workers can work on reconciling the poll book while others review voted ballots to count qualified write-in ballots.

Sec. 14.24.9: Completing the Tally

The first task the LBOC completes is determining and confirming the total number of voters who were checked into the poll book, so that number can later be compared against the total number of ballots that the tabulator reports that it counted. The number checked in should match the total number of ballots cast.

What is a Tally Sheet?

The tally sheet is a required piece of Election Day documentation that states the total number of votes cast for each office and for each individual who receives votes for that office, including qualified write-ins, as well as the votes for and against each referendum. Wis. Stat. § 7.51(4)(a).

The Commission maintains a sample Tally Sheet (EL-105) on its website.

Before completing the Tally Sheet (EL-105), poll workers must first confirm that the total number of voters checked into the poll book matches the number of votes the tabulator recorded.

For places that use optical scan voting equipment, the results tape from the tabulator replaces the Tally Sheet, but poll workers will still need to use the paper tally sheet to record qualified write-in votes.

Step 1: Reconciling the Poll Book

The purpose of reconciling the poll book (or poll list) is to ensure both poll books agree, meaning they contain identical information and notations (except voter signatures). Wis. Stat. § 7.51(2)(a).

Best Practice: Poll workers should complete poll book reconciliation throughout the day to avoid having to complete the entirety of this task after polls close.

Note: Jurisdictions that use e-poll books (Badger Books) do not complete this step.

This is an important documentation step because one copy of the poll book goes to the municipal clerk, one goes to the county clerk, and both need the same information to complete their respective canvasses.

Any differences between the poll books must be reconciled, meaning they must be explained, accounted for, and documented:

- Sometimes, the issue is simple: "A poll worker forgot to write down the voter number in the second copy of the poll book." That can be corrected and added to the second poll book during this reconciliation step.
- If the issue cannot be reconciled after consultation with the Chief Inspector and the municipal clerk, the poll workers should describe the problem in detail on the Inspectors' Statement (EL-104).

Note: Be on the lookout for voter entries that have an "Absentee Returned" watermark, but no absentee voter number assigned. This can be a sign that an absentee ballot was received but not counted. If poll workers discover this, all work should stop until the ballot is located or it can be determined why the voter does not have a voter number beside it.

Best Practices for Reconciling the Poll Book:

Compare Voter Numbers and Notations in Main Poll Book

- Compare the first and last voter number on each page, as well as every third or fifth number to ensure they match. Example: If Ms. Ima Voter was assigned voter number 29, that number should be recorded beside her name in both copies of the poll book.
- Compare the notations (if any) alongside the name of each voter on both poll books to ensure they match
- The last voter number assigned should be circled in red in both poll books, and recorded on the Poll List Certification (EL-107C), which is usually printed on the front page or cover of each poll book. This is an important step to help municipal and county clerks with their respective canvasses.

Reconcile the Supplemental Poll List

- Be sure to perform the same careful review of the supplemental poll list, which includes individuals who registered to vote on Election Day and voters casting a presidential-only ballot.

Don't Forget to Check the Separate Lists for Confidential & Protected Voters

- Remember that there are separate portions of the poll book for confidential voters and protected voters. Be sure to reconcile these sections as well.

Complete Poll List Certification (EL-107C)

Once the poll books have been reconciled, poll workers should complete the Poll List Certification (EL-107C), which is usually printed on the front page or cover of each poll book. Wis. Stat. § 7.51(2)(a). Every poll worker who completed the work of checking in voters should sign the certification. Wis. Stat. § 7.51(2)(a).

Step 2: Record the Total Numbers of Voters on Inspectors' Statement (EL-104)

Once the poll books are reconciled and any differences explained, poll workers record the total numbers of voters who checked into the poll book on the spaces indicated on the Inspectors' Statement. The total number of voters is the number of people who have a voter number next to their name on the poll list and supplemental poll list. This includes the total number of in-person voters, the number of absentee voters, and the number of provisional voters.

Step 3: Confirm Number Match between Last Voter Number & Tabulator Number

The last voter number issued to either an in person or absentee voter should be the same as the number of total ballots that the tabulator shows were counted. **These two numbers *must* match, and if they don't, additional steps are required**. See Wis. Stat. § 7.51(2)(c).

Quick Troubleshooting if These Numbers Don't Match:

- Was a voter number skipped or used twice? Poll workers may have to go through the poll book to determine this.
- Was a voter number given to a voter who decided not to receive or cast a ballot?
- Does the number of paper ballots explain the discrepancy? Poll workers should count the total number of marked paper ballots to determine if a jam or other issue caused the mismatch. If a tabulator's auxiliary bin was used during Election Day, double check that area.

If the last voter number still does not match the total votes reflected on the tabulator. **See Chapter 14.20: "Counting Votes" on page 170** for further troubleshooting and possible draw down procedures.

Step 4: Examine & Count Write-In Votes

Optical scan tabulators can tell when the oval next to a write-in candidate has been filled in, but they cannot assign the vote total to a particular candidate. This means poll workers must inspect ballots by hand to tally how many votes qualified write-in candidates received. Determining which write-in votes are eligible to be counted, and which are not, can be complicated.

See Chapter 14.21: "Write-In Votes" on page 180.

Sec. 14.24.10: The LBOC Paperwork "Tells the Story" of Election Day

Boards of canvassers — at the school district, municipal, county, and state level — are all tasked with canvassing the unofficial returns that are reported on Election Night. They cannot do this without detailed documentation and organized materials, which are prepared and finalized by the poll workers serving as the LBOC at the end of the night. These materials are also essential in the event of a recount. Different materials are secured and routed to the municipal, county, and/or school district clerks.

Important: Understand Local Procedures

This section provides an overview of the legal requirements and best practices that fit most jurisdictions. Individual municipal or county clerks may have their own instructions for how to prepare end-of-night documentation and how to package materials. If instructions or materials from the municipal clerk conflict with this section, poll workers should confer with the municipal clerk and defer to their preferences assuming they don't conflict with state law.

Inspectors' Statement (EL-104)

The Inspectors' Statement (EL-104) is a record of everything of note that happened at the polling place during Election Day. It should be used throughout the day to make notes and document incidents and must be completed by poll workers after the Tally Sheet (EL-105). Wis. Stat. § 7.51(4)(a).

Every section of the Inspectors' Statement must be completed before the end of the night, including the Incident Log. There should always be something to note on the Inspectors' Statement, but if the day was truly uneventful, the box at the top of the Log must be checked, or poll workers should write "None." **No detail or incident is too small or insignificant to document.** If canvassers later discover an issue with the returns, and the Incident Log is blank, they will have no information to understand what occurred.

The Commission maintains a template of the Inspectors' Statement (EL-104), as well as a version that can be used by polling places with reporting units such as polling places with both optical scan tabulators and direct record electronic (DRE) equipment (EL-104mu).

The Chief Inspector, or another poll worker designated by the chief, completes the first part of the Inspectors' Statement, and verifies that all information is correct.

At least three poll workers certify the correctness of the tally sheets and Inspectors' Statement and sign their names. Wis. Stat. § 7.51(4)(a).

> **Best Practice:** At least three are required, but all poll workers who worked at the polling place that day should sign their names. If the standard Inspectors' Statement does not have sufficient space for the number of poll workers working at the polling place, the poll workers may sign on an additional page that is then attached to the Inspectors' Statement as an addendum.

Additional Documentation Accompanying the Inspectors' Statement

Poll workers should also complete the following documentation that completes the Inspectors' Statement. All these documents should be stapled together when complete.

Absentee Inspectors' Statement.
Some municipal clerks prepare separate forms for issues relating to absentee ballots, including a separate Incident Log or Diary of events.

Observer Log (EL-109)
This should have been completed throughout the day as observers checked in. Poll workers should review it for completeness at the end of the night.

Orders to Leave (EL-110)
If poll workers ordered anyone to leave, ensure this documentation is complete.

Challenge Documentation (EL-104C)
If any voters are challenged, ensure this documentation is complete.

The Tally Sheet (EL-105)

Once the total number of voters and total number of ballots have been reviewed and compared, and any inconsistencies have been fully documented, poll workers complete the Tally Sheet (EL-105). Wis. Stat. § 7.51(4)(a).

For offices and candidates that were counted using electronic tabulators, poll workers can paperclip the results tape to the Tally Sheet (EL-105) which completes the requirement.

However, the paper Tally Sheet will always be used to count qualified write-in votes.

If poll workers aren't sure how to complete the Tally Sheet, they should confer with the Chief Inspector or municipal clerk.

Any poll worker who assisted with the tally must sign the Tally Sheet. Wis. Stat. § 7.51(4)(a). At least three poll workers, including the Chief Inspector, must sign the tally sheet to complete it. Wis. Stat. § 7.51(4)(a). If partisan appointed poll workers are used, at least one of these poll workers representing each party must be a partisan appointee. Wis. Stat. § 7.51(4)(a).

What to Look for to Check Completeness:

- **Election Information:** Correct ward(s), municipality, date, type of election
- **Tally Marks (if any):** Are there 5 marks in each filled-in box? Is the written total the same as the tally?
- **Compare the totals**
- **Review the Certification:** Is the information correct? Did everyone who helped count the ballots sign the certification? Were all questions answered?

Important: Publicly Announce the Returns

Once the Tally Sheet is completed, poll workers shall publicly announce the returns in the polling place (even if no members of the public or candidates are present). Wis. Stat. § 7.51(4)(a).

The Ballot Container Certificate (EL-101)

The Ballot Container Certificate (EL-101) is completed and affixed to the bag, box, or container into which all marked ballots are secured for transport. The bag, box, or container will be sealed with a tamper-evident seal so that no ballot can be inserted or removed without breaking the seal. Wis. Stat. § 7.51(3)(a). Record the security seal number on the Inspectors' Statement (EL-104). **Only ballots and no other documents are sealed in this container.**

Sealed in container:

- Damaged Ballots
- Rejected Ballots
- Voted Ballots

***Not* sealed in container:**

- EL-106
- Provisional Ballots
- Used Certificate Envelopes

Note: If the poll workers working at the polling place are nominees from political parties, at least one poll worker from each party must participate in the securing of the marked ballots. Wis. Stat. § 7.51(3)(a).

The EL-101 should be signed by the Chief Inspector and at least one other poll worker. Wis. Stat. § 7.51(3)(a). If poll workers are party affiliated, the EL-101 should contain one signature from the poll worker of each party, up to three total signatures (Democratic, Republican, Unaffiliated).

"Original Ballots" Envelope.
Poll workers should separately bundle all ballots that have been identified as damaged, defective, overvoted, objected to or set aside, and place them in this envelope. This envelope of ballots goes inside the Ballot Container along with the other voted ballots.

Remaining Voted Ballots.
All other voted ballots are also secured in the Ballot Container.

Inspectors' Certificate of Provisional Ballots (EL-108) & Provisional Ballot Reporting Form (EL-123R)

Provisional ballots (sometimes known as sec. 6.97 ballots) are cast most often by voters who cannot show acceptable ID at the polling place. **See Chapter 14.13: "Provisional Voting" on page 95.**

If any provisional ballots were cast, each ballot will be sealed within a Provisional Ballot Certificate Envelope (EL-123). Those certificate envelopes should be bundled inside a carrier envelope with the Inspectors' Certificate of Provisional Ballots (EL-108) affixed. Wis. Stat. § 7.51(3)(a).

Provisional ballots are not secured inside the ballot container. *Id.* They should instead be placed in a separate bag or ballot container, which gets its own tamper-evident seal and EL-101. The bag or container containing provisional ballots should be labeled "Provisional Ballots."

> **Best Practice:** Poll workers should inform the municipal clerk if there are any provisional ballots.

The Inspectors' Certificate of Provisional Ballots (EL-108) is signed by the Chief Inspector and two other poll workers. *Id.*

Poll workers must also complete the Provisional Ballot Reporting Form (EL-123R). This form lists the voters who cast provisional ballots, as well as important information about how and why they qualified to cast a provisional ballot. It should *not* be sealed inside the ballot container. The municipal clerk uses this form to send to all boards of canvass who will certify the election results. Wis. Stat. § 6.97(3)(b).

Certificate of Rejected Absentee Ballots (EL-102)

If any absentee ballots were rejected, poll workers must complete the Certificate of Rejected Absentee Ballots (EL-102). Each absentee ballot that is rejected must contain documented reasons for doing so on the Inspectors' Statement (EL-104).

See Sec. 14.15.14: "Rejecting Absentee Ballots" on page 146.

Poll workers complete the endorsement section of the Certificate of Rejected Absentee Ballots (EL-102) brown carrier envelope. The EL-102 must be signed by the Chief Inspector and one of the poll workers representing each of the two major political parties. Wis. Stat. § 6.88(3)(b).

> **Best Practice:** If there are not poll workers from each of the major parties, the EL-102 should be completed by at least two unaffiliated poll workers.

The EL-102 is then returned to the municipal clerk in the same manner as the official ballots voted at the election. *Id.* Certificate of Rejected Absentee Ballots (EL-102) brown carrier envelope goes inside the Ballot Container along with the other voted ballots.

Used Certificate Envelopes of Absentee Voters (EL-103)

Absentee certificate envelopes are *not* destroyed or thrown away after the ballots are removed and counted. They are bundled and secured inside a carrier envelope, which is affixed with the Used Certificate Envelopes of Absentee Voters (EL-103). Wis. Stat. § 7.51(3)(d). The certificate is signed by the Chief Inspector and two other poll workers, one from each party (unless appointed without regard to party affiliation). *Id.*

Sec. 14.24.11: Combining the LBOC & Municipal Board of Canvassers (MBOC)

If a municipality has *one polling place*, *no provisional ballots*, and *does not use "central count"* for absentee ballot canvassing, the LBOC can be combined with the municipal board of canvassers (MBOC). Wis. Stat. § 7.53(1)(a). When the canvasses are combined, the members of the LBOC also serve as the members of the MBOC. *Id.*

If the above conditions are met, the LBOC can complete the municipal canvass on Election Night. Wis. Stat. § 7.53(2)(d). They complete the canvass statement, certify *the municipal election results*, and officially determine the winners. Wis. Stat. § 7.53(2).

In municipalities with more than one polling place, the MBOC meets after the election to certify the results of the municipal elections and make determinations of the winners. *Id.*

See Chapter 14.27: "Municipal Boards of Canvassers" on page 242 for detailed procedures on completing the MBOC on election night.

Board of Canvassers Statement (EL-106)

If the MBOC is conducted on Election Night, poll workers will need to complete the Board of Canvassers Statement (EL-106) at the polling place.

For detailed instructions on how to complete the EL-106, see the information provided with that form. Attach one original Tally Sheet (EL-105) to the EL-106. Each poll worker signs the certification on the canvass form.

Do not put the completed EL-106 in the ballot container — it instead gets routed to the municipal clerk.

Sec. 14.24.12: Routing of Materials

Following the completion of all required end-of-night documentation, everything needs to be packaged and routed to the appropriate election official. Election officials can greatly assist their municipal clerks by packaging materials efficiently, so the clerk does not have to sort through a jumble of documents after Election Day.

Note: Poll workers should supplement this section with specific instructions and guidance from their municipal clerk. Municipal clerks may have jurisdiction-specific resources for closing the polls and packaging materials and supplies. If the municipal clerk's instructions differ from this section, poll workers should confer with the municipal clerk and defer to their preferences.

To the Municipal Clerk:

- All bundles of voted ballots, secured inside the ballot container.
- All voted provisional ballots, secured inside a separate ballot container.
- Unused (blank) ballots
- Used Absentee Certificate Envelopes, secured in their carrier envelope
- Original Tally Sheets (EL-105).
- Copy of the voting equipment results tape (if any).
- Original Inspectors' Statement (EL-104) and any attachments, including the Absentee Event Log (if any), challenge documentation, and observer log.
- Statement of the Board of Canvassers (EL-106) (if required)
- Both poll books with certifications completed, as well as the supplemental poll list.
- Absentee Ballot Log (EL-124)
- Provisional Ballot Reporting Form (EL-123R)
- Election Day Registration Forms
- Any supplies indicated by the municipal clerk

To the School District Clerk:

Poll workers should not route any materials to the school district clerk on Election Night unless they are directed to do so by their municipal clerk.

To the County Clerk:

Poll workers should not route any materials to the county clerk on Election Night unless they are directed to do so by their municipal clerk.

Post-Election Checklist

Poll Lists:

Two identical poll lists must be completed

- ❑ Completed with necessary attachments, including inspector signatures (chief inspector and any inspector responsible for maintaining the list)
- ❑ Original List completed for municipal clerk
- ❑ Original List that contains the voters' signatures completed for county clerk
- ❑ Certified copy may be made for school district clerks and special purpose district clerks

Tally Sheet Preparation

Two tally sheets must be created for each type of ballot (EL-105)

- ❑ Tally sheets are complete, including signatures from all persons counting ballots
- ❑ Original Tally Sheet completed for municipal clerk
- ❑ Original Tally Sheet completed for county clerk
- ❑ Original Tally Sheet completed for school district clerk

Inspectors' Statement:

One inspectors' statement must be completed for each set of tally sheets

- ❑ Completed with necessary attachments, along with inspector signatures, voting equipment seal verification checks, and record of all ballot bag tamper-evident seal numbers
- ❑ Original statement completed for municipal clerk
- ❑ Copy of statement for county clerk (made by municipal clerk)
- ❑ Copy of statement for school district clerk (made by municipal clerk)

Provisional Ballots

- ❑ The carrier envelope for provisional ballots (EL-108), containing all provisional ballot certificate envelopes (EL-123) placed in a separate ballot bag and secured with a tamper-evident seal
- ❑ The completed Provisional Ballot Reporting Form (EL-123r) not sealed in a ballot bag

Absentee Ballots

Materials for absentee ballots must be placed in the proper envelope

- ❑ Certificate of Rejected Absentee Ballots (EL-102) (Brown)
- ❑ Rejected Absentee Ballots placed in the ballot container along with voted ballots
- ❑ Used Absentee Certificate Envelope (EL-103) (White)
- ❑ Certifications on each envelope are completed with the signatures of the inspectors

Ballot Security

Ballots must be secured in a bag or container with a tamper-evident seal.

- ❑ Ballots are separated by type and placed in their respective ballot bag
- ❑ Certification is completed with the inspector signatures * and tamper-evident seal number of each bag.

DRAFT

Chapter 14.25: Transmission & Posting of Unofficial Results

The results that are reported on Election Night are unofficial results. Election results do not become official until they are certified by the highest level of canvass applicable to the contest. However, unofficial results reporting is one of the most important Election Night responsibilities because in almost all circumstances, the unofficial results will reflect the winners of the day's contests. Voters will want to know the results of the election in which they cast their ballots by the time they go to bed on Election Night. Posting unofficial results in a timely manner is not only required by law, but it also maintains integrity in the election system, and reduces suspicion and anxiety.

Sec. 14.25.1: Step 1: Chief Inspector Reports Unofficial Results to Municipal Clerk

The Chief Inspector, or one of the poll workers appointed by him or her, immediately after the votes are tabulated or counted at each election, shall report the returns of the election to the municipal clerk or to the school district clerk for school district elections, except in 1st class cities. Wis. Stat. § 7.51(4)(b). The method of reporting results depends on the municipal clerk's preference.

Some clerks authorize more than one transmission method:

- By USB or other removable memory drive
- By hand delivery of results tape or tally sheet
- By phone

Note: For jurisdictions that modem their results directly to the county clerk's election management software, separate reporting to the municipal clerk may not be necessary, though poll workers should follow their municipal clerk's preference.

Sec. 14.25.2: Step 2: Municipal Clerk Proofs Returns before Posting & Sending to County Clerk

> **Best Practice:** Before unofficial results are made public, more than one person from the municipal clerk's staff should proof the information to ensure publicized returns, though unofficial, accurately and completely reflect the returns as received from the polling places.

What to check:

- Are all candidates included?
- Are the correct ward(s) represented?
- Are the transposed numbers the same?

If there are questions about the unofficial results received from a polling place, the municipal clerk must contact the Chief Inspector of that polling place for more information.

Sec. 14.25.3: Step 3: Municipal Clerk Makes Unofficial Results Public along with Number of Provisional Voters & Absentee Voters

The municipal clerk, or school district clerk, shall then make the returns public. Wis. Stat. § 7.51(4)(b).

There is no specific method by which the municipal clerk needs to do this, and many clerks complete it by using one (or more) of the following:

- Posting any tally sheets and machine tapes for each reporting unit in the municipal clerk's, or school district clerk's, office and on the municipality's or school district's website.

- If using the Commission's Canvass Reporting System ("CRS"), upload or enter Election Night results into the CRS, and print the "Canvass Report-EL-106," and post in the municipal clerk's office and on the municipality's website. **See Chapter 15.5: "Canvass Reporting System"** for more information on how to use the CRS.
- If not using the CRS to organize returns, enter results into an Excel or Word document, and post them in the municipal clerk's office and on the municipality's website.

Posting Provisional Voter Totals

At the same time, the municipal clerk is also required to post at their office and on their website the number of voters who cast provisional ballots who did not later appear on Election Day to provide their missing photo identification or their Driver's License or State ID card number. Wis. Stat. § 7.15(15).

Posting Absentee Voter Totals for "Central Count" Jurisdictions

For jurisdictions where absentee ballots are canvassed using "central count," the municipal clerk also must post:

1. The total number of absentee ballots the clerk has sent to voters; and
2. The total number of absentee ballots that were returned. Wis. Stat. § 7.52(1)(c).

The clerk should *not* post voters' names and addresses as part of this reporting. *Id.*

Sec. 14.25.4: Step 4: Municipal Clerk Transmits Unofficial Results to County Clerk within 2 Hours

The municipal clerk must report the unofficial results, by ward or reporting unit, to their county clerk no later than two hours after the votes are tabulated. Wis. Stat. § 7.51(4)(c). This does not mean two hours after polls close; it means within two hours of when each jurisdiction finishes counting all their ballots. **Municipal clerks should proof their results again before transmitting them to the county clerk to ensure there are no errors or transpositions of numbers.**

Note: For jurisdictions that modem their results directly to the county clerk's election management software, separate reporting by the municipal clerk is not necessary.

Sec. 14.25.5: Step 5: County Clerks Post Unofficial Results within 2 Hours

The county clerk is required to keep their office open on Election Night to post unofficial results. Wis. Stat. § 7.60(1). The county clerk must post unofficial results, by ward or reporting unit, on their county website no later than two hours after receiving them. *Id.*

Best Practice: This should be done on a rolling basis as results are received.

County clerks then enter the election results into the CRS within nine days of a February nonpartisan primary or April general election (with no presidential preference vote), within 10 days of the August partisan primary, and within two weeks of the November general election. **See Chapter 15.5: "Canvass Reporting System"** for more information on entering results into the CRS.

Chapter 14.26: Election Night Duties

After the polls close, state law requires municipal and county clerks to perform specific Election Night duties.

Sec. 14.26.1: Election Night Duties of Municipal Clerks

Municipal clerks are responsible for several important end-of-night tasks on Election Day.

Enter Provisional Ballot Information into WisVote

If a jurisdiction receives zero provisional ballots on Election Day, no action is needed for provisional ballots on Election Night. If provisional ballots were issued, municipal clerks should input that information into WisVote on Election Night.

For detailed instructions on entering provisional ballot information, see Chapter 5.3 of the WisVote manual.

Post Number of Outstanding Provisional Ballots

As soon as possible after the polls close, the municipal clerk must post the total number of outstanding provisional ballots at their office and on their website. Wis. Stat. § 7.15(15). An "outstanding provisional ballot" is one in which the voter did not return to the polling place by 8 p.m. to show acceptable proof of photo ID. The clerk also must make this number available to anyone who requests it. *Id.*

Notify other Canvassers of Provisional Ballots

If the municipal clerk has been made aware by any of their poll workers that provisional ballots were cast, they should notify the board of canvassers of each municipality, county, and school district impacted on Election Night. Wis. Stat. § 6.97(3)(b).

For more information on processing provisional ballots after Election Day, **see Chapter 15.2: "Rehabilitating Provisional Ballots."**

Report Returns to County Clerk

Municipal clerks are required to report their returns, by ward or reporting unit, to the county clerk no later than 2 hours after the votes are tabulated. Wis. Stat. § 7.51(4)(c).

Note: This step may be completed concurrently with the local board of canvassers results reporting if unofficial results are transmitted directly to the county clerk via secure modem.

Secure Sensitive Election Materials

Municipal clerks should not leave at the end of Election Night without ensuring that sensitive election materials, such as tabulators and ballots, are securely stored.

Sec. 14.26.2: Election Night Duties of County Clerks

County clerks also have important end-of-night duties.

Receive & Post Unofficial Results

The county clerk's office must remain open on Election Night to receive and post all unofficial results. Wis. Stat. § 7.60(1). The method by which municipalities transmit results to the county will vary, but they are required by Wis. Stat. § 7.51(4)(c) to report the returns, by ward or reporting unit, to the county clerk no later than two hours after votes are tabulated. Regardless of the method of delivery, results by reporting unit must be posted to the county website no later than two hours after receiving them. Wis. Stat. § 7.60(1).

Note: In jurisdictions where unofficial results are transmitted by secure modem, county clerks will receive results directly from the local board of canvassers (LBOC).

Best Practices for County Clerk Posting of Unofficial Results: The county clerk should develop and document systematic procedures for making results public.

The procedures should include a detailed method of proof reading which includes double checks by more than one person. This will help to ensure that publicized returns, though unofficial, accurately and completely, reflect the returns as received from the municipalities.

The county clerk must post returns to their website and may also post the results publicly using other methods. See Wis. Stat. § 7.60(1).

Other suggestions for making results public:

- Post returns outside of the county clerk's office or in a media area. This can be done by:
- Posting tally sheets and machine tapes for each reporting unit.
- Printing results from compilation software, if applicable, and posting printouts periodically.
- Uploading or entering election night results into the Canvass Reporting System (CRS) and posting results periodically on the county website.
- Transferring returns to a continuously updated spreadsheet.

For more information on using the Canvass Reporting System, see the Canvass Reporting System Manual.

Chapter 14.27: Municipal Boards of Canvassers

The Municipal Board of Canvassers (MBOC) meets after every election to canvass all ballots, regardless of whether there are municipal offices or referenda on the ballot. Wis. Stat. § 7.53.

Sec. 14.27.1: What Does "Canvass the Returns" Mean?

The purpose of the canvass is to determine and certify that the person who received the greatest number of votes is declared elected. Wis. Stat. § 5.01(3)(a). Though statute does not specifically define the term, many courts have confirmed that the "canvass" is "purely ministerial" or "purely administrative."[1] In other words, the purpose of the MBOC is not to examine the legitimacy of the election, it's to ensure that the unofficial results accurately reflect the ballots that were cast by voters. Canvassers cannot delay or wait for a recount to perform their duties.[2] A majority of the board of canvassers may act to complete their duties, even if one member is absent.[3]

Sec. 14.27.2: When Does the MBOC Meet?

The MBOC either meets on Election Night or no later than 9 a.m. on the Monday after the election. Wis. Stat. § 7.53(2)(d).

The MBOC is a public meeting, and must be noticed in accordance with Wisconsin's open meetings laws. Wis. Stat. § 19.83(1).

---

1 *State ex rel. Husting v. State Canvassers*, 159 Wis. 216 (WI 1914); *Hammond v. Bd. Of Canvassers*, 2003 WI APP 22 (Ct. Appeals D3).

2 *State ex rel. Husting v. State Canvassers*, 159 Wis. 216 (WI 1914).

3 *Karker v. Board of Unified School District*, 51 Wis. 2d 542 (W 1971).

Meeting on Election Night

In municipalities with one polling place, one set of results, no provisional ballots, and no "central count," the poll workers become the MBOC on Election Night. Wis. Stat. § 7.53(1)(a). They complete the canvass statement, certify the municipal election results and officially determine the winners of municipal contests. Wis. Stat. § 7.53(1).

Meeting after Election Day

In municipalities with more than one polling place where results must be combined, the MBOC may convene as soon as they receive the last results from all polling places but no later than 9 a.m. on the Monday after the election. Wis. Stat. § 7.53(2)(d).

What If There are Provisional Ballots?

If there are provisional ballots that were not resolved on Election Day, the MBOC cannot be held on Election Night. Wis. Stat. § 7.53(1)(a). In these instances, the MBOC will need to reconvene after the election but no later than 9 a.m. the Monday after the election. Wis. Stat. §§ 7.53(1)(a), 7.53(2)(d).

Sec. 14.27.3: Who Serves on the MBOC?

The MBOC consists of the municipal clerk and two other qualified voters of the municipality appointed by the municipal clerk. Wis. Stat. § 7.53(2). An appointed clerk who is not a resident of the municipality may serve as a member of the Municipal Board of Canvassers. Members of the MBOC serve on two-year terms commencing on January 1 of even-numbered years. Wis. Stat. § 7.53(2)(a)1. If the clerk's office is vacant or the clerk cannot perform their MBOC duties, the mayor, president, or board chairman appoints another qualified voter to serve in the clerk's place. Wis. Stat. § 7.53(2)(a)2.

If the clerk is a candidate at the election being canvassed, the clerk can still serve on the MBOC if they ran unopposed. Wis. Stat. § 7.53(2)(a)3. Otherwise, the mayor, president, or board chairman will appoint another qualified voter. *Id.*

If any other member of the MBOC is a candidate at the election being canvassed, the clerk shall appoint another qualified voter to temporarily fill the MBOC vacancy for that election. Wis. Stat. § 7.53(2)(a)4.

Sec. 14.27.4: Broadcasting & Recording the Meeting

If the MBOC decides to live stream or broadcast their meeting (including holding it virtually on Zoom or another video conference platform), it must be recorded. Wis. Stat. § 7.53(5). The recording must then be retained for 22 months. Wis. Stat. §§ 7.53(5), 7.23(1)(f).

Sec. 14.27.5: Preparing for the MBOC on Election Night

For jurisdictions that are able to conduct the MBOC on Election Night, the municipal clerk should ensure that the following materials are available at the polling place:

- Ballot bag or container complete with the Ballot Container Certificate (EL-101)
- Rejected Absentee Ballot (EL-102) bag or container
- Used Certificate Envelopes (EL-103) bag or container
- Inspectors' Statement (EL-104)
- Tally Sheet (EL-105) for recording votes
- Board of Canvassers Statement (EL-106)

Sec. 14.27.6: Preparing for the MBOC after Election Day

The following steps are the Commission's best practices in preparing for and conducting the MBOC. Municipal clerks have a large role to play in this process, and organizing materials and information ahead of time will make canvassing the returns easier.

Step 1: Organize the Materials for Each Reporting Unit

For each reporting unit, organize the end of night materials so they are easy for the MBOC to review and search:

- Inspectors' Statements (EL-104) and accompanying documentation
- LBOC Statements
- Tally Sheets
- All other End of Night materials **(see Chapter 14.24: "Closing the Polls, LBOC, & End of Night Process" on page 219)**

Step 2: Organize & Include Provisional Ballot Materials

The municipal clerk also needs to organize and prepare provisional ballot materials, including:

- Provisional Ballot(s)
- EL-108 Inspectors' Certificate of Provisional Ballots
- EL-123 Provisional Certificate Envelope(s)
- EL-123R Provisional Ballot Reporting Form
- Processing instructions for the MBOC
- All other documentation

See "Provisional Voting" on page 95 for more detailed information on issuing provisional ballots. For more detailed information on processing provisional ballots after Election Day, **see Chapter 15.2: "Rehabilitating Provisional Ballots."**

Step 3: Prepare the Canvass Statement (EL-106)

The MBOC will review and complete the Board of Canvassers Report (EL-106), but the municipal clerk may assist them by pre-filling it with the necessary information ahead of their meeting.

See the top of page 2 of the EL-106 for instructions on the type of information the municipal clerk can prepare and enter on the EL-106 for the MBOC's review.

Step 4: Arrange for Minutes to be Taken at the MBOC

The meeting of the MBOC must be noticed as a public meeting, and must follow Wisconsin's open meetings law, which includes taking minutes of the proceedings. See Wis. Stat. § 19.85(1). Prior to the convening of the MBOC, the municipal clerk should arrange for someone to take accurate and detailed minutes.

Sec. 14.27.7: Conducting the Canvass

Statute does not provide specific details for what it means to conduct the canvass, but this chapter constitutes the Best Practices recommended by the Commission. See generally, Wis. Stat. §§ 7.53(1) and (2).

If anything is missing, information is incomplete, or the MBOC must decide or take a vote on any aspect of the canvass, all such information should be recorded accurately and in detail in the meeting minutes. Notable information to record could include a discrepancy between the number of absentee ballots sent to the polling place and the number of absentee ballots counted, a discrepancy between the total number of votes cast on the voting equipment and total number of voters with no explanation on the EL-104, or missing provisional ballot documentation.

Step 1: Review the Materials from Each Reporting Unit & Assign Tasks

Each reporting unit should have the same set of paperwork and information for MBOC review:

- One original of each Tally Sheet (EL-105) and one copy of the voting machine tape (if any)
- One Inspectors' Statement (EL-104) plus any additional accompanying paperwork for absentees, observers, and challenges
- One Absentee Ballot Log (EL-124) (if any)
- Provisional Ballot Reporting Form (EL-123R)
- Statement of the Municipal Clerk (EL-106P)

If something is missing, or the MBOC has questions about this paperwork, the municipal clerk should be consulted immediately.

When assigning tasks, build in redundancy or assign tasks to pairs of individuals to ensure that returns and materials from all reporting units are inspected, reconciled, and the official results are properly documented for certification.

Step 2: Review Poll List (Number of Voters vs. Number of Votes)

The purpose of Step Two is to ensure that the total number of people who cast ballots equals the total number of ballots that were counted.

For each poll list (poll book) for each reporting unit, ensure the following:

- Verify that the poll list certification has been completed. This will usually be printed on the cover page of the poll book.
  - Is the last voter number listed?
  - Is the page on which the last voter number appears indicated?
  - Is the number of absentee voters indicated?
  - Has the number of voters whose provisional ballots were counted been added?

- Compare the number of ballots cast to the number of voters.
  - If the number of voters is more than the number of ballots cast:
    - Every effort should be made to discover the reason for the discrepancy. For example, one possible reason would be a voter leaving the polling place after checking in but before casting their ballot.
    - Consult the Inspectors' Statement (EL-104) for an explanation.
    - Regardless of the explanation (or lack thereof), record discrepancy in minutes.
  - If the number of ballots cast is more than the number of voters:
    - This is a problem that must be further investigated.
    - Check the Inspectors' Statement for an explanation.
    - If there is no explanation, check voter list for erroneously assigned voter numbers.
    - If the discrepancy cannot be determined, contact chief inspector.

- If chief inspector has no explanation or explanation is not sufficient, the inspectors must be called in to either find the error or explain the discrepancy. This may require hand counting the ballots, whether Optical Scan or Paper Hand Count ballots, to verify the error is not in the number of ballots.
- If inspectors cannot find an error and the discrepancy cannot be explained, the draw down procedure is conducted by the inspectors. Conducting a draw down is always a last resort, and should not be done if the discrepancy can be logically explained.

Note: If polling place had more than one reporting unit, and the overall total of ballots cast at the polling place is not more than the overall number of voters at the polling place, note this in minutes but do not draw down (this likely indicates a number of voters were given the wrong ballot).

Step 3: Open & Count Provisional Ballots

The municipal clerk notifies the MBOC if there are provisional ballots to be counted. Wis. Stat. § 6.97(3)(b). The municipal clerk will also inform the MBOC which provisional ballots can be counted and which cannot. *Id.*

For more detailed information on how municipal clerks process provisional ballots after Election Day, **see Chapter 15.2: "Rehabilitating Provisional Ballots."**

To process provisional ballots, the MBOC should take the following steps and record all decisions in the meeting minutes. *Id.*

- Confirm the seal on the ballot bag containing the provisional ballots has not been opened
- Review the Provisional Ballot Reporting Form (EL-123r)
  - Confirm the provisional ballot was properly issued
  - Confirm that the voter provided the missing information in order to have their provisional ballot counted
- Remove the voter's Provisional Ballot Certificate Envelope (EL-123) from the Inspectors' Certificate of Provisional Ballots (EL-108) envelope

- Confirm that the Provisional Ballot Certificate Envelope (EL-123) has not been opened or tampered with
- Issue the voter a sequential voter number, starting with the last voter number issued on Election Day in that specific reporting unit
- Remove the voter's ballot
  - Review the ballot and award votes where voter intent can be determined
  - Adjust the Tally Sheet (EL-105) to reflect the updated vote totals
- Provide a copy of the EL-123r and updated tally sheet to other affected Boards of Canvassers

Step 4: Troubleshoot for Potential Problems

The MBOC should carefully review the results and documentation from reporting units for anything that does not make sense or cannot be readily explained.

Example 1: Discrepancy in Turnout vs. Voters

Compare the number of voters to the number of votes cast for the office that would have received the largest number of votes (such as President or Governor). These numbers should be very similar because all voters presumably would have voted in the highest profile races on the ballot. A large discrepancy must be investigated and could signal a problem with voting equipment.

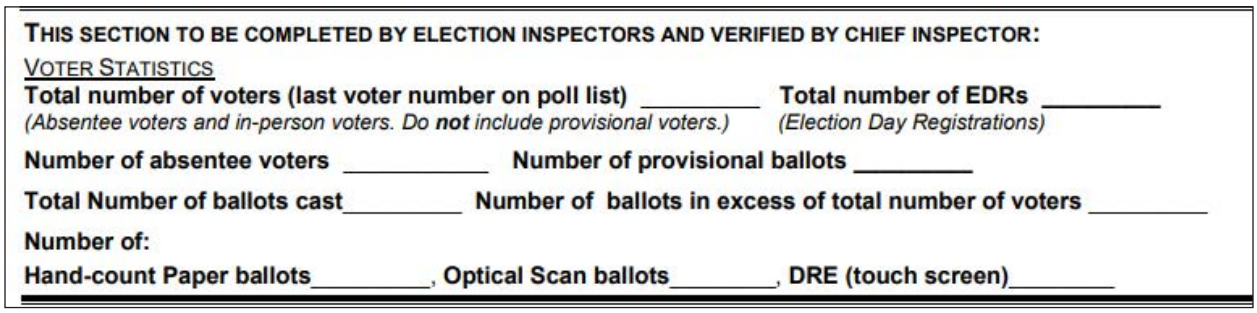
Example 2: Discrepancy in Absentee Ballots Returned vs. Absentees Counted

The municipal clerk should provide the total number of absentee ballots that were returned in the jurisdiction. This number should be compared with the total numbers of absentee voters reported on each inspectors' statements. If the numbers do not match, this could be a sign that not all absentee ballots that were received were counted. The MBOC should also examine the poll books for any voter with an "Absentee Returned" watermark or other indicator, but with no voter number assigned. That could also be a sign that an absentee ballot was not counted.

Example 3: Skewed Statistics in Inspectors' Statements

Also examine the voter statistics section of the Inspector's Statement for any numbers that seem skewed. For example, if there are 100 registered voters in a ward, and the poll workers recorded that there were 1,000 absentee voters, this is likely a typo that needs to be corrected or investigated further.

Figure 48: Statistics Section on Inspectors' Statement



THIS SECTION TO BE COMPLETED BY ELECTION INSPECTORS AND VERIFIED BY CHIEF INSPECTOR:

VOTER STATISTICS

Total number of voters (last voter number on poll list) _____ **Total number of EDRs** _____
*(Absentee voters and in-person voters. Do **not** include provisional voters.)* *(Election Day Registrations)*

Number of absentee voters _____ **Number of provisional ballots** _____

Total Number of ballots cast_____ **Number of ballots in excess of total number of voters** _____

Number of:

Hand-count Paper ballots_____, **Optical Scan ballots**_____, **DRE (touch screen)**_____

Step 5: Review Tally Sheets & Electronic Vote Records

- Review Tally Sheets (or write-in Tally Sheets) for accuracy and verify math. If there were registered write-in candidates, all the totals for those candidates should equal the number that was recorded on the summary statement listing out the total votes for that candidate. If poll workers had to adjust the results tapes (for example because a ballot jam led to the subtraction of one vote), make sure that math is also correct and reflected on the actual tally sheet and summary statement.
- Where electronic equipment is used, review the tapes for any adjustments made on the tapes and verify the math.
- If inspectors have added electronic votes and hand-count votes together, check the addition.
- Be sure any provisional ballot votes have been attributed.

Step 6: Review Inspectors' Statement & Accompanying Documentation

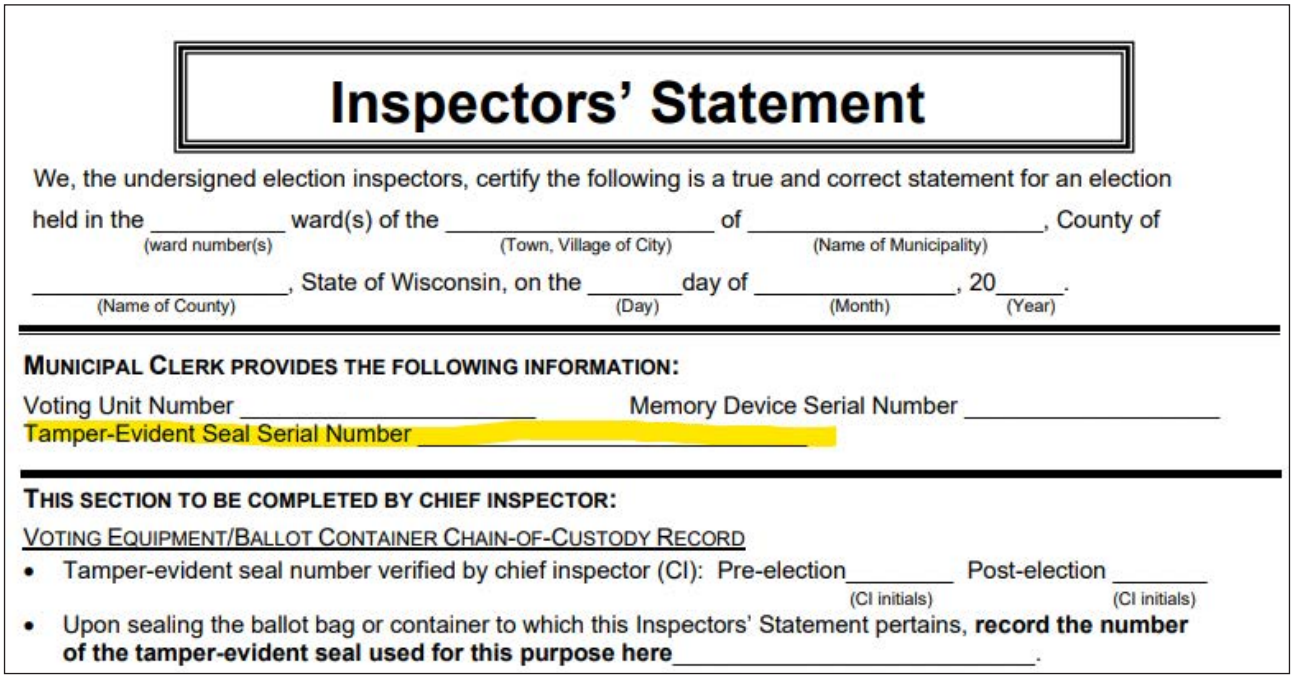
Each Inspectors' Statement from each reporting unit must be reviewed in detail by the MBOC.

What to Look for

Tamper-Evident Seal Records from Voting Equipment.

Verify that the tamper-evident serial numbers from the voting equipment have been recorded and initialed by the Chief Poll worker. Serial numbers should be verified on at least 5 Inspectors' Statements or on 10% of Inspectors' Statements, whichever is greater.

Figure 49: Tamper-Evident Seal Records Section on Inspectors' Statement



Inspectors' Statement

We, the undersigned election inspectors, certify the following is a true and correct statement for an election held in the _____ (ward number(s)) ward(s) of the _____ (Town, Village of City) of _____ (Name of Municipality), County of _____ (Name of County), State of Wisconsin, on the _____ (Day) day of _____ (Month), 20_____ (Year).

MUNICIPAL CLERK PROVIDES THE FOLLOWING INFORMATION:

Voting Unit Number _____ Memory Device Serial Number _____

Tamper-Evident Seal Serial Number _____

THIS SECTION TO BE COMPLETED BY CHIEF INSPECTOR:

VOTING EQUIPMENT/BALLOT CONTAINER CHAIN-OF-CUSTODY RECORD

- Tamper-evident seal number verified by chief inspector (CI): Pre-election _____ (CI initials) Post-election _____ (CI initials)
- Upon sealing the ballot bag or container to which this Inspectors' Statement pertains, **record the number of the tamper-evident seal used for this purpose here**_____.

Notations on Incident Log

The Incident Log of each Inspectors' Statement should be reviewed for any notations which impact the poll book numbers or number of votes.

Step 7: Compare the Vote Totals to the Tally Sheet Prepared by Municipal Clerk

Ahead of the meeting of the MBOC, the municipal clerk will have prepared a tabular statement, or some other document showing a summary of each reporting unit.

The MBOC should read each candidate's name and the number of votes they received, as documented by the results tapes and/or tally sheets. Each number should be compared to the totals on whatever summary documentation the municipal clerk provided.

The MBOC should correct any errors as needed. If corrections are made, the other canvassers verify the correction. Record any errors and corrections in minutes.

Step 8: Review & Confirm Write-In Votes

Even in places that use electronic voting equipment, write-in votes will still always be recorded on tally sheets. From the tally sheets, read the names of write-in candidates and the number of votes cast for each. Verify the accuracy of inspectors' hash marks and math. Compare the results to any summary statement prepared by the clerk and make any necessary corrections. If corrections are made, the other canvassers very the correction. Record any errors/corrections in minutes.

See Chapter 14.21: "Write-In Votes" on page 180 for detailed guidance on write-in scenarios and counting votes.

Step 9: Complete the Canvass Statement (after All Reporting Units have been Reviewed)

When all corrections have been made, print a new tally sheet, summary statement and certification. Once the new statements have been printed, the board of canvassers then should proof the new materials to verify their accuracy.

Once the canvassers are certain the results are correct as recorded, the canvass board members sign the certification.

Sec. 14.27.8: Breaking a Tie in a Municipal Contest

If there are any tie votes in municipal offices, the canvassers break the tie. Wis. Stat. § 5.01(4)(a). Statute directs that this be done "by lot," which can include flipping a coin, drawing names out of a hat, or by anything that will determine a random result. *Id.* If the tie occurs during a primary and only one candidate may advance, the tie is likewise broken by lots. *Id.* If all candidates in a tied contest are present, the candidates can draw the lots themselves. Wis. Stat. § 5.01(4)(c). If not all candidates are present, the MBOC shall break the tie. *Id.* **There cannot be a tie for a referendum question** — if both "Yes" and "No" receive the equal number of votes, the question fails adoption. Wis. Stat. § 5.01(4)(d).

Sec. 14.27.9: Canvass Retention

The canvass statement must be kept for 10 years after the election for which it was prepared. Wis. Stat. § 7.23(1)(i).

Chapter 14.28: Sample Forms

Appendix 14.28.A: EL-101: Ballot Container Certificate 255

Appendix 14.28.B: EL-102: Certificate of Rejected Absentee Ballots 256

Appendix 14.28.C: EL-103: Used Certificate Envelopes of Absentee Electors 257

Appendix 14.28.D: EL-104: Inspectors' Statement 259

Appendix 14.28.E: EL-104c: Challenge Documentation 263

Appendix 14.28.F: EL-105: General Purpose Tally Sheet 267

Appendix 14.28.G: EL-106: Board of Canvassers Statement 269

Appendix 14.28.H: Sample Poll List 273

Appendix 14.28.I: EL-107: Supplemental Poll List 274

Appendix 14.28.J: EL-107c: Poll List Certification 275

Appendix 14.28.K: EL-108: Inspectors' Certificate of Provisional Ballots 276

Appendix 14.28.L: EL-109: Election Observer Log 277

Appendix 14.28.M: Election Observer Rules-at-a-Glance 279

Appendix 14.28.N: EL-110: Order to Leave the Polling Place 281

Appendix 14.28.O: EL-119: Ineligible Voter Information Sheet 282

Appendix 14.28.P: EL-122: Absentee Certificate Envelope 283

Appendix 14.28.Q: EL-122m: Absentee Certificate Envelope – Military and Overseas 284

Appendix 14.28.R: EL-122svd: Absentee Certificate Envelope – SVD 285

Appendix 14.28.S: EL-122sp: Special Absentee Certificate Envelope 286

Appendix 14.28.T: EL-124: Absentee Ballot Log 287

Appendix 14.28.U: EL-123: Provisional Ballot Certificate Envelope 288

Appendix 14.28.V: EL-123r: Provisional Ballot Reporting Form 289

Appendix 14.28.W: EL-123is: Provisional Voting Information Sheet 291

Appendix 14.28.X: EL-131: Voter Registration Application 293

Appendix 14.28.Y: EL-133: Certificate of Registration (Sample) 295
Appendix 14.28.Z: EL-139: Authorization to Cancel Voter Registration 297
Appendix 14.28.AA: EL-141: Application for Presidential Ballot 299
Appendix 14.28.AB: EL-148: Identification Card of Protected Elector (Sample) 301
Appendix 14.28.AC: EL-154: Official Oath 302
Appendix 14.28.AD: Picture Guide: Acceptable Photo ID 303

for Regular and Irregular Ballots

We, the undersigned election inspectors, certify that we sealed the ballots and other election records required by Wis. Stat. § 7.51(3)(a), (c) and (5), from the _____Ward(s) of the

Town
City
Village

of _____, _____County, State of Wisconsin from the

election held on _____, _____ in this container for delivery to the municipal clerk.

The tamper-evident seal used to secure this container is numbered: _____. Wis. Admin. Code Section GAB 5.01(2)

This is bag number _____ of _____ bags.
(Please complete if more than one bag is required.

Instructions for Signing this Certification

…(*The*) ballots…shall be secured (*sealed in this ballot bag*) by the chief inspector, and, **if available**, one other inspector whose party affiliation is different from the chief inspector's party affiliation…Wis. Stat. § 7.51(3)(a). *An inspector is "unaffiliated" unless his or her name was submitted as an inspector nominee by one of the two dominant parties in the county (generally, the Democratic and Republican Parties)*.

1. **If all inspectors are unaffiliated**, the Chief Inspector (CI) and any other inspector must sign the certification.
2. **If there is a mix of unaffiliated and affiliated inspectors:**
   a. If the CI is affiliated, the CI and an inspector affiliated with the other party must sign this certification, **if available**. Otherwise the CI and an unaffiliated inspector must sign the certification.
   b. If the CI is unaffiliated, the CI and an affiliated inspector must sign this certification. If inspectors from both parties are present, the CI and one inspector from each party should sign the certification.

Certification

_____ ☐ Unaffiliated ☐ Affiliated _____
Signature of Chief Inspector — If affiliated, indicate party.

_____ ☐ Unaffiliated ☐ Affiliated _____
Signature of Inspector — If affiliated, indicate party.

_____ _____
Signature of Inspector (only required in the case of 2.b. above) — Party

Dated this _____day of _____, _____.

This container, secured with a numbered seal with the ballots enclosed, shall be returned immediately to the municipal clerk. Wis. Stat. § 7.51(3)(a) and (5). The municipal clerk shall provide for the delivery of county, state, federal and school ballots to the appropriate clerk. §7.51(5), Wis. Stats. If the municipality has designated a central counting location pursuant to Wis. Stat. § 7.51(1), the municipal clerk or two inspectors shall transport the container to the central counting location designated by the municipal clerk. Wis. Stat. § 5.85(5).

ELECTION BALLOTS MAY ONLY BE DESTROYED UNDER THE PROVISIONS OF Wis. Stat. § 7.23(1)(h), (2).

CERTIFICATE
OF
REJECTED ABSENTEE BALLOTS

We certify that the absentee ballots contained in this envelope were rejected by us at the election held in

the _____ Ward(s)

of the Town / Village / City } of _____, _____County, Wisconsin

on the _____ day of _____, _____

for the reasons shown on the back of each certificate envelope. Each rejected certificate envelope was assigned a number and listed on the Inspectors' Statement (EL-104) prepared and filed by us with the election returns.

_____

_____

_____

_____

_____

_____

_____

} **Election Inspectors**

Dated this _____ day of _____, _____.

☆ ☆

Election Inspectors

- Ballots of absentee voters which are rejected pursuant to the provisions of §6.88, Wis. Stats., shall be kept in their certificate envelopes and returned enclosed in this carrier envelope to the municipal clerk.
- These ballots may not be counted, and the names of voters may not be entered on the poll list or assigned a number on the registration list.
- Each certificate envelope should be numbered and the reason for rejection listed on the back of the envelope and on the Inspectors' Statement (EL-104).
- This carrier envelope will be returned by the inspectors to the municipal clerk after the polls close. §6.88(3)(b), Wis. Stats.

Municipal and County Clerks

- The municipal clerk is responsible for delivery of this carrier envelope to the county clerk by 4 p.m. on the day following the election if a county, state or federal election is held in conjunction with the election for which these ballots were cast. If there is no county, state or federal election held in conjunction with this election, this envelope shall be kept by the municipal clerk or returned to the clerk responsible for administering the election for which the absentee ballots were cast. §7.51(3)(d), (5), Wis. Stats.
- In the event of a recount, the county clerk or appropriate municipal clerk will return this carrier envelope to the board of canvassers responsible for conducting the recount. §9.01, Wis. Stats.

EL-102 | Rev. 2016-08 | Wisconsin Elections Commission, P.O. Box 7984, Madison, WI, 53707-7984 | 608-261-2028 |
| web: elections.wi.gov | email:elections@wi.gov |

This form is printed on a brown envelope.

USED CERTIFICATE ENVELOPES
OF
ABSENTEE ELECTORS

We certify that the used certificate envelopes of absentee ballots contained in this envelope were offered

for voting at an election held in the _____ Ward(s)

of the Town / Village / City of _____, _____County, Wisconsin

on the _____ day of _____, _____.

The certification on each absentee certificate envelope was executed in compliance with §§6.22, 6.24, 6.87, Wis. Stats. The ballots were placed in the proper ballot containers after a voting number was assigned to the absentee elector's name on the poll list along with an indication that the elector voted absentee.

_____

_____

_____

Election Inspectors

Dated this _____ day of _____, _____.

☆ ☆

Election Inspectors or Municipal Board of Absentee Ballot Canvassers (Election Officials)

- Election officials shall announce the name of each absentee elector.
- When the election officials find that the certification has been properly executed, and the absentee voter is a qualified elector of the ward and has not voted in the election, they shall assign a voter number to the elector's name on the poll list and the Absentee Ballot log, and enter an indication on the poll list that the elector voted absentee.
- The election officials shall open the envelope containing the ballots so as not to deface or destroy the certification.
- The election officials shall remove the ballots and deposit them in the proper ballot containers. §§6.88(3)(a), 7.52(3)(a), Wis. Stats.
- Used certificate envelopes of absentee voters who have cast ballots shall be placed in this carrier envelope and returned to the municipal clerk after the polls close or upon completion of the absentee ballot canvass. §§7.51(3)(d), 7.52(4)(i), Wis. Stats.

Municipal and County Clerks

- The municipal clerk is responsible for delivery of this envelope to the county clerk by 4 p.m. on the day following the election if a county, state or federal election is held in conjunction with the election for which these ballots were cast. If there is no county, state or federal election held in conjunction with this election, this envelope shall be kept by the municipal clerk or returned to the clerk responsible for administering the election for which the absentee ballots were cast. §7.51(3)(d), (5), Wis. Stats.
- In the event of a recount, the county clerk or appropriate municipal clerk will return this envelope to the board of canvassers responsible for conducting the recount. §9.01, Wis. Stats.

EL-103 | Rev. 2016-08 | Wisconsin Elections Commission, P.O. Box 7984, Madison, WI 53707-7984 | 608-261-2028 | web: elections.wi.gov | email: elections@wi.gov

This form is printed on a white envelope.

Inspectors' Statement

We, the undersigned election inspectors, certify the following is a true and correct statement for an election held in the _____ ward(s) of the _____ of _____, County of _____, State of Wisconsin, on the _____day of _____, 20_____.
(ward number(s)) (Town, Village of City) (Name of Municipality) (Name of County) (Day) (Month) (Year)

MUNICIPAL CLERK PROVIDES THE FOLLOWING INFORMATION:

Voting Unit Number _____ Memory Device Serial Number _____
Tamper-Evident Seal Serial Number _____

THIS SECTION TO BE COMPLETED BY CHIEF INSPECTOR:

VOTING EQUIPMENT/BALLOT CONTAINER CHAIN-OF-CUSTODY RECORD

- Tamper-evident seal number verified by chief inspector (CI): Pre-election_____ (CI initials) Post-election _____ (CI initials)
- Upon sealing the ballot bag or container to which this Inspectors' Statement pertains, **record the number of the tamper-evident seal used for this purpose here**_____.

THIS SECTION TO BE COMPLETED BY ELECTION INSPECTORS AND VERIFIED BY CHIEF INSPECTOR:

VOTER STATISTICS

Total number of voters (last voter number on poll list) _____ *(Absentee voters and in-person voters. Do **not** include provisional voters.)*
Total number of EDRs _____ *(Election Day Registrations)*

Number of absentee voters _____ **Number of provisional ballots** _____

Total Number of ballots cast_____ **Number of ballots in excess of total number of voters** _____

Number of:

Hand-count Paper ballots_____, **Optical Scan ballots**_____, **DRE (touch screen)**_____

Signatures of Election Inspectors	*Time Worked*
_____	_____to_____
_____	_____to_____
_____	_____to_____

CERTIFICATION OF CHIEF INSPECTOR

I certify that: I have completed the required training administered by the Wisconsin Elections Commission, and have been duly certified as a Chief Inspector. I served as the Chief Inspector for the election described above for the time period indicated below.

_____ (Signature of Chief Inspector)
❑ ENTIRE DAY ❑ FROM _____ a.m. p.m. TO: _____ a.m. p.m.

_____ (Signature of Chief Inspector)
❑ FROM _____ a.m. p.m. TO _____ a.m. p.m.

✓The completed form is retained in the office of the Municipal Clerk.

✓A copy of the completed form is returned to each Clerk with the other election forms.

✓Municipal clerk provides other copies as needed. Wis. Stat. § 7.51.

EL-104 (Rev. 2021-01)

DO NOT SEAL IN BALLOT BAG!

❒ **Check box if no incidents were recorded for this election.**

Incident Log

(Please refer to the Election Day Manual for detailed procedures!)

Incident Number	Incident Code (See glossary)	Description of Incident	Time Incident Occurred	Election Officials Initials
			a.m. p.m.	
			a.m. p.m.	
			a.m. p.m.	
			a.m. p.m.	
			a.m. p.m.	
			a.m. p.m.	
			a.m. p.m.	
			a.m. p.m.	
			a.m. p.m.	
			a.m. p.m.	
			a.m. p.m.	
			a.m. p.m.	
			a.m. p.m.	
			a.m. p.m.	
			a.m. p.m.	
			a.m. p.m.	
			a.m. p.m.	
			a.m. p.m.	
			a.m. p.m.	
			a.m. p.m.	
			a.m. p.m.	
			a.m. p.m.	

Quick Reference	(Please refer to the Election Day Manual for detailed procedures!)	
Code	**Description of Incident**	**Procedure for Completing Inspectors' Statement**
	Rejected Absentee Ballots—*Absentee ballots are rejected if:*	1) List voter's name and reason ballot was rejected. 2) Indicate the reason for rejection on the certificate envelope 3) Mark the certificate envelope "*Rejected # (serial number)*." 4) Place the envelope containing the ballot in the Rejected Absentee Ballot envelope. 5) The elector's name is not entered on the poll list. 6) Do not count the ballot.
RO	The certificate envelope is open or appears to have been opened and resealed.	
RS	The elector did not sign the certificate envelope.	
RWS	There is no signature and/or address of a witness.	
RD	The inspectors have reliable proof that the elector has died before election day.	
RB	Elector has voted more than one ballot of the same type.	
RV	Elector has already voted in this election.	
RWA	There is no address of a witness.	
R	**Optical Scan ballots which are remade by election officials—***Ballots are remade in order to be accepted by the tabulating equipment*.	1) Describe why the ballot had to be remade - Overvoted (**OV**)-ballot with at least one instance of voting for more than max number of selections allowed. - Damaged (**DM**)-voter used red pen or circled names instead of completing arrow/oval, ballot mutilated - Other (**OT**)-faxed or emailed ballots or MyVote ballots 2) These ballots are labeled "*Original Ballot # (serial number)*" and "*Duplicate Ballot # (same serial number)*." 3) The "duplicate" ballots are inserted into the counter. 4) The "original" ballots are bundled together, and placed in the **Original Ballots Envelope**. 5) The **Original Ballots Envelope** is placed in the ballot container.
	Challenged Ballots and Provisional Ballots Ballots may be challenged because:	1) Complete the "*Challenge Documentation" (Form EL-104C)*. (There should be one (EL-104C) for each challenged elector.) 2) Mark ballot "*Challenged – Voter #___*." (Use voter number from poll list.) 3) Mark "*challenged*" next to voter's name on the poll list. 4) Challenged ballots are inserted into the counter. 5) Bundle together, label "*Challenged Ballots,*" and place in ballot container.
C-A	The person is not at least 18 years of age.	
C-C	The person is not a citizen of the United States.	
C-R	The person has not resided in the election district for at least 28 consecutive days.	
C-F	The person has a felony conviction and has not been restored to civil rights.	
C-I	The person has been adjudicated incompetent.	
C-V	The person has voted previously in the same election.	
C-D	The person claims to have a physical disability that prevents them from signing the poll book but both inspectors did not agree.	Refer to the Provisional Ballots section of the Election Day Manual for instructions on issuing provisional ballots. Reasons for issuing provisional ballot: 1) Election Day registrant with a WI DL can't/won't provide #. 2) Voter required to provide ID and can't/won't.
C-ID	Inspector believes picture on photo on ID does not reasonably resemble the voter, or the name does not conform to the name on the list.	
C-F	Clerk believes voter who asked for replacement ballot is not the person who originally requested the ballot.	
PV-	Provisional ballot issued:	
VI	**Ballots where voter intent could not be determined and, therefore, votes could not be counted**	1) Describe the issue that caused the inspectors to decide that voter intent could not be determined. 2) Mark ballot "*Defective-Intent*," & assign a serial number 3) Bundle together, mark "*Defective-Voter Intent Could not be Determined,*" and place in ballot container.
O	**"Objected To" Ballots** Objected Ballots are ballots that a minority of inspectors felt should not be counted.	1) Count the vote the way the majority of the inspectors determined it should be counted. 2) Assign a serial number to ballot and indicate reason for objection. 3) Bundle together, label "*Objected to Ballots,"* and place in ballot container.
LS	**License Surrender** - Voter presents a citation or notice of intent to revoke/suspend a DL as POI.	Mark ballot "s.6.965 – Voter # ___," and write "s.6.965" on the poll list next to the voter's name.
X	**Other Occurrences or Irregularities**	Describe any other occurrences or irregularities which may or may not affect the validity of the election.

Challenge Documentation

(*Inspector should attach this form to the Inspectors' Statement (EL-104)*

Name and Address of **Challenged** Elector:

_____

_____

Challenged Elector Voter number _____
(Fill in only if Part D is completed)

Identifying Challenge Participants

Name of Inspector Administering Challenge Process _____

1. Person Challenging Elector who is Present at the Polling Place
(Check the box that applies and provide the information requested.)

❑ **Inspector** (Who Is a Qualified Elector) *Making Challenge to an Elector who is Present*

Name of Challenging Inspector_____ (Proceed to Part A.)
or
❑ Name and Address of **Elector** *Making Challenge to an Elector who is Present*

_____

_____ (Proceed to Part A.)

2. Person Challenging Elector who is not Present at the Polling Place
(Check the box that applies and provide the information requested.)

❑ **Inspector** (Who Is a Qualified Elector) *Making Challenge to an Elector who is not Present*

Name of Challenging Inspector_____ (Complete Parts A & E.)
or
❑ Name and Address of **Elector** *Making Challenge to an Elector who is not Present*

_____

_____ (Complete Parts A & E.)

_____ _____
(signature of *challenging* elector) (signature of *challenged* elector)

Part A. Challenger
(Indicate the challenger's answers to your questions by checking "Yes" or "No." Provide any other information requested.)

1. Oath (or Affirmation) of Truthfulness given by the inspector to the challenger:
   "Do you solemnly swear (or affirm) that you will fully and truly answer all questions put to you regarding the challenged person's place of residence and qualifications as an elector of this election."
   ❑ Yes ❑ No
   If "Yes," proceed with the challenge process. If "No," see the end of this section*.
2. Inspector asks the challenger if they are a qualified elector of Wisconsin. (Only an elector may challenge.)
   ❑ Yes ❑ No
   If "Yes," proceed with the challenge process. If "No," see the end of this section*.
3. Challenger gives the reason(s) for challenge using the following criteria that applies to the person being challenged:
   ❑ The person is not a citizen of the United States.
   ❑ The person is not at least 18 years of age.
   ❑ The person has not resided in the election district for at least 28 consecutive days.
   ❑ The person has a felony conviction and has not been restored to civil rights.
   ❑ The person has been adjudicated incompetent.
   ❑ The person has voted previously in the same election.

Only election inspectors can challenge for the following reasons:

- ❑ The person who requested a replacement absentee ballot is not the person who originally requested the ballot.
- ❑ The person claims to have a physical disability that prevents them from signing the poll book, but *both* inspectors did not agree.
- ❑ The person does not adhere to the following voting requirement (specify alleged violation below):

_____

_____

4. Inspector asks the following question(s) of the challenger which are appropriate to determine the qualifications of the challenged elector:
   - ❑ Why do you believe that the challenged elector is not a United States citizen?
   - ❑ Why do you believe that the challenged elector is not at least 18 years of age?
   - ❑ Why do you believe that the challenged elector has not, for at least the 28 consecutive days before this election, resided in, or been a resident of, the ward or election district from which he or she seeks to vote?
   - ❑ For which of the following reasons, and why, do you believe the challenged elector is currently disqualified from voting:
     - ❑ A felony conviction for which the challenged elector is still serving probation or is on parole or extended supervision?
     - ❑ A judge's ruling that he or she is incapable of voting?
     - ❑ Having made a bet or wager on this election?
     - ❑ Having voted previously in this election?

   (Inspector challenge only):
   - ❑ Why do you believe that the challenged elector, who requested a replacement absentee ballot, is not the person who requested the original ballot?
   - ❑ Why do you believe that the challenged elector is not unable to sign the poll book due to a physical disability?
   - ❑ Why do you believe this person does not meet the specified voting requirement?

   Record Challenger's Answer(s):

   _____
   _____
   _____
   _____

   *If the challenger refuses to take the oath (or affirmation) of truthfulness, is not a qualified elector of Wisconsin, refuses to give a valid reason for challenge, or refuses to provide information to support the challenge; the challenge process is terminated and *the elector is allowed to vote*.

   OTHERWISE:

5. *Proceed to Part B*.

Part B. Challenged Elector

(Indicate the challenged elector's answers to your questions by checking "Yes" or "No.")

1. Oath (or Affirmation) of Truthfulness given by the inspector to the challenged elector:
   "Do you solemnly swear (or affirm) that you will fully and truly answer all questions put to you regarding your place of residence and qualifications as an elector of this election."

   ❑ Yes ❑ No

   If "Yes," proceed with challenge process. If "No," see end of this section*.

2. Inspector asks the challenged elector the following questions which are appropriate to test the person's qualifications based on the cause for the challenge:

   ❑ Are you a United States citizen? ❑ Yes ❑ No

   ❑ Are you at least 18 years of age? ❑ Yes ❑ No

   ❑ For at least the 28 consecutive days before this election, have you resided in, or been a resident of, the ward or election district from which you seek to vote? ❑ Yes ❑ No

   ❑ Are you currently disqualified from voting for any of the following reasons?

      ❑ A felony conviction for which you are still serving probation or are on parole or extended supervision? ❑ Yes ❑ No

      ❑ A judge's ruling that you are incapable of voting? ❑ Yes ❑ No

      ❑ Having made a bet or wager on this election? ❑ Yes ❑ No

      ❑ Having voted previously in this election? ❑ Yes ❑ No

   (Inspector challenges only):

   ❑ Are you unable to sign the poll book due to a physical disability? ❑ Yes ❑ No

   Record Challenged Elector's Explanation, if any:

   _____

   _____

   *If the challenged elector refuses to take the oath (or affirmation) of truthfulness, refuses to answer any of the questions in Part B, or the answers given indicate that the challenged elector does not meet voting eligibility requirements; *the challenged elector is not given a ballot*. Indicate the reason for not issuing a ballot to the challenged elector in the box at the bottom of Page 4.

   OTHERWISE:

3. *Proceed to Part C*.

Part C. Opportunity to Withdraw Challenge
(Indicate the challenger's answer by checking "Yes" or "No.")

Does challenger withdraw the challenge?

❑ Yes (Challenge process is terminated, and elector is given a ballot.) ❑ No (*Proceed to part D.*)

Part D. Oath (or Affirmation) of Eligibility
(Indicate the answers to your questions by checking "Yes" or "No.")

1. Inspector administers Oath (or Affirmation) of Eligibility to the challenged elector:

"Do you solemnly swear (or affirm) that: you are at least 18 year of age; you are a citizen of the United States; you are now and for 28 consecutive days have been a resident of this ward except under Wis. Stat. § 6.02(2); you have not voted at this election; you have not made any bet or wager or become directly or indirectly interested in any bet or wager depending upon the result of this election; you are not on any other ground disqualified to vote at this election."

❑ Yes ❑ No
If "Yes," proceed with 2.
If "No," see end of this section*.

2. If the challenged elector answered "Yes" to question number 1, the challenged elector is given a ballot. **Before issuing the ballot to the challenged elector, the inspectors must:**

   ❑ Write the voter number of the challenged elector and "Section 6.95" on the back of the ballot.
   ❑ Write the voter number on the front of this form and on the voter list.
   ❑ Indicate the reason for the challenge on the voter list.

*If challenged elector refuses to take the oath (or affirmation) of eligibility or refuses to register (where required), the elector may not be given a ballot. Indicate reason for not issuing a ballot to a challenged elector in the box at the bottom of Page 4.

Part E. For Challenged Absentee Elector Only

(Indicate that the following procedures have been accomplished by checking the box next to each procedure.)

Before depositing absentee ballot of the challenged elector in ballot box, inspectors must

- ❑ Write the voter number of the challenged elector and "Section 6.95" on the back of the ballot,
- ❑ Write the voter number on the front of this form and on the voter list,
- ❑ Indicate the reason for the challenge on the voter list.

When Ballot Is NOT Issued to a Challenged Elector

(Indicate the reason for not issuing a ballot to a challenged elector by checking the appropriate box.)

❑ The challenged elector refused to take the oath or affirmation of eligibility under Part D.

❑ The challenged elector refused to answer fully any relevant questions put to him or her by the inspector under Part B.

❑ The answers to the questions given by the challenged elector indicate that they do not meet the voting qualification requirements of Wis. Stat. §§ 6.02 and 6.03. Reason: _____)

Tally Sheet

Showing results for the _____ ward(s) of the _____ aldermanic district of the _____ of _____ in the County of
(town, village or city)
_____ on the _____ day of _____, 20 _____ as made by the election inspectors setting forth the total number of votes for each office, the names of all persons receiving votes, and the number of votes cast for each person.
GIVE NUMBER OF LAST VOTE ON POLL LIST OR HIGHEST NUMBER ON REGISTRATION LIST _____

- ❑ PRIMARY
- ❑ ELECTION

_____
Name of Party (Partisan Primary)

- ❑ PRESIDENT OF THE UNITED STATES
- ❑ CONGRESSIONAL OFFICES
- ❑ STATEWIDE OFFICES
- ❑ LEGISLATIVE & DISTRICT ATTORNEY OFFICES
- ❑ JUDICIAL & SUPERINTENDENT

- ❑ COUNTY OFFICES
- ❑ LOCAL OFFICES
- ❑ SCHOOL DISTRICT OFFICES
- ❑ REFERENDA

INSTRUCTIONS: Insert office titles vertically and the names of all candidates horizontally next to office title.

Office	Names of Candidates Including Write-Ins	5	10	15	20	25	30	35	40	45	50	55	60	65	70	75	80	85	90	95	100	Total Votes Cast (In figures)
		105	110	115	120	125	130	135	140	145	150	155	160	165	170	175	180	185	190	195	200	

TALLY

Of the votes given in the

_____of _____
(Town, Village or City)

County of _____
State of Wisconsin
on _____, 20 _____

❑ PRIMARY ❑ ELECTION

_____
Name of Party (Partisan Primary)

- ❑ PRESIDENT OF THE UNITED STATES
- ❑ CONGRESSIONAL OFFICES
- ❑ STATEWIDE OFFICES
- ❑ LEGISLATIVE & DISTRICT ATTORNEY OFFICES
- ❑ JUDICIAL & SUPERINTENDENT
- ❑ COUNTY OFFICES
- ❑ LOCAL OFFICES
- ❑ SCHOOL DISTRICT OFFICES
- ❑ REFERENDA

NOTE: THIS STATEMENT IS TO BE MADE IN DUPLICATE, ONE TO BE FILED WITH THE MUNICIPAL CLERK AND THE OTHER TO BE DELIVERED TO THE COUNTY CLERK. FOR SCHOOL DISTRICT ELECTIONS, ONE COPY IS DELIVERED TO THE MUNICIPAL CLERK, AND THE OTHER IS DELIVERED TO THE SCHOOL DISTRICT.

STATE OF WISCONSIN
County of _____
Received and filed this _____ day of _____, 20 _____.

_____
(Signature of County Clerk)

EL-105 | 2020-01 |
Wisconsin Elections Commission, P.O. Box 7984, Madison, WI 53707-7984
608-266-8005 | web: elections.wi.gov | email: elections@wi.gov

CERTIFICATION

State of Wisconsin)
) ss.
County of _____)

We, the undersigned, certify that we are election inspectors for the _____ wards(s) of the _____ aldermanic district of the _____
(town, village or city)

of _____, State of Wisconsin, for the primary or election held on the day of _____, 20 _____.

We further certify that we have counted all the ballots cast in said ward or polling place, that the count was duly and legally made and that the results of the count shown on the within tally sheet statement is correct.

_____
_____
_____
_____
_____
_____
_____

(Signatures of at least 3 Election Inspectors, including the chief inspector and one inspector representing each of the 2 major political parties. Any inspector or tabulator participating in the ballot count must sign the certification.)

Dated _____, 20 _____

Board of Canvassers Report
Tabular Statement of Votes Cast

_____, Wisconsin
(Insert Municipality and County, County Canvass insert County Only)

(Type of Election)_____Election _____(Date of Election)

(For County Use Only) For a Partisan Primary, insert political party:		
Office:		
Reporting Units	Candidates	Votes Cast Scattering (for Counties only)
Total Votes Cast-Candidates:		
Total Votes Cast-Office:		

Completing the Tabular Statement of Votes Cast

Instructions for Municipal Canvass:

- Write the name of your municipality, the kind of election: primary, spring, or special election, etc., and the date of the election in the heading.
- Enter the complete name of the office with the seat or district number in the shaded area.
- List the names of the candidates for the office in ballot order below the shaded area.
- Make sure that all wards or ward combinations are listed in proper numerical order in the left hand column. The smallest number in a combination determines the order. *(Example: Wards 1&4; Wards 2,6 & 7; and Wards 3&5.)*
- For each reporting unit, list the number of votes cast for each candidate.
- Don't forget the write-in votes - they must be listed individually by name.
- Enter the total number of votes cast for each candidate in the Total Votes Casts – Candidates column.
- Enter the **total number of votes cast** (not voters!) for each office in the Total Votes Cast-Office column. This total is the sum of the vote totals for each candidate plus the write-ins.

Notes for Municipal and County Clerks:

Combining Reporting Units. A municipality may provide for combined wards by resolution up to 30 days before the spring primary or election, if your population is under 35,000. It's important to remember that for the spring primary and the spring election, wards in a municipality may be combined for judicial offices even though separate results may be required for county, municipal, or school district offices. The wards being combined must use the same polling place.

Reporting for annexations requires special attention. As long as the area being annexed belongs to the same representative districts, i.e., congressional, legislative, and county supervisory districts, as the adjacent area to which it's being annexed, then the annexed area is reported together with the adjacent area using the same ward number. But if the annexed area has **different** representative districts from its adjacent area or crosses county lines, the municipality is required by law to create a separate ward giving it the *next consecutive number*. All election results from this new ward must be reported under the new ward number.

Instructions for County Canvass:

- Write the name of your county, the kind of election: primary, partisan primary, spring/general election, or special, etc., and the date of the election in the heading.
- A separate report must be completed for each political party in a *partisan primary only*. Write in the name of the political party on the line provided.
- Enter the complete name of the office with the branch or district number in the shaded area.
- List the names of the candidates for the office in ballot order below the shaded area.
- Please list all municipalities and wards in the correct order in the left hand column. The smallest number in a combination determines the order. *(Example: Wards 1&4; Wards 2,6 & 7; and Wards 3&5.)*
  1. Towns, alphabetically, wards numerically.
  2. Villages, alphabetically, wards numerically.
  3. Cities, alphabetically, wards numerically.
- Make sure that all wards or ward combinations are listed along with the municipality name. If a municipality is divided by wards, but combines them for voting purposes and reports one total, **you must still identify the numbers of the wards** being reported. *(Example: Town of Anywhere, Wards 1&2. If a municipality is not divided by wards do not list "Ward 1.")*
- For each reporting unit, list the number of votes cast for each candidate.
- Don't forget the scattering column - if there are no write-in votes for a reporting unit, list 0.
- Enter the total number of votes cast for each candidate in the Total Votes Casts – Candidates column.
- Enter the **total number of votes cast** (not voters!) for each office in the Total Votes Cast-Office column. This total is the sum of the vote totals for each candidate plus the scattering.

Certification of the Board of Canvassers

We, the undersigned, certify that we are the members of the Board of Canvassers for

_____.
(insert municipality and county, if county canvass insert county only)

We certify that the attached Tabular Statement of Votes Cast and Summary Statement of the Board of Canvassers, canvassed and prepared by us, are correct and true as compiled from the original returns made to the

_____ Clerk.
(County, Municipal, School District)

We further determine and certify that the following persons received the greatest and the next to greatest (for primary only) number of votes for the respective office for which each was a

candidate on _____.
(Insert date of primary or election)

OFFICE (Title of Office)	**HIGHEST CANDIDATE** (Name of Winning Candidate)	**SECOND HIGHEST CANDIDATE** (Name of Second Highest Candidate) (For Primary Only)

BOARD OF CANVASSERS

(1)_____

(2) _____

(3) _____

(4) _____

(5) _____

_____
(Date)

This document is signed by:

For Municipal Elections

- The inspectors when there is only one polling place and one set of election results. s.7.53(1), Stats.
- The municipal board of canvassers when there are 2 or more reporting units. s.7.53(2)(a), Stats.

For State and County Elections

- The county board of canvassers. s.7.60(2), Stats.

Summary Statement of the Board of Canvassers

_____ Election _____, _____
(Name of Election) (Date of Election)

The total number of votes cast for _____ was _____
of which (insert office)

_____ received _____
(candidate's name)

_____ received _____
(candidate's name)

_____ received _____
(candidate's name)

Scattering *(for county only)* received _____

The total number of votes cast for _____ was
of which (insert office)

_____ received _____
(candidate's name)

_____ received _____
(candidate's name)

_____ received _____
(candidate's name)

Scattering *(for county only)* received _____

The total number of votes cast for _____ was
of which (insert office)

_____ received _____
(candidate's name)

_____ received _____
(candidate's name)

_____ received _____
(candidate's name)

Scattering *(for county only)* received _____

Ballot, Ward, District	Voter Reg & Barcode	Name and Address	Voter #	Voter Signature
		Names beginning with the letter [A]		
BS 01 WD-002 62002-002-1600-1 CG-03 AS-92 Notes:	0716972290	Adams, Becky Jo N51634 STATE ROAD 93 ELEVA, WI 54738		Becky Jo Adams
BS 01 WD-002 62002-002-1600-1 CG-03 AS-92 Notes:	0031921016	Alf, Cheryl J N49042 COUNTY ROAD V ELEVA, WI 54738		Cheryl J Alf
BS 01 WD-002 62002-002-1600-1 CG-03 AS-92 Notes:	0716307870	Alitz, Diana G N49587 ALITZ LN STRUM, WI 54770		Diana G Alitz
BS 01 WD-002 62002-002-1600-1 CG-03 AS-92 Notes:	0714885120	Alitz, Robert Allen N49587 ALITZ LN STRUM, WI 54770		Robert Allen Alitz
BS 01 WD-002 62002-002-1600-1 CG-03 AS-92 Notes:	0031921020	Allemann, Diane Elsie W23487 ALLEMANN LN ELEVA, WI 54738		Diane Elsie Allemann
BS 01 WD-002 62002-002-1600-1 CG-03 AS-92 Notes:	700059537	Allemann, Jeremy J W23487 ALLEMANN LN ELEVA, WI 54738		Jeremy J Allemann
BS 01 WD-002 62002-002-1600-1 CG-03 AS-92 Notes:	0031921021	Allemann, Steven Carl W23487 ALLEMANN LN ELEVA, WI 54738		Steven Carl Allemann
BS 01 WD-001 62002-001-1600-1 CG-03 AS-92 Notes:	0031921109	Anderson, Chad Michael W27122 SCHMIDT RD ELEVA, WI 54738		Chad Michael Anderson
BS 01 WD-001 62002-001-1600-1 CG-03 AS-92 Notes:	0031785072	Anderson, Joshua John W27091 US HIGHWAY 10 LOT 15 ELEVA, WI 54738		Joshua John Anderson
BS 01 WD-001 62002-001-1600-1 CG-03 AS-92 Notes:	700339445	Anderson, Rachael Lynn W27122 SCHMIDT RD ELEVA, WI 54738		Rachael Lynn Anderson

Supplemental Poll List

Municipality: _____

Election Date: _____

(Voter #)		(Print Name)	(Address)
(Ward)	(Ballot Combo)	(Notes)	(Signature)
(Voter #)		(Print Name)	(Address)
(Ward)	(Ballot Combo)	(Notes)	(Signature)
(Voter #)		(Print Name)	(Address)
(Ward)	(Ballot Combo)	(Notes)	(Signature)
(Voter #)		(Print Name)	(Address)
(Ward)	(Ballot Combo)	(Notes)	(Signature)
(Voter #)		(Print Name)	(Address)
(Ward)	(Ballot Combo)	(Notes)	(Signature)
(Voter #)		(Print Name)	(Address)
(Ward)	(Ballot Combo)	(Notes)	(Signature)
(Voter #)		(Print Name)	(Address)
(Ward)	(Ballot Combo)	(Notes)	(Signature)
(Voter #)		(Print Name)	(Address)
(Ward)	(Ballot Combo)	(Notes)	(Signature)
(Voter #)		(Print Name)	(Address)
(Ward)	(Ballot Combo)	(Notes)	(Signature)

Election: _____ **Date:** _____

Ward: _____

Municipality: _____

Polling Location: _____

Certification

We certify that the attached list contains all the names of persons voting at the election held on _____ , and that it contains all the information about the electors required by law. We further certify that this list is true, correct and complete.

Total Number of Voters Printed on the Poll List: _____

Last Voter Number: _____

Page Number of Last Voter: _____

Number of Absentee Electors: _____

Election Inspector Signatures:

1. _____
Chief Inspector

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____
Election Inspectors

The Information on this form is required by ss.6.79(1)(4),(5), 6.82(1)(a),2(d),6.88(3)(a), Stats.

WISCONSIN INSPECTORS' CERTIFICATE OF PROVISIONAL BALLOTS

We certify that the provisional ballots contained in this envelope were cast by voters unable to provide the Wisconsin driver license or state identification card number required pursuant to Wis. Stat. § 6.55(2)(a)1., and/or unable to provide an acceptable form of photo identification pursuant to Wis. Stat. § 6.79 (2)(a), at the election held in

the _____ Ward(s)

Of the Town / Village / City of _____, _____County, Wisconsin

On the _____ day of _____, _____

Each provisional voter was assigned a serial number beginning PV#__. The number was recorded on the registration list, the back of the ballot, the Provisional Ballot Certificate Envelope (EL-123), the Provisional Ballot Reporting Form (EL-123r), the EL-123is "Provisional Voting Information Sheet" for the elector, and listed on the Inspectors' Statement (EL-104) prepared and filed by us with the election returns. Each voter was informed that in order for their ballot to be counted, they must provide the required Wisconsin driver license number or state identification card number and/or acceptable form of photo ID to the municipal clerk no later than 4:00 p.m. on the Friday following the election. Each voter was given the EL-123is "Provisional Voting Information Sheet" prepared by the Wisconsin Elections Commission.

_____

_____

_____

Election Inspectors

Dated this _____ day of _____, _____.

☆ ☆

Election Inspectors

- Provisional ballots of voters unable to provide the Wisconsin driver license or state identification card number required by Wis. Stat. §6.55(2)(a)1., and/or unable to provide an acceptable form of photo identification pursuant to Wis. Stat. § 6.79 (2)(a), shall be kept in their certificate envelopes.
- These ballots may not be counted, unless the voter returns with the required Wisconsin driver license or state identification card number and/or an acceptable form of photo identification before the polls close.
- The names of provisional voters are assigned a serial number (PV#__) that is recorded on the registration list, the back of the ballot, the Provisional Ballot Certificate Envelope (EL-123), the Provisional Ballot Reporting Form (EL-123r), the EL-123is "Provisional Voting Information Sheet" for the elector and listed on the Inspectors' Statement (EL-104).
- The back of the ballot should be marked "Section 6.97," voted by the elector, placed in the completed provisional ballot certificate envelope and returned to the election inspectors.
- The inspectors make a notation (including the PV#) that the voter was issued a provisional ballot on the Inspectors' Statement (EL-104).
- The completed provisional ballot certificate envelopes containing the voted ballots are placed in this carrier envelope. This carrier envelope and any other provisional ballot carrier envelopes must also be placed in a separate ballot bag, secured with a tamper-evident seal and labeled with "Provisional Ballots."

Municipal Clerks

- The municipal clerk shall promptly notify the appropriate boards of canvassers that the clerk has provisional ballots that may be counted if the voter provides the required Wisconsin driver license or state identification card number and/or an acceptable form of photo identification by 4:00 p.m. on the Friday following the election.

EL-108 | Rev 2019-11 | Wisconsin Elections Commission, P.O. Box 7984, Madison, WI 53707-7984
608-266-8005 | web: elections.wi.gov | mail: elections@wi.gov

This form is printed on a (*insert color*) envelope.

Wisconsin Election Observer Log

Today's Date:	Municipality:	County:
Election Date:	Site Address:	Page Number:

Site: ☐Polling place ☐Clerk's office or alternate site ☐Board of Absentee Ballot Canvassers ☐Central count location ☐SVD facility ☐Recount

By signing below, you attest to the following statement:

"I understand Wisconsin's rules for election observers, as set out in Wis. Admin Code Ch. EL 4, and agree to abide by those rules while observing this election or election administration event."

Printed Full Name	Signature	Street Address	Municipality, State	Representing Organization (if any)	Photo ID Verified
					☐
					☐
					☐
					☐
					☐
					☐
					☐
					☐
					☐
					☐

After Voting Activity Ends:

Candidates may be present, and individuals remaining at the location may create and transmit photos, videos, and audio recordings if such activity does not disrupt any election administration activity, including the canvass meeting at a polling place.

Specific Locations:

Polling Place: Observation begins at the earlier of 7:00 a.m. or when election equipment is zeroed out, and ends at the later of 8:00 p.m. or when the last voter in line has voted. When voting concludes, observers may remain to view the canvass meeting. Photos, videos, and audio recordings cannot be created or transmitted until the public canvass begins.

Clerk's Office or Alternate Sites: Observation is allowed during the hours of in-person absentee voting (IPAV) in the clerk's office (if in a public building) or at alternate sites. Observers may view the initial securing of ballots returned at the location during IPAV hours.

Absentee Ballot Canvasser Sites: Observation is allowed during the hours an absentee ballot board of canvassers is meeting to process absentee ballots, starting no later than the zeroing of the tabulators. Observers may create and transmit photos, videos, or audio recordings.

SVD Facilities: Only one observer appointed by each of the two major political parties may accompany each pair of Special Voting Deputies when they are administering absentee voting. Observers must comply with any visitor requirements of the facility. Observers cannot enter a voter's private room, and the voter may opt to close the door when voting.

Central Count: Observation is allowed during the hours ballots are tabulated at a central counting location. Observers may create and transmit photos, videos, or audio recordings.

Recounts: Observation is allowed during the hours when recount activities are happening. The petitioner, opposing candidates, interested persons, and associated counsel are not observers and not subject to these rules. Observers may create and transmit photos, videos, or audio recordings.

Wisconsin Election Observers Rules-at-a-Glance

This guide presents the main rules for election observers. Situations may require consulting Wis. Stat. § 7.41 and Wis. Admin. Code Chapter EL 4., but this guide provides what most observers need to follow to observe an election.

Members of the public (except candidates) may observe election activity at polling places, municipal clerk offices (that are in public buildings) or alternate sites, absentee ballot board of canvassers sites, central count sites, recount sites, and facilities being served by Special Voting Deputies.

Wisconsin Elections Commission

WEC Helpdesk:
608-266-8005
WEC Helpdesk e-mail:
elections@wi.gov

EL-109R December 2025

Observers must:

- Notify the designated election official that they wish to observe
- Show photo ID with the observer's name, sign the observer log, and print their name, address, and any organization being represented
- Follow the directives established by the designated election official
- Keep conversation to a minimum
- Wear an observer badge or sticker
- Depart the location if instructed to do so when the number of observers representing the same organization is limited due to space concerns
- Following a warning, cease conduct violating the observer rules, and if then asked to leave due to violating the rules, depart the location. The observer will receive a written order stating the reason for removal before departing.

Observers may:

- Observe the public aspects of the voting process
- Observe from any observer area, which must be accessible and 3 to 8 feet from each table for registration, check-in, absentee certificate processing, and ballot remaking
- Bring a chair, mobility equipment, or disability aids, and use available chairs and restrooms at the location
- Move between observer areas
- Observe absentee ballot certificate envelopes set aside to be rejected
- Ask an election official to repeat, once, a name or address
- Direct questions to the designated election official
- If the observer is an elector, challenge a voter for cause under Wis. Admin. Code Ch. EL 9.
- Take notes, text, and email
- Assist a voter who requests the observer's assistance to vote
- When not disruptive, view the poll list or observer log

Observers may not:

- Engage in electioneering, which means any activity intended to influence voting at an election, including displaying or discussing anything related to a candidate, referenda question, or political party
- Post or distribute any election-related material, or imply that the observer is an election official
- Engage in loud, boisterous, or disruptive behavior, or initiate a conversation with a voter
- Make audio or visual calls
- Record any voted ballots or anyone returning or correcting an absentee certificate envelope
- Create or transmit any photos, videos, or audio recordings unless expressly permitted (see "Specific Locations" section)
- See or hear how an elector votes
- Handle original election documents or view confidential information, including personally identifiable numbers (birth date, social security, bank account etc.) confidential voter information, voted ballots, registration forms, proof of residence documents, and IDs

Communications Media: Individuals who communicate to the designated election official that they intend to record or report information outside of the voting area, and must identify themselves and any organization represented to the designated election official. Video and still camera use is allowed outside the voting area only at the discretion of the designated election official and within the limits set by that official, and they may not record confidential information or disrupt the election. Communications media members are not observers unless they sign in as an observer.

Polling Place Accessibility Assessments: Certain individuals are authorized by the Commission to monitor compliance with accessibility standards. Accessibility Reviewers are not observers.

Order to Leave Observable Location

Date & Time

Street address

Name and type of observable location
(ex. City Hall Polling Place)

Municipality and County name
(indicate Town, Village, or City, i.e., "Town of Leeds")

Name of observer

Organization, if any

The observer listed above is hereby ordered, pursuant to Wis. Stat. § 7.41(3) or Wis. Stat. § 7.37(2), to leave the observable location immediately due to an overt act for the reason(s) described below:

Signature of designated election official

Signature of election official

Printed name of designated election official

Printed name of election official

A copy of this document is required to be filed with the Wisconsin Elections Commission within 60 days of the incident. Please email the document to elections@wi.gov with "order to leave observable location" in the subject line.

INELIGIBLE VOTER INFORMATION SHEET

You are being given this informational sheet today because your name and date of birth match a name and date of birth on a list of offenders who are currently serving a sentence for a felony conviction. If this information is correct, you are ineligible to vote in Wisconsin and must wait until you have completed the terms of your felony sentence including any terms of extended supervision, probation, or parole.

- If the information was correct, but you have completed your sentence, have been discharged, or your sentence has been vacated, your registration or absentee ballot will be accepted if you can provide the poll workers or clerk with a copy of the **Discharge Certificate** which you received from your agent when you were discharged. Page 2 of the certificate will contain a statement that restores your right to vote.

  If you do not have a copy of your discharge certificate, you may obtain one by contacting the Department of Corrections (DOC) Master Records Line at (608) 240-3750. It will take DOC at least 24 hours to make a copy of the discharge certificate. The DOC records office will need the address, email, or fax number where a copy of the discharge certificate can be sent.

- If the information on the list is incorrect or you maintain that you are not a felon, you will be permitted to register and to vote. Your registration and any ballot that you cast will be marked as "ineligible to vote per Department of Corrections," until you take steps to resolve the issue with the Department of Corrections. Your ballot will also be challenged by the election inspectors at your polling place.

  If you believe that your name and date of birth have been falsely matched or that you may be the victim of identity theft, contact the Wisconsin Department of Justice Crime Information Bureau (CIB). CIB provides a process for clarifying a false match. For assistance with this process please call:

  CIB Front Desk (608) 266-7314
  Record Check Unit Supervisor (608) 266-9398

After you have resolved the issue contact your municipal clerk and provide them any documentation you have confirming that you are not currently serving a sentence for a felony conviction.

Municipal Clerk Contact Information:

_____	_____
(Name of municipal clerk)	(Telephone number)
_____	_____
(Address)	(Fax number)
_____	_____
(Municipality, state, zip code)	(E-mail address)

Official Absentee Ballot Certificate & Application

CLERK OR DEPUTY >> Initial Here >> | In-person absentee voter showed valid POI ____ | Voter exempt from or met POI requirement ____

STEP 1 CLERK OR VOTER must complete this part

Voter Information

/ / Election Date (mm/dd/yyyy)

☐ City Name:
☐ Village Name:
☐ Town Name:

Name (Last, First, Middle)

Street Address

County	City		
State	Zip	Ward	Ald. Dist

STEP 2 VOTER must complete this part

I certify, subject to the penalties for false statements of Wis. Stat. § 12.60(1)(b), that:

- I am a resident of the ward or of the aldermanic district of the municipality in the county of the state of Wisconsin indicated hereon **OR** I am entitled to vote in the ward or aldermanic district at the election indicated hereon
- I am not voting at any other location in this election
- I am unable or unwilling to appear at the polling place in the ward on Election Day, or I have changed my residence within the state from one ward to another less than 28 days before the election
- I displayed the ballot unmarked to the witness and in the presence of no other person marked the ballot and enclosed and sealed it in this envelope in a manner that no one but myself and an assistant under s. 6.87 (5), if I requested assistance, could know how I voted
- I requested this ballot and this is the original or a copy of that request

X

Voter Signature

Certification of Assistant (If applicable)
I certify that the voter is unable to sign their name due to a disability and that I signed the voter's name at the direction and request of the voter

Assistant Signature

STEP 3 WITNESS must complete this part

I the undersigned witness, subject to the penalties for false statements of Wis. Stat. § 12.60(1)(b), certify that:

WITNESS REQUIRED

- I am an adult U.S. citizen
- The above statements are true and the voting procedure was executed as stated
- I am not a candidate for any office on the enclosed ballot (except in the case of an incumbent municipal clerk).
- I did not solicit or advise the elector to vote for or against any candidate or measure

X

Witness Signature

Witness Printed Name

Witness Address (Number, Street Name, City)

Absentee Ballot Return Envelope

Ballot must arrive by 8 p.m. on Election Day

EL-122

OFFICIAL ELECTION MAIL
Authorized by the U.S. Postal Service

FIRST CLASS POSTAGE REQUIRED

Official Absentee Ballot Certificate & Application

CLERK OR DEPUTY Initial Here >>

Voter exempt from or met POI requirement ____

MILITARY & OVERSEAS

STEP 1 CLERK OR VOTER must complete this part

Voter Information

Election Date (mm/dd/yyyy) ___/___/___

☐ City Name:
☐ Village Name:
☐ Town Name:

Name (Last, First, Middle)

Street Address

County	City		
State	Zip	Ward	Ald. Dist

STEP 2 VOTER must complete this part

I certify, subject to the penalties for false statements of Wis. Stat. § 12.60(1)(b), that:

- I am a resident of the ward or of the aldermanic district of the municipality in the county of the state of Wisconsin indicated hereon **OR** I am entitled to vote in the ward or aldermanic district at the election indicated hereon
- I am not voting at any other location in this election
- I am unable or unwilling to appear at the polling place in the ward on Election Day, or I have changed my residence within the state from one ward to another less than 28 days before the election
- I displayed the ballot unmarked to the witness and in the presence of no other person marked the ballot and enclosed and sealed it in this envelope in a manner that no one but myself and an assistant under s. 6.87 (5), if I requested assistance, could know how I voted
- I requested this ballot and this is the original or a copy of that request

X

Voter Signature

Date of Birth ___/___/___ (mm/dd/yyyy)

Certification of Assistant (If applicable)
I certify that the voter is unable to sign their name due to a disability and that I signed the voter's name at the direction and request of the voter

Assistant signature

STEP 3 WITNESS must complete this part

I the undersigned witness, subject to the penalties for false statements of Wis. Stat. § 12.60(1)(b), certify that:

WITNESS REQUIRED

- I am at least 18 years old
- The above statements are true and the voting procedure was executed as stated
- I am not a candidate for any office on the enclosed ballot (except in the case of an incumbent municipal clerk).
- I did not solicit or advise the elector to vote for or against any candidate or measure

X

Witness Signature

Witness Printed Name

Witness Address (Number, Street Name, City)

Absentee Ballot Return Envelope

Ballot must arrive by 8 p.m. on Election Day

OFFICIAL ELECTION MAIL
Authorized by the U.S. Postal Service

OFFICIAL ABSENTEE BALLOTING MATERIAL – FIRST-CLASS MAIL
NO POSTAGE NECESSARY IN THE U.S. MAIL – DMM-703.8.0

U.S. POSTAGE PAID 39 USC 3406

PAR AVION AIRMAIL

Official Absentee Ballot Certificate & Application

CLERK OR DEPUTY Initial Here >> | Voter exempt from or met POI requirement ____ | SVD

STEP 1 CLERK OR VOTER must complete this part

Voter Information

Election Date (mm/dd/yyyy) ___/___/___

☐ City Name:
☐ Village Name:
☐ Town Name:

Name (Last, First, Middle)

Street Address

County	City		
State	Zip	Ward	Ald. Dist

STEP 2 VOTER must complete this part

I certify, subject to the penalties for false statements of Wis. Stat. § 12.60(1)(b), that:

- I am a resident of the ward or of the aldermanic district of the municipality in the county of the state of Wisconsin indicated hereon OR I am entitled to vote in the ward or aldermanic district at the election indicated hereon
- I am not voting at any other location in this election
- I am unable or unwilling to appear at the polling place in the ward on Election Day, or I have changed my residence within the state from one ward to another less than 28 days before the election.
- I displayed the ballot unmarked to the witness and in the presence of no other person marked the ballot and enclosed and sealed it in this envelope in a manner that no one but myself and an assistant under s. 6.87 (5), if I requested assistance, could know how I voted.
- I requested this ballot and this is the original or a copy of that request

X

Voter Signature

Certification of Assistant (If applicable)
I certify that the voter is unable to sign their name due to a disability and that I signed the voter's name at the direction and request of the voter

Assistant Signature

STEP 3 SVD must complete this part

I the undersigned witness, subject to the penalties for false statements of Wis. Stat. § 12.60(1)(b), certify that:

- I am an adult U.S. citizen
- I am not a candidate for any office on the enclosed ballot (except in the case of an incumbent municipal clerk).
- I did not solicit or advise the elector to vote for or against any candidate or measure.
- I further certify that the name and address of the voter is correct as shown

X	X
Deputy #1 Signature	**Deputy #2 Signature**
Deputy #1 Printed Name	**Deputy #2 Printed Name**
Deputy #1 Address (Number, Street Name, City)	**Deputy #2 Address (Number, Street Name, City)**

Absentee Ballot Return Envelope

For Special Voting Deputies Only

Instructions

1. Fill this form out by hand, a 4x2.5" Dymo lable will NOT FIT.
2. Cut out the form from edge to edge.
3. As close to the edges as possible, apply a **thin** layer of glue stick or rubber cement all over the back of the form and to the certificate side of the envelope.
4. Carefully adhere this form to the envelope.
5. Allow to dry before mailing.

Cut Here

Official Absentee Ballot Certificate & Application

CLERK OR DEPUTY >> Initial Here >>

Voter exempt from or met POI requirement ____

SPECIAL

STEP 1 CLERK OR VOTER must complete this part

Voter Information

☐ City Name:
☐ Village Name:
☐ Town Name:

/ / Election Date (mm/dd/yyyy)

Name (Last, First, Middle)

Street Address

County | City

State | Zip | Ward | Ald. Dist

Attention Election Inspectors!

In addition to steps 1—3, one of the following is **required:**

- A copy of photo ID must be enclosed in this envelope
- **OR** Step 4 must be completed

If neither is included, this ballot must be rejected

STEP 2 VOTER must complete this part

I certify, subject to the penalties for false statements of Wis. Stat. § 12.60(1)(b), that:

- I am a resident of the ward or of the aldermanic district of the municipality in the county of the state of Wisconsin indicated hereon **OR** I am entitled to vote in the ward or aldermanic district at the election indicated hereon
- I am not voting at any other location in this election
- I am unable or unwilling to appear at the polling place in the ward on Election Day, or I have changed my residence within the state from one ward to another less than 28 days before the election
- I displayed the ballot unmarked to the witness and in the presence of no other person marked the ballot and enclosed and sealed it in this envelope in a manner that no one but myself and an assistant under s. 6.87 (5), if I requested assistance, could know how I voted
- I requested this ballot and this is the original or a copy of that request

X
Voter Signature

Certification of Assistant (If applicable)
I certify that the voter is unable to sign their name due to a disability and that I signed the voter's name at the direction and request of the voter

Assistant Signature

STEP 3 WITNESS must complete this part

I the undersigned witness, subject to the penalties for false statements of Wis. Stat. § 12.60(1)(b), certify that:

WITNESS REQUIRED

- I am an adult U.S. citizen
- The above statements are true and the voting procedure was executed as stated
- I am not a candidate for any office on the enclosed ballot (except in the case of an incumbent municipal clerk).
- I did not solicit or advise the elector to vote for or against any candidate or measure

X
Witness Signature

Witness Printed Name

Witness Address (Number, Street Name, City)

STEP 4 CARE FACILITY REP. must complete this part

I certify I am an authorized representative of the facility listed. I further certify that this facility is registered or certified as required by law, that the above voter is a resident, and I verify that the name and address of the voter described above are correct.

X
Care Facility Authorized Representative Signature

Name of Facility

Cut Here

Municipality: **ABSENTEE BALLOT LOG** **Election Date:**

Voter Information	Misc.		Application			Ballot			Comments
Name and Address	Ward	Ballot Style	Date App. Received	Mail/ In Person/ Fax or Email (M/P/F/E)	Military/ Overseas (M/O)	Date Ballot Issued	Date Ballot Returned	Ballot Rejected/ Ballot Counted (R-Serial Number/ C-Voter Number)	
_____ _____									
_____ _____									
_____ _____									
_____ _____									
_____ _____									
_____ _____									
_____ _____									
_____ _____									

PROVISIONAL BALLOT CERTIFICATE
Ballot under Wis. Stat. § 6.97

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

Date of Election (month/day/year)	County	**PV #**
Municipality (check type and list name) Town ❒ Village ❒ City ❒ **of**	Ward #	Voter must supply the following information to the municipal clerk no later than 4:00 p.m. on the Friday following the election in order for this ballot to be counted: ❒ WI Driver License number ❒ Photo I.D.
Name (Last, First, Middle) including suffix		
Street Address – include street number or fire number and name of street, or rural route and box number		
City, State, Zip	Phone Number, including area code	
Date of Birth (month/day/year)	Are you a citizen of the United States? Yes ❒ No ❒	

CERTIFICATION OF VOTER

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

_____ _____

Signature of Voter Date Signature of Election Inspector Date

Provisional Ballot Reporting Form

Primary or Election Date: / /

County:

Municipality:

Polling Place Location:

Reporting Unit:

Reason Codes for Issuing Provisional Ballot:

1. Unable or unwilling to provide WI DL/ ID #
2. Unable or unwilling to provide acceptable proof of identification

Name and Address of Elector	Elector Date of Birth	PV #	Absentee or In-Person Elector	Reason Code	Type of Provisional Documentation Provided	Method of Providing Missing Information (In-Person, Phone, Mail, Fax)	Date and Time Elector Provided Missing Information	Clerk or Election Inspector Name	Voter Number Issued, if Election Day, note "Withdrawn: # on Poll List."

The information on this form was communicated to the municipal clerk by :	Date:	Chief Inspector Initials:	The information on this form was communicated to the relevant canvass boards by:	Date:	Initials of person responsible for communication:
Telephone _____ In Person _____ Fax ____ Email _____	Time: a.m. p.m.		Telephone _____ In Person _____ Fax _____ Email _____	Time: a.m. p.m.	

Municipal Clerk sends a copy of this form (or information relayed over the telephone) to the County Clerk and WisVote Provider on Election Night.

PROVISIONAL VOTING INFORMATION SHEET

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

- ❑ You are unable or unwilling to list your Wisconsin driver license or identification card number on your voter registration application.
- ❑ You are unable or unwilling to present an acceptable proof of identification.

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

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

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

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

Municipal Clerk Contact information:

_____ (Name of municipal clerk)	_____ (Telephone number)
_____ (Address)	_____ (Fax number)
_____ (Municipality, state, zip code)	_____ (E-mail address)

You may check whether your ballot was counted by contacting the municipal clerk, checking the MyVote WI website at: https://myvote.wi.gov, or by contacting the Wisconsin Elections Commission at 866-VOTEWIS (868-3947).

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

Acceptable Forms of Proof of Identification

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

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

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

- A certificate of naturalization that was issued not earlier than two years before the date of an election at which it is presented
- A driver license receipt issued by Wisconsin DOT (valid for 45 days)
- An identification card receipt issued by Wisconsin DOT (valid for 45 days)
- A temporary identification card receipt issued by Wisconsin DOT through the Identification Petition Process (IDPP) (valid for 180 days).
- A photo identification card issued by a Wisconsin accredited university or college that contains the following:
    - Date of Issuance
    - Signature of Student
    - Expiration date no later than two years after date of issuance (can still be used if expired).
    - If the university or college ID is expired, the ID must be accompanied by a separate document that proves enrollment.
- A veteran's photo identification card issued by the Department of Veterans Affairs

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

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

NOTE: A photo ID without an expiration date is considered unexpired.

Wisconsin Voter Registration Application

Please complete legibly
Additional instructions on reverse

Please return your completed form to your municipal clerk

Qualifications

please check each box if **YOU**:

1

If you cannot check **every** box, do **NOT** complete this form

- ☐ Are a citizen of the United States
- ☐ Will be at least 18 years old on or before Election Day
- ☐ Have resided at the address provided below for at least 28 consecutive days prior to the election and do not currently intend to move
- ☐ Are not currently serving a sentence including incarceration, parole, probation, or extended supervision for a felony conviction

Your Name

2

Last _____ Suffix (Jr., II, etc.) _____

First _____ Middle _____

About You

phone number and email are **optional**

3

Date of Birth (MM/DD/YYYY) ___/___/_____

Phone Number (___) _____

Email Address _____

The Address Where You Live

your residential voting address, **which cannot be a P.O. Box**

if you do not have a street address, please use the map on the back of this form

4

Street Address _____ Apt/Room # _____

City/Town/Village of _____ WI Zip _____

Mailing Municipality (if different) _____

Are you military or permanent overseas voter? ☐ Military ☐ Permanent Overseas

Your Mailing Address

if different from above

5

Street Address (or P.O. Box) _____

City/State/Country/Zip _____

Prior Registration Information

complete this field if you are updating your registration due to a change in name or address

6

Full Name on Previous Registration _____

Full Address on Previous Registration (if known) _____

Identification

(check the box that applies to you)

WI Driver License or ID number required if unexpired and valid. SSN required if DL/ID not valid or never issued

7

☐ I have an unexpired and valid WI Driver License or WI DOT issued ID. Provide number and expiration date below

__ __ __ __-__ __ __ __-__ __ __ __-__ __ Expiration Date ___/___/_____

☐ I do not have a valid WI Driver License or WI DOT issued ID

Provide the last four digits of your Social Security Number XXX-XX-__ __ __ __

☐ I have neither a valid WI Driver License/ID nor a Social Security Number (see back for more information and next steps)

Proof of Residence

military and permanent overseas voters are not required to provide proof of residence

8

☐ Voters must provide a proof of residence document when registering to vote. Please check this box to affirm that you are providing a copy of a valid form of proof of residence with this application

Examples include: a copy of a valid and unexpired Wisconsin Driver License or ID Card, a utility bill, a paycheck/pay stub, or correspondence from a unit of government (see back of application for additional information and examples)

Signature and Certification

9

By signing below, I hereby certify that, to the best of my knowledge, **I am a qualified elector**, having resided at the above residential address for at least 28 consecutive days immediately preceding this election, that I have no present intent to move, and I have not voted in this election. I also certify that I am not otherwise disqualified from voting and that all statements on this form are true and correct. If I have provided false information, I may be subject to fine or imprisonment under State and Federal laws

X _____ ___/___/_____

Voter Signature Today's Date

Falsification of information on this form is punishable under Wisconsin law as a Class I felony

Assistant

if someone assisted you by signing this form, they must complete this section

10

X _____ _____

Assistant Signature Assistant Address

This Section for Official Use Only

Proof of Residence Type	WI DL	WI ID	UTIL	BANK/ CC	PYCK	STDNT ID	GOV DOC	LSE	GOV ID	EMPL ID	RES CARE	TAX	HMLSS

Proof of Residence Issuing Entity	Proof of Residence #	Date Complete/POR Received ___/___/_____	Election Day Voter Number

WisVote ID # _____

Confidential Elector ID # _____

☐ Submitted by Mail

X _____

Official's Signature

Ward	Sch. District	Alder	Cty. Supr.	Ct. Of App.	Assembly	St. Senate	Congress

EL-131 (REV 2020-06)

1

- If you did not check **every** box in this section, you are **not** eligible to vote in Wisconsin. **Do not complete this form.**

2

- Provide your current and complete name. Please provide your name as it appears on your WI driver license or state-issued ID card (Box 7), if applicable, and the proof of residence document you provided in Box 8.

3

- Provide your month, day, and year of birth.
- Providing your phone number and/or email address is optional and is subject to open records requests. This information may be used by your municipal clerk to contact you about your voter record or absentee ballot request.

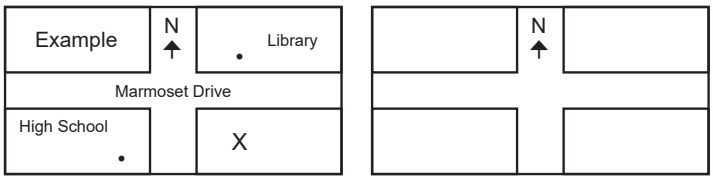
4

- Provide your home address (legal voting residence) in Wisconsin.
- Provide your full street name, including the type (St, Ave, etc.) and any pre- and/or post-directional (N, S, etc.).
- <u>You may not enter a PO Box as a residential address.</u> A rural route box without a number should not be used.
- A "military elector" is a person, or the spouse or dependent of a person who is a member of a uniformed service or merchant marine, a civilian officially attached to a uniformed service and serving outside the United States, or a Peace Corp volunteer. Military electors are not required to register as a prerequisite to voting at any election.
- A "permanent overseas elector" is a US citizen, at least 18 years old, who does not qualify as a resident of this state, but who either last lived in this state, or whose parent last lived in this state immediately prior to the parent's departure from the United States, and who is not registered to vote in any other state.

If you do not have a street number or address, please use this map to show where you live.

If you are a homeless voter and are registering to vote, please also provide a letter from an organization that provides services to the homeless that:

- Lists your name
- Describes the location designated as your residence for voting purposes



5

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

6

- Provide full previous name if changed and/or previous address if you have been registered to vote anywhere in the U.S.

7

- <u>If you have a valid and unexpired WI driver license or WI DOT ID</u>: provide that number. If you do not know your number, please call (608) 266-2353 to get it.
- <u>If you have an expired, canceled, suspended, or revoked WI driver license or WI DOT ID</u>: you **must** provide the last four digits of your Social Security number. In addition, you may also provide the number on your license or ID (optional).
- <u>If you have never been issued a WI driver license or WI DOT ID</u>: provide the last four digits of your Social Security number.
- <u>If you do not have a WI driver license or WI DOT ID nor a Social Security Number</u>: please check the appropriate box.

If you are registering to vote on Election Day and have been issued a WI driver license or ID, but are unable or unwilling to provide the number, your vote will not be counted unless you provide the number to the election inspectors by 8:00 p.m. on Election Day or to your municipal clerk by 4:00 p.m. the Friday following Election Day.

8

All proof of residence documents must contain voter's current name and address.

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

Proof of residence documents may be provided in an electronic format.

10

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

Do you need any accommodations at your polling place (e.g., curbside voting)? If so, please describe:

☐ Please indicate if you are interested in being a poll worker

WISVOTE

Certificate of Registration

General Instructions: ***Please Review Fully***	Please use uppercase (**CAPITAL**) letters only. Form to be completed by municipal clerk. Completed form is given to Elector to give to Election Inspector at polling location.

Polling Location		Voting #	
Ward #		Voter Registration	
		# Certificate #	

STATE OF

WISCONSIN	
Municipality	

County

To: Election Inspectors

This is to certify that:

Name	
Street Address	
City, State, ZIP +	

Has completed the required voter registration application in the Office of the Clerk and said elector should be permitted to cast his or her vote for the election to be held on: ___/___/____ Election Date (MM/DD/YYYY)

Subscribed to in the Office of the Clerk of: _____ Municipality Name

This ____ Day of _____ Month , _____ Year

Date

Signature of Clerk X

EL-133 (REV 8/2016)

WISVOTE

Certificate of Registration

Municipal Clerk's Copy

General Instructions: ***Please Review Fully***	Please use uppercase (**CAPITAL**) letters only. Form to be completed by municipal clerk. Completed form is given to Elector to give to Election Inspector at polling location.

Polling Location		Voting #	
Ward #		Voter Registration	
		# Certificate #	

STATE OF WISCONSIN

Municipality	
County	

To: Election Inspectors

This is to certify that:

Name	
Street Address	
City, State, ZIP +	

Has completed the required voter registration application in the Office of the Clerk and said elector should be permitted to cast his or her vote for the election to be held on: ___/___/____ Election Date (MM/DD/YYYY)

Subscribed to in the Office of the Clerk of: _____ Municipality Name

This ____ Day of _____ Month , _____ Year

Date

Signature of Clerk X

EL-133 (REV 8/2016)

WISVOTE Certificate of Registration Instructions

General Instructions: *Please Review Fully*	**This form is used during the late registration period (between 20 days before the election and the day of the election) to certify that the voter is registered, since the voter's registration information will not appear on the Poll List.** This form is completed after the voter completes a valid Voter Registration Application (EL-131) and the clerk approves the application. The municipal clerk completes this form and gives the top portion to the voter. The voter gives the form to the Election Inspectors at the polling location on Election Day. Since the municipal clerk should keep a copy of the form, the bottom portion has been designed to duplicate the top portion. The municipal clerk may also copy the completed form or use pressure-sensitive or carbon paper to allow for a duplicate to be completed.

1	Polling location: Complete the proper polling location.
2	Ward #: Complete the proper ward number.
3	Voting #: Official Use Only. Voter # is completed by the Election Inspectors at the polling location when voter presents the form to them.
4	Voter Registration #: Office Use only. The unique number given to a voter in WisVote. This is used when information is entered into WisVote at time of late registration.
5	Certificate #: The serial number issued by the municipal clerk when filing a late registration, i.e. starting with #1, #2, #3 and so forth. The clerk's agent (provider) issues a serial number followed by "c," i.e. #1c, #2c, #3c and so forth.
6	Municipality: Complete name of municipality.
7	County: Complete name of county in which municipality is located.
8	Name, Address, City: Complete name and voting address of voter.
9	Election Date: Complete the date of the primary or election event.
10	Municipality Name: Fill in the complete name of the municipality.
11	Date: Fill in the date the form was completed.

Signature:
By signing this form, the municipal clerk certifies that the elector has completed the voter registration application and directs the Election Inspectors to permit the elector to vote for the election to held on the date indicated on the form.

AUTHORIZATION TO CANCEL VOTER REGISTRATION
NEW WISCONSIN RESIDENTS

_____
(Name of person authorizing cancellation of voter registration)

_____
(Previous street address)

_____
(Town, village or city name) (State) (Zip Code)

(check one)

❒ I authorize the cancellation of my voting privileges at my previous address.

❒ I am not registered to vote at my previous address.

_____ _____
Date (Signature of new Wisconsin resident)

_____
(Present Wisconsin address)

_____
(Town, village or city name)

EL-139 (Rev. 2016-08)

AUTHORIZATION TO CANCEL VOTER REGISTRATION
NEW WISCONSIN RESIDENTS

_____
(Name of person authorizing cancellation of voter registration)

_____
(Previous street address)

_____
(Town, village or city name) (State) (Zip Code)

(check one)

❒ I authorize the cancellation of my voting privileges at my previous address.

❒ I am not registered to vote at my previous address.

_____ _____
Date (Signature of new Wisconsin resident)

_____
(Present Wisconsin address)

_____
(Town, village or city name)

EL-139 (Rev. 2016-08)

Application for Presidential Ballot - New Wisconsin Resident

For Presidential Election to be held on November ____, _____.

To the Clerk of _____,
State of Wisconsin.

(check one):
Town ☐
Village ☐
City ☐

I, _____, do solemnly swear that:

1. I am a citizen of the United States, and before establishing my present residence in Wisconsin, my legal residence was at:

_____
(previous street address)

_____
(previous state)

(check one):
Town ☐
Village ☐
City ☐

2. On the day of the next Presidential Election, I will be at least 18 years of age, and I have been a legal resident of the State of Wisconsin at the following address since the date indicated:

_____
(date established residency)

_____
(present street address)

_____
(present municipality and county)

(check one):
Town ☐
Village ☐
City ☐

3. I am qualified to vote for President and Vice President at the election to be held on November ____, ____ .

4. I have resided in Wisconsin for less than 28 days, and I am not voting at any other place in this election.

I request an Official Presidential Ballot, in accordance with Wis. Stat. § 6.15.

Signature of applicant _____

Residence address _____

City _____**, State** _____ **Zip** _____

State of Wisconsin)
) ss.
County of _____)

Subscribed and sworn to before me this _____day of _____, _____.

_____
(signature of municipal or deputy clerk or election inspector)

Penalties for Violation. Whoever swears falsely to any absent elector affidavit under Wis. Stat. § 6.15, may be fined not more than $1,000 or imprisoned not more than 6 months, or both. Whoever intentionally votes more than once in an election may be fined not more than $10,000 or imprisoned not more than 4 years and 6 months, or both.

EL-141 (Rev.2020-07)
The information on this form is required by Wis. Stat. § 6.15.

INSTRUCTIONS FOR
APPLICATION FOR PRESIDENTIAL BALLOT - NEW WISCONSIN RESIDENT

Any person who is a United States citizen, at least 18 years old on Election Day, who has moved into the State of Wisconsin less than 28 days before the presidential election, and is ineligible to vote absentee in his or her state of previous residence, may vote for president and vice president by completing this application, providing acceptable proof of residence and providing acceptable voter ID.

A new Wisconsin resident making application for a presidential ballot need not be registered.

A new Wisconsin resident can complete this application and vote for president and vice president either by absentee ballot in the office of the municipal clerk, or by voting at the polling place on Election Day.

In addition to completing this application form (EL-141), providing a acceptable proof of residence and voter ID, the elector also must complete a voter registration cancellation card (EL-139).

Both of these items are provided by the municipal clerk. They also can be obtained from an election inspector at the polling place on Election Day.

PROCEDURE FOR MAKING APPLICATION IN THE MUNICIPAL CLERK'S OFFICE

1. The new Wisconsin resident shows acceptable proof of residence and acceptable voter ID, completes the application form (EL-141), and the voter registration cancellation card (EL-139).

2. If the new Wisconsin resident chooses to vote an absentee presidential ballot in the clerk's office, the municipal clerk provides the person with an absentee ballot certificate envelope (EL-122) and a presidential ballot. The clerk must keep a list which includes the name, address, date of application, and the date on which the ballot was cast.

3. If the new Wisconsin resident making this application chooses to go to the polling place on Election Day to vote, the municipal clerk must provide the person with a copy of the completed application form (EL-141) to take to the polling place.

4. The municipal clerk must keep a separate list of all new Wisconsin residents who vote under the provisions of Wis. Stat. § 6.15. The list must include the person's name, address, and date of application, and if voting by absentee ballot, the date of receipt of the voted ballot.

5. The municipal clerk shall send the voter registration cancellation card (EL-139) to the elector's municipality of previous residence.

PROCEDURE FOR VOTING FOR PRESIDENT AT THE POLLING PLACE

1. The new Wisconsin resident must show acceptable proof of residence and voter ID, complete this application (EL-141), and complete the voter registration cancellation card (EL-139) at the polling place, or bring a copy of the application form that was completed in the municipal clerk's office.

2. The election inspector will provide the person with a paper ballot to vote for the offices of president and vice president only.

3. The election inspectors shall indicate on the voter list next to the new Wisconsin resident's name that he or she received only a presidential ballot.

4. The application form (EL-141) and the voter registration cancellation card (EL-139) are returned to the municipal clerk along with the voter lists and other election documents.

IDENTIFICATION CARD OF PROTECTED INDIVIDUAL

_____ _____

Name of municipality (indicate town, village or city) County (Required if a town)

The following individual has qualified for protection under s.6.47, Stats:

_____ _____

Name of protected person Ward

Identification Serial Number

_____

SAMPLE

EL-148 | Rev 2011-09 | Government Accountability Board, P.O. Box 7984, Madison, WI 53707-7984 | 608-261-2028 | web: gab.wi.gov | | http://gab.wi.gov. email: gab@wi.gov.

Official Oath

STATE OF WISCONSIN,)
) ss
_____ County)

I, _____, having been elected or appointed to

the office of _____,
(title)

but have not yet entered upon the duties thereof, swear (or affirm) that I will support the constitution of the United States and the constitution of the State of Wisconsin, and will faithfully discharge the duties of said office to the best of my ability.

So help me God.

_____
(Signature of elected or appointed official)

Subscribed and sworn to before me this _____ day of _____, _____.

_____
(Signature of person authorized to administer oaths)

☐ Notary Public or ☐ other official _____
(Official title, if not a notary)

If Notary Public: My commission expires _____, or ☐ is permanent

-ACCEPTABLE PHOTO IDS FOR VOTING IN WISCONSIN-

Information Provided by the Wisconsin Elections Commission

WHAT PHOTO IDS CAN I USE TO VOTE IN WISCONSIN?

State of Wisconsin Driver License

Can be expired since the last General Election

State of Wisconsin ID Card

Can be expired since the last General Election

Wisconsin Driver License OR State ID Card Receipt OR WI DMV ID Petition Process Photo Receipt

Valid for 45 days from the date receipt was issued OR 60 days for the ID Petition Process Receipt

Veterans Affairs ID

Must be unexpired or have no expiration

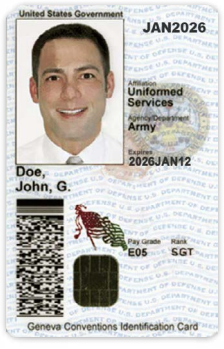
U.S. Passport Book or Card

Can be expired since the last General Election

Student ID Card + Enrollment Verification (If expired)

Valid for voting if the expiration date is no more than 2 years from the date the card was issued. If expired, must be accompanied with current enrollment verification

U.S. Uniformed Services



Can be expired since the last General Election

Tribal ID Card

Still valid for voting if expired

Certificate of Naturalization

Only valid for voting if Certificate was issued not more than 2 years before the date of the election

Find more information on the Photo ID law at: elections.wi.gov/photoid
Register to vote or check your registration status at: www.MyVote.wi.gov
Contact the Wisconsin Elections Commission at 1-866-Vote-Wis or at elections@wi.gov

Part 15
Post-Election Activities

Routing of Election Materials; Rehabilitating Provisional Ballots; County Board of Canvassers; Canvass Reporting System (CRS); Reconciliation; Commission Certification; Certificates of Election; EDR Postcards.

Election Day does not end when the polls close. Clerks immediately begin preparing materials for the various boards of canvassers, who meet after each election to publicly canvass the returns of the election. Clerks also complete important post-election data work like reconciliation and handling of Election Day Registration postcards.

Chapter 15.1: Organization & Routing of Election Materials

Most election materials are routed back to the municipal clerk's office after polls close on Election Night, but the municipal clerk must take additional steps after the election to prepare and further route some materials.

Sec. 15.1.1: Search for Uncounted Absentee Ballots

Before the Municipal Board of Canvassers (MBOC) convenes, the municipal clerk and their staff should examine every drop box, courier bag, carrier envelope, supply tote, ballot bin, tabulator, laptop bag, and any other vessel coming back from a polling place or "central count" to ensure that no absentee ballots were overlooked. This search should be performed before the MBOC convenes because if ballots were accidentally not counted, the issue can likely be resolved by the MBOC.

Sec. 15.1.2: Materials Routed to School District Clerk

The municipal clerk must route the following materials to the school district clerk (when there are school district races on the ballot) no later than 4:00 p.m. the day after the election. Wis. Stat. § 7.51(5)(b).

- School district ballots (if nonconsolidated ballots are used)
- Original Tally Sheet (EL-105) listing school district results
- A copy of the voting equipment results tape (if any)
- One copy of the Inspectors' Statement (EL-104) plus accompanying documentation
- A certified copy of the signed poll list (EL-107 and EL-107S)
- A copy of the Provisional Ballot Reporting Form (EL-123r)

Sec. 15.1.3: Materials Routed to the County Clerk

The municipal clerk must route the following materials to the county clerk no later than 4:00 p.m. the day after the election. Wis. Stat. § 7.51(5)(b):

- Ballot bags or containers with all federal, state, county, and technical college ballots
- The brown carrier envelope (EL-102) containing rejected absentee ballots
- The white carrier envelope (EL-103) containing used certificate envelopes from absentee voters
- One copy of the Inspectors' Statement (EL-104) and accompanying documentation
- One original Tally Sheet (EL-105) for presidential, congressional, state, legislative, judicial, and county offices, as well as state, county, and technical college referenda
- A copy of the voting equipment results tape (if any)
- One original poll list including the supplemental poll list (EL-107S) that includes the voters' signatures
- A copy of the Provisional Ballot Reporting Form (EL-123R)

If the municipality is a "central count" jurisdiction, the municipality can deliver materials to the county clerk by 4 p.m. on the second day following the election. Wis. Stat. § 7.51(5)(b).

Sec. 15.1.4: Organize And Prepare for Municipal Board of Canvassers (MBOC) Meeting

In addition to routing required materials to other clerks, municipal clerks should also prepare their own materials and information for their meeting of the Municipal Board of Canvassers.

For detailed guidance on how to organize and prepare for the MBOC, **see Chapter 14.27: "Municipal Boards of Canvassers."**

Sec. 15.1.5: Retention of Election Materials

State law directs that "each clerk shall retain ballots, statements, tally sheets, or envelopes" they receive after the election until destruction is authorized. Wis. Stat. §§ 7.51(5)(b), 7.23(1). However, this statute was written before the common use of consolidated ballots. Prior to consolidated ballots, it made sense for each clerk to keep their respective ballots, but in jurisdictions where all races appear on a single ballot, the question of who should retain election materials is more complicated.

Many county clerks retain election materials like ballots and used certificate envelopes because they are at the end of the materials routing road, and because they often have more space and capacity for document storage.

Municipal clerks, county clerks, and school district clerks should have a clear understanding of where ballots will be stored and under what conditions clerks can access those ballots in the future if needed.

Chapter 15.2: Rehabilitating Provisional Ballots

Municipal clerks must be available and plan for voters who were issued provisional ballots to come to their office in the days following the election to rehabilitate those ballots to have them counted.

This chapter is specific to the post-Election Day work of confirming that voters present photo ID so that the municipal board of canvassers knows if they should count or reject the ballots. For more detailed information on provisional voting in general, **see Chapter 14.13: "Provisional Voting."**

Sec. 15.2.1: Deadlines to Rehabilitate Provisionals

In all elections except presidential elections, voters who were issued provisional ballots have until 4 p.m. on the Friday after Election Day to provide the required proof of identification to the municipal clerk. Wis. Stat. § 6.97(3)(b). For presidential elections, that deadline is not later than noon on the Friday after Election Day. *Id.*, as amended by 2025 Wis. Act 214.

Sec. 15.2.2: Confirming Photo Identification

The municipal clerk should confirm the voter's photo identification the same way a poll worker would do to check the voter into the poll book on Election Day. Wis. Stat. § 6.97(3)(b). If the voter appears to provide the required photo ID by the applicable deadline, the municipal clerk should update the Provisional Ballot Reporting Form (EL-123) accordingly.

Sec. 15.2.3: Notifying the MBOC

The municipal clerk should not open or count the provisional ballot. That will be done by the MBOC at their public canvass meeting. Once the municipal clerk has confirmed photo ID and updated the EL-123, they must also notify the appropriate boards of canvassers responsible for canvassing the appropriate races. *Id.*

Chapter 15.3: Preparation for the Municipal Board of Canvassers (MBOC)

The Municipal Board of Canvassers meets after every election to canvass all ballots, regardless of whether there are municipal offices or referenda on the ballot. Wis. Stat. § 7.53.

The MBOC can meet on Election Night, if certain conditions are met. The information and procedures for it can be found in **Sec. 14.27.2: "When Does the MBOC Meet?."**

Chapter 15.4: Reconciliation & Voter Participation Entry

This section of the manual addresses two of the many important tasks clerks must perform after an election: recording voter participation and completing election reconciliation.

Voter Participation Data consists of the records of who voted and registered to vote on Election Day, and state law requires municipal clerks to enter this information into the statewide voter registration list by certain deadlines.

Reconciliation is the statutorily required process where clerks validate that their election data is accurate before reporting that data to the Commission and to the public. **See Sec. 15.4.5: "Election Reconciliation" on page 9.**

Together, these two tasks provide the public with essential information about who participated in an election and how they chose to participate.

Sec. 15.4.1: Use the WisVote Manual for Instructions on Completing both Tasks

Municipal clerks enter voter participation data and complete reconciliation in in WisVote, and instructions on how to complete these tasks are found in **Chapter 5 of the WisVote manual**.

Chapter 15.4 of this manual is only intended to generally describe each process and explain why it is important. Clerks should refer to the WisVote manual for detailed steps on how to complete this work.

Sec. 15.4.2: Considerations for Jurisdictions with Provider/Relier Relationships

Sometimes, a municipal clerk (**a Relier**) enters into an agreement with another clerk (**a Provider**) for the Provider to complete WisVote work on the Relier's behalf. See Wis. Stat. § 6.33(5)(b). The Provider can be either a county clerk or

another municipal clerk. *Id.* Reliers and Providers enter into a Memorandum of Understanding (MOU) that governs how the data entry and list maintenance work will be covered between them. The MOU should cover the specifics of voter participation data entry and reconciliation work.

Sec. 15.4.3: Legal Requirements for Post-Election Reporting

Both state and federal law require certain post-election reporting, and entering voter participation data and performing reconciliation confirms that the required data is reported accurately. Wis. Stat. §§ 6.275, 6.276, and 6.33(5)(a)3. See also Help America Vote Act of 2002 (HAVA) 52 U.S.C. 20922 and the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) 52 U.S.C. 20301.

Numerous state and federal laws require documentation and reporting of election statistics:

- Wis. Stat. § 6.275: Registration and voting statistics
- Wis. Stat. § 6.276: Federal absentee voting statistics
- Wis. Stat. § 6.36(1)(a): Official registration list
- Wis. Stat. § 6.88: Voting and recording the absentee ballot
- Wis. Stat. § 6.89: Absent electors list public
- 52 U.S.C. § 20901-21145: Help America Vote Act
- 52 U.S.C. § 20301-20311: Uniformed and Overseas Citizens Absentee Voting Act

Sec. 15.4.4: Recording Voter Participation

Wisconsin law requires that the name of each person who voted in an election is recorded within 30 days after the election. Wis. Stat. § 7.15(4). Recording participation lets voters know their vote was counted (via the MyVote Wisconsin website) and enhances election integrity by ensuring there is a person documented for each vote.

Prior to recording participation, municipalities must first ensure several preliminary tasks are complete and fully documented. These include:

1. Provisional ballots documented
2. Inspector statements completed
3. Recording all absentee ballots
4. Late registrations recorded
5. Election Day Registrations (EDRs) recorded

Once the necessary preliminary steps are complete, municipalities may record participation.

There are three ways clerks can record participation:

- Manually selecting individual voter records in the poll book detail in WisVote
- Scanning individual barcodes beside each voter's name on the poll book
- Uploading participation from a Badger Book e-poll book

The specific steps required to perform each process are found in the WisVote manual and the Badger Book manual.

Sec. 15.4.5: Election Reconciliation

The final process to validate election data and report municipal statistics is called Election Reconciliation. This process helps clerks ensure their election records are accurate before the information is made available to the public and reported to the federal government.

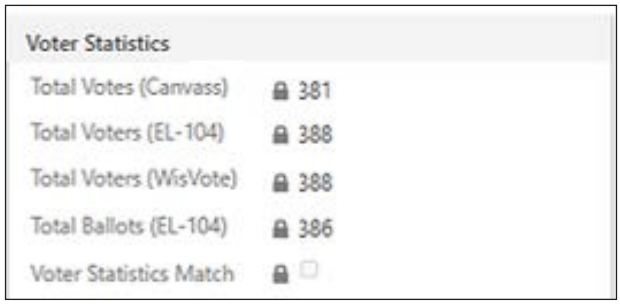
The Reconciliation process compares data found in canvass reporting, inspector statements, and WisVote. The data presented for review is:

- Votes cast by method (paper, optical scan, DRE[1])
- Total voters
- Absentee voters and ballots (including military and overseas voters)
- Provisional ballots
- Total ballots
- Total EDRs

1 Direct-Recording Electronic voting machine.

The information recorded is presented in WisVote on a special Reconciliation page. This allows clerks to easily identify errors or omissions in reporting. If the canvass report, inspector statements, and WisVote records all match, then clerks can be assured that records were accurately recorded and complete the Reconciliation process. If the records do not match, clerks should investigate to determine the cause.

Figure 1: Example of Non-Matching Data



Mismatched figures do not necessarily indicate an error, but all mismatches should be investigated so the cause is determined and documented. For example, the number of total voters usually matches the number of total ballots. However, these numbers will not match if a voter signed the poll book and then elected not to complete a ballot. In this case, there should be a notation on the inspectors' statement reflecting the situation. Clerks can make a notation in WisVote to explain the situation and complete Reconciliation.

Other common errors clerks experience include:

- Absentee data mismatch caused by not entering absentee ballots received on Election Day into WisVote.
- Not recording participation for a provisional ballot cured by the voter before the deadline.
- A voter number was skipped, which will cause data mismatches.
- Someone completed an Election Day Registration (EDR) but didn't end up voting and participation was accidentally assigned to them.

Sometimes, determining the cause of a mismatch can prove challenging. In these cases, clerks should contact the Commission for assistance. Commission staff have experience with many unusual reconciliation scenarios and can often help to identify the root cause. The technical steps for the reconciliation process are described in **Section 5.4 of the WisVote manual**.

Chapter 15.5: Canvass Reporting System

The Canvass Reporting System (CRS) is the statewide database used by county clerks to report their official canvass results to the Commission. Wis. Stat. § 7.60(5)(a) requires county clerks to submit certified election results for all federal and state contests in an election to the Commission within specific statutory timelines. The CRS ensures that results are submitted consistently, accurately, and in a format that supports statewide aggregation, certification, and public reporting.

Chapter 15.5 is introductory. County clerks can find detailed steps on using the CRS in the CRS Manual, which is available on ElectEd.

Sec. 15.5.1: Purpose of the System

The Canvass Reporting System serves as the centralized location for all official county-level canvass results. It is designed to:

- Provide a uniform method for reporting canvass results after each election through manual entry or file upload.
- Support clerks in submitting results electronically.
- Enable verification processes that reduce the risk of errors in reported results.
- Produce the required Certification of Board of Canvassers document that must be signed and delivered to the Commission.

This system streamlines the canvass process and ensures compliance with statutory requirements for timely delivery of certified election results.

Sec. 15.5.2: Statutory Requirements

Under Wis. Stat. § 7.60(5)(a), county clerks must deliver a signed Certification Report to the Commission within the deadlines established in law:

- **Within 9 days** after each primary (except the Partisan Primary)
- **Within 10 days** after the Partisan Primary and all other elections except the general election
- **Within 14 days** after the general election

These deadlines ensure the Commission can complete the statewide canvass and begin the certification process in accordance with state law. Wis. Stat. § 7.70(1)(a). The CRS supports clerks by generating the required Certification Report directly from the system.

Sec. 15.5.3: How Clerks Use the System

The CRS guides county clerks through a standard workflow to ensure accurate and complete reporting.

Core System Functions Include:

Pre-Election Review

Before Election Day, clerks can run pre-election reports within the system to identify and correct potential issues in their election setup in WisVote. Addressing these issues ahead of time helps ensure the post-election canvass process proceeds smoothly.

Post-Election Entry or Upload of Results

After the official county canvass is completed, clerks may enter results manually or upload results using files generated by their voting equipment. The system includes built-in validation tools that help clerks confirm the accuracy of their reported results.

Certification Report Generation

Once results have been verified, clerks can generate and print the Federal/State Office Certification Report directly from the system. This report must be signed and delivered to the Commission by the applicable statutory deadline.

Sec. 15.5.4: Additional Resources

A comprehensive, step-by-step guide is available in the CRS Manual, which can be found on ElectEd. Clerks are encouraged to reference the manual before each election cycle to ensure continued compliance and familiarity with system updates.

Chapter 15.6: County Boards of Canvassers (CBOC)

The County Board of Canvassers (CBOC) meets after every election to canvass all ballots, regardless of if there are county offices or referenda on the ballot. Wis. Stat. § 7.60.

Sec. 15.6.1: What does "Canvass the Returns" Mean?

The purpose of the canvass is to determine and certify that the person who received the greatest number of votes is declared elected. Wis. Stat. § 5.01(3)(a). Though statute does not specifically define the term, many courts have confirmed that the "canvass" is "purely ministerial" or "purely administrative."[2] In other words, the purpose of the CBOC is not to examine the legitimacy of the election, it's to ensure that the unofficial results accurately reflect the ballots that were cast by voters (the "returns"). Canvassers cannot delay or wait for a recount to perform their duties.[3] A majority of the board of canvassers may act to complete their duties, even if one member is absent.[4]

Sec. 15.6.2: When does the CBOC Meet?

The CBOC either meets no later than 9 a.m. on the Tuesday after the election. Wis. Stat. § 7.60(3), except when a presidential contest is on the ballot. For presidential elections, the CBOC meets no later than noon the Saturday after the election. *Id.*, as amended by 2025 Wis. Act 214.

The CBOC is a public meeting and must be noticed in accordance with Wisconsin's open meetings laws. Wis. Stat. § 19.83(1).

---

2 *State ex rel. Husting v. State Canvassers*, 159 Wis. 216 (WI 1914); *Hammond v. Bd. Of Canvassers*, 2003 WI APP 22 (Ct. Appeals D3).

3 *State ex rel. Husting v. State Canvassers*, 159 Wis. 216 (WI 1914).

4 *Karker v. Board of Unified School District*, 51 Wis. 2d 542 (W 1971).

Sec. 15.6.3: Who Serves on the CBOC?

The CBOC consists of the county clerk and two other qualified voters of the county. Wis. Stat. § 7.60(2). Political party county committees submit lists of candidates for the CBOC to the county clerk, and the clerk chooses the other two board members from those lists. *Id.* One member of the CBOC must belong to a political party other than the clerk's. *Id.* If the county clerk position is vacant, or the county clerk is unavailable, the county clerk appoints a deputy to perform their canvassing duties instead. *Id.* If both the county clerk and deputy are unavailable, the county executive, or if there isn't one, the chairperson of the county board of supervisors appoints another member to serve. *Id.* In Milwaukee, the county board of election commissioners serves as the CBOC.

No one may serve on the CBOC if they are a candidate at that election, except the county clerk, who may serve if they are running unopposed. *Id.*

The county canvass board members serve two-year terms, which commence on January 1 of each even-numbered year. *Id.* Those appointed to fill a vacancy fill the remainder of that original term. *Id.*

Sec. 15.6.4: Obtaining the Election Materials for the Canvass

The municipal clerks of each jurisdiction in the county arrange for all election materials to be delivered to the county clerk no later than 4:00 p.m. on the day following the election, and no later than 4:00 p.m. on the second day following the election for jurisdictions that use "central count" for absentee ballots (except presidential contests). Wis. Stat. § 7.51(5)(b). In presidential elections, municipal clerks must transmit election materials to the county clerk no later than 9 a.m. the Saturday following the election. *Id.*, as amended by 2025 Wis. Act 214.

Best Practice: The county clerk should develop and utilize a chain of custody document to check off materials delivered from each municipality in the county. The chain of custody document should be signed by the person delivering the materials and by the person checking the materials in. See accompanying "Appendix 15.6.A: Municipal Returns Checklist" for materials obtained from each municipality.

Sec. 15.6.5: Preparing for the CBOC Meeting

Before the canvassing meeting, county staff should sort all materials, examine them for completeness, and document obvious errors, omissions, or missing materials.

> **Best Practice:** Whenever possible, problems should be remedied before the meeting. For example, if a municipality has not delivered their materials by the statutory deadline, county staff should contact that municipality to remind them to transmit their materials so that the CBOC does not need to wait until the meeting convenes to take that step.

Before the meeting, at least two county staffers should proof the Canvass Report generated from the Canvass Reporting System (CRS) against the returns from each municipality. The proofing process should be documented, and any issues or errors preserved for the CBOC.

Sec. 15.6.6: Procedures for Conducting the CBOC Meeting

By the time the CBOC convenes, all election materials and returns should have been received from every municipality in the county, and the results from each reporting unit should have been recorded in CRS.

Step 1: Assign Someone to Take Accurate and Detailed Minutes

The meeting of the CBOC is subject to Wisconsin's open meetings laws, so minutes must be taken of all proceedings. Nothing is too trivial to include in the minutes, and the minutes should document every decision made by the CBOC.

Step 2: Ensure All Materials are Present and Assign Tasks

- Check materials against the **"Appendix 15.6.A: Municipal Returns Checklist"** to ensure all materials are present for all municipalities.
- When assigning tasks, build in redundancy or assign tasks to pairs of individuals to ensure that returns and materials from all reporting units are inspected, reconciled, and the official results are properly documented for certification.
- Process one reporting unit at a time.

Step 3: Review the Poll Lists (Comparing Number of Voters to Number of Votes)

The purpose of Step Three is to ensure that the total number of people who cast ballots equals the total number of ballots that were counted.

For each poll list (poll book) for each reporting unit, ensure the following:

- Verify that the poll list certification has been completed. This will usually be printed on the cover page of the poll book.
  - Is the last voter number listed?
  - Is the page on which the last voter number appears indicated?
  - Is the number of absentee voters indicated?
- Has the number of voters whose provisional ballots were counted been added?

- Verify that there weren't more ballots cast than there are registered voters in each municipality (accounting for Election Day Registrations).
- Verify there aren't any major discrepancies between the number of voters who cast ballots and the results of specific races. Each of these specific anomalies below should be further investigated, as should any other aspect of the returns that seems unusual.
    - **Example:** 25,000 people voted in the county, but the U.S. Senate race only garnered 13,000 votes for the whole county.
    - **Example:** 25,000 people voted in the county, but the top race on the ballot (President or Governor) received comparatively fewer votes for the contest than expected for the turnout.
    - **Example:** The undervote rate for top-of-the-ballot contests is 1% or higher.
    - **Example:** The comparative vote totals between municipalities for a down ballot race (like county supervisor) has one race where the vote totals are out of the norm.
- If the number of voters is more than the number of ballots cast:
    - Every effort should be made to discover the reason for the discrepancy. For example, one possible reason would be a voter leaving the polling place after checking in but before casting their ballot.
    - Consult the Inspectors' Statement (EL-104) for an explanation.
    - Regardless of the explanation (or lack thereof), record discrepancy in minutes.
- If the number of ballots cast is *more* than the number of voters:
    - This is a problem that must be further investigated.
    - Check the Inspectors' Statement for an explanation.
    - If the discrepancy cannot be determined, contact the municipal clerk.
    - If the municipal clerk has no explanation or explanation is not sufficient, the poll workers must be called in to either find the error or explain the discrepancy. This may require hand counting the ballots, whether Optical Scan or Paper Hand Count ballots, to verify the error is not in the number of ballots.

- If poll workers cannot find an error and the discrepancy cannot be explained, the draw down procedure is conducted by the poll workers. Conducting a draw down is always a last resort and should not be done if the discrepancy can be logically explained.
- **Note:** If the polling place had more than one reporting unit, and the overall total of ballots cast at the polling place is not more than the overall number of voters at the polling place, note this in minutes but do not draw down. (This likely indicates a number of voters were given the wrong ballot.)

Note: The number of votes cast should never exceed the number of voters.

Step 4: Proof Data Against the Original Results

If municipalities have prepared some kind of compilation of results, those results must be checked against the original results received from the LBOCs on Election Night.

Step 5: Review Write-In Votes

The votes for federal, state, and county write-in candidates need not be listed on the canvass report by individual candidate, unless the write-in candidate has registered as such. Votes for unregistered write-in candidates should be recorded into one scattering column for each office. State- and federal-level write-in candidates will appear in a separate column on the applicable county canvass report from CRS. If the county has registered write-in candidates, the votes for those candidates should be recorded separately (unless they were entered into WisVote in which case they will appear on the CRS canvass report).

Votes attributed to eligible write-in candidates must be listed under the candidate's name. The total number of votes that cannot be attributed to an eligible write-in candidate should be recorded in the scattering column.

Step 6: Review Inspectors' Statements, Electronic Vote Records and Tally Sheets

Review the Tally Sheet (EL-105) or tabulator results tapes from each municipality for accuracy. Review results tapes for any adjustments made on the tapes and review the write-in tally sheets. If poll workers have added electronic votes and hand-count votes together, check their addition.

Ensure that the tamper-evident serial numbers from the voting equipment have been recorded and initialed by the Chief Election Inspectors on at least 10 different Inspectors' Statements (EL-104).

Step 7: Review Provisional Ballots

The municipal clerk will have notified the county clerk if there were provisional ballots issued in the municipality, and the provisional ballots themselves will have been counted or rejected by the MBOC.

The CBOC should take the following steps to check the work of provisional ballots:

1. Does the number of provisional ballots reported by the municipality match the total number of ballots that were counted and rejected?
2. For the ballots that were counted:
    - Were the votes added to the affected candidates' totals?
    - Was the voter properly assigned a voter number and added to the poll book?
    - Was all documentation preserved, including the carrier envelopes containing the provisional ballots?
3. For the ballots that were rejected:
    - Does documentation show how many were rejected because they were not rehabilitated by the voter by the correct deadline?
    - If provisional ballots were rejected for any other reason, is that decision documented in the MBOC minutes?
    - Can the CBOC confirm that the affected candidates' totals do *not* accidentally include rejected provisional ballots?

Sec. 15.6.7: What If There are Issues with the MBOC Returns or Documentation?

Sometimes, when the CBOC convenes, they may realize they are missing documents or information from one or more municipality that prevents them from canvassing the returns.

If Returns or Documentation are Missing

If returns have not been received from any jurisdiction in the county by the time the CBOC convenes, state law directs the District Attorney of the county to immediately initiate an enforcement action under Wis. Stat. § 5.07 to obtain the returns. Wis. Stat. § 7.60(3), as amended by 2025 Wis. Act 214.

Best Practice: Prior to the convening of the CBOC, the county clerk should put the District Attorney on notice if any returns are missing so that the Wis. Stat. § 5.07 action can be immediately initiated if the CBOC still doesn't have the returns by the time they begin.

If Returns are Informal or Defective

If the returns are "so informal or defective that the [CBOC] cannot intelligently canvass them," the CBOC shall dispatch a messenger back to the MBOC. *Id.* The CBOC will have to make its own determination, recorded in the minutes, of whether any municipal returns are "so informal or defective" that they cannot be "intelligently" canvassed.

Best Practice: In today's modern world, the CBOC is not required to literally send a person to the municipality, though they should do so as a last resort if all other methods of communication fail. Contact by phone should be the first resort, along with email, fax, or any other method likely to reach the municipality. If the CBOC still cannot get ahold of the municipal clerk, they should also contact the municipality's governing body as well as any other source likely to get them in contact with the municipal clerk.

If the CBOC sends returns back to the MBOC under this standard, they must provide "written specifications" of the informalities or defects, and must also "command" the MBOC to immediately complete the returns or remedy the defects in the manner required. Wis. Stat. § 7.60(3).

If sending back the returns is necessary, the CBOC may adjourn not longer than one day at a time nor more than two days total, except in a presidential election, where the CBOC may only adjourn to the extent permitted by the Commission. *Id.*, as amended by 2025 Wis. Act 214.

Sec. 15.6.8: Completing the Canvass Statement

When all canvass steps are complete, and corrections are made (if any), the CBOC prepares the canvass statement in duplicate. Wis. Stat. § 7.60(4)(a). The canvass statement is completed on the Board of Canvassers Report (EL-106), which contains three sections.

Tabular Statement of Votes Cast

This section contains a detailed listing of the number of votes cast for each candidate in each ward, or combination of wards, for each federal, state and county office or referendum. Write-in votes are summed together in one scattering column for each office. Referenda results are reported by "yes" votes and "no" votes. There is no scattering column for referenda.

If any votes are rejected, the CBOC must specify the reasons in the minutes. Wis. Stat. § 7.60(4)(c).

Summary Statement

This section is a summary of the Tabular Statement of Votes Cast. Each summary statement states the total number of votes cast for each office, the names of all ballot candidates for each office, the number of votes cast for each candidate in each office, the number of scattering votes cast in each office, and the number of votes cast for and against any question submitted as a referendum. Wis. Stat. § 7.60(4)(a).

Certification of the Board of Canvassers

This is the portion of the canvass that is signed. It must be signed by all three members of the CBOC. Wis. Stat. § 7.60(4)(d).

Sec. 15.6.9: Breaking a Tie in a County Contest

If there are any tie votes in county offices, the canvassers break the tie. Wis. Stat. § 5.01(4)(a). Statute directs that this be done "by lot," which can include flipping a coin, drawing names out of a hat, or by anything that will determine a random result. *Id.* If the tie occurs during a primary and only one candidate may advance, the tie is likewise broken by lots. Wis. Stat. § 5.01(4)(b). If all candidates in a tied contest are present, the candidates can draw the lots themselves. Wis. Stat. § 5.01(4)(c). If not all candidates are present, the CBOC shall break the tie. *Id.* **There cannot be a tie for a referendum question** — if both "yes" and "no" receive the equal number of votes, the question fails adoption. Wis. Stat. § 5.01(4)(d).

Sec. 15.6.10: Reporting Canvass Results

Immediately following the completion of the canvass, the CBOC must deliver or transmit to the Commission a certified copy of each Board of Canvassers Report for all state and federal races. Wis. Stat. § 7.60(5)(a). This shall be done by email immediately, and the original hard copies should be mailed.

Table 28: Deadlines to Report Canvass Results[5]

Election Type	Deadline
Primary Election	No later than 9 days after election
Partisan Primary Election	No later than 10 days after election
General Election (Non-Presidential)	No later than 14 days after election
Presidential General Election	No later than 7 days after election

In addition, the CBOC must also transmit copies of the Board of Canvassers Report to the clerk of the technical college for technical college district offices, and to the county clerk having the largest portion of the population in the jurisdiction served by the judge for multijurisdictional judge contests.

5 Wis. Stat. § 7.60(5)(a)

Penalties for Untimely Transmission of Canvass Statements

If any county clerk fails or neglects to transmit the Board of Canvassers Report to the Commission, the Chair of the Commission may require them to do so immediately. Wis. Stat. § 7.70(1)(b). If the statement is still not received by the eighth day after a primary, the 8th day after a presidential election, or by the eleventh day after any other election, the Chair will notify the county clerk that the failure to transmit the canvass is a violation of law that will result in an immediate Commission enforcement action under Wis. Stat. §§ 5.05(1)(d), 7.70(1)(b). If the statement is still not received within one day of that notice, the Commission will initiate that enforcement action. Wis. Stat. § 7.70(1)(b).

Sec. 15.6.11: Canvass Retention

One copy of the official canvass for county offices must be retained by the county clerk. Wis. Stat. § 7.60(5)(b). The canvass statement must be kept for 10 years after the election for which it was prepared. Wis. Stat. § 7.23(1)(i).

Sec. 15.6.12: What if the CBOC Discovers a Mistake before the Deadline for the Chair to Certify the Election?

Though uncommon, it is possible that the CBOC could discover a "material mistake" in their canvass after adjourning. Wis. Stat. § 7.60(5)(b).

In such circumstances, the CBOC can petition the Commission to reopen the canvass, as long as they do so prior to the close of business on the day the Commission receives returns from the last county board of canvassers. *Id.* The Commission shall direct the canvass to be reopened and corrected if it determines "the public interest so requires." *Id.* If the CBOC reconvenes, they must then transmit a certified corrected copy of the canvass statement to the Commission.

POLLING PLACE RETURNS CHECKLIST

CHECKLIST OF ELECTION MATERIALS RECEIVED FROM EACH POLLING PLACE FOR EACH REPORTING UNIT

Municipality: _____ Reporting Unit: _____

Type of Election: ❒ Primary ❒ Election

❒ Special Primary ❒ Special Election ❒ Referendum

Primary or Election Date: _____

Rec'd? ✓	Properly Signed? ✓	Materials to be Delivered to Municipal Clerk *If special municipal election or referendum, these items are retained by the municipal clerk.
		*The ***ballot bag(s) or container(s) EL-101***containing the ballots for the reporting unit, signed by the CI and one other inspector. (See attached EL-101 for more information.)
		*The ***brown carrier envelope EL-102*** containing rejected absentee ballots signed by the CI and two other inspectors.
		*The ***white carrier envelope EL-103*** containing used certificate envelopes from absentee voters signed by the CI and two other inspectors
		The ***Inspectors' Statement EL-104****, including any challenge documentation*, signed by the CI and two other inspectors. (Municipal clerk makes a copy for other levels of government.
		Original ***machine tapes and duplicate original Tally Sheets EL-105****,* signed by the CI and all inspectors involved in counting.
		Duplicate original ***voter lists EL-107***, including the supplemental lists, signed by the inspectors who staffed the lists. (The municipal clerk makes a certified copy for any School District.)
		*The ***Provisional Ballot Reporting Form (EL-123r).*** (Municipal clerk makes a copy for other levels of government.)
		*The ***Inspectors' Statement of Provisional Ballots Envelope (EL-108)*** sealed in a ballot bag or container, signed by the CI and two other inspectors. (If no EL-108, see EL-123r for confirmation no provisional ballots were issued.)

Constitution of a MBOC

Municipalities with one polling place: The Election Inspectors

Municipalities with multiple polling places: The Municipal Clerk and two qualified electors of the municipality appointed by the clerk.

Chapter 15.7: Preparation for Commission Certification of Election Results

Following each statewide or federal election, the Wisconsin Elections Commission ("the Commission") is responsible for certifying the official results for statewide, federal, and state legislative contests. Wis. Stat. § 7.70(3).

Sec. 15.7.1: What is "certification"?

Broadly speaking, "certification" is the process by which the Chairperson of the Commission completes the state-level canvass for the offices for which the Commission is the filing officer.[6] See generally, Wis. Stat. § 7.70. After state certification, the unofficial results for these races become official.

Each of Wisconsin's 72 counties conducts a county canvass of election results through its county board of canvassers. For more information about the CBOC, **see Chapter 15.6: "County Boards of Canvassers (CBOC)" on page 13** After completing the canvass, counties submit their official results for state and federal offices to the Commission using the Canvass Reporting System (CRS). For more information about the CRS, **see Chapter 15.5: "Canvass Reporting System" on page 11**. This is the statewide reporting system used by all counties to enter and transmit certified vote totals to the Commission.

Sec. 15.7.2: When does the Commission Certify the Election?

The Chair of the Commission always completes the certification of election results in a publicly noticed meeting. The deadlines for Commission certification are set by state law. Wis. Stat. § 7.70(3)(a).

---

6 President and vice-president, governor, lieutenant governor, secretary of state, state treasurer, attorney general, state superintendent, U.S. senator, representative in Congress, state legislature, supreme court justice, court of appeals judge, circuit court judge, metropolitan sewerage commission, and statewide referenda. Wis. Stat. § 7.70(3)(d).

Table 29: Election Certification Deadlines

Election Type	Certification Deadline
Spring Primary	On or before 2nd Tuesday after Election
Spring Election	On or before May 15
Partisan Primary	On or before 3rd Wednesday after Election
General Election (Non-Presidential)	On or before Dec. 1
Presidential General Election	No later than 21 days after Election
Special Election – Primary	On or before 2nd Thursday after Election
Special Election – General	Within 18 days

Sec. 15.7.3: Commission Staff Preparation for State Certification

Commission Staff review all 72 county canvass submissions to ensure the completeness and accuracy of the reported results.

This review includes verifying that:

- Vote totals have been entered for all applicable contests and jurisdictions within the county.
- All required data fields in the Canvass Reporting System have been completed.
- The official canvass documentation has been signed by all members of the county board of canvassers.

If discrepancies or missing information are identified, Commission Staff work with the county clerk and the board of canvass members from that county to resolve the issue prior to certification. This ensures that the official election results are accurate and correct.

Sec. 15.7.4: How does the Commission Certify the Election?

Commission staff certify to the Chair that all county canvasses are complete and properly documented. Wis. Stat. § 7.70(3)(b). If there were any issues, staff also flag this for the Chair's consideration. If necessary, the Chair may require the county board of canvassers to provide missing information or correct any errors. *Id.*

The Chair then examines and makes a statement of the total number of votes cast at the election for each of the offices that the Commission certifies. Wis. Stat. § 7.70(3)(d). The statement of votes cast consists of the certification statement and accompanying paperwork showing the total votes cast by county for each office. Wis. Stat. § 7.70(3)(f).

Once the official canvass statements have been reviewed and signed by the chair of the Commission, the results become the official certified results for the election and certificates of election are issued to the winning candidates. Wis. Stat. § 7.70(5). For more information on issuing certificates of election, **see Chapter 15.8: "Issuing Certificates of Election" on page 28**.

Sec. 15.7.5: What If There's a Recount?

The Commission is required to certify the election results by the statutory deadline even if a full or partial recount is requested by a candidate. Wis. Stat. § 9.01(5)(c). Historically, when recount petitions have been filed with the Commission, the Commission issued recount orders to the boards of canvassers so that the Commission could certify the election by the required deadline.

In 2026, the Governor signed a series of amendments into law to bring Wisconsin's statutes in line with the deadlines and requirements of the Electoral Reform Count Act for presidential elections. If there is a recount in a presidential year, the Commission will publish detailed canvass and certification timetables for all relevant statutory steps.

Chapter 15.8: Issuing Certificates of Election

A "certificate of election" is the document issued to the winning candidate in each federal, state, and local race that officially certifies their election. It is the final step of the election process, including after all recount issues have been resolved.

Sec. 15.8.1: Certificates of Election, Generally

The municipal clerk issues certificates of election to each person elected to municipal office, the county clerk issues certificates of election to each person elected to county office, and the Commission issues certificates of election to each person elected to state- and federal-level offices. Wis. Stat. §§ 7.53(4), 7.60(6), 7.70(5).

The clerk, or Commission, can issue the certificate of election as soon as the results are certified by the municipal board of canvassers (MBOC) or county board of canvassers (CBOC) or state certification, and as soon as the applicable recount situation is resolved:

- If there is not an aggrieved party[7] in the race, the clerk, or Commission, can issue the certificate of election as soon as the results are certified by the MBOC, CBOC, or the Chair.
- If there is an aggrieved party in the race, as soon as the deadline to file a recount passes.
- If a recount petition is filed, as soon as the recount has been completed and as soon as the time allowed for filing an appeal has passed.
- If a recount appeal is filed, as soon as the appeal is decided.

---

7 "Aggrieved party" has specific meaning that is usually associated with the margin of which candidates are eligible to file recount petitions. For an election in which fewer than 4,000 votes were cast, the aggrieved candidate is the one who trails the leading candidate by no more than 40 votes. Wis. Stat. § 9.01(1)(a)5.a. If more than 4,000 votes were cast, the aggrieved candidate is the one who trails the leading candidate by no more than 1 percent of the total votes cast for that office. Wis. Stat. § 9.01(1)(a)5.b.

If a candidate seeks to waive their status as an aggrieved candidate, the best practice is to send the Commission a letter with the following language:

'My name is [CANDIDATE NAME]. I am a candidate for [OFFICE NAME]. I am within the margin to be considered an aggrieved party under the law. I irrevocably waive my right to pursue a recount, and the canvass may proceed accordingly.'

Sec. 15.8.2: Specific Requirements for County Certificates of Election

County certificates of election must state the amount of the required official bond, if any. Wis. Stat. § 7.60(6).

Sec. 15.8.3: Specific Requirements for Commission Certificates of Election

The Commission issues certificates of election under the seal of the Commission. Wis. Stat. § 7.70(5)(a). The Commission prepares similar certificates, attested by the Commission Administrator, addressed to the U.S. House of Representatives stating the names of those elected to Congress. *Id.* For U.S. Senate elections, the Commission prepares a certificate of election for the Governor's signature, and the governor signs and affixes the great seal of Wisconsin before transmitting it to the president of the U.S. Senate. *Id.* The certificate of election for U.S. Senate is countersigned by the secretary of state. *Id.* Finally, the certificates specify if the person elected is filling a vacancy. *Id.*

Sec. 15.8.4: Certificates of Ascertainment of Appointment of Presidential Electors

In addition to a certificate of election, in a presidential election year, the Commission also prepares a document called the "Certificate of Ascertainment of Appointment of Presidential Electors." Wis. Stat. § 7.70(5)(b)1., as amended by 2025 Wis. Act 214.

The filing of a recount petition has no effect on the Chair's duty to make a determination in the presidential election and also has no effect on the Chair's and Governor's duty to issue the Certificate of Ascertainment of Appointment of Presidential Electors. Wis. Stat. § 7.70(5)(b)2., as created by 2025 Wis. Act 214.

Chapter 15.9: EDR Postcards And Handling

Sec. 15.9.1: Introduction

Wisconsin offers same-day voter registration so that eligible voters can register at their polling places and be permitted to vote in the same visit. Wis. Stat. § 6.55. After Election Day, the Commission mails postcards to all voters who completed an Election Day Registration (EDR) to verify that they reside at the address they provided during registration. Wis. Stat. § 6.56(3). If the postcard makes it to the voter at the address they used to register, no further action is needed by anyone. If the postcards are returned as undeliverable, clerks first verify that there weren't any mistakes in the voter's address, and if there weren't, they change the voter's status to ineligible and provide the voter's name to their county's district attorney. *Id.* If the card is returned as undeliverable, the voter may have committed election fraud, which is prosecutable by the district attorney.

This chapter consolidates the Commission's guidance for how clerks should handle undeliverable EDR postcards.

Clerks should refer to **Section 5.5 of the WisVote Manual** for detailed WisVote technical instructions on handling the data entry of EDR undeliverable postcards.

Important Deadline: No later than 90 days after each election, clerks must complete their undeliverable EDR postcard work, and enter all reportable data into WisVote. Wis. Stat. § 6.275(1)(f). Clerks should continue to update the data as necessary even after the 90-day deadline.

Important: If clerks do not receive any undeliverable EDR postcards, they still must enter "0" in WisVote Category #1: "EDR Postcards Returned Undeliverable." If "0" is entered in Category #1, clerks should also enter "0" in Categories #2 and #3 to complete the reporting.

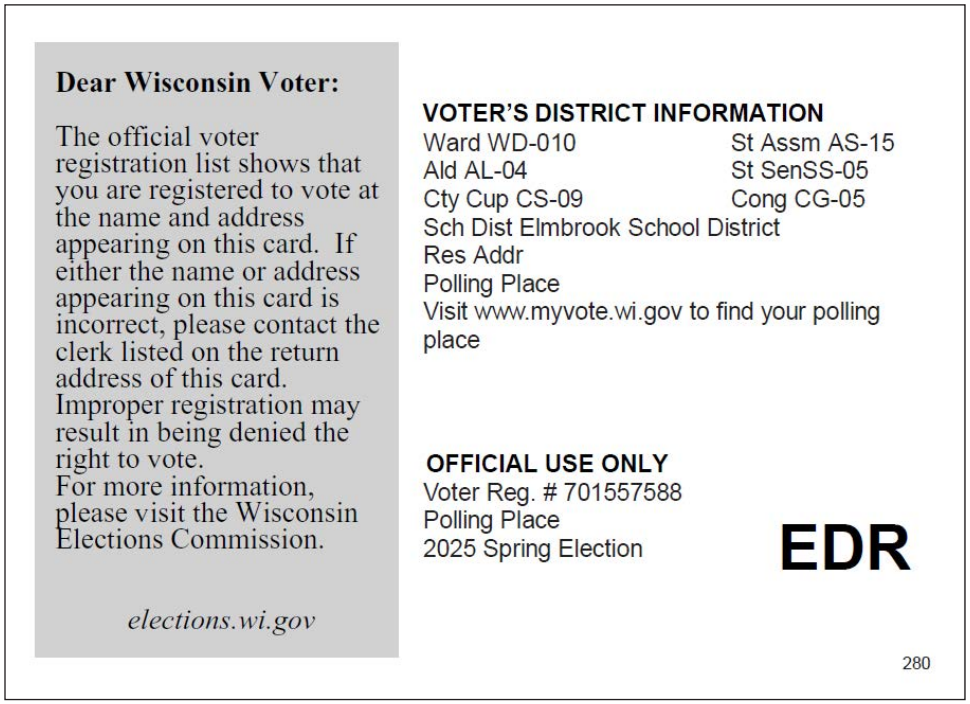
Sec. 15.9.2: Commission Mails EDR Postcards

Clerks enter EDR information into WisVote as part of their post-election reconciliation work following Election Day. Once EDRs are entered, the Commission generates lists of these voters and mails out EDR postcards every couple of weeks. The EDR postcards always provide the voter's municipal clerk's address as the return address, meaning undeliverable postcards will get sent back to the municipal clerk, not to the Commission.

An example EDR postcard is included below. Beginning in 2026, EDR postcards now contain the letters **"EDR"** in the lower right corner of the reverse side. This is so that clerks do not confuse EDR postcards with other voter list maintenance postcards that are sent to voters. **Clerks should only follow the procedures of this chapter for postcards labeled with the "EDR" logo.**

Figure 2: EDR Postcard (Front)

Figure 3: EDR Postcard (Reverse)



Dear Wisconsin Voter:

The official voter registration list shows that you are registered to vote at the name and address appearing on this card. If either the name or address appearing on this card is incorrect, please contact the clerk listed on the return address of this card. Improper registration may result in being denied the right to vote.
For more information, please visit the Wisconsin Elections Commission.

elections.wi.gov

VOTER'S DISTRICT INFORMATION

Ward WD-010	St Assm AS-15
Ald AL-04	St SenSS-05
Cty Cup CS-09	Cong CG-05

Sch Dist Elmbrook School District
Res Addr
Polling Place
Visit www.myvote.wi.gov to find your polling place

OFFICIAL USE ONLY
Voter Reg. # 701557588
Polling Place
2025 Spring Election

EDR

280

Sec. 15.9.3: Clerks Receive Undeliverable EDR Postcards

Any EDR postcards that cannot be delivered (usually because the address provided does not exist or cannot be found) are returned directly to the municipal clerk. Clerks can expect to start to receive undeliverable EDR post cards as soon as two weeks after Election Day.

There are several steps that clerks should take when they receive undeliverable EDR postcards. Each of the steps outlined below should be followed.

Sec. 15.9.4: Step 1: Check for Errors

Since the ultimate consequence of undeliverable postcards is high (providing the voter's name to the district attorney), clerks should first ensure that there aren't any errors in the voter's address on the postcard itself. Clerks should review the address on the postcard for any missing information or other obvious errors by an election official or the post office.

Clerks should compare the voter's address as it appears on the postcard to the voter's paper registration form and look for typographical errors (e.g. 122 Main Street instead of 123 Main Street).

Clerks should correct any obvious errors in WisVote and email the WEC Help Desk at elections@wi.gov to have a postcard sent to the voter's correct address. Please include the voter's registration number in the email. If there was a post office error, See if the post office can correct the error and email the WEC Help Desk to have a postcard re-sent.

Note: If a municipality does not have postal mail delivery, the clerk should contact Commission staff for help entering a mailing address in WisVote for each voter so that EDR postcards and other election mailings can be delivered. Please email the WEC Help Desk to enter a mailing address, and to have a postcard resent to the corrected address.

Sec. 15.9.5: Step 2: Record Undelivered EDR Postcards in WisVote

If there are no obvious typographical errors or other issues in the voter's address, then the postcard is correctly undelivered, and clerks should follow *all* the remaining steps in this section. **It is not enough to just record the total number of undeliverable postcards in WisVote.** Additional steps must be taken in order to comply with Wis. Stat. § 6.56(3). Failure to do so could result in an administrative complaint or other legal action.

Important: Record the number of correctly undeliverable postcards in Category #1 in WisVote: "EDR Postcards Returned Undeliverable."

Sec. 15.9.6: Step 3: Investigate Circumstances before Inactivating the Voter

Before inactivating a voter, clerks should carefully assess whether the evidence establishes the voter is not properly registered. The law states that "[t]he municipal clerk may not disqualify an elector under [the EDR postcard audit provision] except upon the grounds and in accordance with the procedures specified in s. 6.325." Wis. Stat. § 6.56(6). Wis. Stat. § 6.325 requires a "beyond a reasonable doubt" standard to be met that "the person does not qualify as an elector or is not properly registered" before the person can be disqualified as a voter.

> **Best Practice:** Election law does not define "beyond a reasonable doubt" for the purpose of voter eligibility. However, in criminal law, the term "reasonable doubt" means doubt based upon reason and common sense. It is a doubt for which a reason can be given, arising from a fair and rational consideration of the evidence or lack of evidence. It means such a doubt as would cause a person of ordinary prudence to pause or hesitate when called upon to act in the most important affairs of life. A reasonable doubt is not a doubt which is based on mere guesswork or speculation.

Even if there are no errors in the voter's address, clerks should still investigate whether the voter provided an invalid address, or if some other circumstances apply, such as:

- The voter did not meet the 28-day residence requirement in their new ward and accordingly voted in their old ward. The postcard could be undeliverable to the voter at their old address, but the voter in this circumstance didn't do anything wrong.
- The voter moving between Election Day and when the postcard was delivered.[8]
- The voter being unhoused.

---

8 If the clerk does not believe beyond a reasonable doubt that the voter has committed any kind of election fraud, but does have reason to believe that the voter moved between Election Day and when the postcard was delivered, the clerk may mail the voter a 30-day notice letter under Wis. Stat. § 6.50(3) to confirm the registration or update the registration if the voter moved within the municipality. If the voter fails to respond to the 30-day letter, proceed to Step Four.

- The voter making a minor error when filling out the registration.
- Another circumstance leading to a legitimate address being undeliverable.

After investigating, if the clerk does not believe beyond a reasonable doubt that the voter does not qualify as a voter, or is not properly registered, the Commission does not recommend that the clerk inactivate the voter or provide the voter's name to the district attorney. Wis. Stat. § 6.325.

Sec. 15.9.7: Step 4: Inactivate the Voter Record in WisVote

If the clerk *does* believe beyond a reasonable doubt that the voter provided a false address for the purpose of registration, the voter's registration should be inactivated. Wis. Stat. § 6.56(3). Clerks should select "Undeliverable Mailing" as the Status Reason when inactivating a voter record under Wis. Stat. § 6.56(3).

When a clerk inactivates a voter record as part of this process, the clerk must mail the voter a notice of the change in their status. Wis. Stat. § 6.56(3). This letter can be generated from the "Letter" tab of the voter record "Mailings" in WisVote and is called the "Undeliverable 30-Day Notice Letter."

Important: Clerks should input the total number of voters inactivated due to undeliverable EDR postcards in WisVote Category #2: "EDR Voters Inactivated."

Sec. 15.9.8: Step 5: Provide the Voter Names to the District Attorney

If the clerk has completed Steps 1–4 above, the final step is to provide the name of the voter and the circumstance information to the district attorney of the municipality's county under Wis. Stat. § 6.56(3).

Important: Providing the voter's name to the district attorney is not optional; if the clerk inactivates the voter record under Step 4, they must provide the name of the voter to the district attorney as well.

Clerks should copy the Commission at elections@wi.gov whenever names are provided, and also notify the Commission if names are provided by fax or mail.

The Commission recommends the following sample language when providing names to the district attorney, though the exact wording and formatting is up to the clerk:

Dear District Attorney [Name]:

I am providing the name of the following voter [Voter First Name, Voter Last Name] (DOB: [Enter]) to your office for potential prosecution pursuant to Wis. Stat. § 6.56(3). I have determined beyond a reasonable doubt that this voter does not qualify as an elector of my jurisdiction or is not properly registered pursuant to Wis. Stat. § 6.325, and I have accordingly inactivated the voter. The circumstances of this correspondence arise from a post-election voter registration audit conducted by the Wisconsin Elections Commission and my office. I believe that this voter provided a false address for the purpose of voter registration because the audit postcard that was sent to them to verify the address they provided was returned as undeliverable. I am also enclosing a scan of the undeliverable postcard as well as a copy of the voter's registration record. [Note: Badger Book jurisdictions can attach the PDF record for the registration that was exported from the Badger Book when polls closed.]

I have copied the Wisconsin Elections Commission on this email for their information, but please contact me directly if you have any questions or need further assistance.

Sincerely,

[Municipal Clerk Name and Contact Information.]

The sample language could also be modified to provide multiple names in a single transmission.

Important WisVote Data Entry Requirement: The number of voters provided to the district attorney should be recorded in Category #3 in WisVote: "Referred to District Attorney."

Sec. 15.9.9: Commission Reports Data about EDR Undeliverable Postcards

Following each election, the Commission posts data for each municipality showing the total number of EDR postcards sent, the total that were returned as undeliverable, the total number of voters who were inactivated, and the total number of voters whose names were provided to the district attorney. Wis. Stat. § 6.275(1)(f).

The reports are available on elections.wi.gov under Voting Statistics. Clicking on the specific election leads to all data reports, and the EDR postcard report will have "EDR Postcard" in the name. There likely will be more than one EDR Postcard report for each election because the Commission publishes the data monthly.

Notice to Clerks: Interested parties monitor the Commission's EDR postcard reports to assess compliance with Wis. Stat. § 6.56(3). If a clerk's municipality shows zeros in the "Inactivated" or "DA Referral" columns when there is a number reported in the "Undeliverables" column, that could raise questions about whether the EDR postcard process is being correctly followed.

Notice to Interested Parties: EDR Report data may not, by itself, tell the full story of whether a municipal clerk is complying with *Id.* As this chapter explains, recording the total number of undelivered postcards is merely the starting point. By following the guidance in this chapter, clerks may discover that there were typographical errors in the address, or that they did not believe beyond a reasonable doubt that the voter should be inactivated.

Sec. 15.9.10: Frequently Asked Questions

Q What is the deadline to report EDR undeliverable postcard statistics?

A 90 days after each election. But clerks should continue to update this data as they receive undeliverable cards back, even if they get them back later than 90 days after the election. EDR statistics can be updated even if the election is closed in WisVote.

Q Should a clerk follow this chapter for other types of postcards?

A No. This chapter is specific to EDR postcards only and should not be followed for other voter registration verification postcards, for ERIC Movers postcards, or for postcards sent out following the Commission's four-year maintenance mailing.

Q If a clerk reported how many EDR postcards were undeliverable, why is this work still showing up as pending?

A All three data fields must be completed in WisVote for the EDR data reporting to be considered complete. Data must be entered for:

- How many EDR Postcards Returned Undeliverable (#1)
- How many EDR Voters Inactivated (#2)
- How many Referred To District Attorney (#3)

There should be numbers in each of these fields, even if the number is zero.

Q Why aren't the EDR statistics broken down by reporting unit?

A Unlike reconciliation, there is only one EDR postcard report per municipality for each election.

Part 22
Specialty Topics

Sec. 203 Bilingual Access

In addition to the substantive election law requirements of Wis. Stat. Chapters 5 through 10 and 12, additional sources of law govern certain procedures related to elections. Section 203 of the Voting Rights Act imposes bilingual election requirements on municipalities that have specific percentages of their populations that are limited-English proficient.

Chapter 22.1: Federal Bilingual Election Requirements

Chapter 22.1 covers the bilingual election requirements of municipalities designated to provide those services pursuant to Section 203 of the Voting Rights Act.

Sec. 22.1.1: Introduction

Federal law places bilingual election requirements on jurisdictions that have specific percentages of their populations that are limited-English proficient. 52 USC § 10503. This requirement comes from Section 203 of the Voting Rights Act, and these jurisdictions are sometimes referred to as Section 203 jurisdictions. The purpose of these federal requirements is to ensure that citizens of language minorities (who may not be sufficiently proficient in English) are still able to fully participate in the electoral process. If a municipality is required to provide bilingual election materials under Section 203, they must do so for *all* elections, not just federal elections.

Jurisdictions subject to Section 203 are determined by the U.S. Census Bureau after each decennial census. The Census Bureau identifies language minority *groups*, not specific languages. It is the responsibility of each Section 203 jurisdiction to determine what languages, forms of languages, or dialects will be effective. 28 C.F.R. § 55.11. For example, just because a language minority group is identified as "Hispanic," that does not automatically mean that the minority voters in that jurisdiction will be served with Spanish-language access only. There could be several citizens within a jurisdiction who identify as Hispanic but speak a language other than Spanish (such as indigenous languages from Latin America, for example).

Sec. 22.1.2: Wisconsin Section 203 Jurisdictions

After the 2020 census, the following Wisconsin jurisdictions are required to provide voting rights bilingual election materials. This means that these municipalities have high numbers of minority language voters and established programs for Section 203 compliance.

Table 30: Wisconsin Section 203 Jurisdictions

Jurisdiction	County	Language Minority Group
City of Abbotsford	Clark/Marathon	Hispanic (Spanish)
City of Arcadia	Trempealeau	Hispanic (Spanish)
Village of Curtiss	Clark	Hispanic (Spanish)
City of Milwaukee	Milwaukee	Hispanic (Spanish)
Village of Sharon	Walworth	Hispanic (Spanish)
Village of West Milwaukee	Milwaukee	Hispanic (Spanish)

Additionally, 44 Wisconsin municipalities meet the bilingual election materials requirement for the American Indian tribe populations in their jurisdictions. A majority of these were added as new Section 203 jurisdictions following the 2020 census. While there may be few, if any, voters in these municipalities who require Ho-Chunk language access, **if any voter is not comfortable or able to participate in the election process in English, these municipalities must offer Ho-Chunk language access to the same degree that they offer English access.**[1]

Sec. 22.1.3: The Commission's Role with Section 203

The Commission has no role in determining which municipalities must comply with Section 203. That determination is always made by the Census Bureau following each census.

The Commission is tasked by the Legislature with ensuring that voting systems at each polling place in Section 203 jurisdictions fully complies with Section 203. Wis. Stat. § 5.25(4)(b). A "voting system" is the total combination of mechanical, electromechanical, or electronic equipment, including the software, hardware, and documentation, used to define ballots, to cast and count votes, to report or display election results, and to maintain and produce

1 The full list of 44 places that must provide Ho-Chunk language access was published in the Federal Register following the 2020 Census, and can be accessed at FederalRegister.gov.

audit trail information. Wis. Stat. § 5.02(24w). The Commission ensures that Section 203 voting systems are compliant by ensuring that electronic voting equipment is bilingual-capable during certification.

The Commission does not have a legal duty to assess compliance with other aspects of the voting process (such as voter registration and absentee ballot requests) that Section 203 jurisdictions are required to provide.

Only the Attorney General of the United States has the legal authority to bring civil actions for appropriate relief against municipalities who violate Section 203. 28 C.F.R. § 55.23.

Sec. 22.1.4: When does Section 203 Apply?

The law covers municipalities where there are more than 10,000 or over 5% of the total voting age citizens in a single municipality who are members of a single language minority group, have depressed literacy rates, and do not speak English very well. See 52 U.S.C. § 10503(b)(2)(A).

Municipalities do not need to track or determine their own populations mid-census cycle to see if Section 203 suddenly applies to them. After each census, the Director of the Census makes Section 203 designations based on collected data, and those designations are effective upon publication in the Federal Register. 52 U.S.C. § 10503(b)(4).

Sec. 22.1.5: What Bilingual Materials are Required?

If a municipality is subject to Section 203, it must provide any registration or voting notices, forms, instructions, assistance, or information relating to the electoral process, including ballots, in both the minority language(s) and in English. 52 U.S.C. § 10503(c). This requirement should be "broadly construed to apply to all stages of the electoral process, from voter registration through activities related to conducting elections." 28 C.F.R. § 55.15. It should include all year-round announcements or other informational materials concerning the opportunity to register, the deadline to register, the time, places, and subject matter of elections, and the absentee voting process. *Id.*

Ultimately, it is the obligation of the Section 203 municipality to decide what materials must be provided in a minority language. 28 C.F.R. § 55.19(a). However, the U.S. Department of Justice has advised that: "All information that is provided in English also must be provided in the minority language as well."[2]

Important Exception: If the language of the applicable minority group is oral or unwritten, the municipality is only required to provide oral instructions, assistance, or other information relating to registration and voting. 52 U.S.C. § 10503(c).

The following guidance has been provided by the U.S. Department of Justice in the form of a federal administrative rule governing what types of materials need to be provided in the minority language. See 28 C.F.R. § 55.18.

Table 31: Provision of Minority Language Materials and Assistance

Type of Material	U.S. DOJ Rule
Materials provided by mail	If materials provided by mail (or by some comparable form of distribution) generally to residents or registered voters are not all provided in the applicable minority language, the Attorney General will consider whether an effective targeting system has been developed. For example, a separate mailing of materials in the minority language to persons who are likely to need them or to residents of neighborhoods in which such a need is likely to exist, supplemented by a notice of the availability of minority language materials in the general mailing (in English and in the applicable minority language) and by other publicity regarding the availability of such materials may be sufficient. 28 C.F.R. § 55.18(a).
Public notices	The Attorney General will consider whether public notices and announcements of electoral activities are handled in a manner that provides members of the applicable language minority group an effective opportunity to be informed about electoral activities. 28 C.F.R. § 55.18(b).

2 Language Minority Citizens at justice.gov.

Type of Material	U.S. DOJ Rule
Registration	The Attorney General will consider whether the registration system is conducted in such a way that members of the applicable language minority group have an effective opportunity to register. One method of accomplishing this is to provide, in the applicable minority language, all notices, forms and other materials provided to potential registrants and to have only bilingual persons as registrars. Effective results may also be obtained, for example, through the use of deputy registrars who are members of the applicable language minority group and the use of decentralized places of registration, with minority language materials available at places where persons who need them are most likely to come to register. 28 C.F.R. § 55.18(c).
Polling place activities	The Attorney General will consider whether polling place activities are conducted in such a way that members of the applicable language minority group have an effective opportunity to vote. One method of accomplishing this is to provide all notices, instructions, ballots, and other pertinent materials and oral assistance in the applicable minority language. If very few of the registered voters scheduled to vote at a particular polling place need minority language materials or assistance, the Attorney General will consider whether an alternative system enabling those few to cast effective ballots is available. 28 C.F.R. § 55.18(d).
Publicity	The Attorney General will consider whether a covered jurisdiction has taken appropriate steps to publicize the availability of materials and assistance in the minority language. Such steps may include the display of appropriate notices, in the minority language, at voter registration offices, polling places, etc., the making of announcements over minority language radio or television stations, the publication of notices in minority language newspapers, and direct contact with language minority group organizations. 28 C.F.R. § 55.18(e).

Type of Material	U.S. DOJ Rule
Ballots	The Attorney General will consider whether a jurisdiction provides the English and minority language versions on the same document. Lack of such bilingual preparation of ballots may give rise to the possibility, or to the appearance, that the secrecy of the ballot will be lost if a separate minority language ballot or voting machine is used. 28 C.F.R § 55.19(c).
Voting Machines	Where voting machines that cannot mechanically accommodate a ballot in English and in the applicable minority language are used, the Attorney General will consider whether the jurisdiction provides sample ballots for use in the polling booths. Where such sample ballots are used the Attorney General will consider whether they contain a complete and accurate translation of the English ballots, and whether they contain or are accompanied by instructions in the minority language explaining the operation of the voting machine. The Attorney General will also consider whether the sample ballots are displayed so that they are clearly visible and at the same level as the machine ballot on the inside of the polling booth, whether the sample ballots are identical in layout to the machine ballots, and whether their size and typeface are the same as that appearing on the machine ballots. Where space limitations preclude affixing the translated sample ballots to the inside of polling booths, the Attorney General will consider whether language minority group voters are allowed to take the sample ballots into the voting booths. 28 C.F.R. § 55.19(d).

Sec. 22.1.6: What are the Keys to a Successful Section 203 Program?

The following guidance has been reproduced from the U.S. Department of Justice:[3]

Outreach

The cornerstone of every successful program is a vigorous outreach program to identify the needs and communication channels of the minority community. Citizens who do not speak English very well, often rely on communication channels that differ from those used by English-speakers. Each community is different. The best-informed sources of information are people who are in the minority community and those who work with it regularly. Election officials should talk to them. Minority leaders are an important starting point, but election officials should not stop there. By talking to a broad range of people in the minority community — educators, business groups, labor groups, ESL programs, parent-teacher organizations, senior citizen groups, church groups, social and fraternal organizations, veterans groups, and the like — election officials will be able to identify the most effective and most efficient program possible: where to post notices, what media to use, where to have bilingual poll officials. These same persons can help identify and recruit bilingual poll officials and some of them may be able to provide important feedback on proposed translations.

Minority community members and those who work with them can play a significant role in developing and maintaining an effective bilingual election program and need not wait to be contacted by election officials. Language minority citizens should promptly respond to requests for advice and feedback from local election officials, who often are faced with severe time constraints. They also should reach out to city and county election officials to make suggestions on the program, offer to serve as poll officials, and otherwise participate actively in the language minority program that is adopted. They should report any compliance problems to local election officials and, should those officials fail to adequately address the problems, they should notify the Justice Department.

Bilingual Election Personnel

Voters ask questions at the polls on election day. They have trouble with the voting machines. They are not sure of their precinct. They may not be able to read the ballot. Failure to employ bilingual poll officials at all precincts where they are needed can deprive citizens of their right to vote.

---

3 Language Minority Citizens at justice.gov.

New poll workers — and indeed many veteran poll officials — need effective training in matters beyond the operation of the polls, including the broader election process so that they can answer questions accurately. Experienced poll officials at times need training on the rights of language minority voters.

Accurately Translated and Effectively Distributed Materials

Materials for all stages of the election process must be translated. Care should be taken to provide an accurate translation that meets the needs of the minority community. Poor translations can be misleading for voters and embarrassing for local officials. Beyond quality control, there can be significant differences in dialect within a given language group, and it is the responsibility of local officials to provide a translation that local voters actually can use. Local officials should reach out to the local minority community to help produce or check translations.

Timing

Time before the next election is limited — extremely limited for some jurisdictions — and there is much to do to adjust something as complex as an election process. Outreach to the minority community should begin immediately to help establish an effective and efficient language minority election program, so that priorities can be set for the many tasks that must be completed.

Contingency Planning

Things go wrong. Poll officials get sick and don't show up. Materials wind up at the wrong place, or get lost completely. Language minority voters appear in unexpected polling places. An effective language minority program includes plans for addressing problems, such as training for poll officials in how to deal with surprise situations, back-up communication between the polling places and the central election office, and extra material and bilingual personnel to plug gaps.

Again, close communication with the minority community will help minimize the fallout from those inevitable problems that will occur.

For more information on developing an emergency preparedness plan, **see Part 12: "Emergency Preparedness & Contingency Planning."**

Assess, Analyze, and Improve

An effective language minority program is an ongoing exercise. Language minority citizens will move into some new areas and create a need for new communications and new bilingual poll officials. The need in other areas may disappear with time. Such changes are reflected in a number of ways, such as

changes in school enrollment. Like a business enterprise, an elections office must meet the needs of a changing clientele. Continuing consultation with minority leaders and groups will remain a part of an effective program.

It also can help to make a record of consultations and other outreach activities. This helps identify both successes and gaps, and builds institutional memory.

Sec. 22.1.7: Where Can I Find Additional Information?

Section 203 of the Voting Rights Act is enforced by the U.S. Department of Justice. Anyone seeking additional information regarding compliance and enforcement can contact:

Voting Section
Civil Rights Division

4 Constitution Square
Room 8.923
150 M Street, NE
Washington, D.C. 20530

Phone: 202-307-2767, 1-800-253-3931

Fax: 202-307-3961

Part 23
Sample Forms (Non-Election Day)

Election Forms; Notices; Posters

This section provides commonly used forms, notices, and posters other than those used on Election Day.

Chapter 23.1: Sample Forms

Appendix 23.1.A: EL-111: Notice of Election Fraud 3

Appendix 23.1.B: EL-112: Effect of Crossover Voting at a Partisan Primary 9

Appendix 23.1.C: EL-113: Notice - Effect of Overvote 10

Appendix 23.1.D: EL-114: Notice of Crossover Vote at Presidential Preference Primary 11

Appendix 23.1.E: EL-115: Voter Qualification Poster 12

Appendix 23.1.F: EL-117: General Information on Voting Rights 13

Appendix 23.1.G: EL-120: Absentee Ballot Mailer Envelope 17

Appendix 23.1.H: EL-120M: Military and Overseas Absentee Ballot Mailer Envelope 18

Appendix 23.1.I: EL-121: Absentee Ballot Request 19

Appendix 23.1.J: EL-132: Missing POR Notification Letter 21

Appendix 23.1.K: EL-140: Previous Wisconsin Resident Application for Absentee Presidential Ballot 23

Appendix 23.1.L: EL-146: Request for Confidential Voter Listing 25

Appendix 23.1.M: EL-151: Nomination Paper Receipt 26

Appendix 23.1.N: EL-153: Certificate of Elections 27

Appendix 23.1.O: EL-155: Oath of Special Voting Deputy 28

Appendix 23.1.P: EL-162: Declaration of Candidacy 29

Appendix 23.1.Q: EL-163: Notification of Noncandidacy 31

Appendix 23.1.R: EL-168: Nomination Paper for Partisan Office 33

Appendix 23.1.S: EL-169: Nomination Paper for Nonpartisan Office 35

Appendix 23.1.T: EL-405: Certificate of Nomination 37

Appendix 23.1.U: EL-501: New Polling Place Accessibility Self-Assessment 39

Wisconsin Elections Commission

212 East Washington Avenue | Third Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

Notice Regarding Election Fraud

An elector, who is any person qualified to vote, may not intentionally do any of the following acts:

1. Vote at any election or meeting if he or she is not a qualified elector and does not meet applicable residence requirements.
2. Falsely register to vote.
3. Make false statements to the municipal clerk, board of election commissioners, or any other election official, whether or not under oath.
4. Register to vote in more than one place for the same election.
5. Impersonate a registered voter to vote at an election.
6. Pose as another person to vote at an election.
7. Vote more than once in the same election.
8. Show his or her marked ballot to any person.
9. Mark his or her ballot so it is identifiable as his or her ballot.
10. Obtain an official ballot and neglect or refuse to cast or return the ballot unless an absentee ballot.
11. Procure, assist, or advise another person to do any one of the acts described above.

A person who does any one of the above acts commits election fraud and may be fined a maximum of $10,000 or confined in the state prison for a maximum of 3 years and 6 months, or both. Wis. Stat. § 12.13(1)(a)-(h).

Wisconsin Elections Commissioners
Dean Knudson, chair | Marge Bostelmann | Julie M. Glancey | Ann S. Jacobs | Robert Spindell | Mark L. Thomsen

Administrator
Meagan Wolfe

No person may do any of the following acts:

1. Falsify any information in respect to or fraudulently deface or destroy a certificate of nomination, nomination paper, declaration of candidacy or petition for an election, including a recall petition or petition for a referendum; or file or receive for filing a certificate of nomination, nomination paper, declaration of candidacy or any such petition, knowing such is falsely made.
2. Prepare or cause to be prepared an official ballot with intent to change the result of the election as to any candidate or referendum.
3. Prepare an official ballot which is premarked or which has an unauthorized sticker affixed prior to delivery to an elector.
4. Deliver to an elector an official ballot bearing a mark opposite the name of a candidate or referendum question that might be counted as a vote for or against a candidate or question.
5. Before or during any election, tamper with voting machines, voting devices or automatic tabulating equipment readied for voting or the counting of votes.
6. Disarrange, deface, injure or impair any voting machine, device or equipment readied for voting or the counting of votes.
7. Mutilate, injure or destroy a ballot placed or displayed on a voting machine or device, or to be placed or displayed on any such machine, device or automatic tabulating equipment or any other appliance used in connection with the machine, device or equipment.
8. When called upon to assist an elector who cannot read or write, has difficulty reading, writing or understanding English, or is unable to mark a ballot or depress a lever or button on a voting machine, inform the elector that a ballot contains names or words different than are printed or displayed on the ballot with the intent of inducing the elector to vote contrary to her or her inclination, intentionally fail to cast a vote in accordance with the elector's instructions or reveal the elector's vote to any 3rd person.
9. Forge or falsely make the official endorsements on a ballot.

10. Knowingly deposit in the ballot box a ballot on which the initials of the election inspectors or the municipal or deputy clerk do not appear.
11. Break open or violate the seals or locks on a ballot box containing election ballots without authorization during or after the election.
12. Obtain possession of a ballot box with ballots without authorization during or after an election.
13. Conceal, withhold, or destroy a ballot box or ballots without authorization during or after an election.
14. Add fraudulently or forcibly to the ballots legally deposited in a ballot box without authorization during or after an election.
15. Reduce the number of legally deposited ballots in a ballot box without authorization during or after an election.
16. Aid or abet another person to do any of the acts described in paragraphs 11 through 15 above.
17. Fraudulently change a ballot of an elector so the elector is prevented from voting for whom the elector intended.
18. After an election, break the locks or seals or reset the counters on a voting machine, when not authorized.
19. Disable a voting machine so as to prevent an accurate count of the votes from being obtained.
20. Open the registering or recording compartments of a machine with intent to do any of the acts described in paragraphs 18 or 19 above.
21. Tamper with automatic tabulating equipment or any record of votes cast or computer program which is to be used in connection with such equipment to count or recount votes at any election so as to prevent or attempt to prevent an accurate count of the votes from being obtained.

A person who does any of the above acts commits election fraud and may be fined a maximum of $10,000 or imprisoned for a maximum of 3 years, or both. Wis. Stat. §§ 12.13(3)(a), (e), (f), (j), (k), (L), (y), and (z).

No person may do any of the following acts:

1. Wrongfully suppress, neglect or fail to file nomination papers in the person's possession at the proper time and in the proper office.
2. Suppress a certificate of nomination which is duly filed.
3. Willfully or negligently fail to deliver, after having undertaken to do so, official ballots prepared for an election to the proper person, or prevent their delivery within the required time, or destroy or conceal the ballots.
4. Remove or destroy any supplies or conveniences placed in compartments or polling booths.
5. Falsify any affidavit or other statement relating to voter registration under Wis. Stat. Ch. 5 to 12.
6. Falsely make any statement for the purpose of obtaining or voting an absentee ballot under Wis. Stat. §§ 6.85 or 6.87.
7. Receive a ballot from or give a ballot to a person other than the election official in charge.
8. Vote or offer to vote a ballot other than a ballot received from one of the inspectors.
9. Receive a completed ballot from a voter unless qualified to do so.
10. Ask a person to show how he or she voted on a ballot.
11. Remove a ballot from a polling place before the polls are closed.
12. Ask another elector to offer assistance under Wis. Stat. §§ 6.82(2) or 6.87(5), except in the case of an elector who is blind or visually impaired to the extent that the elector cannot read a ballot.
13. Obtain an absentee ballot as the agent of another elector under Wis. Stat. § 6.86(3) and fail or refuse to deliver it to such elector.
14. Present false documentation of identity for the purpose of inducing an election official to permit the person or another person to vote.
15. Falsify a ballot application under Wis. Stat. § 6.18.
16. Refuse to obey a lawful order of an election inspector made to enforce the election laws.

17. Engage in disorderly behavior at or near a polling place.
18. Interrupt or disturb the voting or canvassing proceedings.
19. Compensate a person who obtains voter registration forms from other persons at a rate that varies in relation to the number of voter registrations obtained by the person.
20. Willfully provide to a municipal clerk false information for the purpose of obtaining a confidential listing under Wis. Stat. § 6.47(2) for that person or another person.
21. Disclose to any person information provided under Wis. Stat. § 6.47(8) when not authorized to do so.

A person who does any of the above acts commits election fraud and may be fined a maximum of $1,000 or imprisoned not more than 6 months, or both. Wis. Stat. § 12.13 (3)(b), (c), (d), (g), (i), (n) to (u), (w), (x), (ze), (zm) or (zn).

TODAY'S PRIMARY IS A PARTISAN PRIMARY

At a partisan primary, you may only vote for candidates in **one** political party. This has been the case since the early 1900s.

Therefore, when you vote today:

Choose ONE political party in which you will vote, and vote for individual candidates within that party

WARNING: Voting in more than one political party may void your voting choices.

NOTE: *This notice is to be printed on 8½ x 11 paper and should be placed in the voting booth.*

EL-112 simplified | Rev 2012-06 | Wisconsin Elections Commission, P.O. Box 7984, Madison, WI 53707-7984
608-266-8005 | web: elections.wi.gov | **e**mail: elections@wi.gov

NOTICE

★★★★★★★★★

EFFECT OF OVER-VOTING

★★★★★★★★★

You may only vote for the number of candidates indicated on the ballot in each contest. If you vote for more than that number, no votes will be counted for that office.

If you have over-voted your ballot, please return it to the election inspectors to receive a replacement ballot. You may receive no more than 2 replacement ballots.

NOTE: *This notice is to be placed in the voting booth wherever a voter's ballot is not automatically checked for overvotes (absentee, central count, or hand-count paper ballot).*

EL-113 | Rev. 2011-12 | Wisconsin Elections Commission, P.O. Box 7984, Madison, WI 53707-7984 | 608-261-2028 | web: elections.wi.gov | email: elections@wi.gov

NOTICE

★★★★★★

EFFECT OF CROSSOVER VOTING AT A PRESIDENTIAL PREFERENCE PRIMARY

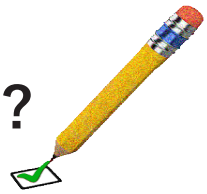
★★★★★★

Electors may only vote once in the presidential primary of only one political party. If you vote more than once for president, no votes will be counted.

NOTE: *This notice is to be printed in 18-point type and displayed at each polling place when a Presidential Preference Primary is held.*

Wis. Stat. § 5.60(8)

Are You Qualified to Vote?



You may vote if:

- You are a United States Citizen;
- You are 18 years or older today;
- You have lived here for 28 consecutive days before this election with no present intent to move; and
- You are registered to vote or are registering today.

You may not vote if:

- You are here for temporary purposes only;
- You have voted in this election already;
- You are still required to report to a probation or parole officer because of a felony conviction;
- You have been ruled incapable of voting by a judge;
- You have placed a bet or a wager on the outcome of this election.

If you have questions, please see an election inspector or the municipal clerk.

EL-115 | Rev 2020-07 | Wisconsin Elections Commission, P.O. Box 7984, Madison, WI 53707-7984
608-261-2028 | web: elections.wi.gov | email: elections@wi.gov

NOTICE

General Information on Voting Rights under Federal Laws as Applied to Wisconsin Voters

---

Voters whose names do not appear on the poll list are entitled to register to vote at the polling place by completing a voter registration application and providing acceptable proof of residence.
S. 6.55 Wis. Stats.

Voters who are unable to comply with proof of residency requirements for mail-in registrants, are entitled to register to vote at the polling place by completing a voter registration application and providing acceptable proof of residence. *42 U.S.C. 15482(a), 15483(b)*

Voters who vote in an election for federal office after the established time for polls to close due to a court order or other order requiring the polls to remain open extended hours will have to vote by provisional ballot (unless those voters were in line at the time polls closed). *42 U.S.C. 15482(c)*
Note: Section 6.96, Wis. Stats., provides that in the case of a court order extending the closing hour of the polling place, the ballot of an elector who is allowed to vote after the normal closing time will be marked with the statutory reference "s. 6.96," and the ballot will be placed in the ballot box or container and counted with the other ballots.

Voters may have to provide proof of residency information the first time they vote in an election, if they registered to vote for the first time in Wisconsin by mail and have not provided proof of residency to the municipal clerk before Election Day, unless they are entitled to vote absentee under federal law. *42 U.S.C. 15483(b)*

Voters are entitled to notice of the disposition of their voter registration application. *42 U.S.C. 1973gg-6(a)(2)*

Voters otherwise qualified to vote in an election for President or Vice-President may not be denied the right to vote for those offices due solely to a failure to satisfy a durational residency requirement. *42 U.S.C. 1973aa-1*

Voters who are otherwise qualified to register and vote may be entitled to register and vote absentee in an election for federal office if they are in the military or are residing overseas. *42 U.S.C. 1973ff-1*

Voters who require assistance in voting due to blindness, disability or inability to read or write may receive assistance from a person of the voter's choice other than the voter's employer (or agent thereof) or an officer of the voter's union (or agent thereof). *42 U.S.C. 1973aa-6*

Jurisdictions must not apply standards or practices which deny or abridge the right to vote on account of race, must not deny any individual the right to vote on account of errors or omissions in registration applications which are not material to determining whether such individual is qualified to vote, and must not apply different standards and procedures to voters in determining whether are they are qualified to vote.
42 U.S.C. 1971(a); 1973

Jurisdictions must take steps to make the registration and voting process accessible to the elderly and to individuals with disabilities. *42 U.S.C. 1973ee-1, 1973ee-2, 1973ee-3*

Persons must not intimidate, threaten or coerce any other person: for registering or voting; for urging or aiding persons in registering or voting; for purposes of interfering or influencing how a person chooses to vote or not vote; or for purposes of preventing a person from voting.
U.S.C. 1971(b), 1973i(b), 1973gg-10(1); 18 U.S.C. 241, 242, 245, 594

Election officials must not fail or refuse to permit a person to vote who is entitled to vote and must not refuse to tabulate, count and report such person's vote. *42 U.S.C. 1973i(a); 18 U.S.C. 241, 242, 608(a)*

Election officials must not deny persons of any right secured by the 26th Amendment to the U.S. Constitution (regarding not denying the right to vote to citizens 18 years of age and older on account of age). *42 U.S.C. 1973bb*

Election officials must retain and preserve for 22 months after any election that includes a federal candidate all records and papers relating to registration and voting in that election. *42 U.S.C. 1974*

General Information on Federal Laws Regarding Prohibitions on Acts of Fraud and Misrepresentation

---

Prohibited Acts of Fraud and Misrepresentation

Persons must not make any false statement or claim that they are citizens of the United States in order to register or vote in any Federal, State, or local election. *42 U.S.C. 15544(b); 18 U.S.C. 611, 911, 1015(f)*

Persons must not vote more than once in any election that includes a federal candidate (note: this does not include voting a replacement ballot after a spoiled ballot was invalidated). *42 U.S.C. 1973i(e)*

Persons must not procure or submit materially false, fraudulent or fictitious voter registration applications in any election that includes a federal candidate. *42 U.S.C. 1973gg-10(2)(A)*

Persons must not submit false information as to name, address or period of residence in a voting district for the purpose of establishing eligibility to register or vote in any election that includes a federal candidate.
42 U.S.C. 1973i(c), 15544(a); 18 U.S.C. 608(b)

Persons must not procure, cast or tabulate materially false, fraudulent or fictitious ballots in any election that includes a federal candidate. *42 U.S.C. 1973i(c),(e), 1973gg-10(2)(B); 18 U.S.C. 242*

Persons must not pay, offer to pay or accept payment for voting, registering to vote, withholding their vote, or voting for or against any candidate in any election that includes a federal candidate.
42 U.S.C. 1973i(c), 18 U.S.C. 597, 608(b)

NOTE: The information on this form is required by HAVA Section 302(b) and Section 5.35(6)(a)2m., 4b., Wis Stats.

PRINTING INSTRUCTIONS:
It is recommended that the information on this form be printed on durable paper with minimum dimensions of 14" x 9½".

Official Absentee Balloting Material

Official Absentee Balloting Material

First Class Mail

EL-120

OFFICIAL ELECTION MAIL
Authorized by the U.S. Postal Service

FIRST CLASS POSTAGE REQUIRED

Return Service Requested

Official Absentee Balloting Material

Official Absentee Balloting Material

First Class Mail

EL-120M

OFFICIAL ELECTION MAIL
Authorized by the U.S. Postal Service

OFFICIAL ABSENTEE BALLOTING MATERIAL — FIRST-CLASS MAIL
NO POSTAGE NECESSARY IN THE U. S. MAIL – DMM-703.8.0

U.S. POSTAGE PAID, 39 USC 3406

PAR AVION
AIRMAIL

Wisconsin Application for Absentee Ballot

(Municipal Clerk) If in-person voter, check here: ☐

Absentee ballots may also be requested at MyVote.wi.gov

Confidential Elector ID# *(HINDI - sequential #) (Official Use Only)*		WisVote ID # (Official Use Only)		Ward No.	

Instructions

Detailed instructions for completion are on the back of this form. Return this form to your municipal clerk when completed.

- You must be registered to vote before you can receive an absentee ballot. You can confirm your voter registration at https://myvote.wi.gov

⚠ **PHOTO ID REQUIRED**, unless you qualify for an exception. See instructions on back for exceptions.

VOTER INFORMATION

1	Municipality	○ Town ○ Village ○ City		County		
2	Last Name		First Name			
	Middle Name		Suffix (e.g. Jr, II, etc.)		Date of Birth (MM/DD/YYYY)	
	Phone		Fax		Email	
3	Residence Address: Street Number & Name					
	Apt. Number		City		State & ZIP	
4	Fill in the appropriate circle – if applicable (see instructions for definitions):	○ Military	○ Permanent Overseas	○ Temporary Overseas		

I PREFER TO RECEIVE MY ABSENTEE BALLOT BY:

(Ballot will be mailed to the address above if no preference is indicated. Absentee ballots may not be forwarded.)

5	○ MAIL	Mailing Address: Street Number & Name				
	○ VOTE IN CLERK'S OFFICE	Apt. Number	City	State & ZIP		
		Care Facility Name (if applicable)				
		C / O (if applicable)				
	○ FAX	Fax Number	Military and overseas only	Voter must have a computer and printer when receiving a ballot by fax or email. Voted ballots must be returned by mail.		
	○ EMAIL	Email Address	Military and overseas only			

I REQUEST AN ABSENTEE BALLOT BE SENT TO ME FOR: (mark only one)

6

○ The election(s) on the following date(s): _____

○ All elections from today's date through the end of the current calendar year (ending 12/31).

○ **For indefinitely-confined voters only**: **I certify that I am indefinitely confined** because of age, illness, infirmity or disability and request absentee ballots be sent to me automatically until I am no longer confined, or I fail to return a ballot. *Anyone who makes false statements in order to obtain an absentee ballot may be fined not more than $1,000 or imprisoned not more than 6 months or both.* Wis. Stats. §§ 12.13(3)(i), 12.60(1)(b).

TEMPORARILY HOSPITALIZED VOTERS ONLY (please fill in circle)

7

○ I certify that I cannot appear at the polling place on election day because I am hospitalized, and appoint the following person to serve as my agent, pursuant to Wis. Stat. § 6.86(3).

Agent Last Name		Agent First Name		Agent Middle Name	

AGENT: I certify that I am the duly appointed agent of the hospitalized absentee elector, that the absentee ballot to be received by me is received solely for the benefit of the above named hospitalized elector, and that such ballot will be promptly transmitted by me to that elector and then returned to the municipal clerk or the proper polling place.

Agent Signature	X	Agent Address	

ASSISTANT DECLARATION / CERTIFICATION (if required)

I certify that the application is made on request and by authorization of the named elector, who is unable to sign the application due to physical disability.

Agent Signature	X	Today's Date	

VOTER DECLARATION / CERTIFICATION (required for all voters)

I certify that I am a qualified elector, a U.S. Citizen, at least 18 years old, having resided at the above residential address for at least 28 consecutive days immediately preceding this election, not currently serving a sentence including probation or parole for a felony conviction, and not otherwise disqualified from voting. **Please sign below to acknowledge that you have read and understand the above.**

Voter Signature	X	Today's Date	

Wisconsin Application for Absentee Ballot Instructions

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

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

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

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

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

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

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

1	• Indicate the municipality and county of residence. Use the municipality's formal name (for example: City of Ashland, Village of Greendale, or Town of Albion).
2	• Provide your name as you are registered to vote in Wisconsin. If applicable, please provide your suffix (Jr, Sr, etc.) and/or middle name. If your current name is different than how you are registered to vote, please submit a Voter Registration Application (EL-131) with this form to update your information. • Provide your month, day and year of birth. Remember to use your birth year, not the current year.
3	• Provide your home address (legal voting residence) with full house number (including fractions, if any). • Provide your full street name, including the type (eg. Ave.) and any pre– and/or post-directional (N, S, etc.). • Provide the city name and ZIP code as it would appear on mail delivered to the home address. • You may not enter a PO Box as a voting residence. A rural route box without a number may not be used.
4	• A "Military elector" is a person, or the spouse or dependent of a person who is a member of a uniformed service or the merchant marines, a civilian employee of the United States, a civilian officially attached to a uniformed service and serving outside the United States, or a Peace Corp volunteer. Military electors do not need to register to vote. • A "Permanent Overseas elector" is a person who is a United States citizen, 18 years old or older, who resided in Wisconsin immediately prior to leaving the United States, who is now living outside the United States and has no present intent to return, who is not registered in any other location, or who is an adult child of a United States citizen who resided in this state prior to establishing residency abroad. Permanent Overseas electors will receive ballots for federal offices only and must be registered to vote prior to receiving a ballot. • A "Temporary Overseas elector" is a person who is a United States citizen, 18 years of age or older, a resident of Wisconsin and is overseas for a temporary purpose and intends to return to their Wisconsin residence. • If any of these three statuses is selected, the indefinitely confined elector status in step 6 cannot be used.
5	• Fill in the circle to indicate your preferred method of receiving your absentee ballot. • Military and Permanent Overseas voters may request and access their ballot directly at https://myvote.wi.gov. • If no preference is indicated, your absentee ballot will be mailed to your residence address listed in Box 3. • You are encouraged to provide a physical mailing address as backup in case of electronic transmission difficulties. Please only fill the circle for your preferred means of transmission. • If you are living in a care facility, please provide the name of the facility. • If someone will be receiving the ballot on your behalf, please list them after C/O. Please note: The absentee elector is still required to vote their own ballot, although they may request assistance in physically marking the ballot.
6	• Select the first option if you would like to receive a ballot for a single election or a specific set of elections. • Select the second option for a standing absentee request for any and all elections in a calendar year (ending December 31). • Select the third option **only if you are indefinitely confined due to age, illness, infirmity or disability** and wish to request absentee ballots for all elections until you are no longer confined or fail to return a ballot for an election. If this status is selected, the military and overseas elector processes in step 4 cannot be used.
7	• This section is only to be completed by an elector or the agent of an elector who is currently hospitalized. • An agent completing this form for a hospitalized elector must provide his/her name, signature and address on this application.

Assistant Signature:	In the situation where the elector is unable to sign the Voter Declaration / Certification due to a physical disability, the elector may authorize another elector to sign on his or her behalf. Any elector signing an application on another elector's behalf shall attest to a statement that the application is made on request and by authorization of the named elector, who is unable to sign the application due to physical disability.
Voter Signature:	By signing and dating this form, you certify that you are a qualified elector, a U.S. citizen, at least 18 years old, having resided at your residential address for at least 28 consecutive days immediately preceding this election, not currently serving a sentence including probation or parole for a felony conviction, and not otherwise disqualified from voting.

Insert your municipal letterhead here

Date

Dear (voter name and address):

This letter contains important information about your voter registration application.

Wisconsin Statutes require that voters provide a valid document establishing their proof of residence as part of the voter registration application. This requirement applies to all voters who are not military or permanent overseas voters.

You did not submit an acceptable form of proof of residence with your voter registration application. Failure to submit a valid form of proof of residence will result in the exclusion of your name from the voter poll list. Your application cannot be processed and you will not have an effective registration until you submit a valid proof of residence document to the municipal clerk's office. An effective registration will result in the inclusion of your name on the voter poll list.

Valid forms of proof of residence must include the voter's name and current address, and may be any of the following:

1. A current and valid Wisconsin driver license or identification card.
2. Any other official identification card or license issued by a Wisconsin governmental body or unit.
3. Any identification card issued by an employer in the normal course of business and bearing a photo of the card holder, but not including a business card.
4. A real estate tax bill or receipt for the current year of the year preceding the date of the election.
5. A university, college or technical college identification card (must include photo) ONLY if the voter provides a fee receipt dated within the last 9 months or the institution provides a certified housing list to the municipal clerk.
6. A gas, electric, or telephone service statement (utility bill) for the period commencing no earlier than 90 days before the day registration is made.
7. Bank statement.
8. Paycheck.
9. A check or other document issued by a unit of government.
10. An affidavit on public or private social service agency letterhead identifying a homeless voter and describing the individual's residence for voting purposes.
11. Residential lease that is effective on the date of registration (not valid if you are registering by mail).
12. A contract or intake document from an occupant of a residential care facility that specifies that the occupant currently resides in the facility.

This information can be submitted by mail, if postmarked by (insert date for end of open registration)**.** After that date, proof of residence must be delivered in-person to the municipal clerk's office by 5:00 p.m. (insert date for end of in-person registration), and you will also need to again sign and date your voter registration application in the presence of the clerk. If you are unable to submit proof of residence by these deadlines, you will need to re-register with acceptable proof of residence at your polling location on Election Day.

If you have any questions about your voter registration application or acceptable forms of proof of residence, please visit MyVote Wisconsin: myvote.wi.gov or contact me using the information listed below.

Sincerely,
Clerk's name
Contact information

Application for Absentee Presidential Ballot - Previous Wisconsin Resident

For Presidential Election to be held on November _____, _____.

I, _____, hereby swear or affirm that:
(name of voter)

1. I am a citizen of the United States and will be at least 18 years of age by the Presidential Election. For 28 days before leaving the State of Wisconsin on _____, I resided at:
(insert date)

(check one)

_____ Town: ☐
(insert street address)

_____ Village ☐
(insert municipality)

_____ City ☐
(insert county and state)

2. I do not qualify to register or vote under the laws of the state where I am presently residing which is:

_____
(insert state of residence)

3. In order to be eligible to register or vote at my present address, a citizen must be a resident for:

_____
(insert length of time)

4. My legal residence in the State where I presently reside was established on:

_____.
(month, day, year of establishing residence)

I request an Official Presidential Ballot, in accordance with Wis. Stat. § 6.18.

Mail Ballot To:

Name _____

Address _____

City _____ State _____ Zip _____

_____
(signature of applicant)

State of _____)
)ss.
County of _____)

Subscribed and sworn to before me this _____ day of _____, _____.

_____
(signature of person authorized to administer oaths)

My commission expires_____ or is permanent ☐. Notary Public ☐ , or _____
(title if other than notary)

Penalties for Violation. Whoever swears falsely to any absent elector affidavit under Wis. Stat. § 6.18, may be fined not more than $1,000 or imprisoned not more than 6 months, or both. Whoever intentionally votes more than once in an election may be fined not more than $10,000 or imprisoned not more than 4 years and 6 months, or both.

INSTRUCTIONS FOR
APPLICATION FOR ABSENTEE PRESIDENTIAL BALLOT - PREVIOUS WISCONSIN RESIDENT

A previous Wisconsin resident who has moved from Wisconsin to another state within 24 months of the date of the presidential election, and is ineligible to vote for president and vice president at his or her new residence, may receive an absentee presidential ballot from the municipal clerk of his or her previous Wisconsin residence by completing this application.

1. The previous Wisconsin resident must contact the municipal clerk of the town, village, or city, where he or she resided in the State of Wisconsin and request an Application for Absentee Presidential Ballot - Previous Wisconsin Resident (EL-140).

2. The previous Wisconsin resident must complete the application form (EL-140), swear to or affirm the contents of the application before a person authorized to administer oaths, and indicate where the absentee presidential ballot should be sent.

3. The previous Wisconsin resident delivers the completed application and acceptable proof of identification to the municipal clerk.

3. The municipal clerk or the deputy clerk shall initial an absentee Presidential-Only ballot, enclose it in an absentee ballot certificate envelope (EL-122), and send it to the mailing address indicated on the application.

4. The municipal clerk must enter the previous resident’s name and address on the absentee log and indicate the previous resident was issued a Presidential-Only ballot. Wis. Stat. § 6.18.

5. The municipal clerk shall deliver the returned absentee presidential ballot on Election Day to the polling place serving the elector's previous address.

6. The election inspectors shall review the absentee certificate envelope (EL-122), enter the elector's name on the poll list along with an indication that the elector voted by absentee ballot, and that the elector voted only for president and vice president. The absentee ballot is then placed in the ballot box to be counted after the polls close.

Identification Serial Number _____
(for office use only)

Elector Request for Confidential Listing

I request that my name and address be treated as confidential, that this information be suppressed on any poll list and be withheld from public inspection.

I have provided one of the following documents, as required by Wis. Stat. §6.47(2):

- ❒ Protective order that is in effect
- ❒ Affidavit dated within 30 days of the date of the request
- ❒ Statement signed by the operator or an authorized agent of the operator of a shelter, that is dated within 30 days of the date of the request, that indicates that the operator operates the shelter and that the individual making the request resides in the shelter
- ❒ Statement which includes the individual's full name, that is signed by an authorized representative of a domestic abuse or sexual assault victim service provider, and that indicates the individual received services from that provider within the 24-month period ending on the date of the statement.
- ❒ Affidavit of participation in the program established under Wis. Stat. §165.68.

The information on this form shall be treated as confidential as prescribed in Wis. Stat. §6.47.

Signature of elector requesting confidentiality		Date of signing
Last Name (please print)	First Name	Middle Initial
Street and number	Municipality (indicate ❑ town ❑ village ❑ city) ,WI	Zip code

Signature of designee of elector with disabilities		Date of signing
Last Name (please print)	First Name	Middle Initial
Street and number	Municipality (indicate ❑ town ❑ village ❑ city) ,WI	Zip code

WISCONSIN NOMINATION PAPER RECEIPT

Receipt No.: _____

_____
(Name of Issuing Authority)

_____
(Title)

_____
(Address)

_____
(City, State, Zip Code)

_____
(Phone Number)

Candidate Name: _____

Address: _____

City, State, Zip Code: _____

Phone Number: _____

Election Date: _____ Type: _____
(Spring, Recall, Special)

Office: _____

Date Filed Campaign Registration Statement (ETHCF-1): _____

Date Filed Declaration of Candidacy (EL-162): _____

Date Filed Nomination Papers (EL-169): _____

_____
(Signature of Issuing Authority)

CERTIFICATE OF ELECTION

STATE OF WISCONSIN } ss.

_____
(insert issuing authority)

I, _____,
(insert name and title of person issuing certificate)

of the _____, of the State of Wisconsin, certify that
(agency or municipality)

_____,
(insert name of elected person)

as appears from the official canvass of the votes cast at a _____
(insert type of election)

Election held in _____, Wisconsin, on
(county or municipality)

_____, was duly elected
(insert date of election)

_____
(insert title of office to which elected)

to hold office for a _____ term, commencing on _____,
(insert length of term) (insert first day of term)

and ending on _____.
(insert last day of term)

IN TESTIMONY WHEREOF,

I have set my hand and affixed the Seal of

_____, this ____ day

of _____, _____.

_____
(Signature)

_____
(Title)

_____
(Agency)

Oath of Special Voting Deputy

STATE OF WISCONSIN

_____, County } **ss.**

I, _____, having been appointed

to the office of special voting deputy in and for the (town, village, city) of

_____, swear (or affirm) that:

I will support the constitution of the United States and the constitution of the State of Wisconsin and will faithfully and impartially discharge the duties of a special voting deputy to the best of my ability.

I am qualified to act as a special voting deputy pursuant to §6.875, Wis. Stats.; I have read the statutes governing absentee voting; I understand the proper absentee voting procedure; I understand the penalties set out in §12.13, Wis. Stats., for noncompliance with the absentee voting procedure.

I understand that my sacred obligation is to fully and fairly implement the absentee voting law and to seek to have the intent of the electors ascertained. I realize that any error in conducting the absentee voting procedure may result in invalidation of an elector's vote under §7.51(2)(e), Wis. Stats. I realize that absentee voting is a privilege and not a constitutional right.

_____

(Signature of Special Voting Deputy)

Subscribed and sworn to before me this _____ day of _____, _____.

_____

(Signature of person authorized to administer oaths)

My commission expires _____, or is permanent ❑

Notary Public ❑ or _____

(Official title, if not a notary)

Prepared by: Wisconsin Elections Commission, P.O. Box 7984, Madison, WI 53707-7984, 608-266-8005, http://elections.wi.gov
The information on this form is required by §§6.875(5), 7.30(5), 19.01(1), (lm), Stats.

EL-155 (Rev. 12/2009)

FOR OFFICE USE ONLY

Declaration of Candidacy

(See instructions for preparation on back)

Is this an amendment?

☐ **Yes** (if you have already filed a DOC for this election) ☐ **No** (if this is the first DOC you have filed for this election)

I, _____, being duly sworn, state that
Candidate's name

I am a candidate for the office of _____
Official name of office - **Include district, branch or seat number**

representing _____
If partisan election, name of political party or statement of principle - five words or less (*Candidates for nonpartisan office may leave blank.*)

and I meet or will meet at the time I assume office the applicable age, citizenship, residency and voting qualification requirements, if any, prescribed by the constitutions and laws of the United States and the State of Wisconsin, and that I will otherwise qualify for office, if nominated and elected.

I have not been convicted of a felony in any court within the United States for which I have not been pardoned.[1]

My present address, including my municipality of residence for voting purposes is:

				Town of ☐ **Village** of ☐ **City** of ☐	
House or fire no.	Street Name	Mailing Municipality and State	Zip code	Municipality of Residence for Voting	

My name as I wish it to appear on the official ballot is as follows:

_____
(Any combination of first name, middle name or initials with surname. A nickname may replace a legal name.)

_____
(Signature of candidate)

STATE OF WISCONSIN }
County of _____ } ss.
(County where oath administered)

Subscribed and sworn to before me this _____day of _____, _____.

NOTARY SEAL REQUIRED, IF OATH ADMINISTERED BY NOTARY PUBLIC

_____
(Signature of person authorized to administer oaths)

☐ Notary Public or ☐ other official _____
(Official title, if not a notary)

If Notary Public: My commission expires _____ or ☐ is permanent.

The information on this form is required by Wis. Stat. § 8.21, Art. XIII, Sec. 3, Wis. Const., and must be filed with the filing officer in order to have a candidate's name placed on the ballot. Wis. Stats. §§ 8.05 (1)(j), 8.10 (5), 8.15 (4)(b), 8.20 (6), 120.06 (6)(b), 887.01.

EL-162 | Rev. 2019-08 | Wisconsin Elections Commission, P.O. Box 7984, Madison, WI 53707-7984
608-266-8005 | web: elections.wi.gov | email: elections@wi.gov

1 A 1996 constitutional amendment bars any candidate convicted of a misdemeanor which violates the public trust from running for or holding a public office. However, the legislature has not defined which misdemeanors violate the public trust. A candidate convicted of any misdemeanor is not barred from running for or holding a public office until the legislature defines which misdemeanors apply.

Instructions for Completing the Declaration of Candidacy

All candidates seeking ballot status for election to any office in the State of Wisconsin must properly complete and file a ***Declaration of Candidacy***. This form must be **ON FILE** with the proper filing officer no later than the deadline for filing nomination papers or the candidate's name will not appear on the ballot. A facsimile will be accepted if the FAX copy is received by the filing officer no later than the filing deadline **and** the signed original declaration is received by the filing officer with a postmark no later than the filing deadline.

***Information to be provided by the candidate*:**

- Type or print your name on the first line.
- The title of the office and **any district, branch, or seat number** for which you are seeking election must be inserted on the second line. *For legislative offices insert the title and district number, for district attorneys insert the title and the county, for circuit court offices insert the title, county and branch number, and for municipal and school board offices insert the title and any district or seat number.*
- Type or print the political party affiliation or principle supported by you in five words or less on the third line. *Nonpartisan candidates may leave this line blank.*
- **Felony convictions: Your name cannot appear on the ballot if you have been convicted of a felony in any court in the United States for which you have not been pardoned. Please see footnote on page 1 for further information with respect to convictions for misdemeanors involving a violation of public trust. *These restrictions only apply to candidates for state and local office.***
- Your current address, including your municipality of residence for voting purposes, must be inserted on the fourth line. This must include your entire mailing address (**street and number**, **municipality where you receive mail)** *and* **the name of the municipality in which you reside and vote** (town, village, or city of __). If your address changes before the election, an amended Declaration of Candidacy must be filed with the filing officer. Wis. Stat. § 8.21. *Federal candidates are not required to provide this information, however an address for contact purposes is helpful.*
- Type or print your name on the fifth line as you want it to be printed on the official ballot. You may use your full legal name, former legal surname, or any combination of first name, middle name, and initials, surname or nickname with last name.

  Note: The Wisconsin Elections Commission has determined that, absent any evidence of an attempt to manipulate the electoral process, candidates are permitted to choose any form of their name, including nicknames, by which they want to appear on the ballot.

  No titles are permitted. In addition, names such as “Red” or “Skip” are permitted, but names which have an apparent electoral purpose or benefit, such as “Lower taxes,” “None of the above” or “Lower Spending” are not permitted. It is also not permissible to add nicknames in quotes or parentheses. For example, John “Jack” Jones or John (Jack) Jones are not acceptable, but John Jones, Jack Jones or John Jack Jones are acceptable.

This form must be sworn to and signed in the presence of a notary public or other person authorized to administer oaths, such as a county or municipal clerk. Wis. Stat. §§ 8.21(2), 887.01(1).

***Information to be provided by the person administering the oath*:**

- The county where the oath was administered.
- The date the Declaration of Candidacy was signed and the oath administered.
- The signature and title of the person administering the oath. If signed by a notary public, the notary seal is required and the date the notary’s commission expires must be listed.

All candidates for offices using the nomination paper process must file this form (*and all school district candidates must file the EL-162sd*) with the appropriate filing officer no later than the deadline for filing nomination papers. Wis. Stats. §§ 8.10 (5), 8.15 (4)(b), 8.20 (6), 8.21, 8.50 (3)(a), 120.06 (6)(b). Candidates nominated for local office at a caucus must file this form with their municipal clerk within 5 days of receiving notice of nomination. Wis. Stat. § 8.05 (l)(j).

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 Wisconsin Elections Commission, 201 West Washington Avenue, 2nd Floor, P.O. Box 7984, Madison, WI 53707-7984, (608) 266-8005, FAX (608)267-0500, elections.wi.gov Email: elections@wi.gov.

NOMINATION PAPER FOR PARTISAN OFFICE

Candidate's name (**required**); no titles may be used.	Candidate's residential address (**required**) ***No P.O. box addresses*** Street, fire, or rural route number; box number (if rural route); and name of street or road				Candidate's municipality for voting purposes (**required**). ☐ Town of ☐ Village of ☐ City of _____ (name of municipality)
Candidate's mailing address, including municipality for mailing purposes (**required** if different than residential address or voting municipality)	State (**required**) **WI**	Zip code	Type of election (**required**) ☐ general ☐ special	General Election date (**required**) Mo/Day/Year	(**Required**) Name of Party or Statement of Principle (5 words or less)
Title of office (**required**)	District or Jurisdiction (**required** if applicable) ☐ District number _____ ☐ Jurisdiction (county) _____		Name of jurisdiction or district in which candidate seeks office (**required**)		

I, the undersigned, request that the candidate, whose name and residential address are listed above, be placed on the ballot at the election described above as a candidate representing the party or statement of principle indicated above, so that voters will have the opportunity to vote for ☐ him or ☐ her for the office listed above. I am eligible to vote in the jurisdiction or district in which the candidate named above seeks office. I have not signed the nomination paper of any other candidate for the same office at this election.

The municipality used for mailing purposes, when different than municipality of residence, is not sufficient. The name of the municipality of residence must always be listed.

Signatures of Electors	**Printed Name of Electors**	**Residential Address *(No P.O. Box Addresses)*** **Street and Number or Rural Route** (Rural address must also include box or fire no)	**Municipality of Residence** Check the type and write the name of your municipality for voting purposes	**Date of Signing** Mo/Day/Year
1.			❑ Town ❑ Village ❑ City	
2.			❑ Town ❑ Village ❑ City	
3.			❑ Town ❑ Village ❑ City	
4.			❑ Town ❑ Village ❑ City	
5.			❑ Town ❑ Village ❑ City	
6.			❑ Town ❑ Village ❑ City	
7.			❑ Town ❑ Village ❑ City	
8.			❑ Town ❑ Village ❑ City	
9.			❑ Town ❑ Village ❑ City	
10.			❑ Town ❑ Village ❑ City	

CERTIFICATION OF CIRCULATOR

I, _____, certify: I reside at _____.
(Name of circulator) (Circulator's residential address - **Include number, street, and municipality**)

I further certify I am a qualified elector of Wisconsin. I personally circulated this nomination paper and personally obtained each of the signatures on this paper. I know that the signers are electors of the jurisdiction or district the candidate seeks to represent. I know that each person signed the paper with full knowledge of its content on the date indicated opposite his or her name. I know their respective residences given. I intend to support this candidate. I am aware that falsifying this certification is punishable under Wis. Stat. § 12.13(3)(a).

_____ _____
(Date) (Signature of circulator)

Page No.

INSTRUCTIONS FOR PREPARING NOMINATION PAPERS FOR PARTISAN OFFICE

This is a sample nomination paper form. It conforms to the statutory requirements for nomination papers for partisan office. All information concerning the candidate must be completed in full before circulating this form to obtain signatures of electors. All information concerning the signing electors and the circulator must be completed in full before filing with the appropriate filing officer. This form may be reproduced in any way. A candidate's picture and campaign information may also be added to this form. The Wisconsin Elections Commission has determined that no disclaimer or other attribution statement is required on nomination papers. Candidates are advised to send a sample of their completed form to the filing officer for review before circulation. Federal and state candidates file with the Wisconsin Elections Commission. County candidates file with the County Clerk.

Page Numbers – Number each page consecutively, beginning with "1", before submitting to the filing officer. A space for page numbers has been provided in the lower right-hand corner of the form.

Candidate's Name - Insert the candidate's name. A candidate may use his or her full legal name, or any combination of first name, middle name, and initials or nickname with last name. The Wisconsin Elections Commission has determined that, absent any evidence of an attempt to manipulate the electoral process, candidates are permitted to choose any form of their name, including nicknames, by which they want to appear on the ballot.

No titles are permitted. In addition, names such as "Red" or "Skip" are permitted, but names that have an apparent electoral purpose or benefit, such as "Lower taxes," "None of the above" or "Lower Spending" are not permitted. It is also not permissible to add nicknames in quotes or parentheses between first and last names. For example, John "Jack" Jones or John (Jack) Jones are not acceptable, but John Jones, Jack Jones or John Jack Jones are acceptable.

Candidate's Residence – Insert the candidate's residential address (*no P.O. Box addresses*) and the municipality for voting purposes. Indicate if the municipality of residence is a town, village or city. If a candidate's mailing address is different from the residential address or voting municipality, a complete mailing address must also be given.

Date of Election - Insert the date of the election. If the nomination paper is being circulated for a general election, the date is the Tuesday after the first Monday in November of an even-numbered year. If the election is a special partisan election, the date of the special election must be listed.

Party or Statement of Principle – Insert the name of the party the candidate represents. Independent candidates may provide a Statement of Principle, not to exceed 5 words.

Title of Office - The name of the office must be listed **along with the jurisdiction or district number** that clearly identifies the office the candidate is seeking, for example, Representative to the Assembly – 1st district or Dane County District Attorney.

Name of Jurisdiction - The nomination papers must also indicate the municipality or jurisdiction in which the signing electors are qualified to vote, as it relates to the office sought by the candidate named on the nomination paper. For example, for a statewide office the jurisdiction is the State of Wisconsin. Other examples are 1st Congressional District, 24th Assembly District or Brown County.

Signatures and Printed Names of Electors - Only qualified electors of the jurisdiction or the district the candidate seeks to represent may sign the nomination papers. Each signer must also legibly print their name. Each elector must provide their residential address (*no P.O. Box addresses*), including any street, fire or rural route number, box number (if rural route) and street or road name and municipality of residence. A post office box number alone does not show where the elector actually resides. The name of the Municipality of Residence must be listed for each signing elector and must clearly identify the town, village or city where the elector's voting residence is located. The date the elector signed the nomination paper, including month, day and year, must be indicated. Ditto marks that follow correct and complete address or date information are acceptable. The circulator may add any missing or illegible address or date information before the papers are filed with the filing officer.

Signature of Circulator - The circulator should carefully read the language of the *Certification of Circulator*. **THE CIRCULATOR MUST PERSONALLY PRESENT THE NOMINATION PAPER TO EACH SIGNER. THE CIRCULATOR MUST BE A QUALIFIED ELECTOR OF WISCONSIN. THE NOMINATION PAPER MAY NOT BE LEFT UNATTENDED ON COUNTERS OR POSTED ON BULLETIN BOARDS.** The circulator's complete residential address including municipality of residence must be listed in the certification. **After** obtaining signatures of electors, the circulator must sign and date the certification.

Other Instructions - Candidates and circulators should review Ch. Wisconsin Elections Commission §§ 2.05, 2.07, Wis. Adm. Code.

- *Original* nomination papers must be in the physical custody of the appropriate filing officer by the filing deadline. A postmark on the filing deadline is **NOT** sufficient. Nomination papers **cannot** be faxed/emailed to the filing officer. Ch. Wisconsin Elections Commission § 6.04(2), Wis. Adm. Code.
- Nomination papers with the required number of signatures must be filed with the appropriate filing officer **no later than 5:00 p.m.** on June 1st (or the next day if June 1st is a holiday or weekend) before the general election. Nomination papers may not be circulated before April 15. Special elections may have different circulation time frames and filing deadlines. Check with the filing officer.
- In order for a candidate's name to be placed on the ballot, a candidate must file a *Campaign Registration Statement* (ETHCF-1), a *Declaration of Candidacy* (EL-162), and *Nomination Papers* (EL-168) containing the appropriate number of signatures for the office sought no later than the filing deadline. Wis. Stat. § 8.15(6). Candidates for state office and municipal judge must also file a Statement of Economic Interests with the Wisconsin Ethics Commission by the third business day after the nomination paper filing deadline. Wis. Stat. § 19.43. If any one of these required forms is not filed by the deadline, the candidate's name will not be placed on the ballot. Wis. Stat. § 8.30.
- If a candidate or circulator has any questions, he or she should contact the filing officer.

NOMINATION PAPER FOR NONPARTISAN OFFICE

Candidate's name (**required**); no titles may be used.	Candidate's residential address (**required**) ***No P.O. box addresses*** Street, fire, or rural route number; box number (if rural route); and name of street or road			Candidate's municipality for voting purposes (**required**) ❑ Town ❑ Village _____ ❑ City (name of municipality)
Candidate's mailing address, including municipality for mailing purposes (**required** if different than residential address or voting municipality)	State (**required**) **WI**	Zip code	Type of election (**required**) ❑ spring ❑ special	Election date (**required**) *Do not use primary date.* Mo/Day/Year
Title of office **(required)**	Branch, district or seat number (**required** if applicable) ❑ Branch ❑ District ❑ Seat	Name of jurisdiction or district in which candidate seeks office (**required**)		

I, the undersigned, request that the candidate, whose name and residential address are listed above, be placed on the ballot at the election described above as a candidate so that voters will have the opportunity to vote for ❑ him or ❑ her for the office listed above. I am eligible to vote in the jurisdiction or district in which the candidate named above seeks office. I have not signed the nomination paper of any other candidate for the same office at this election.

The municipality used for mailing purposes, when different than municipality of residence, is not sufficient. The name of the municipality of residence must always be listed.

Signatures of Electors	Printed Name of Electors	Residential Address *(No P.O. Box Addresses)* **Street and Number or Rural Route** (Rural address must also include box or fire no.)	**Municipality of Residence** Check the type and write the name of your municipality for voting purposes.	**Date of Signing** Mo/Day/Year
1.			❑ Town ❑ Village ❑ City	
2.			❑ Town ❑ Village ❑ City	
3.			❑ Town ❑ Village ❑ City	
4.			❑ Town ❑ Village ❑ City	
5.			❑ Town ❑ Village ❑ City	
6.			❑ Town ❑ Village ❑ City	
7.			❑ Town ❑ Village ❑ City	
8.			❑ Town ❑ Village ❑ City	
9.			❑ Town ❑ Village ❑ City	
10.			❑ Town ❑ Village ❑ City	

CERTIFICATION OF CIRCULATOR

I,_____ certify: I reside at _____.
(Name of circulator) (Circulator's residential address - **Include number, street, and municipality.**)

I further certify I am either a qualified elector of Wisconsin, or a U.S. citizen, age 18 or older who, if I were a resident of this state, would not be disqualified from voting under Wis. Stat. §6.03. I personally circulated this nomination paper and personally obtained each of the signatures on this paper. I know that the signers are electors of the jurisdiction or district the candidate seeks to represent. I know that each person signed the paper with full knowledge of its content on the date indicated opposite his or her name. I know their respective residences given. I intend to support this candidate. I am aware that falsifying this certification is punishable under Wis. Stat. § 12.13(3)(a).

_____ _____
(Date) (Signature of circulator)

Page No.

INSTRUCTIONS FOR PREPARING NOMINATION PAPERS FOR NONPARTISAN OFFICE

This is a sample nomination paper form. It conforms to the statutory requirements for nomination papers for nonpartisan office. All information concerning the candidate must be completed in full before circulating this form to obtain signatures of electors. All information concerning the signing electors and the circulator must be completed in full before filing with the appropriate filing officer. This form may be reproduced in any way. A candidate's picture and biographical data may also be added to this form. The Wisconsin Elections Commission has determined that no disclaimer or other attribution statement is required on nomination papers. Candidates are advised to send a sample of their completed form the filing officer for review before circulation.

Page Numbers – Number each page consecutively, beginning with "1", before submitting to the filing officer. A space for page numbers has been provided in the lower right-hand corner of the form.

Candidate's Name - Insert the candidate's name. A candidate may use his or her full legal name, or any combination of first name, middle name, and initials or nickname with last name. The Wisconsin Elections Commission has determined that, absent any evidence of an attempt to manipulate the electoral process, candidates are permitted to choose any form of their name, including nicknames, by which they want to appear on the ballot.

No titles are permitted. In addition, names such as "Red" or "Skip" are permitted, but names which have an apparent electoral purpose or benefit, such as "Lower taxes," "None of the above" or "Lower Spending" are not permitted. It is also not permissible to add nicknames in quotes or parentheses between first and last names. For example, John "Jack" Jones or John (Jack) Jones are not acceptable, but John Jones, Jack Jones or John Jack Jones are acceptable.

Candidate's Address – Insert the candidate's residential address (*no P.O. Box addresses*) and the municipality for voting purposes. Indicate if the municipality of residence is a town, village, or city. If a candidate's mailing address is different from the residential address or voting municipality, a complete mailing address must also be given.

Date of Election - Insert the date of the election. If the nomination paper is being circulated for a spring election, the date is the first Tuesday in April. If the election is a special nonpartisan election, the date of the special election must be listed.

Title of Office - The name of the office must be listed **along with any branch, district, or seat number** (if applicable) that clearly identifies the office the candidate is seeking. If necessary, the name of the jurisdiction that identifies the office, such as Dane County Circuit Court Judge, Branch 3, must also be listed.

Name of Jurisdiction - The nomination papers must also indicate the municipality or jurisdiction in which the signing electors are qualified to vote, as it relates to the office sought by the candidate named on the nomination paper. For example, for a statewide office the jurisdiction is the State of Wisconsin. Others may be the county, town, village, city, aldermanic district, school district, or town sanitary district, as required.

Signatures and Printed Name of Electors - Only qualified electors of the jurisdiction or the district the candidate seeks to represent may sign the nomination papers. Each signer must also legibly print their name. Each elector must provide their **residential** address (*no P.O. Box addresses*), including any street, fire or rural route number, box number (if rural route) and street or road name, and municipality of residence. A post office box number alone does not show where the elector actually resides. The name of the Municipality of Residence must be listed for each signing elector and must clearly identify the town, village or city where the elector's voting residence is located. The date the elector signed the nomination paper, including month, day and year, must be indicated. Ditto marks that follow correct and complete address or date information are acceptable. The circulator may add any missing or illegible address or date information before the papers are filed with the filing officer.

Signature of Circulator - The circulator should carefully read the language of the *Certification of Circulator*. **THE CIRCULATOR MUST PERSONALLY PRESENT THE NOMINATION PAPER TO EACH SIGNER. THE NOMINATION PAPER MAY NOT BE LEFT UNATTENDED ON COUNTERS OR POSTED ON BULLETIN BOARDS.** The circulator's complete residential address including municipality of residence must be listed in the certification. **After** obtaining signatures of electors, the circulator must sign and date the certification.

Other Instructions - Candidates and circulators should review Ch. Wisconsin Elections Commission §§ 2.05, 2.07, Wis. Adm. Code.

- *Original* nomination papers must be in the physical custody of the appropriate filing officer by the filing deadline. A postmark on the filing deadline is **NOT** sufficient. Nomination papers **CANNOT** be faxed to the filing officer. Ch. Wisconsin Elections Commission § 6.04(2), Wis. Adm. Code.
- Nomination papers with the required number of signatures must be filed with the appropriate filing officer **no later than 5:00 p.m.** on the first Tuesday in January (or the next day if the first Tuesday is a holiday) before the spring election. Special elections may have different filing deadlines. Check with the filing officer.
- In order for a candidate's name to be placed on the ballot, a candidate must file a *Campaign Registration Statement* (ETHCF-1), a *Declaration of Candidacy* (EL-162), and *Nomination Papers* (EL-169) containing the appropriate number of signatures for the office sought no later than the filing deadline. Wis. Stat. § 8.10(3). Candidates for state office and municipal judge must also file a statement of economic interests with the Wisconsin Ethics Commission by the third business day after the nomination paper filing deadline. Wis. Stat. § 19.43. If any one of these required forms is not filed by the deadline, the candidate's name will not be placed on the ballot. Wis. Stat. § 8.30.
- If a candidate or circulator has any questions, he or she should contact the filing officer.

Certificate of Nomination

General Instructions: ***Please Review Fully***

Fill in the circles as appropriate. This form is used to document the transmission of candidate information. Candidate names should be listed on the form in the order they should appear on the ballot. After entering information into WisVote, Providers should file this form for reference.

Jurisdiction Information

1	Clerk Last Name			
	Clerk First Name			
2	School Dist. ○ Union ○ Unified ○ Common			
3	**Relier Information**			
	Municipality ○ Town ○ Village ○ City			
	County		HINDI #	
4	**Provider Information**			
	County		HINDI #	
	Municipality ○ Town ○ Village ○ City		HINDI #	

Election Information

5	Date of Election (MM/DD/YYYY)	/ /		
	Type of Election			
	Office			
	○ Vote for 1	○ Vote for not more than:		(Please Specify)

Candidate Information

6

Ballot Position

I, _____, Clerk for the ○ Town ○ Village ○ City ○ Sch. Dist. of _____, certify that the names of the candidates in Section 6 are for the office at the election on the date listed in Section 5, as determined by law, and that such names must be placed on the official ballot in the order listed.

7	**Comments**	

Signature

School Clerk Signature	X	Date (MM/DD/YYYY)	/ /
Relier Signature	X	Date (MM/DD/YYYY)	/ /
Provider Signature	X	Date (MM/DD/YYYY)	/ /

Certificate of Nomination

General Instructions: *Please Review Fully*	**This form should be completed by either a school district clerk or a municipal clerk. The completed form should be submitted to your county clerk or provider, unless directed otherwise.** This form is used to transmit information about candidate ballot placement to be entered into WisVote. Clerks should complete a separate form for each county. If there are candidates for more than one office, complete a separate form for each office. This form constitutes a certificate of nomination that may also be used for ballot creation. Each section on the front side of this document corresponds to the sections below (1-6).
1	Whether School District Clerk or Relier Clerk, please provide your current last and first names in the spaces provided. Enter your formal names, as indicated on official government documents; no nicknames.
2	Only required if form is being completed on behalf of a School District. Fill in appropriate circle for type of School District. Complete name of School District.
3	Only required if form is being completed on behalf of a municipality. Fill in appropriate circle for type of municipality. Complete name of municipality. Complete name of county where municipality is located.
4	• To be completed by School District Clerk. Complete name of county where school district is located. If school district is located in more than one county, complete a separate form for each county. • To be completed by Relier Clerk. Complete name of county or municipality that provides WisVote services to you.
5	• Complete date of election. • Complete election type, i.e. Spring Primary, Spring Election, September Primary, General Election, Special Primary, Special Election. • Complete office, i.e. Town Supervisor, Village Trustee, Mayor, School Board Supervisor. • Fill in the circle to indicate that the office is to be listed on the ballot as “Vote for One” or “Vote for not more than”. If “Vote for not more than” indicate the number of seats to be elected.
6	• Complete the certification with the appropriate information for name of clerk and jurisdiction. • List candidates’ names as they should appear on the ballot and in the order they should appear.
7	For School District Clerk, provide a list of municipalities within the school district. If additional space is required, please use a blank sheet of paper to document the municipalities and attach it to this form.

Signature:

- By signing in this space, the School District Clerk is certifying the candidate information for the office at the election listed.
- By signing in this space, the Relier Clerk is certifying the candidate information for the office at the election listed.
- By signing in this space the County Clerk or Provider Clerk is acknowledging receipt of this information and has entered this information into WisVote.

Polling Place Accessibility Self-Assessment

Submit a self-assessment when:

- Establishing a new polling place.
- Designating a new IPAV location.
- The voting room changes at an existing polling place or IPAV location. Only complete the assessment sections for the part(s) of the voter's route that change.
    - Ex. The new voting room is across the hall from the old voting room. Only complete the Voting Area section of the assessment.
- An existing polling place is renovated, and the renovations change part(s) of the building that voters use on Election Day. Only complete the assessment sections for the part(s) of the voter's route that change.
    - Ex. The parking lot and sidewalks are resurfaced. Only complete the Parking and Exterior Route sections of the assessment.
- An existing polling place is demolished and rebuilt keeping the same name and address as the old building.
    - Ex. The town hall is torn down and rebuilt, and the new town hall has the same name and address as the old town hall.
- A new polling place is established, and it has the same name as the old polling place.
    - Ex. A new village hall is built at a different address than the old village hall.

Items needed to conduct the assessment:

- Measuring tape
- Slope measurer

The polling place accessibility survey is designed to simulate the experience of a voter on Election Day. The survey will cover the five areas that a voter may encounter: parking, pathways, accessible entrances, interior routes, and the voting area. When going through the survey, you may see a section that does not pertain to your polling place, (e.g. an elevator, a drop-off zone, ramp, etc.). You may skip this section and move on to the next. If you do not know the answer to a question, do not guess. Take notes at the bottom of the section about the area, attach photos to the survey, or call the WEC Help Desk for assistance. Please complete this survey as your polling place will appear on Election Day. While this survey covers many areas of your polling place, this survey cannot capture the experience of someone with a disability. Please continue to think how barriers may show up at your polling place. WEC staff encourage you to examine your training practices and poll worker protocol, your Election Day set-up, and other areas of your polling place.

After completing the assessment:

1. Upload the self-assessment to accessgov.com. WEC staff will add the polling place to WisVote for you.
2. Make sure that the polling place is approved by the governing body at least 30 days in advance of use (Wis. Stat. 5.25).

Notify impacted voters of the change. You can do this with the Type D Notice you post before an election, but it is a best practice to notify voters in another way, such as sending out a direct mailing (postcard, letter, etc.), posting on your municipality's website, and/or posting the address of the new location at the former polling place for the first few elections.

Additional Accessibility Resources:

For more information about polling place accessibility visit the WEC website Polling Place Accessibility page.

Parking

If your polling place has a parking lot/off-street parking:		N/A ☐
1	List the Number of Parking Spaces. If there are no stripes on the parking surface, approximately how many vehicles can park in the parking area?	
2	List the total number of accessible spaces marked with a sign.	
3	Out of those accessible spaces, list the total number that are marked with a van-accessible sign.	
4	Does this polling place comply with the requirements for the number of van-accessible and standard accessible parking spaces?	YES ☐ / NO ☐

Total Spaces	Minimum number of accessible spaces
1-25	1 van-accessible space with 8 ft access aisle
26-50	1 accessible space with 5 ft access aisle AND 1 van-accessible space with 8 ft access aisle
51-75	2 accessible spaces with 5 ft access aisle AND 1 van-accessible space with 8 ft access aisle
76-100	3 accessible spaces with 5 ft access aisle AND 1 van-accessible space with 8 ft access aisle

		YES	NO
5	Are all accessible parking sign(s) posted at least 60" high and clearly visible?	☐	☐
6	Are the accessible parking spaces nearest to the accessible entrance for the polling place?	☐	☐
7	Is there at least 8 ft 2 in of vertical clearance at the parking space, the access aisle and along the vehicle route to the exit?	☐	☐
8	Does each accessible space have a sign with the international symbol of accessibility?	☐	☐
9	Are all accessible spaces, including the access aisle, on level and firm, stable, and slip-resistant ground? Note: If the surface is concrete, asphalt, tile, stone or brick, mark "Yes". If the surface is gravel, dirt, sand or grass, or if there are cracks in the surface, mark "No".	☐	☐
10	Is the pathway from the parking lot to the accessible pathway level with the pathway, OR has a curb cut, OR has a ramp? See *Other Things to Note* at the end of this section.	☐	☐

If your polling place has a drop-off zone:		N/A ☐
1	Is the drop-off zone, including any access aisle and/or curb ramp on firm, stable, and slip resistant ground?	YES ☐ / NO ☐

	Note: If the surface is concrete, asphalt, tile, stone or brick, mark "Yes". If the surface is gravel, dirt, sand or grass, or if there are cracks in the surface, mark "No".	☐	☐
2	Is there at least 9 ft. 6 in. of unobstructed vertical clearance for the vehicle route to the drop-off zone, the designated area itself, the access aisle, and along the vehicle route to the exit?	☐	☐
3	Is the pathway from the parking lot to the accessible entrance level with the entrance, OR has a curb cut, OR has a ramp? See *Other Things to Note* at the end of this section.	☐	☐
If your polling place has on-street parking:		**N/A**	☐
1	List the number of marked accessible spaces on the street. Note: If on-street parking is your only available parking, there must be at least one marked accessible space.		
		YES	**NO**
2	Is the accessible parking sign posted at least 60" high and clearly visible?	☐	☐
3	Does each accessible space have a clearly visible sign with the international symbol of accessibility?	☐	☐
4	Are all accessible spaces on level and firm, stable, and slip-resistant ground? Note: If the surface is concrete, asphalt, tile, stone or brick, mark "Yes." If the surface is gravel, dirt, sand or grass, or if there are cracks in the surface, mark "No."	☐	☐
5	Is the pathway from the parking lot to the accessible entrance level with the entrance, OR has a curb cut, OR has a ramp? See *Other Things to Note* at the end of this section.	☐	☐

For all NO responses, please provide detailed information about the identified problem(s). Also explain any quick fixes or unique situations.

_____

_____

_____

Other things to note:

- There must be a location for curbside voters to vote from their car. You must have a plan in place to facilitate curbside voting, such as a doorbell, a sign for a car to honk for assistance, a sign with a phone number, or greeter stationed at the door.
- If the parking has a ramp or a curb cut to the accessible pathway:
  - The slope must be less than or equal to 1:12 inches (8%).
  - It must be at least 36 inches wide, excluding flare sides.
- The slope of the entire drop off zone (excluding curb cuts or ramps) must be less than or equal to 1:48 inches (roughly 2%).

Pathways

Complete this section for the accessible pathway between the accessible parking and accessible entrance. Do not include ramps that are connected to the accessible entrance, but only ramps that interrupt the pathway.

Pathways			
		YES	NO
1	Is the pathway at least 36” wide without obstacles, such as fire hydrants, posts, etc.?	☐	☐
2	Is the pathway on firm, stable, and slip-resistant ground? Note: If the surface is concrete, asphalt, tile, stone or brick, mark "Yes. If the surface is gravel, dirt, sand or grass, or if there are cracks in the surface, mark "No"	☐	☐
3	Is the pathway free of hanging objects, such as flags, banners, etc.?	☐	☐
4	Is the pathway relatively free of cracks or breaks?	☐	☐
5	Will the pathway be well lit on Election Day?	☐	☐
6	Will the pathway be kept clear of hazards, such as snow, ice, and leaves?	☐	☐
If the pathway has a ramp that is not directly connected to the entrance door:		**N/A**	☐
		YES	**NO**
1	Is the ramp at least 36” wide?	☐	☐
2	Does the ramp have a non-slip surface (such as ridges, non-slip tape, etc.)? If the ramp surface is smooth, mark "No."	☐	☐
3	Does the ramp have edge protection at the bottom of the ramp to prevent anyone from slipping off the ramp?	☐	☐
4	If the ramp is greater than 6” from the ground to the top of the ramp, does the ramp have handrails?	☐	☐

For all NO responses, please provide detailed information about the identified problem(s). Also explain any quick fixes or unique situations.

_____

_____

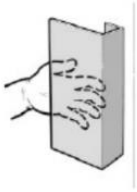
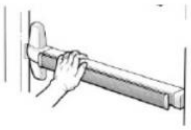
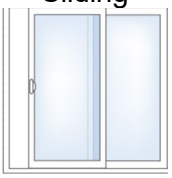
_____

Other things to note:

- The slope of the pathway must be less than or equal to 1:20 inches (5%).
- If the pathway has a curb cut or ramp, it must be at least 36 inches wide, excluding flare sides.
- If the pathway has a ramp or a curb cut, the slope must be less than or equal to 1:12 inches (8%).

Accessible Entrance

Some buildings have a second set of doors inside the exterior doors. If the polling place has this type of entrance, both sets of doors must pass each question in order to answer yes.

Accessible Entrance			
		YES	NO
1	Does the accessible entrance have a sign showing it is accessible?	☐	☐
2	Will the accessible entrance be unlocked on Election Day?	☐	☐
3	Does the door have a threshold that is EITHER: ◯ Less than ¼ inch in height ◯ Between ¼ and ½ inch, but has a bevel (edge treatment) ◯ More than ½ inch in height and has a threshold ramp ◯ None of the above		
4	Is there 32” of clearance for someone to get through the door?	☐	☐
5	Are all door handles no higher than 48 inches from the ground?	☐	☐
6	What hardware does the door have? Select all that apply.		
	☐ Handle	☐ Pull 	☐ Bar 
	☐ Lever	☐ Knob	☐ Automatic Sliding 
7	What accessible feature(s) does the door have? Select all that apply.		
	☐ Automatic opener (button or motion sensing)	☐ Power-assisted open (when pushed or pulled)	☐ Bell/buzzer to call for assistance
	☐ Election inspector or greeter stationed at the door throughout Election Day to assist voters	☐ Other:	☐ None of the above

		YES	NO	N/A
8	If the entrance has an automatic opener, power-assisted open, or bell/buzzer: Has the accessible feature been tested from the inside and outside and works?	☐	☐	☐
9	If the entrance has an automatic opener or power-assisted open: Does the door stay open for at least 3 seconds once it is fully open?	☐	☐	☐

If the entrance has a ramp (threshold ramps included) connected to the door:		N/A ☐	
		YES	NO
1	Is the ramp at least 36” wide?	☐	☐
2	Does the ramp have a non-slip surface (such as ridges, non-slip tape, etc.)? If the ramp surface is smooth, mark "No.”	☐	☐
3	Does the ramp have edge protection at the bottom of the ramp to prevent anyone from slipping off the ramp?	☐	☐
4	If the ramp is greater than 6” from the ground to the top of the ramp, does the ramp have handrails?	☐	☐

For all NO responses, please provide detailed information about the identified problem(s). Also explain any quick fixes or unique situations.

Other things to note:

- If there are two sets of doors, there must be a 30x28 inch clear floor space between the two sets of doors where the wheelchair user can be outside the swing of an open door.
- If the entrance has a ramp:
  - There must be at least 5ft x 5ft space at the top of the ramp for someone in a wheelchair can maneuver or rest while the door is open.
  - If the entrance has a ramp, the slope must be less than or equal to 8%.

Interior Routes

	If there is an interior route:	N/A ☐	
		YES	NO
1	Is the accessible route marked with a sign (if it is different than the main path of travel)?	☐	☐
2	Is the hallway/corridor at least 36” wide?	☐	☐
3	Is the hallway/corridor free of boxes, chairs, tables, etc.?	☐	☐
4	Is the path or hallway free of wall-mounted cases, fire extinguishers, drinking fountains, or flags, that protrude into the pathway (i.e. not in an alcove)?	☐	☐
5	Are corridors well-lit?	☐	☐
6	Are mats/rugs secured to avoid a tripping hazard?	☐	☐

	If there are doors from the route to the voting area:	N/A ☐	
		YES	NO
1	Will all doors along the accessible route be unlocked on Election Day?	☐	☐
2	Is there 32” of clearance for a wheelchair to enter?	☐	☐
3	Will the doors be propped open on Election Day?	☐	☐
4	Does the door have a threshold that is EITHER: ◯ Less than ¼ inch in height ◯ Between ¼ and ½ inch, but has a bevel (edge treatment) ◯ More than ½ inch in height and has a threshold ramp ◯ None of the above		

	If there is a ramp in the interior route:	N/A ☐	
		YES	NO
1	Is the ramp at least 36” wide?	☐	☐
2	Does the ramp have a non-slip surface (such as ridges, non-slip tape, etc.)?	☐	☐
3	Does the ramp have edge protection at the bottom of the ramp to prevent anyone from slipping off the ramp?	☐	☐
4	If the ramp is greater than 6” from the ground to the top of the ramp, does the ramp have handrails?	☐	☐
5	Is there a 5’x5’ space at the top of the ramp that a wheelchair could maneuver or rest?	☐	☐

If there is an elevator in the interior route:	N/A ☐

		YES	NO
1	Is the elevator operational?	☐	☐
2	Does the elevator have at least 16 square ft of room?	☐	☐
3	Is the elevator car at least 54 inches from the door to the back wall of the car?	☐	☐
4	Are the elevator doors at least 36” wide?	☐	☐
5	Do the elevator controls have raised lettering or braille?	☐	☐
6	Does the elevator have audible tones, bells, or verbal enunciators that announce each floor as it is passed?	☐	☐

If there is a platform lift in the interior route:		N/A ☐	
		YES	NO
1	Is the lift operational?	☐	☐
2	Does the lift have 30 x 48 inches of clear floor space on the lift?	☐	☐
3	Does the lift allow the user to independently enter and exit the lift?	☐	☐

For all NO responses, please provide detailed information about the identified problem(s). Also explain any quick fixes or unique situations.

_____

_____

_____

Other things to note:

- If there is a ramp in the interior route, the slope must be less than or equal to 8%.
- Call buttons on elevators must be 42 inches off the floor.

Voting Area

Voting Area:			
		YES	NO
1	Are the paths of travel in the voting area at least 36” wide?	☐	☐
2	Is the path or hallway free of wall-mounted cases, fire extinguishers, drinking fountains, or flags, that protrude into the pathway (i.e. not in an alcove)?	☐	☐
3	Will there be a booth or table where voters in a wheelchair may cast a ballot (not for the accessible voting equipment)? See *Other Things to Note* at the end of this section.	☐	☐
4	Will the booth or table be set up to ensure voter privacy?	☐	☐
5	Will there be a booth, table, or stand where voters may cast their ballot on accessible voting equipment? See *Other Things to Note* at the end of this section.	☐	☐
6	Will the booth, table, or stand be set up to ensure voter privacy?	☐	☐
7	Indicate the type of accessible voting equipment used at the polling place: ◯ Clear Ballot ClearAccess 2.0.1 ◯ DVS - ImageCast Evolution ◯ DVS - ImageCast X BMD ◯ DVS - ImageCast X VVPAT ◯ ES&S AutoMARK ◯ ES&S ExpressVote ◯ Sequoia AVC Edge		
8	Will there be headphones and tactile devices plugged in and ready for voters?	☐	☐
9	Will the accessible voting equipment be powered on for the duration of Election Day?	☐	☐
10	Will the accessible voting equipment be in a location where voters will see it and know it is available when they enter the voting area?	☐	☐
11	Will the equipment be positioned in a way that if a person was seated or standing at the machine, no one else could see how the voter was marking their ballot?	☐	☐

For all NO responses, please provide detailed information about the identified problem(s). Also explain any quick fixes or unique situations.

_____

_____

_____

Other things to note:
The voting booth or table must have:

- At least a 30x 48 in. clear floor space in front of the booth or table for the movement of voters in wheelchairs.
- The entrance to the booth, table, or stand should be at least 30 inches wide
- The height of the top of the booth or table must be between 28 and 34 inches
- The knee clearance from the floor to the underside of the booth or table must be at least 27 inches
- The toe clearance from the front to the back of the booth or table must be at least 17 inches.

Part 24
Elections Glossary

A–Z Election Terminology

This section serves as a reference guide for this manual, providing an A-to-Z summary of common terms, legal definitions, and vocabulary.

Chapter 24.1: Glossary of Election Terms

This section includes topics specific to the Commission and the definitions of terms as they apply to elections and election law per Wis. Stat. § 5.02. Terms are capitalized when referring to specific, official titles or concepts within this document, and lowercased for general or descriptive purposes.

A

absentee ballot: a ballot cast by a registered voter who is unable or unwilling to appear at the polling place on Election Day. An absentee ballot application or a written request with all required information must be received by the clerk before issuing an absentee ballot. The ballot must be at the polling place or central count location by 8 p.m. on Election Day with the certification properly completed in order to be counted.

Absentee Ballot Application (EL-121): a request from a qualified, registered voter to receive an absentee ballot. Voters may submit a written request in lieu of this form, as long as the request includes the voter's name, residential address, mailing address (if different from residential address), indication of the elections for which the voter desires an absentee ballot, an indication of status as a military voter, permanent or temporary overseas voter (if applicable), a declaration that the voter meets the qualifications to vote, signature and date.

absentee voter: a registered voter who is unable or unwilling to appear at the polling place on Election Day.

accessibility: refers to the requirement, under state and federal law, to make reasonable accommodations for elderly and disabled voters. This includes providing assistance to eliminate physical barriers to the polling place, acquiring voting equipment that enables all citizens to cast an independent and private ballot in a dignified manner and providing information that enables all citizens to fully participate in the election process. Municipalities must use polling places that are fully accessible, which includes having at least one accessible voting equipment component. Polling place accessibility is evaluated by completing a Polling Place Accessibility Survey for each new polling place.

accessible voting equipment component: a device approved by the Wisconsin Election Commission which provides independence and privacy to voters with disabilities.

active candidates: any candidate with an active registration (not terminated) on file with the filing officer. These candidates may accept contributions and make disbursements from their campaign accounts. This would include candidates required to file finance reports and those claiming the exemption from filing finance reports.

address change: notification given to a municipal clerk by a registered voter that they have changed their voting address or residence by submitting a new voter registration application. The municipal clerk or the municipal clerk's provider updates the WisVote to reflect the address change information provided by the voter.

adjudicated incompetent: refers to an individual who is disqualified from voting due to a court ruling that he or she is incapable of understanding the objective of the elective process. No individual may be denied the right to register or to vote on the basis of incompetence unless he or she has been adjudicated incompetent to vote by a court.

Administrator: when referring to the administrative head of the Wisconsin Elections Commission.

Administrative Rules: rules promulgated by the agency to administer and implement Wisconsin statutes.

audit: see "Post-Election Voting Equipment Audit" on page 13.

audit trail: see "Voter-Verified Paper Audit Trail" on page 18.

B

Badger Book or Badger Books: the Badger Book is Wisconsin's e-pollbook system, the only electronic poll book authorized for use in Wisconsin elections. Developed by the Wisconsin Elections Commission, the software is free to municipalities around the state. It is safe, secure, and streamlines elections.

ballot: a ballot label, sheet of paper or envelope on which votes are recorded. The term also includes a sheet or card, filmstrip or other device listing or containing information related to offices, candidates and referenda which is placed, projected or composed on the board or screen inside a voting machine.

ballot box: refers to the container or box in which voters place their voted ballots in wards that use paper ballots. The ballot box must be secured by lock or numbered seal.

ballot marking device (BMD): any technology that allows voters with disabilities and other special needs to mark a ballot privately and independently but does not tabulate votes. Currently, the only ballot marking device approved for use in Wisconsin is the AutoMARK.

board of election commissioners: a special board, established in every city with a population over 500,000, that carries out all election powers and duties assigned to the municipal clerk.

C

Campaign Registration Statement (CP-1): is required for ballot access. Candidates may file a Campaign Registration Statement (CF-1) at any time, but not later than the deadline for filing nomination papers or not later than 5:00 p.m. on the fifth day after receipt of notification of nomination at a caucus.

candidate registration: refers to the requirement for all candidates to register by filing a Campaign Registration Statement (CF-1). All candidates, regardless of the nomination procedure used, must file a Campaign Registration Statement (CF-1) and a Declaration of Candidacy (CF-162) for ballot access.

canvass: to examine the Election Day records for completeness and accuracy and make an official determination and certification of the outcome of the election.

cast, casting a ballot: referring to the process of marking a ballot to reflect the voter's preference for a candidate or referendum.

caucus: a method that may be used by towns and villages for nominating candidates for placement on the spring election ballot. The caucus is open to the public, but only qualified voters of the municipality may nominate and

vote for candidates. A person is not required to be a registered voter in order to participate in the caucus. There is no spring primary for town or village offices when the caucus system is used. However, there may still be a spring primary conducted within the town or village for state, county or school district candidates. For more information, **see Chapter 2.4: "Nomination by Caucus."**

central count: a voting system that tabulates ballots from multiple reporting units or municipalities at a central location. Voted ballots are secured in ballot containers at the polling place. Secured ballots are then transported to the central counting location for tabulation.

central count, absentee: the tabulation of all absentee ballots at a location other than the polling place. The governing body must pass an ordinance to use the separate location. The Wisconsin Election Commission must also be notified when any such ordinance is passed.

Certification of Circulator: appears at the bottom of each nomination paper and election-related petition. The circulator's complete address (including municipality of residence) must be listed in the certification. *After* obtaining signatures of voters, the circulator must sign and date the certification, certifying that he or she personally presented the nomination paper to each signer. Without a complete and correct certification, signatures on a nomination paper or election-related petition cannot be counted.

Certificate of Election (EL-153): an official notice sent to the winning candidate. The municipal clerk must promptly issue a Certificate of Election (EL-153) to each person elected to any municipal office *after* the deadline for filing a petition for recount has passed, three (3) business days following the certification by the municipal board of canvassers.

challenged ballot: a ballot cast by a voter whose eligibility to vote has been questioned according to the challenge process. The cast ballot is marked with the voter number and "Section 6.95."

Chief Inspector: one of the poll workers at each polling place who directs the conduct of activities assigned to the other poll workers. In Wisconsin, every polling place is required by Wis. Stat. § 7.30(6)(b), to have a chief inspector who has been appointed by the municipal clerk (or board of election commissioners) and has been certified as a chief inspector by the Wisconsin Elections Commission.

confidential voter: a voter who is a victim of domestic abuse, sexual assault or stalking and has made a written request to the municipal clerk to not have their personal information on the poll list available to public inspection.

county clerk: the individual elected under Wis. Stat. § 59.20 (2), including the executive director of a county board of election commissioners, and their authorized representatives.

D

deceased list: a list generated by the Wisconsin Department of Health Services (Vital Records) that lists all recorded deaths in Wisconsin counties for a specific period of time. This is a confidential list that is used by municipal clerks to cross-check data currently in WisVote and identifies voters that have become deceased and need to be cancelled in the WisVote system.

Declaration of Candidacy (EL-162): is required for ballot access and may be filed at any time, but not later than the deadline for filing nomination papers or not later than 5:00 p.m. on the fifth day after receipt of notification of nomination at a caucus. The Declaration of Candidacy (EL-162) is required to be notarized.

Direct Recording Electronic (DRE) Voting Equipment: a voting system that records votes by means of an electronic display provided with mechanical or electro-optical components that can be activated by the voter; that processes voter selections by means of a computer program; and that records that processed voting data in memory components.

E

early voting: the term "early voting" is colloquial and can mean different things to different people. Wisconsin's process is called in-person absentee voting, in which votes are cast, but not counted until Election Day. In some other states, "early voting" can mean ballots that are cast and tabulated before election day.

ElectEd: a password protected Commission website that houses training materials for clerks.

elected official: an individual who is elected to national, state, or local office.

Election Assistance Commission (EAC): the U.S. Election Assistance Commission (EAC) was established by the Help America Vote Act of 2002 (HAVA). The Commission serves as a national clearinghouse and resource for information and review of procedures with respect to the administration of federal elections.

Election Day Registration (EDR): refers to the ability of voters to register at the polling place on Election Day. Voters registering on Election Day must complete the Application for Voter Registration (EL-131) and provide proof of residence.

election district: means a municipality that is not divided into wards, expect as otherwise provided in Wis. Stat. § 8.17(1)(b). Wis. Stat § 5.02 (4c). For the purpose of selecting members of political party committees, election districts are the area that one committee member is selected from. This can comprise of a municipality, aldermanic district, ward, or reporting unit, depending on the population.

Election Inspector (also called a poll worker): an election official appointed by the governing body of the municipality who conducts elections under the supervision of the chief inspector and the municipal clerk. Every election inspector must view or attend one training program every two years.

election observer: a member of the public who has signed in as an observer at an observable location and is present at an observable location to observe an election or the absentee ballot voting process. See Election Observers: Rules-at-a-Glance and observer rule media release.

election official: an individual who is charged with any duties related to conducting of an election as outlined in chapters 5-10 and 12 of Wisconsin State Statutes or under federal laws such as HAVA.

electioneering: any activity intended to influence voting at an election. Electioneering is prohibited on public property within 100 feet of any entrance to a building containing a polling place. This prohibition does not apply to private property.

elector (voter): an individual qualified to vote in an election, meaning a U.S. citizen age 18 or older who has resided in an election district or ward for 28 consecutive days before any election where the citizen offers to vote is an eligible elector.

End of Line Officer: an official of the municipality (may be a poll worker, election registration official, employee of the clerk, or police officer) designated by the municipal clerk to stand at the end of the line of individuals waiting to vote, if any, at the time the polls close at 8:00 p.m., per Wis. Stat. § 7.37(13). This person should be designated before Election Day.

e-poll book, *e-pollbook: an electronic poll book is any computerized kiosk, POS system, laptop, or tablet that is used to replace a paper poll book. *Badger Books are referred to as e-pollbooks. This is the *only* exception when "pollbooks" is one word when used as e-pollbook(s).

Election Registration Official (ERO): an election official appointed by the municipal clerk to register voters at the polling place on Election Day, in the clerk's office during in-person absentee voting or at residential care facilities during open registration.

electronic voting system: a system in which votes are recorded on ballots, and the votes are subsequently counted and tabulated by automatic tabulating equipment. The term also includes a voting machine on which votes are recorded and tabulated by electronic means.

F

filing officer: the official with whom ballot access and campaign finance documents for a particular office or referendum are filed.

first-time voter: an individual who has not previously voted in Wisconsin.

Four-Year Maintenance: a voter registration list maintenance process in which the WEC sends postcards out in the odd-numbered years to voters who have not voted in the previous four years. Voters who receive this postcard can sign and return it if they want to stay registered to vote. If the clerk does not receive the response by July 15 of an odd-numbered year, the voter's registration will be deactivated. Voters can reregister (if they still meet Wisconsin's voting requirements) online, by mail, at your clerk's office, and at their polling place on Election Day.

FAQ: Frequently asked questions.

G

General Election: the election held in even-numbered years on the Tuesday after the first Monday in November to elect U.S. Senators, Representatives in Congress, Presidential electors, State Senators, Representatives to the Assembly, District Attorneys, State Officers other than the State Superintendent of Public Instruction and Judicial Officers, and County Officers other than Supervisors and County Executives. Wis. Stat. § 5.02(5).

H

Help America Vote Act (HAVA): the Help America Vote Act of 2002 establishes requirements for voting systems used in federal elections and contains key provisions on improving access to polling places and voting systems for persons with disabilities. This law also requires a single, central list of voters under the control of the state.

I

***Id.* (Idem):** In law, "*Id.*" is a shorthand citation term meaning "the same." It is used throughout the manual to refer to a source cited in the immediately preceding citation, designed to avoid repetitive citations.

ID: Acceptable abbreviation for "identification."

ineligible voter list: a list generated by the Wisconsin Department of Corrections that identifies convicted felons currently on probation or parole who are ineligible to vote in an election. This list is required to be at all polling places on Election Day to help poll workers identify potential ineligible voters attempting to register on Election Day.

IPAV: In Person Absentee Voting is the process by which voters cast their ballots in their municipal clerk's office or alternative site in advance of Election Day at designated sites. Many refer to this process as "Early Voting."

L

late registration: refers to voters who registered in the clerk's office after the close of registration — the third Wednesday before the election. These voters are issued a Certificate of Registration (EL-133) from the clerk that identifies them as being properly registered, and their names may appear on the supplemental voter list. However, if the names of late registrants do not make it on to the supplemental voter list, the registrant's Certificate of Registration (EL-133) should suffice at the polling place.

Legislature: refers to the Wisconsin State Legislature.

local office: any elective office other than a state or national office.

Logic and Accuracy Test (L&A testing or LAT): a public test of automatic tabulating equipment to ascertain that it will correctly count votes for all offices and all measures. Testing must be conducted not earlier than 10 days before Election Day, and public notice is required at least 48 hours in advance of the test. The test must be conducted by processing a test deck for each candidate and on each referendum. An errorless count must be made before the automatic tabulating equipment can be approved for use in the election.

M

mail-in registration: voters may register to vote by mail. The voter must complete a Voter Registration Application (EL-131) and mail the completed application to the municipal clerk's office. The application must be postmarked not later than the 20th day (third Wednesday) before the election and must include proof of residence.

military voter: a "military voter" includes any of the following: (1) members of a uniformed service, (2) members of the merchant marine of the United States, (3) civilian employees of the United States and civilians officially attached to a uniformed service who are serving outside the United States, (4) Peace Corp volunteers, and (5) spouses or voting age dependents of the aforementioned categories who are residing with or accompanying them.

Military voters are exempt from providing proof of residence and are exempt from proof of identification requirements when voting an absentee ballot by mail only.

Of the various types of military voters listed above, Wisconsin law distinguishes two categories of military voters:

ACTIVE – NOT AWAY: A military voter on active duty, who IS NOT ABSENT from the residence where the member is otherwise qualified to vote due to that duty. *Note: Even though civilian employees and Peace Corps volunteers may be serving outside the U.S. are considered "ACTIVE - NOT AWAY,"*

ACTIVE – AWAY: A military voter on active duty who IS ABSENT from the residence where the member is otherwise qualified to vote due to that duty. Note: ACTIVE – AWAY does NOT include civilian employees or Peace Corps volunteers.

municipal, municipality: means city, town, or village.

municipal clerks: are the officials primarily responsible for election administration in Wisconsin.

MyVote Wisconsin (myvote.wi.gov): a website developed by the Wisconsin Election Commission specifically for voters. This website allows voters to look up information regarding elections and voting in Wisconsin, including sample ballots, polling place locations, and current officeholders. Additionally, the website features an online assisted voter registration process for all voters and absentee ballot request and delivery tools for military and permanent overseas voters.

N

national office: the offices of president and vice president of the United States, U.S. senator and representative in congress.

nomination papers: papers circulated by or on behalf of a candidate seeking ballot access in municipalities that do not nominate candidates by caucus. Candidates must obtain a certain number of valid signatures to qualify for ballot access. For the spring election, nomination papers may not be circulated before December 1 and must be filed before 5:00 p.m. on the first Tuesday in January before the election.

noncandidacy: refers to an incumbent officeholder's declaration that they will not seek re-election for their current office. This is done by filing a Notification of Noncandidacy with the appropriate clerk or the Wisconsin Elections Commission.

nonresident: this term is used when describing people who are temporarily in Wisconsin as a class. For example: nonresidents may campaign on behalf of Wisconsin candidates but may not circulate nomination papers or vote in Wisconsin elections.

O

observer: an individual who wishes to exercise his/her right to be present at the polling place on Election Day.

optical scan: voting technology employing scanners where voters mark their choice by completing an arrow or filling in an oval. During tabulation, the optical scan voting system interprets the votes using "mark logic," whereby the computer selects the darkest mark within a given set as the correct choice or vote. The ballot can be immediately tabulated at the polling place allowing for voters to be notified by the voting system of voting errors such as over voting.

open records request: an inquiry from someone seeking documents or data from the agency. Also referred to as a public records request (PRR). Not to be confused with FOIA, which refers to the Federal Freedom of Information Act.

Overseas Voter:
Permanent: a United States citizen, 18 years or older, who resided in Wisconsin before leaving the United States (or is an adult child of U.S. citizens who resided in this state prior to establishing residency abroad) and is now living outside the U.S. with no present intent to return, and not registered to vote in any other location. These voters may only vote for federal offices. They are required to register to vote, but do not have to provide proof of residence or photo ID.

Temporary: a United States citizen, 18 years of age or older, who is temporarily living outside of the U.S. with an intent to return. These voters may vote a full ballot. They are required to register to vote and must provide proof of residence and photo ID.

P

paper ballot: a ballot on which the voter indicates their voting preference by marking an (X) in the box next to the candidate or referendum question of his/her choosing. Paper ballots are tabulated by hand.

Partisan Primary: the primary held on the second Tuesday in August to nominate candidates to be voted for at the general election.

Permanent Overseas Voter: see "Overseas Voter" on page 12.

photo ID: refers to the various documents that voters can use at the polls to verify their identity. Interchangeable with Voter ID.

poll book: a maintained record of all registered voters assigned to a specific polling place or election reporting unit.

Poll List (also known as "Registration List", "Voter List", or "Poll Book"): a paper or electronic list containing the full name and address of each registered voter; a blank column for the entry of the serial number of the voters when they vote or the poll list number used by the municipal board of absentee ballot canvassers in canvassing absentee ballots; a space for the voter's signature; an indication next to the name of each voter for whom proof of residence under Wis. Stat. § 6.34, is required; and a form of certificate bearing the certification of the administrator of the elections division of the board stating that the list is a true and complete registration list of the municipality or the ward or wards for which the list is prepared.

poll workers: staff members and volunteers who operate a polling place on Election Day.

polling place: is the actual location where the voter's vote is cast.

Post-Election Voting Equipment Audit: refers to the requirement set forth under Wis. Stat. § 7.08(6), that following each general election, the Wisconsin Election Commission audits the performance of each voting system in Wisconsin to determine the error rate of the system in counting valid ballots. Procedures for the audit are outlined in the "Voting Equipment" section of this manual.

Presidential Preference: an election held in conjunction with the Spring Election to express preferences for the person to be the presidential candidate for each party in a year in which the president and vice president are to be elected.

presidential-only voter: people who have recently moved to Wisconsin — and would be qualified to vote in Wisconsin but have not yet met the 28-day residency requirement — may only vote for the President of the United States.

Proof of Identification (POI): refers to documents that verify the identity of a voter voting an absentee ballot by mail or in-person in the municipal clerk's office, or at the polling place on Election Day. For a complete list of acceptable forms of proof of identification and exceptions to the law, refer to Wis. Stat. § 5.02(6m) or **see Part 6: "Voter Qualifications & Registration."**

Proof of Residence (POR): refers to documents that verify the current residency of voters. All voters must provide proof of residence to register to vote. Acceptable forms of proof of residence must contain a complete name, including first and last name; and a current and complete residential address, including a numbered street address, if any, and the name of a municipality. Forms that have an expiration date must be valid on Election Day in order to constitute acceptable proof of residence at that election. For a complete list of acceptable forms of proof or residence, **see Part 6: "Voter Qualifications & Registration."**

provider: a municipality or county that provides election administration services in conjunction with the WisVote system for a relier municipality.

provisional ballot: a ballot that is marked by a voter but is not counted at the time it is cast. It is issued to a voter who is: (1) Unable or unwilling to provide their Wisconsin driver license or state-issued ID card number when registering to vote at the polls on Election Day. (2) Unable or unwilling to provide acceptable Photo ID at the time of voting at the polls on Election Day.

There are no other situations when a provisional ballot is issued. The ballot is only counted on election night if the required documentation is provided to the poll workers by 8:00 p.m. on election night. The voter has until 4:00 p.m. on the Friday following the election to provide the clerk with the required documentation for the ballot to be counted.

Q

qualified circulator: a qualified voter of this state or any U.S. citizen age 18 or older who, if he or she were a resident of this state, would not be disqualified from voting under Wis. Stat. § 6.03.

qualified voter: a qualified voter is defined in Wis. Stat. § 6.02, as a U.S. citizen, 18 years of age or older, who has resided in the election district for at least 28 days before any election at which he or she offers to vote (and who is not disqualified by virtue of one or more of the impediments described in Wis. Stat. § 6.03).

Quarterly Movers (Postcard): postcards are mailed to Wisconsin residents who were identified as potentially moving in the previous quarter. Information from the Wisconsin Department of Transportation, the National Change of Address database and other states is used to generate these mailings. The postcards are mailed quarterly and can be identified by the "Have you moved?" header. The Postcard directs the voter to affirm their current address if it has not changed or reregister at their new address.

R

recognized political party: a political party which qualifies for a separate ballot or column under Wis. Stat. § 5.62 (1)(b), (2).

referendum: an election at which an advisory, validating or ratifying question is submitted to the electorate.

Registration List: **see "Poll List" on page 13**.

relier: a municipality that enters into an agreement with another municipality or county to provide election administration services in conjunction with the WisVote system.

reporting units: a ward or combination of wards used to report election results. All wards in a reporting unit must consist of identical districts that pertain to the district seats up for election (i.e., in fall elections a reporting unit must consist of the same congressional, senate and assembly districts; in the spring, a reporting unit must consist of the same county supervisory and municipal districts).

S

Section 6.95: see "challenged ballot" on page 5.

Section 6.96: notation used to indicate ballots that were cast after the close of the polls pursuant to a court order. If the poll workers are informed that a court has issued an order extending the hours that the polling place is open beyond 8:00 p.m., a voter entering the polling place after that time will also have their ballot marked with the notation "Section 6.96."

self-provider: a municipality that provides its own election administration services in conjunction with the WisVote system.

Special Election, Special Primary, or Special Referendum: an election held outside the four regularly scheduled elections. Regularly-scheduled elections are: Spring Primary held the third Tuesday in February, Spring Election held the first Tuesday in April, Partisan Primary held the second Tuesday in August, and the General Election held of the Tuesday after the first Monday in November in even-numbered years.

special purpose district: any local governmental unit other than a county or municipality.

Special Voting Deputy (SVD): an individual appointed by the municipal clerk or board of election commissioners to carry out absentee voting in certain residential care facilities and retirement homes. At least two special voting deputies must be appointed for each municipality in which one or more qualified residential care facilities or retirement homes are located. Special voting deputies must take the Oath of Special Voting Deputy (EL-155) before entering into their duties and must undergo at least one training program every two years. **See Chapter 7.3: "Types of Absentee Voters: SVDs."**

Spring Election: the election held on the first Tuesday in April to elect non-partisan judicial, educational, municipal, county officers and sewerage commissioners.

Spring Primary: the primary held on the third Tuesday in February to nominate nonpartisan candidates to be voted for at the spring election.

Supplemental Poll List: the Supplemental Poll List is divided into two separate sections: the Pre-Printed Supplemental Poll List and the Handwritten Supplemental Poll List. Portions of the pre-printed poll list generated from WisVote contain names of all regular and confidential voters that registered during the late registration period until the poll list was printed in preparation of Election Day. The Handwritten Supplemental Poll list will contain the names of voters who registered in the municipal clerk's office after the pre-printed supplemental poll list is printed and will also contain the names of voters who register on Election Day.

T

tabulator: a person selected and employed by the municipal clerk to help count votes cast by paper ballot after the close of the polls. The governing body of the municipality may authorize the use of tabulators not less than 30 days before the election. Tabulators are under the direction of poll workers. Tabulators may also be used to assist in counting votes in a recount.

Temporary Overseas voter: Wisconsin residents who are temporarily living outside the United States for work, school or other reasons and have the intent to return to Wisconsin.

test deck: a pre-audited group of ballots marked to record a predetermined number of valid votes for each candidate and on each referendum. The test deck is used to ensure that electronic voting equipment is reliable and accurate.

turnout: refers to the percentage of voting-age population in any given jurisdiction who voted.

V

voter: An individual qualified to vote in an election, **see "elector" on page 7**.

Voter List: **see "Poll List" on page 13**.

voter registration: the process by which a voter registers to vote. All voters, except for military absentee voters, are required to register to vote. Registration is accomplished by completing the Voter Registration Application (EL-131) at the clerk's office, by mail, or at the polling place on Election Day.

Voter Registration Application (EL-131): the form prescribed by the Wisconsin Election Commission to register an individual to vote in Wisconsin.

Voter-Verified Paper Audit Trail (VVPAT): refers to the requirement under Wis. Stat. § 5.91(18), that all direct recording electronic (DRE) voting systems produce a complete, permanent paper record showing all votes cast by the voter. The voter-verified paper audit trail (VVPAT) is considered the official ballot and is to be used in a recount of each vote cast by the voter.

W

ward: a town, village or city subdivision created for the convenience of the voters therein and to facilitate the division of such municipalities into election districts of substantially equal population numbers along common boundaries observing the community of interest of existing neighborhoods and other settlements.

WCCA: Wisconsin County Clerks Association.

Wisconsin Elections Commission (WEC): refers to the new agency formed on June 30, 2016, when the Government Accountability Board was split into the Wisconsin Elections Commission and Wisconsin Ethics Commission.

WisVote: a single, centralized, computerized statewide voter registration list managed by the Wisconsin Elections Commission. WisVote is used by state, county and municipal election officials to maintain a list of registered voters, manage and produce voter lists, process absentee and provisional ballots, and to manage a wide variety of other election-related activities.

WMCA: Wisconsin Municipal Clerks Association. Use WMCA on second reference.

WTA: Wisconsin Towns Association. Use WTA on second reference.