U.S. ELECTION ASSISTANCE COMMISSION

2016 Election Administration & Voting Survey

Statutory Overview

In order to better understand state laws governing Federal elections, the U.S. Election Assistance Commission, as part of its biennial Election Administration and Voting Survey, is collecting information on state election laws and procedures. These answers will help EAC to better understand the quantitative data relating to the 2016 general election that we are collecting from all U.S. states and territories.

EAC understands that responding to this Statutory Overview may require significant staff time on the part of your office. Please be assured that we have attempted to minimize the burden, and we appreciate your cooperation in this very important project.

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DIRECTIONS AND EXAMPLE

As appropriate, please provide your state's legal citation for the responses to the questions beginning on the following page.

Please answer each question to the best of your ability. If a term or concept is ambiguous, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference in your state but is widely used in practice, please explain. If election procedures vary at the local level within your state, please explain these variations to the best of your ability.

The Statutory Overview data collection document has two columns below each question.

- On the left, we have provided you with the answer your state provided for the 2014 Statutory Overview. If there has not been a change in your state's laws or legal citation in the response to a question, please mark the box labeled **No Change since 2014** at the top of the left column.

- If the response has changed since 2014 – or your state has not answered this question previously for some reason— please mark the box labeled **Changed since 2014** at the top of the right column and then provide the new answer in the text box provided. If your response is too long to fit in the box, please make a note in the text box and place your response in the "Notes" page at the end of the document. Additionally, if a law was repealed in full, please answer "repealed in full" in the box.

If any of your state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court or by executive decision, please specify.

Example:

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a) Over-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

State code 1.11 - An attempt to vote for a larger number of candidates than is allowed.

b) Under-vote

☐ **No Change since 2014** ☒ **Changed since 2014**

This term has no legal definition.

State code 1.12 - An attempt to vote for a smaller number of candidates than is allowed.

SECTION A: GENERAL

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a) Over-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

b) Under-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The term "undervote" is not defined in Wisconsin Statutes.

2016 Response:

c) Blank ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The term “blank ballot” is used in Wis. Stats. §§7.51(2)(c) and 7.52(4)(c), and it
is defined only for the terms of those sections as “a ballot on which no votes are
cast for any office or question.” Please see the relevant text below:
7.51 Local board of canvassers. (2) TALLYING.
(c) Whenever the number of ballots exceeds the number of voting electors as
indicated on the poll list, the inspectors shall place all ballots face up to check for
blank ballots. In this paragraph, “blank ballot” means a ballot on which no votes
are cast for any office or question. The inspectors shall mark, lay aside and
preserve any blank ballots. Except in municipalities where absentee ballots are
canvassed under s. 7.52, if the number of ballots still exceeds the number of
voting electors, the inspectors shall place all ballots face down and proceed to

2016 Response:

d) Void/Spoiled ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Wisconsin does not use the term “void ballot”. Wisconsin Statutes do refer to a “spoiled ballot” throughout, but never defines it directly. Please see the below references:
5.91 Requisites for approval of ballots, devices and equipment.
(16) It provides an elector with the opportunity to change his or her votes and to correct any error or to obtain a replacement for a spoiled ballot prior to casting his or her ballot.
6.80 Mechanics of voting.(2) METHOD OF VOTING.
(c) Any elector who, by accident or mistake, spoils or erroneously prepares a ballot may receive another, by returning the defective ballot, but not to exceed 3 ballots in all.
6.86 Methods for obtaining an absentee ballot.
(5) Whenever an elector returns a spoiled or damaged absentee ballot to the municipal clerk, or an elector’s agent under sub. (3) returns a spoiled or damaged ballot to the clerk on behalf of an elector, and the clerk believes that the ballot was issued to or on behalf of the elector who is returning it, the clerk shall issue a new ballot to the elector or elector’s agent, and shall destroy the spoiled or damaged ballot. Any request for a replacement ballot under this subsection must be made within the applicable time limits under subs. (1) and (3)

2016 Response:

e) Provisional/Challenged ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

f) Absentee

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Wisconsin Statute § 6.85 defines an absent elector as "any otherwise qualified elector who for any reason is unable or unwilling to appear at the polling place in his or her ward."
Please see the below relevant text:
6.85 Absent elector; definition.
(1) An absent elector is any otherwise qualified elector who for any reason is unable or unwilling to appear at the polling place in his or her ward or election district.
(2) Any otherwise qualified elector who changes residence within this state by moving to a different ward or municipality later than 28 days prior to an election may vote an absentee ballot in the ward or municipality where he or she was qualified to vote before moving.
(3) An elector qualifying under this section may vote by absentee ballot under ss. 6.86 to 6.89.

2016 Response:

g) Early voting

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Wisconsin does not have early voting. We have in-person absentee voting available which is similar, but the votes are not actually cast until Election Day at their associated polling place.

2016 Response:

h) Active Voter

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Wisconsin Statutes do not define this term. Statewide Voter Registration System (SVRS) manuals refer to "active" status throughout, but do not define what makes a voter "active". The best definition is that an "active voter" is one who is a currently qualified and registered elector whose name will appear on the poll book.

2016 Response:

Wisconsin Statutes do not define this term. WisVote (which as replaced SVRS)as the Statewide Voter Registration System manuals refer to "active" status throughout, but do not define what makes a voter "active". The best definition is that an "active voter" is one who is a currently qualified and registered elector whose name will appear on the poll book.

i) Inactive Voter

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Wisconsin Statutes do not define this term. Statewide Voter Registration System (SVRS) manuals refer to making a voter "inactive", but do not exhaustively define the situations in which a voter may be made inactive. The best definition is that an "inactive voter" is any person who was at one point an active voter, but whose name now will not appear on the poll book for some specified reason (deceased, felon, etc.)

2016 Response:

Wisconsin Statutes do not define this term. WisVote (which has replaced SVRS as the Statewide Voter Registration System) manuals refer to making a voter "inactive", but do not exhaustively define the situations in which a voter may be made inactive. The best definition is that an "inactive voter" is any person who was at one point an active voter, but whose name now will not appear on the poll book for some specified reason (deceased, felon, etc.)

j) Other terms (please specify) _____

☐ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

2016 Response:

A2. Please provide the legal citation for any *significant* changes to election laws or procedures that have been enacted or adopted since the previous Federal election. "Significant" does not include routine or technical changes (such as changes to election district boundaries or polling place changes). However, EAC would like to learn about any new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; and other changes that you believe represent a significant change in the way your state runs its elections.

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

2015 Act 36 (Senate Bill 96): This act provides that, if the difference between the votes cast for the leading candidate and those cast for the petitioner, or the difference between the affirmative and negative votes cast on the referendum question, is less than 10 if 4,000 or fewer votes are cast or not more than 0.25 percent of the total votes cast for the office or on the question if more than 4,000 votes are cast, the petitioner does not pay for the recount.

2015 Act 37 (Senate Bill 121):
• The act requires that a write-in candidate must file a registration statement no later than noon on the Friday before the election to be a registered write-in candidate.
• The act provides that the board of canvassers need not reconvene if the municipal clerk certifies that he or she has received no provisional or absentee ballots from the time that the board of canvassers completed the initial canvass and 4 p.m. on the Friday after the election.
• The act requires electors to submit a petition to pass an ordinance or resolution (direct legislation) at least 70 days from the date on which the council or board must act.
• The act removes language related to an elector affixing a sticker to a ballot.
• Under current law, if a school board election is held in conjunction with a state, county, municipal, or judicial election, the school board election must take place at the same polling place, and the municipal election hours apply. This act provides that a school board referendum held in conjunction with a state, county, municipal, or judicial election is subject to the same procedures.

5. 2015 Wisconsin Act 39 (Senate Bill 71): Under this act, an inspector's registration duties may be performed by the municipal clerk, if the clerk is not a candidate listed on the ballot, or by special registration deputies appointed by the municipal clerk or board of election commissioners, without the municipality first adopting a resolution to allow the procedure.

SECTION B: VOTER REGISTRATION

B1. Is your state's voter registration database system best described as a bottom-up, a top-down, or a hybrid? (Note: A bottom-up system generally uploads information retained at the local level and compiled at regular intervals to form the statewide voter registration list. A top-down system is hosted on a single, central platform/mainframe and is generally maintained by the state with information supplied by local jurisdictions. A hybrid is some combination of both systems described above.)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Hybrid. Data is entered locally, but the database is administered at a state level.

2016 Response:

If your state uses a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Data is entered real-time.

2016 Response:

B2. Please describe the process used in your state to move voters from the active list to the inactive list, and from the inactive list to the active list. Is a different process used for UOCAVA voters?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

In Wisconsin, there are only 2 voter statuses: Active (on the poll book) & Inactive/Canceled (not on the poll book). Voters can only be moved to the inactive/canceled list for specific reasons and each reason follows its own statutory procedure with most requiring notice to the elector before the change is made. The reasons are:
voter verification mailing undeliverable – Wis. Stat. § 6.32 (4), § 6.56(3)
incompetent – Wis. Stat. § 6.03(1)(a)
felony record match – Wis. Stat. § 6.03(1)(b), § 6.36(1)(a) & § 301.03(20m)
confirmed registered out of state – Wis. Stat. § 6.36(1)(d)
expiration of confidential listing – Wis. Stat. § 6.47(6)
challenged registration – Wis. Stat. § 6.48(1)(d) & (2)(b)
4 year maintenance – Wis. Stat. § 6.50(2)
administrative action – Wis. Stat. § 6.50(3)
deceased – Wis. Stat. § 6.50(4)
condemnation of address – Wis. Stat. § 6.50(5)
cancellation by elector – Wis. Stat. § 6.50(6)

2016 Response:

B3. Please describe your state's process for removing voters from the voter registration rolls (not merely moving them from active to inactive). Please include information regarding notices and confirmations. Are these procedures the same for UOCAVA voters?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Voters are never removed from our voter registration database. They are simply moved to Inactive/Canceled status where they do not appear on a poll book anymore. UOCAVA voters are treated the same.

2016 Response:

B4. Can your state's voter registration database (or equivalent) share information electronically with your state's driver's license agency (for example, to match records or trace changes in address)? Can your voter registration database be similarly linked with databases in any other state or Federal agencies? Please describe these links, including any use of database matching to verify voter registration applications.

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

The Wisconsin Statewide Voter Registration System (SVRS) sends voter name (first, last, middle), identifying number (DL or SS#) and DOB information to the Wisconsin Department of Transportation. Information is forwarded on from Wisconsin Department of Transportation to the Social Security Administration if the identifying number is a SS#.

Wisconsin's Department of Corrections and Office of Vital Records also regularly send SVRS a file which is loaded into our system to check for convicted felons and confirmed deaths.

We do not have real-time links with any state or federal database.

2016 Response:

There has been no change in process, but SVRS has been redesigned and relaunched as WisVote.

B5. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with NCOA?

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

The state does not use the National Change of Address database.

2016 Response:

In 2016, Wisconsin became a member of ERIC which utilizes NCOA.

B6. Please describe your state's voting eligibility requirements as they relate to individuals with a felony conviction. (For example, are convicted felons allowed to vote while in prison or while on parole or probation? Are voting rights automatically restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate? Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Felons who were active voters are moved to an inactive status upon notification from the courts that they are convicted of a felony. Their rights are restored upon completing the terms of their felony sentence, but they are not automatically returned to active status. The felon needs to reapply for voter registration just like any other inactive voter. No documentation of their restored rights is required to re-register

Wisconsin does provide lists of convicted felons at the polling place to guard against potential Election Day registration of felons. If an Election Day registrant is found to be on the felon list, but the voter disputes the match, they are still allowed to vote, but the ballot is challenged for subsequent review.

2016 Response:

B7. Does your state currently use the Internet in any way to facilitate voter registration? If yes, please describe how your state allows voters to use the Internet in the registration process (e.g., entire registration completed online; completed online but then must be printed, signed, and mailed by voter, etc.).

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Wisconsin provides a fillable PDF of the voter registration form on our website. The voter still needs to print the form, sign it and send it to their local elections official. We also regularly review 3rd party voter registration and information websites to confirm the accuracy of the information provided.

In 2012, Wisconsin launched the "My Vote Wisconsin" website (https://myvote.wi.gov), developed with a grant from the Federal Voting Assistance Program (FVAP). Registered voters have access to information specific to them. Potential voters can also find some basic information applicable to them by providing their voting address. All prospective voters may use the website to create and print a voter registration application, which they then sign and mail or hand deliver to the municipal clerk.

In addition, there is a section for military and permanent overseas voters to request an absentee ballot and access their absentee ballot online. The new online absentee ballot request and online absentee ballot access features work with the

2016 Response:

SECTION C: ELECTION ADMINISTRATION

C1. Please describe how all votes cast at a place other than the voter's precinct of registration are tabulated (for example, please include descriptions of such votes as absentee ballots, mail-in ballots, votes cast at vote centers, provisional ballots, early voting locations, etc.).

a. Are the votes counted centrally or at the precincts?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Both. The general rule is that all ballots are counted at the polling place per Wis. Stat. § 7.51. However, Wis. Stat. § 5.86 does provide for counting of optical scan votes at a central location and § 7.52 provides for central count of absentee votes only.

2016 Response:

b. If centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

After tabulation, the results are reported to the appropriate local municipality to be included in their canvass.

2016 Response:

c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The various submission types are not reported separately on the canvass itself. However we do capture a large amount of this data on a separate voting statistics report (GAB-190) that is required under Wis. Stat. § 6.275(1) to be completed by the municipal clerk within 30 days after each primary and election for state or federal office.

2016 Response:

d. How are UOCAVA ballots counted and reported?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

UOCAVA ballots are counted and reported just like absentee ballots. However, Wis. Stat. § 6.276 requires that a UOCAVA statistics report be submitted within 30 days of each general election. The report contains the following data: number of absentee ballots sent to military electors, number of absentee ballots sent to overseas electors, and the combined number of those ballots that were successfully cast by UOCAVA electors. A state report is then compiled and submitted to the EAC.

2016 Response:

C2. Does your state require a reason for voting absentee, or does your state allow no-excuse absentee voting? (If a reason is required, please provide the legal citation.)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No excuse is required under Wis. Stat. § 6.85 to qualify as an absentee voter.

2016 Response:

C3. Does your state provide for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these votes reported?

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Wisconsin does not provide for early voting. Instead we have in-person absentee voting that is functionally similar for the voter, but the ballot is not processed until Election Day. Absentee voting by mail begins forty-seven (47) days before federal elections and twenty-one (21) days before any other election and continues until 5:00 PM the Friday before Election Day (other deadlines may apply for special situations). Absentee ballots may be requested by mail until the Thursday before Election Day and in-person at the clerk's office or other designated site from the third Monday preceding Election Day through 5 p.m. or close of business (whichever is later) on the Friday before Election Day. In person absentee voting is limited to between 8 a.m. and 7 p.m., Monday Through Friday excluding holidays, and voting in-person absentee by appointment is prohibited.

2016 Response:

Recent federal court decision now removes the limitations on when in-person voting can be conducted. Each municipal clerk decides the days and hours of availability for in-person absentee voting. In-person absentee voting may be conducted as soon as ballots are available through the Sunday before the election.

C4. Do any jurisdictions in your state use a vote-by-mail system to replace (and not merely supplement) at-the-precinct voting in any elections?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No.

2016 Response:

C5. Please list each of the situations that require a provisional ballot in your state. Please provide the relevant legal citation for each situation.

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

A qualified elector registering to vote at the polls on Election Day, who has been issued a current and valid Wisconsin driver's license, but does not provide the driver's license number, shall be allowed to vote a provisional ballot. GAB 3.04(2).

A first-time Wisconsin registrant by mail who fails to include proof of residence as required under Wis. Stat. § 6.34, and subsequently fails to provide proof of residence on Election Day, shall be allowed to vote a provisional ballot according to Wis. Stat. § 6.97. See § 6.34(2), "Each elector who is required to register under § 6.27 who is not a military or an overseas elector who registers by mail, and who has not voted in an election in this state shall, if voting in person, provide an identifying document that establishes proof of residence…"

Wisconsin 2011 Act 23 requires a provisional ballot for voters who do not have photo ID, but it should be noted this provision has been enjoined by two Dane County Circuit courts. The decision has been appealed.

2016 Response:

A qualified elector registering to vote at the polls on Election Day, who has been issued a current and valid Wisconsin driver's license, but does not provide the driver's license number, shall be allowed to vote a provisional ballot. EL s. 3.04(2), Wis. Adm. Code.

The second provisional ballot scenario and citations remain the same.

The photo ID requirement is now in effect and a provisional ballot is issued to voters who do not present a photo ID at the polling place.

C6. Does your state count provisional ballots of voters who are registered in different precincts, or are those ballots automatically rejected? Please describe the process used by local election officials in determining whether to count a provisional ballot.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

We do not issue provisional ballots to voters who are registered in different polling places. Wisconsin allows Election Day registration so there is no barrier for the voter to re-register in the appropriate ward.

In either provisional ballot situation, the voter has until 8:00PM on Election Day to provide the required information to the elections inspectors at the polling place or until 4:00PM the Friday following Election Day to provide the required information to the municipal clerk for their ballot to be counted.

2016 Response:

C7. Please describe your state's laws regarding post-election audits, if any. A post-election audit refers to hand-counting votes on paper records and comparing those counts to the corresponding vote counts originally reported, as a check on the accuracy of election results, and resolving discrepancies using accurate hand counts of the paper records as the benchmark.

If your state has post-election auditing, consider including in your response information such as the unit being audited (e.g., precincts, machines); the sampling method (e.g., fixed percentages); whether there is a specific trigger for the audit; the location of the random selection (e.g., state, county); and the races that can be audited.

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Verification of Late & Election Day Registrants
Electors who register to vote after the twentieth (20th) day before the election, electors who register by agent as a hospitalized elector and Election Day registrants, are all sent a firstclass postcard to the address provided on their registration form. Registrants whose postcards are returned undeliverable are removed from the registration list and referred to the district attorney where the polling place is located. The names of such registrants are also submitted to the Government Accountability Board. Wis. Stat. § 6.56(3).

After all Election Day registrations have been processed, the Government Accountability Board shall compare the list of late registrants against the felon list provided by the Department of Corrections as of Election Day. If the board finds a match, the board shall inactivate the voter and refer the name to the district attorney where the polling place is located. Wis. Stat. § 6.56(3m).

After each election, the municipal clerk shall perform an audit to assure that no person has been allowed to vote more than once. If the clerk has good reason to believe that a person has voted more than once in an election, the clerk shall send the person a 1st class letter asking for clarification or the voter will be made inactive within seven (7) days. The letter and any subsequent information received from or about the addressee shall be sent to the district attorney where the person resides and to the Government Accountability Board. Wis. Stat. § 6.56(4).

Enforcement of Federal Voting System Standards – Wis. Stat. § 7.08(6)
Following each November general election, the Government Accountability Board shall audit the performance of each voting system to determine the error rate of the system in counting ballots that are validly cast by voters. The audit is designed to assess how electronic voting systems performed on Election Day through a hand-count of electronically tallied ballots.

Fifty (50) reporting units are randomly selected to be audited by municipal clerks. At least five (5) reporting units of each

2016 Response:

Enforcement of Federal Voting System Standards – Wis. Stat. § 7.08(6)
Following each November general election, the Elections Commission shall audit the performance of each voting system to determine the error rate of the system in counting ballots that are validly cast by voters. The audit is designed to assess how electronic voting systems performed on Election Day through a hand-count of electronically tallied ballots.

One hundred (100) reporting units are randomly selected to be audited by municipal clerks. At least five (5) reporting units of each type of system being used will be selected. If adequate representation is not achieved from the random selection, further reporting units will be drawn until the minimum representation is achieved. These audits are considered a public meeting and shall be noticed at least 48 hours in advance.

Error rates in excess of 1-in-10,000,000 (any error) will be referred to the vendor for explanation. If a vendor is unable to provide a sufficient written explanation within 30 days of notification the Elections Commission will suspend approval of all voting systems manufactured or serviced by the vendor in Wisconsin. Based upon the results of the audit the board also may choose to retest a system under as a condition of continued approval.

Local municipalities are encouraged to do their own voluntary audits of voting equipment after each election.

C8. Please describe any state requirements for poll worker training.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

In Wisconsin, poll workers are called "election inspectors" and their training is mandated by Wis. Stats. § 7.31 & 7.315. There are two levels of election inspector: the chief inspector and regular inspectors. The chief inspector is the liaison between the clerk and the election inspectors and is in charge of the polling place on Election Day. Regular election inspectors staff the polling place on Election Day.

Chief inspectors are required to attend "Baseline" training, conducted by the state, in order to be initially certified. Attending Baseline training certifies the attendee as a chief inspector for the current election cycle (a 2 year term, ending Dec. 31st of each odd-numbered year). In order to recertify for the following election cycle, a chief inspector must attend at least six (6) hours of Government Accountability Board-approved continuing election education during the current term. Attendance at Baseline training counts as three (3) of those hours. Wis. Stat. § 7.31, GAB 11.

Election inspectors are required to attend one (1) training session, conducted by the municipal clerk, every two (2) years and must have attended such training within two (2) years of any election at which they serve. Wis. Stat. § 7.315.

2016 Response:

SECTION D: ELECTION DAY ACTIVITIES

D1. Please describe your state's process for capturing "over-vote" and "under-vote" counts.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

First, we attempt to screen out over-votes and under-votes as much as possible. The process depends on the voting system in use in the municipality. Obviously there is no way to catch an over-vote or under-vote in a hand-count paper ballot system. However, electronic voting equipment does provide such warnings. Optical scan tabulating devices are programmed to give an audible warning to help prevent an elector from over-voting. Direct-record electronic devices will not let the elector over-vote and also provide a warning when the elector undervotes a contest. Wis. Stat. § 5.91.

Once a ballot has been cast with an under-vote or over-vote, we do not currently have a process of capturing the total number of ballots cast with an over-vote or under-vote. We are currently in the process of refining our data collection processes and may seek to capture that data in the future.

2016 Response:

D2. What identification does your state require from voters in the following situations:

a. registering to vote;

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

2013 Act 182 provided that all voter registrations, regardless of how or when submitted, must be accompanied by Proof of Residence, excluding military and permanent overseas voters. The legislation was effective April 4, 2014. After that date, all registrations must be accompanied by POR. Registrations submitted by mail before that date did not have to be accompanied by POR, but the POR was required to be provided before receiving a ballot

b. casting an in-person ballot;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The elector is required to announce their name and address to the election inspectors, present a valid photo identification, and sign the poll list before receiving a ballot. Wis. Stat. § 6.79(2)(a).

If a registrant did not provide proof of residence when required, they must show the election inspector proof of residence before receiving a ballot. Those electors should have "ID required" printed next to their name in the poll book. Wis. Stat. § 6.79(2)(d).

2016 Response:

c. casting a mail-in or absentee vote;

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Voters who request an absentee ballot by mail must include a valid copy of their proof of identification with their request for an absentee ballot. Wis. Stat. § 6.87(1). There are also specific procedures for indefinitely confined voters and those voting by means of a special voting deputy to comply with the proof of identification requirements.

If the elector did not submit proof of residence (if so required), they should submit the required proof of residence with the absentee ballot. Wis. Stat. § 6.87(4).

In addition, an absentee elector is required to have an adult US citizen witness the process of them marking their ballot (without disclosing how they voted) and then must sign and have the witness sign a certification statement. Wis. Stat. § 6.87(4).

2016 Response:

d. casting a ballot under UOCAVA;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No further identification is required. Casting a UOCAVA ballot is identical to casting a regular absentee ballot with the exception that a UOCAVA elector is never required to provide proof of residence or proof of identification. An adult US citizen witness is still required. Wis. Stats. § 6.22, 6.24.

2016 Response:

e. any other stage in registration or voting process in which identification is required (please specify).

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No.

2016 Response:

D3. Please describe your state's laws regarding access to the polling place for election observers. Election observers are people allowed inside the polling place who are not poll workers, election officials or voters. If decisions on access to observers are left to local jurisdictions, please explain.

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Any member of the public, except a candidate who appears on the ballot, may be present at any polling place, in the office of any municipal clerk whose office is located in a public building on any day that absentee ballots may be cast in that office, or at an alternate site designated according to Wis. Stat. § 6.855 on any day that absentee ballots may be cast at that site for the purpose of observation of an election and the absentee ballot voting process. Wis. Stat. § 7.41(1). Polling places must now provide an observation area located from three-to-eight feet from the table where voters register and obtain a ballot.

The Wisconsin Government Accountability Board also provides guidance through emergency rules regarding election observers, GAB Chapter 4. While the emergency rules have expired, the language represents the Board's interpretation and application of current statutes. This Wisconsin Legislature and the Government Accountability Board are currently in the process of finalizing a revision to this rule.

2016 Response:

The Wisconsin Elections Commission also provides guidance through emergency rules regarding election observers, EL Chapter 4. While the emergency rules have expired, the language represents the Commission's interpretation and application of current statutes.

SECTION E: OTHER

E1. Under HAVA, Section 402, states are required to establish and maintain administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No. Wis. Stat. § 5.061 remains unchanged since first implemented.

2016 Response:

E2. Please add any additional comments or information about your state's election administration processes that would help to inform the EAC's interpretation of your data.

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

The voter photo identification section of 2011Wisconsin Act 23 is currently enjoined.

It is also important to note the distinction between in-person absentee and early voting. Unlike early voting, in-person absentee can only be conducted in the clerk's office (unless an alternative site is designated under Wis. Stat. § 6.855, in which case in-person absentee may only be conducted at the alternative site). Also, the absentee ballot is not counted until Election Day, so an in-person absentee voter may still be able to beat their ballot to the polls and vote on Election Day, in

2016 Response:

The voter ID law is no longer enjoined. A federal court decision declared unconstitutional the following components of Wisconsin election laws, and the decision is currently on appeal:
1. The restriction limiting municipalities to one location for in-person absentee voting.
2. The limits on the time for in-person absentee voting, except for the prohibition applicable to the Monday before Election Day.
3.The requirement that dorm lists (which are used to accompany a student ID as proof of residence) include citizenship information.
4. The change in the residency requirement from 10 days to 28 days

* The information collection associated with the Election Administration and Voting Survey is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1). This part of the information collection is being requested to help the EAC to better understand state laws governing Federal elections. Respondents include the fifty states, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC website (www.eac.gov). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 04/30/2017). The time required to complete this information collection is estimated to average 59 hours per state response. This estimate includes the time for reviewing the instructions, gathering information, and completing the form. Comments regarding this burden estimate should be sent the U.S. Election Assistance Commission – 2014 Election Administration and Voting Survey, 1335 East West Highway, Suite 4300, Silver Spring MD, 20910.

NOTES – please place longer responses below

Appendix A – Wisconsin 2014 Responses

A1a. Over-vote

An "over-vote" is not legally defined in Wisconsin Statutes. The term "overvote" is used in Wis. Stats. §§ 5.85(2)(a)-(c) and 5.90(1). It is also inferred in § 5.91(7). From the inference in §5.91(7), staff has defined an "overvote" as "votes in excess of the number allowed by law" in our Election Administration Manual, page 75. Please see the relevant text below:

5.85 Receiving, counting, tallying and return of ballots. (2) (a) The election officials shall examine the ballots or record of votes cast for write-in votes and shall count and tabulate the write-in votes. When an electronic voting system is used in which ballots are distributed to electors, before separating the remaining ballots from their respective covering envelopes, the election officials shall examine the ballots for write-in votes.

When an elector has cast a write-in vote, the election officials shall compare the write-in vote with the votes on the ballot to determine whether the write-in vote results in an overvote for any office. In case of an overvote for any office, the election officials shall make a true duplicate ballot of all votes on the ballot except for the office that is overvoted, by using an official ballot of that kind used by the elector who voted the original ballot, and one of the marking devices so as to transfer all votes of the elector except for the office over voted, to an official ballot of that kind used in the ward at that election. Unless election officials are selected under s. 7.30 (4) (c) without regard to party affiliation, the election officials shall consist in each case of at least one election official of each of the 2 major political parties, whenever officials of both parties are present.

(b) Write-in votes shall be counted as provided in s. 7.50 (2) (d). The original ballot upon which there is an overvote shall be clearly labeled "Overvoted Ballot" and the duplicate ballot produced under par. (a) shall be clearly labeled "Duplicate Overvoted Ballot." The election officials shall place the same serial number on each "Overvoted Ballot" and its corresponding "Duplicate Overvoted Ballot," commencing with number "1" and continuing consecutively for each of the ballots for which a "Duplicate Overvoted Ballot" is produced in that ward or election district. The election officials shall initial the "Duplicate Overvoted Ballot" ballots and shall place them in the container for return of the ballots. The "Overvoted Ballot" ballots and their envelopes shall be placed in the "Original Ballots" envelope.

(c) Ballots bearing write-in votes marked in the place designated for write-in votes, bearing the initials of an election official, not resulting in an overvote, and otherwise complying with the election laws as to marking shall be counted, tallied, and their votes recorded on a tally sheet provided by the municipal clerk. Ballots and ballot envelopes shall be separated and all ballots except any that are defective or overvoted shall be placed separately in the container for return of the ballots, along with the ballots marked "Duplicate Overvoted Ballots."

5.90 Recounts.

(1) Except as otherwise provided in this subchapter, recounts of votes cast on an electronic voting system shall be conducted in the manner prescribed in s. 9.01. Except as provided in sub. (2) and s. 9.01 (1) (b) 8s., if the ballots are distributed to the electors, the board of canvassers shall recount the ballots with automatic tabulating equipment. The board of canvassers shall test the automatic tabulating equipment to be used prior to the recount as provided in s. 5.84, and then the official ballots or the record of the votes cast shall be recounted on the automatic tabulating equipment. In addition, the board of canvassers shall check the ballots for the presence or absence of the initials and other distinguishing marks, shall examine the ballots marked "Rejected", "Defective" and "Objected to" to determine the propriety of such labels, and shall compare the "Duplicate Overvoted Ballots" and "Duplicate Damaged Ballots" with their respective originals to determine the correctness of the duplicates. If electronic voting machines are used,

the board of canvassers shall perform the recount using the permanent paper record of the votes cast by each elector, as generated by the machines.

5.91 Requisites for approval of ballots, devices and equipment.

(7) It permits an elector to vote at an election for all persons and offices for whom and for which the elector is lawfully entitled to vote; to vote for as many persons for an office as the elector is entitled to vote for; to vote for or against any question upon which the elector is entitled to vote; and it rejects all choices recorded on a ballot for an office or a measure if the number of choices exceeds the number which an elector is entitled to vote for on such office or on such measure, except where an elector casts excess write-in votes upon a ballot that is distributed to the elector.

Election Administration Manual, page 75 (Voting Equipment section):

a. Overvotes are votes in excess of the number allowed by law.

A1e. Provisional ballot

Provisional ballots are different than challenged ballots in Wisconsin. We will define them separately.

Challenged Ballot

Any qualified elector of the state may challenge a ballot "for cause". The challenge must go to the voter's qualification to vote in the district where the vote was cast. Challenge procedure is well laid out by the Legislature in Wis. Stats. § 6.92 through § 6.95 as well as in GAB Administrative Rule Chapter 9. Please see the below relevant text:

6.92 Inspector making challenge.

(1) Except as provided in sub. (2), each inspector shall challenge for cause any person offering to vote whom the inspector knows or suspects is not a qualified elector or who does not adhere to any voting requirement under this chapter. If a person is challenged as unqualified by an inspector, one of the inspectors shall administer the following oath or affirmation to the person: "You do 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"; and shall then ask questions which are appropriate as determined by the board, by rule, to test the person's qualifications.

(2) An inspector appointed under s. 7.30 (2) (am) may not challenge any person offering to vote.

6.925 Elector making challenge in person. Any elector may challenge for cause any person offering to vote whom the elector knows or suspects is not a qualified elector. If a person is challenged as unqualified by an elector, one of the inspectors may administer the oath or affirmation to the challenged elector under s. 6.92 and ask the challenged elector the questions under that section which are appropriate to test the elector's qualifications. In addition, one of the inspectors shall administer the following oath or affirmation to the challenging elector: "You do 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"; and shall then ask questions which are appropriate as determined by the board, by rule, to test the qualifications of the challenged elector.

6.93 Challenging the absent elector. The vote of any absent elector may be challenged for cause and the inspectors of election shall have all the power and authority given them to hear and determine the legality of the ballot the same as if the ballot had been voted in person. In municipalities where absentee ballots are canvassed under s. 7.52, the vote of an absentee elector may be challenged as provided in s. 7.52 (5).

6.935 Challenge based on incompetency. Section 6.03 (3) applies to any challenge of a person's right to vote under s. 6.92, 6.925, 6.93, or 7.52 (5) based on an allegation that an elector is incapable of understanding the objective of the elective process and thereby ineligible to vote.

6.94 Challenged elector oath. If the person challenged refuses to answer fully any relevant questions put to him or her by the inspector under s. 6.92, the inspectors shall reject the elector's vote. If the challenge is not withdrawn after the person offering to vote has answered the questions, one of the inspectors shall administer to the person the following oath or affirmation: "You do solemnly swear (or affirm) that: you are 18 years 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 s. 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". If the person challenged refuses to take the oath or affirmation, the person's vote shall be rejected. If the person challenged answers fully all relevant questions put to the elector by the inspector under s. 6.92, takes the oath or affirmation, and fulfills the applicable registration requirements, and if the answers to the questions given by the person indicate that the person meets the voting qualification requirements, the person's vote shall be received.

6.95 Voting procedure for challenged electors. Whenever the inspectors under ss. 6.92 to 6.94 receive the vote of a person offering to vote who has been challenged, the inspectors shall, before giving the elector a ballot, write on the back of the ballot the serial number of the challenged person corresponding to the number kept at the election on the poll list, or other list maintained under s. 6.79, and the notation “s. 6.95”. If voting machines are used in the municipality where the person is voting, the person’s vote may be received only upon an absentee ballot furnished by the municipal clerk which shall have the corresponding serial number from the poll list or other list maintained under s. 6.79 and the notation “s. 6.95” written on the back of the ballot by the inspectors before the ballot is given to the elector. The inspectors shall indicate on the list the reason for the challenge.

The inspectors shall then deposit the ballot. The challenged ballots shall be counted under s. 5.85 or 7.51. The municipal board of canvassers may decide any challenge when making its canvass under s. 7.53. If the returns are reported under s. 7.60, a challenge may be reviewed by the county board of canvassers. If the returns are reported under s. 7.70, a challenge may be reviewed by the chairperson of the board or the chairperson’s designee. The decision of any board of canvassers or of the chairperson or chairperson’s designee may be appealed under s. 9.01. The standard for disqualification specified in s. 6.325 shall be used to determine the validity of challenged ballots.

7.52 Canvassing of absentee ballots.

(5)

(a) The vote of any absent elector may be challenged by any elector for cause and the board of absentee ballot canvassers shall have all the power and authority given the inspectors to hear and determine the legality of the ballot the same as if the ballot had been voted in person.

(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. If the person challenged refuses to answer fully any relevant questions put to him or her by the board of absentee ballot canvassers under s. 6.92, the board of absentee ballot canvassers shall reject the person's vote. If the challenge is not withdrawn after the person offering to vote has answered the questions, one of the members of the board of absentee ballot canvassers shall administer to the person the following oath or affirmation: "You do solemnly swear (or affirm) that: you are 18 years 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 s. 6.02 (2), stats.; 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." If the person challenged refuses to take the oath or affirmation, the person's vote shall be rejected. If the person challenged answers fully all relevant questions put to the elector by the board of absentee ballot canvassers under s. 6.92, takes the oath or affirmation, and fulfills the applicable registration requirements, and if the answers

to the questions given by the person indicate that the person meets the voting qualification requirements, the person's vote shall be received.

Provisional Ballot

The term “provisional ballot” is not used in the Wisconsin Statutes. However, we do have what amounts to a provisional ballot procedure in Wis. Stat. § 6.97 which allows individuals to cast a ballot which is held until the clerk can confirm the voter’s qualifications in the district where the vote was cast.

Please see the below relevant text:

6.97 Voting procedure for individuals not providing required proof of residence.

6.97(1) **(1)** Whenever any individual who is required to provide proof of residence under s. 6.34 in order to be permitted to vote appears to vote at a polling place and cannot provide the required proof of residence, the inspectors shall offer the opportunity for the individual to vote under this section. Whenever any individual, other than a military elector, as defined in s. 6.34 (1) (a), or an overseas elector, as defined in s. 6.34 (1) (b), or an elector who has a confidential listing under s. 6.47 (2), appears to vote at a polling place and does not present proof of identification under s. 6.79 (2), whenever required, the inspectors or the municipal clerk shall similarly offer the opportunity for the individual to vote under this section. If the individual wishes to vote, the inspectors shall provide the elector with an envelope marked "Ballot under s. 6.97, stats." on which the serial number of the elector is entered and shall require the individual to execute on the envelope a written affirmation stating that the individual is a qualified elector of the ward or election district where he or she offers to vote and is eligible to vote in the election. The inspectors shall, before giving the elector a ballot, write on the back of the ballot the serial number of the individual corresponding to the number kept at the election on the poll list or other list maintained under s. 6.79 and the notation "s. 6.97". If voting machines are used in the municipality where the individual is voting, the individual's vote may be received only upon an absentee ballot furnished by the municipal clerk which shall have the corresponding number from the poll list or other list maintained under s. 6.79 and the notation "s. 6.97" written on the back of the ballot by the inspectors before the ballot is given to the elector. When receiving the individual's ballot, the inspectors shall provide the individual with written voting information prescribed by the board under s. 7.08 (8). The inspectors shall indicate on the list the fact that the individual is required to provide proof of residence or proof of identification under s. 6.79 (2) but did not do so. The inspectors shall notify the individual that he or she may provide proof of residence or proof of identification to the municipal clerk or executive director of the municipal board of election commissioners. The inspectors shall also promptly notify the municipal clerk or executive director of the name, address, and serial number of the individual. The inspectors shall then place the ballot inside the envelope and place the envelope in a separate carrier envelope.

(2) Whenever any individual who votes by absentee ballot is required to provide proof of residence in order to be permitted to vote and does not provide the required proof of residence under s. 6.34, the inspectors shall treat the ballot as a provisional ballot under this section. Upon removing the ballot from the envelope, the inspectors shall write on the back of the ballot the serial number of the individual corresponding to the number kept at the election on the poll list or other list maintained under s. 6.79 and the notation "s. 6.97". The inspectors shall indicate on the list the fact that the individual is required to provide proof of residence but did not do so. The inspectors shall promptly notify the municipal clerk or executive director of the municipal board of election commissioners of the name, address, and serial number of the individual. The inspectors shall then place the ballot inside an envelope on which the name and serial number of the elector is entered and shall place the envelope in a separate carrier envelope.

(3)

(a) Whenever an elector who votes by provisional ballot under sub. (1) or (2) because the elector does not provide proof of identification under s. 6.79 (2) or 6.86 (1) (ar) later appears at the polling place where the ballot is cast before the closing hour and provides the proof of identification, the inspectors shall remove

the elector's ballot from the separate carrier envelope, shall note on the poll list that the elector's provisional ballot is withdrawn, and shall deposit the elector's ballot in the ballot box. If the inspectors have notified the municipal clerk or executive director of the board of election commissioners that the elector's ballot was cast under this section, the inspectors shall notify the clerk or executive director that the elector's provisional ballot is withdrawn.

(b) Whenever the municipal clerk or executive director of the municipal board of election commissioners is informed by the inspectors that a ballot has been cast under this section, the clerk or executive director shall promptly provide written notice to the board of canvassers of each municipality, special purpose district, and county that is responsible for canvassing the election of the number of ballots cast under this section in each ward or election district. The municipal clerk or executive director then shall determine whether each individual voting under this section is qualified to vote in the ward or election district where the individual's ballot is cast. If the elector is required to provide proof of identification under s. 6.79 (2) or 6.86 (1) (ar) and fails to do so, the elector bears the burden of correcting the omission by providing the proof of identification at the polling place before the closing hour or at the office of the municipal clerk or board of election commissioners no later than 4 p.m. on the Friday after the election. The municipal clerk or executive director shall make a record of the procedure used to determine the validity of each ballot cast under this section. If, prior to 4 p.m. on the Friday after the election, the municipal clerk or executive director determines that the individual is qualified to vote in the ward or election district where the individual's ballot is cast, the municipal clerk or executive director shall notify the board of canvassers for each municipality, special purpose district and county that is responsible for canvassing the election of that fact.

(c) A ballot cast under this section by an elector for whom proof of identification is required under s. 6.79 (2) or 6.86 (1) (ar) shall not be counted unless the municipal clerk or executive director of the board of election commissioners provides timely notification that the elector has provided proof of identification under this section.

(4) Whenever a board of canvassers receives timely notification from the municipal clerk or executive director of the board of election commissioners under sub. (3) that an individual who has voted under this section is qualified to vote in the ward or election district where the individual's ballot is cast, the board of canvassers shall meet no later than 9 a.m. on the Monday following the election. The board of canvassers shall proceed to record the name of the individual who has cast the ballot and, if the ballot cast by the individual is otherwise valid, shall count the ballot and adjust the statements, certifications, and determinations accordingly. If the municipal clerk or executive director transmits returns of the election to the county clerk or board of election commissioners, the municipal clerk or executive director shall transmit to the county clerk or board of election commissioners a copy of the amended returns together with amended tally sheets and all additional ballots reviewed by the board of canvassers.

6.95 Voting procedure for challenged electors.

Whenever the inspectors under ss. 6.92 to 6.94 receive the vote of a person offering to vote who has been challenged, the inspectors shall, before giving the elector a ballot, write on the back of the ballot the serial number of the challenged person corresponding to the number kept at the election on the poll list, or other list maintained under s. 6.79, and the notation “s. 6.95”.

If voting machines are used in the municipality where the person is voting, the person’s vote may be received only upon an absentee ballot furnished by the municipal clerk which shall have the corresponding serial number from the poll list or other list maintained under s. 6.79 and the notation “s. 6.95” written on the back of the ballot by the inspectors before the ballot is given to the elector. The inspectors shall indicate on the list the reason for the challenge. The inspectors shall then deposit the ballot. The challenged ballots shall be counted under s. 5.85 or 7.51. The municipal board of canvassers may decide any challenge when making its canvass under s. 7.53.

If the returns are reported under s. 7.60, a challenge may be reviewed by the county board of canvassers. If the returns are reported under s. 7.70, a challenge may be reviewed by the chairperson of the board or the chairperson's designee. The decision of any board of canvassers or of the chairperson or chairperson's designee may be appealed under s. 9.01. The standard for disqualification specified in s. 6.325 shall be used to determine the validity of challenged ballots.

A2. Below is a brief summary of the 2013-2014 election-related legislative changes in Wisconsin.

1. Assembly Bill 202 (2013 Wisconsin Act 177): certification of election observers.

a. Clerks and chief inspectors must designate observer areas at each polling place.

b. There must be an observer area between three and eight feet of the table at which electors state their name and address to receive a voter number.

c. There must be an observer area between three and eight feet of the registration table.

d. Observers must print their name, sign, and date a log for that polling place.

2. Assembly Bill 396 (2013 Wisconsin Act 159): absentee voting at residential care facilities.

a. Clerks shall send two special voting deputies (SVDs) to each communitybased residential care facility, adult family home, and residential care apartment complex located in the municipality to conduct in-person absentee voting for occupants upon application by one or more qualified electors who are occupants of the facility, home, or complex, and there are at least five registered electors who are occupants.

b. Clerks must post a notice of the visit from at least five working days in advance.

c. Clerks must also provide the public notice to a local news medium and to those news media who have filed a written request to receive such notices, at least five working days in advance.

d. Municipalities that maintain a website must also post the notice online.

e. SVDs must deliver ballot bags or containers of voted absentee ballots to the municipal clerk as soon as possible after visiting the facility and not later than 18 hours after the visit.

f. When a retirement home not served by SVDs is on the same grounds as a facility that is, the clerk must obtain the names and addresses of the retirement home occupants and provide these names and addresses to the SVDs to verify which residents are eligible to cast their ballots with the SVDs.

g. This law first applies to elections held after May 1, 2014.

3. Assembly Bill 419 (2013 Wisconsin Act 178): counting votes for write-in candidates.

a. Generally, election officials will count write-in votes only if there are no candidates certified to appear on the ballot.

b. If there are certified candidates, election officials will only count write-ins for registered write-in candidates.

c. Election officials shall count all write-in votes if a certified candidate dies or withdraws before the election (no process exists to withdraw except for death).

4. Assembly Bill 420 (2013 Wisconsin Act 160): providing a printed name for signers of nomination papers and petitions.

a. Nomination papers or petitions must now include the signer's legible printed name next to their signature.

b. The law first applies to nomination papers for which the initial circulation date is on or after the date of publication.

5. Senate Bill 20 (2013 Wisconsin Act 147): residency of election officials.

a. Election inspectors serving at a polling place must be an elector of the county where the person serves.

b. Chief inspectors must still be a qualified elector of the municipality.

c. High school students must continue to meet the previous requirements.

d. If the political parties do not submit a list of nominees, election inspectors from within the municipality shall have priority.

e. The political parties may submit the list of nominees in any of three ways:

i. to the mayor, president, or chairperson of a municipality (previous law)

ii. to the clerk or the clerk's agent

iii. or they may deliver or mail the list to the office of the municipality.

f. The clerk must then forward the list to the mayor, president, or chairperson of the municipality.

g. County party chairpersons may submit lists of election inspector nominees within the City of Milwaukee.

h. The county party chairperson shall sign the lists of nominees for the appointment of election inspectors.

6. Senate Bill 265 (2013 Wisconsin Act 181): party representation for election officials serving at polling places.

a. Whenever two or more inspectors are required to perform a function within a polling place and both parties that are entitled to submit nominees have done so, the chief inspector must assign, insofar as practicable, an equal number of inspectors from the nominees of each party.

b. The law does not specify how chief inspectors shall assign responsibilities when only one party or no party submits a list of nominees.

c. The person who submits a list of election inspector nominees shall certify on that list that they contacted each nominee, and that each nominee agreed to serve as an election official.

7. Senate Bill 267 (2013 Wisconsin Act 182): recording the type of identifying document provided by an elector as proof of residence.

a. Election officials shall record the type proof of residence document, the entity or institution that issued the document, and a number that applies to the individual, if such a number exists.

b. Election officials shall record the last four digits of the number if the full number contains more than six digits, or the last two digits if the full number is six or fewer digits.

c. The requirement to record the identifying number on the poll list is eliminated.

d. G.A.B. will add space on the voter registration form to enter this information and add these as required fields in SVRS.

e. The law also eliminates the exemption from the proof of residence requirement for those electors who register prior to the close of registration.

i. Military and permanently overseas voters are always exempt from the proof of residence requirement.

ii. All other voters must always provide proof of residence to register to vote.

8. Senate Bill 324 (2013 Wisconsin Act 146): limiting the times for voting by absentee ballot in person.

a. This law limits in-person absentee voting during the in-person absentee ballot period to between the hours of 8 a.m. and 7 p.m., Monday through Friday.

b. In-person absentee voting is prohibited on weekends, holidays or by appointment outside the hours of 8 a.m. to 7 p.m.

c. This law first applies May 27, 2014.

9. Senate Bill 377 (2013 Wisconsin Act 148): reporting registration and voting statistics.

a. Clerks must report information regarding same-day voter registration audit postcards to the county clerk and to GAB at the earliest practicable time after, but no later than

b. 90 days after, an election at which a state or national office is filled or a statewide referendum is held

c. Clerks must report the number of audit postcards mailed, the number returned because the elector did not reside at the address given, the number of electors whose status changed from eligible to ineligible on the registration list because of the audit, and the number of individuals referred to the district attorney.

d. Clerks must update the information on a monthly basis and submit the updated information to the county clerk and G.A.B.

e. Municipal clerks must report election related statistics via an electronic report to the county clerk and directly to the G.A.B. (e.g., SVRS, WEDCS, or CRM – similar to the Four-Year Maintenance postcard process).

f. Municipal clerks must report suspected election frauds, irregularities, or violations of which the clerk has knowledge to the District Attorney for the county where the suspected activity occurred, and to the G.A.B, in the manner prescribed by the board.

g. The G.A.B. must submit an annual report to the Legislature regarding these reports in accordance with Wis. Stat. §13.172.

h. Clerks must report the information regarding EDR verification postcards to the board within 90 days of the 2014 General Election, and the G.A.B. must publish this information on its website.

i. All other provisions of this law take effect January 1, 2016.

10. Senate Bill 548 (2013 Wisconsin Act 149): transferring responsibility over biennial updating of voter registration list to the Government Accountability Board.

a. The G.A.B. is responsible for mailing the Notice of Suspension of Registration forms to conduct voter list maintenance each biennium.

b. Municipal clerks are responsible for changing the registration status of electors request to continue their voter registration, and for processing undeliverable postcards.

c. The G.A.B. will mail Notices of Suspension of Registration no later than June 15 following each general election.

11. Voter Identification Implementation allowed by several court decisions.

a. Several recent court decisions at the state and federal levels now allow Wisconsin to implement the voter identification law enacted as a part of 2011 Wisconsin Act 23, and further modified by 2011 Wisconsin Act 75 and 2011 Wisconsin Act 227. The Wisconsin Departments of Transportation and Health Services (WI-DOT and WI-DHS) began implementing a procedure to allow those without a copy

of their birth certificate to obtain a free State-Issued Identification Card for the purposes of voting. Wisconsin's voter ID law will be in effect for the 2014 General Election, pending any further court action. Previously, the law was in effect for only one election (2012 Spring Primary). The 2014 General Election will be the first federal election for which the Wisconsin voter ID law will be in effect.

D2. Registering to vote

A voter registering needs to provide their:

- Name
- Residence Location
- Date of Birth
- Identifying Number

o Must be the Wisconsin Driver's License Number or Wisconsin DOTissued identification card number if they have ever been issued one.

o If they have not been issued a Wisconsin driver's license number or Wisconsin DOT-issued identification card, we can then accept the last four (4) digits of their social security number.

o If a registrant affirms that they have been issued none of the above numbers, we can still accept the registration and will assign them a unique identifying number.

- Former Name or Address (if applicable)
- Affirmation of Eligibility
- US citizen
- 18 years of age on or before Election Day
- Residing in the election district or ward for at least 10 days
- Not currently serving a felony sentence
- Not otherwise disqualified
- Signature

Wis. Stats. §§ 6.30, 6.33(1); GAB 3.02.

Proof of residence is required with each voter registration application submitted at any time. Military and permanently overseas voters, as defined by Wisconsin Statutes, are always exempt from the proof of residence requirement. Proof of residence can be any of the following that contain the registrant's full name and residential address, and if they have an expiration date, are valid on Election Day:

- A current ~~and valid~~ Wisconsin driver's license.
- A current ~~and valid~~ Wisconsin identification card.
- Any other official identification card or license issued by a Wisconsin governmental body or unit.
- An official photo identification card or license issued by an employer, not including a business card.
- A real property tax bill or receipt for the current year or year preceding the date of the election.
- A residential lease (not valid for first-time registrants by mail)

 A university, college, or technical college ~~fee or~~ identification card that has a photograph of the registrant.

 May be accepted even though it does not have current name and address if the university, college or technical college provides a certified and current list of students who reside in school-sponsored housing to the municipal clerk prior to the election showing the current address of the students and the election official verifies that the registrant is on that list.

 A utility bill for the period commencing not earlier than ninety (90) days before the day the registration was made.

 A bank statement.

 A paycheck.

 A check or other document issued by a unit of government.