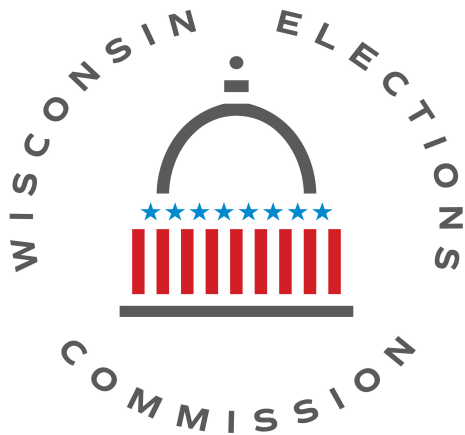


Absentee Voting in Residential Care Facilities and Retirement Homes

January 2024



**Wisconsin Elections
Commission**

P.O. Box 7984 Madison,
WI 53707-7984

Phone: (608) 261-2028
FAX: (608) 267-0500
Email: elections@wi.gov
Website: <http://gab.wi.gov>

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Introduction

The Wisconsin Legislature has determined that the vigorous exercise of our constitutional right to vote should be strongly encouraged. The Legislature also recognizes that it is difficult for some individuals to get to their polling place on Election Day. This is particularly true for individuals residing in Residential Care Facilities such as nursing homes, community-based residential facilities (CBRFs), qualified retirement homes, residential care apartment complexes, and adult family homes. Wis. Stat. §§ 6.84(1), 6.875.

In order to meet this need, the Legislature has established the privilege of absentee voting as an extension of the right to vote on Election Day. The Legislature recognizes that the privilege of voting absentee is exercised wholly outside the traditional safeguards of the polling place. The privilege of absentee voting must be carefully regulated to prevent the potential for fraud or abuse, overzealous solicitation of absent electors who may prefer not to participate in an election, and undue influence on an absentee elector to vote for or against a candidate or referendum. Wis. Stat. § 6.84(1).

The purpose of this manual is to describe the procedures for absentee voting in Wisconsin residential care facilities and qualified retirement homes. These procedures have been developed in order to encourage occupants of these facilities to participate in the process of choosing their elected representatives.

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(lg), 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).

Facility – an area or location that is defined by the license which governs its operations as described below. There may be several facilities within a single building or complex located, for instance, on separate floors or in separate wings.

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).

Proof of Residence – a document that establishes a registrant's connection to a particular location. Only documents listed under Wis. Stat. § 6.34(3) are acceptable.

Qualified Retirement Home – a *Retirement Home* is a facility occupied as a primary place of abode by 10 or more unrelated individuals. 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 electors. 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**.”

Relative – a spouse or individual related within the 1st, 2nd or 3rd degree of kinship.

Kinship	Relative
1 st degree	The voter’s children or parents
2 nd degree	The voter’s grandparents, grandchildren, brothers and sisters
3 rd degree	The voter’s great-grandparents, great grandchildren, uncles, aunts, nephews, nieces

Residential Care Apartment Complex – a facility that is certified or registered to operate as a residential care apartment complex under Wis. Stat. § 50.034. Wis. Stat. § 6.875(1)(asm).

Residential Care Facility – an adult family home, community-based residential facility, nursing home or residential care apartment complex as described below. 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(2)(a).

Same Grounds – to determine whether separate facilities are on the “same grounds” 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. 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”.

Special Voting Deputies (SVDs) – individuals appointed by a municipal clerk or board of elections to conduct absentee voting at certain care facilities. SVDs are the exclusive method by which absentee voting may be conducted within a care facility. The municipal clerk may choose to utilize SVDs in retirement homes. A person who is appointed an SVD:

1. Must be a qualified elector of the county.
2. Must attend training.
3. May not currently be employed by the facility.
4. May not have been employed by the facility within two years of the appointment.
5. May not be an immediate family member of anyone currently employed by the facility or employed by the facility with two years of the appointment.

Working Day – any day except Saturday, Sunday and the following holidays:

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), 230.35(4)(a).

If you are uncertain if there are any licensed facilities in your municipality or whether a certain facility fits into one of the above definitions, a full list of licensed facilities by county can be found on the Wisconsin Department of Health Services website:

<https://www.dhs.wisconsin.gov/guide/seek.htm>.

Designation of Residential Care Facilities and Retirement Homes Served by SVDs

Municipal clerks are required to use SVDs in residential care facilities (see above definitions) if there are at least five registered electors 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. Retirement homes may be served by SVDs if the municipal clerk determines 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 electors. However, once the clerk has made this determination, the facility will be designated as a **qualified** retirement home which 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.

Clerks should NOT switch a facility'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. Clerks are also strongly recommended to inform the administrator of any facility of the clerk's determination so that the administrator can properly inform the facility's occupants regarding the change in status.

Prior to Voting Day

Special Voting Deputies (SVDs) are appointed by the municipal clerk to bring absentee ballots to qualified care facilities. The two major political parties may submit a list of potential SVDs to the municipal clerk. If lists are submitted, then SVDs who represent each of the political parties must be selected from the lists. No person who is or was in the last two years employed or retained at a qualified facility or is a member of the

immediate family of such an individual, may serve as an SVD. Wis. Stat. § 6.875(4)(b). Once SVDs are appointed, they will take the Oath of Special Voting Deputy (see EL-155, page 37). Wis. Stat. § 6.875(5). Special Voting Deputies may not deputize other individuals to administer the voting process.

The municipal clerk shall arrange one or more convenient times with the administrator of the facility to conduct absentee voting for the election. The municipal clerk shall contact the administrator of the facility as soon as possible, but no later than 5:00 p.m. on the sixth working day before an election. 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.

Prior to sending SVDs to a facility, the municipal clerk should compile a list of occupants at the facility who have absentee ballot requests on file. 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. The municipal clerk must coordinate with the complex administrator to verify which individuals will be served by SVDs in a multi-facility complex.

Public Notice

As soon as possible after arrangements are made for the visit, but not less than five working days before the visit, the municipal clerk shall prepare and post a notice at the facility indicating the date and time that absentee voting will take place at that facility (see Sample Notice, page 20). The notice must also be provided to those news media who have filed a written request for such notice, the municipality's official newspaper or, if none exists, to a news medium likely to give notice in the area. Finally, the notice must also be placed on the municipality's website, if any. Wis. Stat. § 6.875(6)(a). 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 facility, the administrator of the facility 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.

Voter Qualifications

Any qualified elector 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 elector is a United States citizen, age 18 or older on Election Day, who has resided in an election district for 28 consecutive days before any election where the person offers to vote 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. A person adjudicated incompetent should have a guardian appointed for them and the order from the court appointing the guardian should specifically indicate that the person's right to vote has been removed. See Determination and Order on Petition for Guardianship Due to Incompetency (see Form GN-3170, pages 21-22). If an individual has been adjudicated incompetent to vote, that information is provided to the Wisconsin Elections Commission, which then inactivates his or her registration to vote.

Voter Registration

Occupants of care facilities must be registered to vote prior to being issued an absentee ballot. Wis. Stat. § 6.86(1). If a person is voting for the first time in Wisconsin, or has changed his or her name or address since the last time they voted, they are required to complete a Voter Registration Application (see EL-131, pages 35-36) before they vote.

An individual may register to vote a variety of ways:

- A qualified elector may register to vote by mail no later than the third Wednesday before an election. Wis. Stat. § 6.30(4). An elector 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). Electors 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 appointed 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. Note that this registration window overlaps with the window of time available for visits to facilities by Special Voting Deputies (SVDs), so it may be desirable to also appoint SVDs as EROs. 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. For more information about EROs, please refer to the "Election Officials" section of the Election Administration Manual, available on the WEC website.
- Electors who have a current and valid State of Wisconsin Driver License or State of Wisconsin ID card issued by the Wisconsin Department of Motor Vehicles can register to vote online on the MyVote Wisconsin website at <https://myvote.wi.gov>. An elector without these documents can also complete the form online, and print and mail it with their proof of residence to the municipal clerk's office. Registering online and by mail is available through the third Wednesday before an election.
- Registration forms may also be obtained by request from the municipal clerk or from the Wisconsin Elections Commission's website, <https://elections.wi.gov/forms/el-131-fillable>.

Occupants of care facilities are also required to present proof of residence when registering to vote. The proof of residence document must contain the current name of the voter and the address the individual is using for voter registration purposes. There are a variety of documents that may be used as proof of residence(see Wis. Stat. § 6.34), but the most common types of proof of residence for occupants of care facilities are:

1. A bank or credit union statement, including credit card statements from retailers.
2. A contract or intake document from an occupant of a residential care facility that specifies that the occupant currently resides in the facility.
3. A residential lease (Not valid when registering by mail).
Most facilities will have the occupant sign some sort of contract or agreement that may serve as a lease if it identifies the “landlord”, the “tenant”, the address which the tenant will occupy, a specific term that the agreement covers, an amount of rent to be paid by the tenant, and the signatures of both the tenant and landlord. If you are unsure if a particular document is acceptable as a residential lease, please contact the WEC.
4. A check or other document issued by a unit of government.
 - a. Units of government include local, state, and federal agencies.
 - i. Local (clerk or treasurer’s office, etc.)
 - ii. State (Department of Transportation, Department of Natural Resources, Department of Health Services, etc.)
 - iii. Federal (IRS, Medicare, Social Security, etc.)

For more information on voter registration and proof of residence, see the Election Administration or Election Day Manuals, available on the WEC website on the manuals page.

How to Obtain an Absentee Ballot

Any elector wishing to vote absentee at an election must make a written request to the municipal clerk or board of election commissioners. Wis. Stat. § 6.86(1). The Wisconsin Elections Commission has developed an Application for Absentee Ballot (see EL-121, pages 29-30) An elector may also apply for an absentee ballot by submitting a written request to the municipal clerk in person, by regular mail, fax, email or through the [myvote.wi.gov website](http://myvote.wi.gov). Absentee ballots may NOT be requested by telephone. An elector may request an absentee ballot for a single election or all elections in a calendar year with a single application. Indefinitely confined voters may also make a single request to receive absentee ballots automatically for each election.

Unless the elector indicates that some special status applies (indefinitely confined, hospitalized, etc.), this written application must be received no later than 5:00 p.m. on the Thursday preceding the election. Applications from indefinitely confined electors must be received no later than 5:00 p.m. on the Friday preceding the election. However, if SVDs are visiting a care facility, they may accept an application for absentee ballot from a qualified elector and offer an absentee ballot while at the facility. Wis. Stat. § 6.875(6).

If an application for absentee ballot is signed, the application must be signed by the absentee elector. Absentee requests that are received via email and the myvote.wi.gov website may not contain signatures, but these requests should still be honored. If a request contains a signature, it cannot be signed by anyone else on behalf of the elector unless the absentee elector needs assistance in signing his or her name. If someone else signs the application for the elector, that person must certify that the individual is unable to sign his or her name. However, a Power of Attorney may request an absentee ballot for his or her principal without signing the certification of assistance (see Power of Attorney section, page 17).

Occupants of residential care facilities and qualified retirement homes visited by SVDs are no longer eligible to be mailed an absentee ballot at the facility, but instead may vote absentee in-person via SVDs pursuant to the procedures included in this manual. Alternatively, occupants may still vote by absentee ballot at the clerk's office or alternate absentee voting site, or at the polls on Election Day. If an occupant maintains a residence outside the facility or home, he or she may also apply for an absentee ballot by mail at that residence.

Occupants of retirement homes not served by SVDs may request a ballot by mail, vote by absentee ballot in the clerk's office or alternate absentee voting site, or at the polls on Election Day. Occupants of such a retirement home that is on the same grounds as one or more residential care facilities serviced by the SVDs may not come to the care facility and vote with the SVDs. Municipal clerks shall obtain a list of the names and addresses of occupants from the management of the retirement home to verify that they are not eligible to vote via SVD. This verified list should then be provided to the SVDs.

Application by an Indefinitely Confined Elector

Many occupants of the facilities visited by SVDs may qualify as "indefinitely confined electors." This means they are confined indefinitely due to age, physical illness, infirmity, or because they are otherwise disabled for an indefinite period. These electors may make a single absentee ballot request and will receive absentee ballots automatically for each election. Wis. Stat. § 6.86(2). Electors must certify in writing with their request that they are indefinitely confined in Section 6 of the Application for Absentee Ballot.

The municipal clerk maintains a list of indefinitely confined electors and automatically sends or arranges for delivery of an absentee ballot to the indefinitely confined elector for each primary and election. Indefinitely confined electors residing in a facility served by SVDs must receive their absentee ballot from the SVDs rather than by mail. If an elector does not return a ballot for a spring, general or special election sent under this provision, the clerk shall notify the elector that he or she must reapply within 30 days of receiving the notice in order to automatically receive an absentee ballot for the next election. This process does not apply to voters who do not return a ballot for a primary election.

If the clerk receives reliable information that an indefinitely confined elector is no longer eligible for this service, he or she shall remove the elector from the indefinitely confined

voter list. The clerk shall send the voter a notice within five days, if possible. Wis. Stat. § 6.86(2)(b).

Proof of Identification Requirements

Absentee Voter Residing in a Care Facility or Retirement Home not Served by SVDs

A voter who has requested an absentee ballot as an indefinitely confined elector and who is living at home, at a care facility or at an unqualified retirement home not visited by SVDs, only needs the signature and address of a witness to satisfy the photo ID requirement. Clerks should use the EL-122 Standard Absentee Certificate Envelope with their ballot.

A voter who has not applied as indefinitely confined should be sent the EL-122SP Absentee Certificate Envelope with their ballot. The EL-122SP contains the certification of care facility authorized representative section in step 4. The signature of the Care Facility Representative satisfies the photo ID requirement. The Representative may also serve as the witness. Wis. Stat. § 6.87(4)(b)2. See example, page 31.

Clerks are not required to keep an inventory of EL-122SP envelopes. If a circumstance arises that requires an EL-122SP., the text of the envelope may be downloaded from the WEC website, cut to fit, and taped or glued on an EL-122 standard envelope.

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

Absentee Voter Residing in a Care Facility or Qualified Retirement Home Served by SVDs

Voters living in residential care facilities or qualified retirement homes visited by SVDs, are not required to provide proof of identification, *regardless of whether the resident has applied for ballots as indefinitely confined*. The signatures and addresses 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 and satisfies the photo ID requirement. 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. §§ 6.875(6)(c). See example, page 32.

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:	
<ul style="list-style-type: none"> • 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). 	<ul style="list-style-type: none"> • 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
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
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)

Clerks are required to mail the ballot to any voter with an absentee ballot request on file who did not vote with the SVDs during their two scheduled visits. A voter in a care facility or retirement home who has not applied as an indefinitely confined voter and does not have proof of identification on file with the clerk will need to provide photo ID or reapply as an indefinitely confined voter if they qualify.

Residence of Absentee Voter

In Wisconsin an elector can maintain a voting residence, even if temporarily absent, so long as he or she continues to have an intent to return to his or her residence. Wis. Stat. § 6.10(5). Electors temporarily residing in a residential care facility or qualified retirement home located in a municipality other than the municipality in which they were last registered to vote may continue to vote from their former residence, rather than voting in the municipality where the facility is located. Alternatively, any person living in a residential care facility or qualified retirement home for at least 28 consecutive days before any election, who is registered to vote, and who also meets the other qualifications of an elector may vote in the municipality in which the facility is located. Wis. Stat. §§ 6.02(1), 6.03.

If a clerk receives an absentee ballot application from a resident who lives in a residential care facility or qualified retirement home served by SVDs located in another municipality, the absentee ballot is sent to the municipal clerk where the facility is located for delivery to the voter by the SVDs of the municipality where the facility is located. If a clerk receives an absentee ballot application from a voter living in a residential care facility or qualified retirement home located in the 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 elector 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 of the municipality where the facility is located. Wis. Stat. § 6.875(3).

Family Members

Some family members of voters residing in care facilities 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. Family members 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.

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. Observers should direct all questions and concerns to the special voting deputies.

The WEC has established a set of rules for observers at locations where votes are being cast. A summary of the rules is required to be provided to each observer. The *Wisconsin Election Observers Rules-at-a-Glance* brochure may be used to meet this requirement (see Election Observer Rules, pages 25-26).

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 absentee voting will take place. Political parties may have multiple observers present to match the number of SVD teams if the municipal clerk is sending multiple pairs of SVDs to a facility due to its size or other factors. Each party wishing to have an observer present shall 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). Except for family members, no other observers may be present during absentee voting conducted by SVDs. This includes members of the media.

An observer shall legibly list his/her full name, street address and municipality, and the name of the political party the observer represents on the Election Observer Log (see EL-109, page 27). The observer shall also sign this form acknowledging the observer understands the rules and will abide by them. Additionally, an observer must present photo identification to an SVD. Any type of photo identification is acceptable so long as it features a photo of the observer and the observer's name. The SVD shall verify by marking on the EL-109 that the observer's name listed on the EL-109 matches the photo identification. If the observer does not want to provide photo identification or the information on the photo identification does not match the information on the observer log, the individual will not be permitted to serve as an observer.

The SVDs shall attach the EL-109 to the Special Voting Deputy Log of Absentee Voting Activity (see EL-104SVD, pages 23-24). Unless permitted by the SVDs, the EL-109 may

not be viewed by members of the public, including other election observers, during the voting day at the facility. After Election Day, a copy of the EL-109 may be obtained from the municipal clerk or board of election commissioners through a public records request.

An observer must wear a tag or badge which reads "Election Observer," and which shall be worn at all times the observer is inside of the polling place or other location where votes are being cast, counted, canvassed, or recounted. The name of the observer need not appear on the Election Observer tag or badge.

The SVDs shall establish observation areas to allow observers to view all public aspects of the absentee voting process without disrupting the voting process. Typically, the distribution of absentee ballots will be located in a common area of the facility. The observation area shall be not less than 3 feet nor more than 8 feet from the location at which electors are marking their ballots. Wis. Stat. § 7.41(2). If observers are unable to hear the election inspectors and voters, they may ask for the instructions or information to be repeated. However, there is no requirement that the instructions or information be broadcast at a specific volume.

If space permits, observers may move within the designated observer area to better view and/or hear the SVD's instructions to the voter. However, once the ballot is distributed to the voter, observers shall not be situated to allow observing the voter marked their ballot or to permit listening to any conversation between the elector and an individual who is assisting in marking the ballot, whether the assistor is a Special Voting Deputy or another individual.

There may be instances when voting occurs in a resident's room. If space permits, observers are allowed inside the resident's room, and in an observation area from 3 to 8 feet where the voting occurs, as determined by the SVDs. If space constraints prevent accommodating an observation area within that distance, the special voting deputies shall document the actual location of the observation area and the reasons why it could not be located within the 3 to 8 feet distance. Notwithstanding the 3 to 8 feet distance requirement, the observation area shall not be situated to permit observers to hear any conversation between the elector and an individual who is assisting the elector in marking the ballot, whether the assistor is a Special Voting Deputy or another individual. As an election official, SVDs must enforce the voter's constitutional right to cast a secret ballot, just as the individual is entitled to in other absentee or polling place settings.

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 on Election Day. Wis. Stat. §§ 6.48, 6.93.

Observers are prohibited from electioneering or interfering with the orderly conduct of the voting process. Any observer who engages in loud, boisterous or otherwise disruptive behavior that the SVDs believe interferes with voting shall receive a warning from the SVDs. If a warning has been issued, and the offending observer continues the disorderly behavior, the SVDs shall order the offending observer to depart the location. If the

offending observer declines or otherwise fails to comply with the order to depart, the SVDs shall summon local law enforcement to remove the offending observer.

In the event that both SVDs order an observer to leave a location, the election officials shall provide a written order to the observer (see EL-110, page 28) which includes the reason for the order and the signatures of both SVDs. The SVDs shall have sole authority to order the removal of an observer. If the SVDs do not agree that an observer should be ordered to leave a location, the disagreement should be documented on the Special Voting Deputy Log of Absentee Voting Activity (EL-104SVD), and the observer shall be allowed to remain at the location.

When an EL-110 is completed, the municipal clerk or board of election commissioners shall notify the WEC of the incident within seven days. This notification should include a copy of the EL-110, if available, and the portion of the Special Voting Deputy Log of Absentee Voting Activity (EL-104SVD) which documents the incident. WEC staff will use this information to provide a summary to the Commission after each election of all reported incidents.

Observers may silently use cell phones in the polling area. Observers may not use cell phones to take or make voice calls (ringer should be silenced). Observers may not take photographs or videos inside the facility during the hours that absentee voting is being administered. The SVDs may prohibit an observer from using a cell phone if it is deemed disruptive.

Delivery of Ballots and Voting

Absentee ballots are brought to the care facility by the SVDs. The municipal clerk (or deputy clerk or board of election commissioners) shall issue a supply of ballots sufficient to provide for the number of absentee ballot applications received from residents of the care facility. The clerk should also issue the SVDs an additional number of ballots and absentee ballot application forms to handle any requests the SVDs may receive while at the facility. The municipal clerk should initial all ballots given to the SVDs. For each ballot issued to a voter at the care facility, both SVDs will initial under "Absentee Ballot Issued By." If unused ballots containing the clerk's initials are left over, they are returned to the municipal clerk. The municipal clerk may choose to destroy the initialed but unused ballots or they may be used for in-person voting.

The municipal clerk or board of election commissioners is required to keep a careful record of all ballots issued to the SVDs and require the SVDs to return every ballot. Wis. Stat. § 6.875(6)(b). SVDs should complete the EL-104SVD, a log of voting activity at the facility.

The municipal clerk or board of election commissioners shall 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. 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 must 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. 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.

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. Both SVDs, together, shall personally offer each absentee elector who has filed the proper application an opportunity to cast his or her ballot. Clerks with large care facilities in their municipalities may find it advantageous to send multiple pairs of SVDs, working in teams of two. **Facility staff may not handle ballots.**

Voting shall be conducted in a common area of the facility. Also, SVDs shall visit the room of each occupant with an absentee ballot request on file who is unable or unwilling to meet in the common area to offer the elector a ballot or to confirm the elector does not wish to vote in the election. 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. 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. Special Voting Deputies, election observers, family members and facility staff should afford the voter privacy to vote his or her ballot. After marking the ballot in the presence of the SVDs, the voter places the marked ballot in the certificate envelope (see EL-122, page 31) and seals the envelope. The voter completes and signs the certification on the envelope. **Both** of the SVDs must sign as witnesses on the certificate envelope. Wis. Stat. § 6.875(6)(c)1. The SVDs may provide the municipality's address as part of the certification of witnesses on the certificate envelope.

Elector Decline of Ballot

An indefinitely confined or calendar year elector 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 elector. In that case, the SVDs should print the elector's name on the Elector Decline of Ballot in Residential Care Facilities and Retirement Homes form (see EL-126, page 33) in the appropriate section. Both SVDs must sign the form.

Any communication by a voter to decline a ballot or ballot(s) should be between the voter and clerk prior to voting day or between the voter and Special Voting Deputies on voting day. 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 for their particular situation:

- 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

The clerk must arrange for a second visit if an occupant is unable to vote at the time scheduled for the facility due to any reason, including a quarantine, or if the clerk receives a new absentee application after the first visit. If the requesting occupant is still unable to vote after the second SVD visit, 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. §§ 6.87(6), 7.515(3). Completed absentee ballots issued and returned by mail must be postmarked and received by Election Day.

NOTE: The SVDs may accept a written request for an absentee ballot from a registered, qualified voter and offer an absentee ballot while at the qualified care facility. Wis. Stat. § 6.875(6)(c)1. However, unlike in-person absentee voting at the clerk's office, a separate written request (EL-121) must be completed. The completed absentee certificate envelope (EL-122) is not sufficient.

Persons Assisting Voters with Physical Disabilities

Absentee ballots must be voted only by the absentee elector, unless the voter requests assistance. A voter may request assistance in reading and/or marking his or her ballot and completing the absentee certificate envelope. Generally, a voter may select any person (except his or her employer or officer/agent of a labor union who represents the voter) to assist them with the voting process. 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. The SVDs shall assist the elector if requested. An assistor must always act under the direction of the voter. 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. 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. Wis. Stat. §§ 6.82(2), 6.875(6)(c)1.

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 physical disability upon request. This person may assist a voter in completing election forms, such as the Voter Registration Application (EL-131), Application for Absentee Ballot (EL-121) or letter requesting an absentee ballot. If the voter is unable to sign any document necessary for voting, the voter may direct the assistor to sign the voter's name to the document. Unless acting as a Power of Attorney, the assistor must sign the certificate of assistance.

Who May Undertake the Following Actions for Electors Voting by Special Voting Deputy

The following table summarizes the rules related to assisting voters served by SVDs.

Action	Anybody	Family Member*	SVD	Power of Attorney or Guardian
<u>Assist</u> a voter in completing a Voter Registration Application. +	Yes	Yes	Yes	Yes
<u>Assist</u> the voter by signing the voter's name on the Voter Registration Application.+	Yes	Yes	Yes	Yes
<u>Assist</u> a voter in completing a request for absentee ballot.	Yes	Yes	Yes	Yes
<u>Assist</u> the voter by signing the voter's name on an absentee ballot request.	Yes	Yes	Yes	Yes
<u>Assist</u> a voter in marking a ballot at the direction of a voter.	No	Yes	Yes	No
<u>Assist</u> the voter by completing the Absentee Certificate Envelope.	No	Yes	Yes	No
<u>Assist</u> the voter by signing the voter's name on the Absentee Cert Envelope.	No	Yes	Yes	No
<u>Assist</u> a voter by requesting an absentee ballot for the voter.	No	No	No	Yes

+ Before the open registration cut off only.

* Includes a family member employed by the facility.

Power of Attorney and Guardianship

The basic difference between a power of attorney and guardianship is that the power of attorney is a private, pre-planned arrangement between the principal and the agent where the court is involved only if there is a dispute. A guardianship is not planned in advance by the ward, but is ordered by a court, usually after a medical evaluation of competency.

Power of Attorney

A "Power of Attorney (POA)" is a contract in which one person (the principal) transfers certain rights to act on behalf of the principal to another person (the agent). The agent is able to make certain decisions and perform certain actions for his or her principal. However, voting is not a transferable right. The two basic types of POA are financial and health care.

A POA designation is not indicative of the principal's mental capacity, nor is the agent able to declare the principal to be incompetent without court intervention. A POA may file a guardianship action in probate court seeking a court determination of incompetency,

but the POA acting alone without court intervention does not have the ability to conclude that the principal is incompetent to vote.

The actions that an agent may take on behalf of his or her principal with respect to the electoral process are limited. A POA may not register his or her principal to vote. A POA may not vote a ballot for his or her principal; this includes completing the Absentee Certificate Envelope for his or her principal. However, the agent may request an absentee ballot for his or her principal. Also, a relative of an elector in a facility may act as an assistor, at the elector's request, whether or not the relative is the elector's POA.

Guardianship

A "guardianship" is a legal relationship created by a court which authorizes the guardian to make decisions for another person (the ward). Guardianships are usually created only after an evaluation of competency. The court's appointment of a guardian includes a finding regarding competency. However, appointment of a guardian, even with a general finding of incompetency, does not automatically mean that the ward is not competent to vote.

The format used currently for court guardianship orders indicates that a ward is competent to retain all rights unless a specific right has been indicated as forfeited. The format of older guardianship orders finds the ward incompetent to retain any rights unless specific rights are indicated as retained.

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. Voted ballots, unvoted ballots, spoiled ballots, and any other voting materials, except for the EL-104SVD, are placed in the ballot container. 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.

As soon as possible, but no later than 18 hours (including weekends) after visiting each residential care facility or qualified retirement home, the deputies shall deliver any absentee ballot applications and the sealed certificate envelopes containing each ballot to the municipal clerk of the municipality in which the elector casting the ballot resides. Wis. Stat. § 6.875(6)(d).

Special Precautions

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). In the event that facility staff impede or do not cooperate with the SVD process, the municipal clerk should share this Manual with the facility staff and/or owner. The clerk may also request the assistance of WEC staff or ask the facility staff to contact the WEC.

Candidates may visit care facilities to present their positions to occupants of these facilities, subject to any rules or regulations of the facility. Additionally, candidate literature may be distributed to occupants. However, the same restrictions on electioneering as would apply to a polling place on Election Day apply to the facility while SVDs are conducting absentee voting. Candidates are not allowed in the voting area. Additionally, 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.

Any questions concerning any aspect of voting in Wisconsin should be directed to the municipal clerk or the Wisconsin Elections Commission. (see contact information below).

NOTICE OF PUBLIC MEETING

Absentee Voting to be Administered at [insert facility]

[insert start time]

[insert date]

[insert location]

Special Voting Deputies appointed by the [City/Village/Town of XXX] will be administering absentee voting for the residents of this facility for the [insert election] at the above time and place. Any qualified elector who is unable or unwilling to appear at the polling place on Election Day may request to vote an absentee ballot. A qualified elector is any U.S. citizen, who will be 18 years of age or older on Election Day, who has resided in the ward or municipality where he or she wishes to vote for at least 28 consecutive days before the election. The elector must also be registered in order to receive an absentee ballot.

Only observers from each of the two recognized political parties whose candidates for governor or president received the greatest number of votes in the municipality at the most recent general election may accompany the deputies to each facility where absentee voting will take place. The observers may observe the process of absentee ballot distribution in the common areas of the home, facility, or complex. Each party wishing to have an observer present shall submit the name of the observer to the clerk or board of election commissioners no later than the close of business on the last business day prior to the visit.

Family members of residents may be present at the time of voting.

If you have further questions, please contact:

[clerk name]

[clerk address]

[clerk telephone]

[clerk email]

IN THE MATTER OF

Amended

**Determination and Order on
Petition for Guardianship
Due to Incompetency**

Date of Birth _____

Case No. _____

This matter is before the court on a Petition for Guardianship Due to Incompetency and a hearing has been held.

Based upon consideration of the following:

1. the report of the guardian ad litem.
2. the medical or psychological reports, provided, ordered or offered to the court.
3. whether other reliable resources are available to provide for the individual's personal needs or property management, and whether appointment of a guardian is the least restrictive means to provide for the individual's need for a substitute decision maker.
4. the preferences, desires, and values of the individual with regard to personal needs or property management.
5. the nature and extent of the individual's care and treatment needs and property and financial affairs.
6. whether the individual's situation places him or her at risk of abuse, exploitation, neglect, or violation of rights.
7. whether the individual can adequately understand and appreciate the nature and consequences of his or her impairment.
8. the individual's management of the activities of daily living.
9. the individual's understanding and appreciation of the nature and consequences of any inability he or she may have with regard to personal needs or property management.
10. the extent of the demands placed on the individual by his or her personal needs and by the nature and extent of his or her property and financial affairs.
11. any physical illness of the individual and the prognosis of the individual.
12. any mental disability, alcoholism, or other drug dependence of the individual and the prognosis of the mental disability, alcoholism, or other drug dependence.
13. any medication with which the individual is being treated and the medication's effect on the individual's behavior, cognition, and judgment.
14. whether the effect on the individual's evaluative capacity is likely to be temporary or long term, and whether the effect may be ameliorated by appropriate treatment.
15. other relevant evidence.

THE COURT FINDS:

1. JURISDICTION, VENUE, NOTICE AND EVALUATIONS TO COURT

- A. This court does does not have jurisdiction of the subject matter and of the person of the individual.
- B. This court is is not a proper venue.
- C. Notice was was not properly served.

D. The individual is:

- present.
- not present because the guardian ad litem waived the individual's attendance.
- Other: _____

E. The proposed guardian and any proposed stand-by guardian are:

- present as follows: _____
- not present and the court permits attendance by telephone for good cause shown as follows: _____
- not present and the court excuses the attendance as follows: _____

F. Additional evaluations are not necessary.

2. CAPACITY AND NEED FOR GUARDIANSHIP

Upon presentation of clear and convincing evidence:

- the individual is not incompetent.
- advanced planning by the individual renders guardianship unnecessary.
- the elements of the petition are unproven.
- the application for appointment of a conservator by the proposed ward under §54.76 is appropriate.
- the individual has been adjudicated incompetent in another jurisdiction and a petition for receipt and acceptance of a foreign guardianship has been granted.
- the individual is a minor who has attained age 14 and is developmentally disabled.
- the individual is found to be incompetent as a result of:
 - a developmental disability
 - serious and persistent mental illness
 - degenerative brain disorder
 - other like incapacities

based upon the following standards:

- A. The individual is at least 17 years and 9 months of age.
- B. The individual's need for assistance in decision making or communication is unable to be met effectively and less restrictively through appropriate and reasonably available training, education, support services, health care, assistive devices, or other means that the individual will accept.
- C. For purposes of appointment of **guardian of the person**, because of impairment, the individual is unable effectively to receive and evaluate information or to make or communicate decisions to such extent that the individual is unable to meet the essential requirements for the individual's physical health and safety.
- D. For purposes of appointment of **guardian of the estate**, because of an impairment, the individual is unable effectively to receive and evaluate information or to make or communicate decisions related to management of the individual's property or financial affairs, to the extent that at least one of the following applies:
 1. The individual has property that will be dissipated in whole or in part; or
 2. The individual is unable to provide for the individual's support; or
 3. The individual is unable to prevent financial exploitation.

3. GUARDIAN OF THE PERSON

The individual has incapacity in part or in full to exercise rights that are believed to be relevant to the individual's present or future decision making.

A. Rights to be removed in full. If removed, these rights may not be exercised by any person.

The individual has incapacity to exercise one or more of the following rights and such right should be removed:

- 1. Right to execute a will.
- 2. Right to serve on a jury.
- 3. Right to register to vote or to vote in an election.

B. Rights to be removed or exercised by individual with consent of Guardian of Person.

If removed, these rights may not be exercised by any person. If a right is to be affected, the box to the far left must be marked. Marking only box (1) or (2) has no effect and the individual retains the right.

The individual has incapacity to exercise one or more of the following rights and such right should be removed or the individual retains the right to exercise the right only with consent of the guardian of the person.

a. Right to consent to marriage:

Choose (1) or (2):

- (1) the individual has incapacity to exercise this right.
- (2) the individual retains the right to exercise this right only with consent of the guardian of the person.

b. Right to apply for an operator's license, a hunting, fishing or other license issued under ch. 29, or a credential as defined in §440.01(2), Wisconsin Statutes: _____

Choose (1) or (2):

- (1) the individual has incapacity to exercise this right.
- (2) the individual retain the right to exercise this right only with consent of the guardian of the person.

c. Right to consent to sterilization.

Choose (1) or (2):

- (1) the individual has incapacity to exercise this right.

Special Voting Deputy Log of Absentee Voting Activity at

(insert name of care facility)

TO BE COMPLETED BY MUNICIPAL CLERK

Primary or Election Date: _____

Date of Special Voting Deputy Visit to this Care Facility: _____

Names of Special Voting Deputies:

Number of absentee ballots issued to the Special Voting Deputies? _____

Tamper-Evident Seal Serial Number _____

TO BE COMPLETED BY SPECIAL VOTING DEPUTY

Tamper-evident seal number verified by Special Voting Deputies (SVDs): _____
(SVD #1 initials) (SVD #2 initials)

Number of voted ballots returned to clerk: _____

Number of un-voted absentee ballots returned to clerk: + _____

Number of spoiled ballots returned to clerk: + _____

Total: = _____

(Total should equal number of ballots issued by clerk.)

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** _____

CERTIFICATION OF SPECIAL VOTING DEPUTIES

We, the undersigned Special Voting Deputies, certify that we conducted absentee voting at the above-listed care facility on the date listed above. We further certify that the information contained in this document is a true and correct record of activity and incidents occurring at this care facility during the conduct of absentee voting.

(signature of Special Voting Deputy) _____
(date)

(signature of Special Voting Deputy) _____
(date)

Election Observation at Other Locations:

Municipal Clerk's Office

Observers may be present during absentee voting in the clerk's office (if it's in a public location). The municipal clerk is in charge, and observers shall follow the clerk's directives. Video and still cameras are not allowed.

Residential Care Facilities & Nursing Homes

Only observers appointed by the two major political parties may be present during absentee voting in residential care facilities and nursing homes. The special voting deputies are in charge, and observers shall follow the deputies' directives. Video and still cameras are not allowed.

Central Count

Observers may be present during absentee voting in a centralized vote counting location. The municipal clerk is in charge, and observers shall follow the clerk's directives. Video and still cameras are allowed if their use is not disruptive or show how an elector has voted.

Recounts

Observers may be present during election recounts, including candidates and their counsel. The board of canvassers is in charge, and observers shall follow the board's directives. Video and still cameras are allowed if their use is not disruptive or show how an elector has voted.

Contact Information Wisconsin Elections Commission

TELEPHONE/FAX

WEC Help Desk: 608-261-2028
Fax: 608-267-0500

STREET ADDRESS

212 East Washington Avenue, Third Floor
Madison, Wisconsin 53703

MAILING ADDRESS

Wisconsin Elections Commission
Post Office Box 7984
Madison, Wisconsin 53707-7984

INTERNET ADDRESS

<http://elections.wi.gov>

EMAIL ADDRESS

elections@wi.gov



Wisconsin Election Observers

Rules-at-a-Glance

The State of Wisconsin permits individuals to observe voting and the election administration process at polling places on Election Day. It also permits observers to view the absentee voting process in the municipal clerk's office, central count processes, recounts, and voting in residential care facilities and nursing homes.

These **Rules-at-a-Glance** outline the Wisconsin Elections Commission's interpretation of statutes governing the conduct of election observers.



October 2018

At the Polling Place, an

Election Observer must:

- ✓ Notify the chief election inspector she/he is at the polling place to observe
- ✓ Follow the directives of the chief election inspector or designee
- ✓ Provide photo identification
- ✓ Complete and sign an election observer log
- ✓ Wear an Election Observer tag or badge



Remember:

- The chief election inspector is in charge of the polling place. All inquiries should be made of the chief election inspector or designee
- Challenges to voters must be filed with the chief election inspector or designee. Follow the process outlined by Wisconsin Administrative Rule EL Chapter 9
- Candidates are allowed in the polling place only after it has closed at 8:00 p.m.
- Polling places in Wisconsin are open from 7:00 a.m. until 8:00 p.m.
- End of night procedures, including the counting of ballots, are conducted as an open meeting and members of the public may observe.

Viewing documents

Observers are not entitled to view registration forms, proof of residence documents or the observer log on Election Day. Observers may ask the chief inspector or designee to view other documents, such as the poll list, that are available when doing so will not delay or disrupt the process, but this may not be possible when polls are busy, and they may not view confidential information. The chief inspector or designee has sole discretion to determine whether such documents may be viewed or photographed during voting hours.

Election Observers may not:



- Engage in electioneering*
- Video and still cameras are not allowed
- Handle official election documents
- Have conversations about candidates, parties or ballot questions
- Make calls / use cell phones for voice calls inside the polling area (texting or other silent usage is acceptable if it is not disruptive)
- Wear clothing or buttons related to candidates, parties or referenda that is intended to influence the election
- Interact with voters, except when requested
- View confidential information on the poll list.
- Enter vehicles of curbside voters



* *Electioneering is defined in Wisconsin law as any activity which is intended to influence voting at an Election. Wis Stat. § 12.03*

Communications Media:

Observers from communications media organizations shall identify themselves and the organization they represent to the chief inspector upon arriving at the polling place. The inspector shall record the information on the EL-104, Inspectors Statement. Video and still cameras are allowed if their use is not disruptive or show how an elector has voted.

Polling Place Accessibility Assessments:

- Individuals may assess accessibility requirements in Wisconsin polling places if the following rules are observed:
- Assessors should notify the municipal clerk at least 24 hours in advance
- Assessors may wear identifying name tags or shirts
- Assessors may work outside the observers' area unless their work is judged to be disruptive
- Assessors may take still photos or videotape for documentation if their use is not disruptive
- Election officials - clerks, chief election inspectors and poll workers -should facilitate the work of accessibility assessors

Wisconsin Election Observer Log

Today's Date: _____ Election Date: _____ Municipality: _____ Page Number: _____
 Site: Polling place, ward # _____ Clerk's office Central count location Residential Care Facility or Retirement Home Other (specify) _____

With their signatures below, the signees attest to the following statement:

“I understand Wisconsin’s rules for election observers, as set out in *Wisconsin Election Observers Rules-at-a-Glance*, and agree to abide by those rules while observing this election or election administration event.”

Printed Name	Signature	Street Address	Municipality, State	Representing	Photo ID Verified
					<input type="checkbox"/>
					<input type="checkbox"/>
					<input type="checkbox"/>
					<input type="checkbox"/>
					<input type="checkbox"/>
					<input type="checkbox"/>
					<input type="checkbox"/>
					<input type="checkbox"/>
					<input type="checkbox"/>
					<input type="checkbox"/>

Date and time

Name of location

Street address

_____, WI
Municipality name
(Indicate Town, Village or City, i.e., "Town of Leeds")

Order to Leave Polling Place, Clerk's Office, or Alternate Absentee Ballot Site

name of observer

organization, if any

The observer listed above, is hereby ordered, pursuant to Wis. Stat. § 7.41(3), to leave the polling place, clerk's office, or alternate absentee ballot site immediately for the reason(s) described below:

Signature of Special Voting Deputy

Signature of Special Voting Deputy

Printed name of Special Voting Deputy

Printed name of Special Voting Deputy

A copy of this document is required to be filed with the Wisconsin Elections Commission within 7 days of the incident.

	Wisconsin Application for Absentee Ballot				(Municipal Clerk) If in-person voter, check here: <input type="checkbox"/>
	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	<p>Detailed instructions for completion are on the back of this form. Return this form to your municipal clerk when completed.</p> <ul style="list-style-type: none"> You must be registered to vote before you can receive an absentee ballot. You can confirm your voter registration at https://myvote.wi.gov <p>! PHOTO ID REQUIRED, unless you qualify for an exception. See instructions on back for exceptions.</p>
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VOTER INFORMATION

1	Municipality	<input type="radio"/> Town <input type="radio"/> Village <input type="radio"/> City		County	
2	Last Name		First Name		
	Middle Name		Suffix (e.g. Jr, II, etc.)	Date of Birth <small>(MM/DD/YYYY)</small>	
	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): <input type="radio"/> Military <input type="radio"/> Permanent Overseas <input type="radio"/> 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	<input type="radio"/> MAIL	Mailing Address: Street Number & Name				
	<input type="radio"/> VOTE IN CLERK'S OFFICE	Apt. Number		City	State & ZIP	
		Care Facility Name (if applicable)				
	<input type="radio"/> FAX	Fax Number	<i>For Military and Overseas Voters Only</i>		Voter must have a computer and printer when receiving a ballot by fax or email. Voted ballots must be returned by mail.	
	<input type="radio"/> EMAIL	Email Address	<i>For Military and Overseas Voters Only</i>			

I REQUEST AN ABSENTEE BALLOT BE SENT TO ME FOR: (mark only one)

6	<input type="radio"/> The election(s) on the following date(s): _____ <input type="radio"/> All elections from today's date through the end of the current calendar year (ending 12/31). <input type="radio"/> 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. <i>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.</i> Wis. Stats. §§ 12.13(3)(i), 12.60(1)(b).
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TEMPORARILY HOSPITALIZED VOTERS ONLY (please fill in circle)

7	<input type="radio"/> 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	
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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	
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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	Certificate of Naturalization
Military ID card issued by a U.S. uniformed service	WI DOT DL or ID card receipt
Photo ID issued by the federal Dept. of Veterans Affairs	Citation/Notice to revoke or suspend WI DL
University, college or tech college ID and enrollment verification	ID card issued by federally recognized WI tribe
U.S. passport booklet or card	

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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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. • <u>You may not enter a PO Box as a voting residence.</u> A rural route box without a number may not be used.
4	<ul style="list-style-type: none"> • 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 <u>and has no present intent to return</u>, 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.
5	<ul style="list-style-type: none"> • 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. <u>Please note:</u> The absentee elector is still required to vote their own ballot, although they may request assistance in physically marking the ballot.
6	<ul style="list-style-type: none"> • 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 if you would like to have a standing absentee request for any and all elections that may occur 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.
7	<ul style="list-style-type: none"> • 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.

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

Deputy #1 Signature

Deputy #1 Printed Name

Deputy #1 Address (Number, Street Name, City)

X

Deputy #2 Signature

Deputy #2 Printed Name

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 label 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 ↓

↑ Cut Here ↑

Official Absentee Ballot Certificate & Application

STEP 1

CLERK OR DEPUTY >> Initial Here >>

Voter exempt from or met POI requirement

SPECIAL

CLERK OR VOTER must complete this part

Voter Information

- City Name:
 Village Name:
 Town Name:

Election Date (mm/dd/yyyy)

MUNICIPAL CLERK MARKS THIS SECTION IF REQUIRED

Attention Election Inspectors!

- If box is checked, one of the following is required: A copy of photo ID must be enclosed in this envelope **OR**
- The Certification of Care Facility Authorized Representative section of this envelope must be completed (as well as the Certification of Witness Section).

If neither is included, this ballot must be rejected

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)

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

Elector Decline of Ballot In Residential Care Facilities and Retirement Homes

Date

Name of location

Street address

_____, WI
Municipality name
(indicate Town, Village or City, i.e., "Town of Leeds")

Voter declines to cast a ballot for this election, but wishes to maintain his/her status as an indefinitely confined or calendar year voter:

Printed name of elector

Printed name of elector

Printed name of elector

Printed name of elector

Printed name of elector

Printed name of elector

Voter declines to cast a ballot for this election, and does not wish to maintain his/her status as an indefinitely confined or calendar year elector:

Printed name of elector

Printed name of elector

Printed name of elector

Printed name of elector

Printed name of elector

Printed name of elector

Signature of Special Voting Deputy #1

Signature of Special Voting Deputy #2

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.

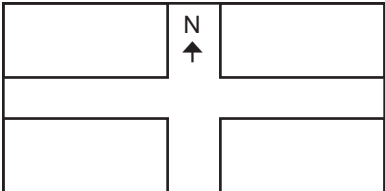
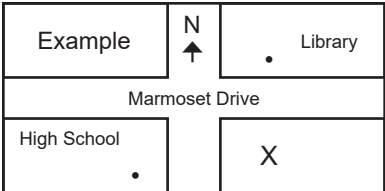
3 • Provide your month, day, and year of birth.
• Providing your phone number and/or email address is optional and is subject to open records requests. This information may be used by your municipal clerk to contact you about your voter record or absentee ballot request.

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.).
• You may not enter a PO Box as a residential address. 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 • If you have a valid and unexpired WI driver license or WI DOT ID: provide that number. If you do not know your number, please call (608) 266-2353 to get it.
• If you have an expired, canceled, suspended, or revoked WI driver license or WI DOT ID: 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).
• If you have never been issued a WI driver license or WI DOT ID: provide the last four digits of your Social Security number.
• If you do not have a WI driver license or WI DOT ID nor a Social Security Number: 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.

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

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.