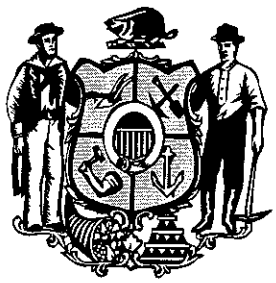
Completing Election Day Forms: A Step-By-Step Guide

August 2006



Wisconsin State Elections Board
17 West Main Street, Suite 310
P.O. Box 2973
Madison, WI 53701-2973

Phone: (608) 266-8005
FAX: (608) 267-0500
HTTP://elections.state.wi.us

ELECTIONS

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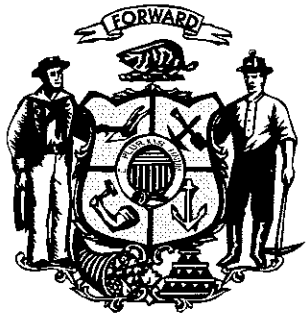

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P.O. Box 2973
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Phone: 608-266-8005
FAX: 608-267-0500
Website: http://elections.wi.gov
email: seb@seb.state.wi.us

STATE ELECTIONS BOARD - ELECTIONS ADMINISTRATION

Agency General Number 608-266-8005
FAX 608-267-0500
email: seb@seb.state.wi.us

Diane Lowe
Lead Elections Specialist 608-266-3276
email: diane.lowe@seb.state.wi.us

Steve Pickett
Elections Specialist-Local Election Administration . 608-266-3061
email: steve.pickett@seb.state.wi.us

Ross Hein
Elections Specialist -Voting Equipment Cert . . 608-267-3666
email: ross.hein@seb.state.wi.us

Daniel Rossmiller
Elections Specialist-HAVA Compliance 608-266-2094
email: daniel.rossmiller@seb.state.wi.us

Kristofer Frederick
Elections Director and HAVA Coordinator. . . . 608-266-8005
email: kristofer.frederick@seb.state.wi.us

George A Dunst
Legal Counsel 608-266-8005
email: george.dunst@seb.state.wi.us

Kevin J Kennedy
Executive Director 608-266-8005
email: kevin.kennedy@seb.state.wi.us

STATE ELECTIONS BOARD MEMBERS

David L. Anstaett	Patrick J Hodan	Robert J. Kasieta
Jacob Burns	Carl Holborn	John P Savage
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COMMERCIAL PRINTERS OF ELECTION FORMS

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FEDERAL INFORMATION - ELECTIONS ADMINISTRATION

Military & Overseas Voting

Polli Brunelli, Director
Federal Voting Assistance Program
1155 Defense Pentagon
Washington, DC 20301-1155
Phone 1-800-438-8683
FAX 703-696-1352
email: vote@fvap ncr gov
http://www fvap ncr gov

Help American Vote Act (HAVA) and Other Federal Election Law

United States Election Assistance Commission
1225 New York Avenue, N W
Suite 1100
Washington, DC 20005
Phone 866-747-1471
FAX 202-566-3127
http://www eac gov

Election Fraud

Craig C Donsanto, Director of Election Crimes Branch
Department of Justice
Bond Building, 1400 New York Avenue NW, 12th Floor
Washington, DC 20005
Phone 202-514-1421
FAX 202-514-3003

Voting Rights Act

John K Tanner, Chief
Voting Section, Civil Rights Division
Room 7254 - NWB
Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530 Phone 800-253-3931
http://www usdoj gov

COMMERCIAL PRINTERS OF ELECTION FORMS (CONT.)

Election Systems & Software (absentee voting supplies only)
601 28th Avenue, South
Waite Park, MN 56387-0548
Phone 800-800-8225

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EB-101: Ballot Bag or Ballot Container

This form is attached to the ballot bag, ballot container or other carrier used for ballots. In order to complete this form, the election inspectors should:

1. Complete the ward, municipality & county, and election date information before the polls close
2. The chief election inspector and two additional election inspectors (including one inspector from each of the two major political parties, unless the election inspectors are appointed without regard to party affiliation) sign and date the form after the ballots are sealed into the container.
3. Ensure that only ballots are placed into the ballot bag or container.
4. Promptly return the bag or container to the municipal clerk.

Municipalities that use optical scan equipment or Direct Recording Electronic (DRE)/touch screen equipment should use only one ballot bag or container. Municipalities that use paper ballots should have one bag for each type of ballot.

Reminders:

1. If using paper ballots, make sure that the ballots are separated by type and that only the proper type(s) of ballots are placed in their respective ballot bag or container.
2. Make sure that the ballots are secured in the ballot bag or container. Ballot bags and containers must be sealed/secured in such a way that they cannot be tampered with without leaving evidence.

BALLOT CONTAINER CERTIFICATE
for Regular and Irregular Ballots

We, the undersigned election inspectors, certify that we placed the ballots and other election records required by s.7.51(3)(a), (c), (5), Wis. Stats., from _____Ward(s) of

the { Town / City / Village } of _____, _____County, State of Wisconsin from the election held on _____, _____ in this container for delivery to the municipal clerk.

_____

_____

_____

_____

_____

_____

_____

} Election Inspectors

Dated this _____day of _____, _____.

****

This container, sealed, with the ballots enclosed, shall be returned immediately to the municipal clerk. s.7.51(3)(a), (5), Wis. Stats. The municipal clerk shall provide for the delivery of county, state, federal and school ballots to the appropriate clerk. s.7.51(5), Wis. Stats. If the municipality has designated a central counting location pursuant to s.7.51(1), Wis. Stats., the municipal clerk or two inspectors shall transport the container to the central counting location designated by the municipal clerk. s.5.85(5), Wis. Stats.

ELECTION BALLOTS MAY ONLY BE DESTROYED UNDER THE PROVISIONS OF s.7.23(1)(h), (2), Wis. Stats.

EB-101 (Rev. 5/85) (Reformatted 6/00) The information on this form is required by s.7.51, Wis. Stats. This form is prescribed by the State Elections Board, 17 West Main Street, Suite 310, P.O. Box 2973, Madison, WI, 53701-2973, 608-266-8005, http://elections.state.wi.us, seb@seb.state.wi.us

EB-102: Brown Envelope for Rejected Absentee Ballots w/ Certificate

Each absentee ballot that is rejected is kept separately in its envelope and placed into this brown carrier envelope. Every rejected absentee ballot must be assigned a unique number and recorded on the Inspectors' Statement (EB-104).

The EB-102 is the front side of the brown envelope, and should be completed by:

1. Entering the ward, municipality & county, and election date information before the polls close.
2. Signing and dating the form after the polls close and the rejected absentee ballots are sealed into the container.

The chief election inspector and two additional election inspectors (including one inspector from each of the two major political parties, unless the election inspectors are appointed without regard to party affiliation) should sign the EB-102. Election inspectors should promptly return the envelope to the municipal clerk. If the election includes ballots for federal, state or county offices, the municipal clerk forwards this envelope to the County Clerk.

CERTIFICATE
OF
REJECTED ABSENTEE BALLOTS

We certify that the absentee ballots contained in this envelope were rejected by us at the election held in

the _____ Ward(s)

of the Town / Village / City of _____, _____County, Wisconsin

on the _____ day of _____, _____

for the reasons shown on the back of each certificate envelope. Each rejected certificate envelope was assigned a number and listed on the Inspectors' Statement (EB-104) prepared and filed by us with the election returns.

_____

_____

_____

_____

_____

_____

_____

} **Election Inspectors**

Dated this _____ day of _____, _____

☆ ☆ ☆

EB-103: White Envelope for Used Certificate Envelopes of Absentee Electors w/ Certificate

The used certificate envelopes for those absentee ballots that are not rejected are placed into this white carrier envelope. These absentee voters should be recorded on the poll list and assigned a voter number and, unless processed as a provisional ballot, these absentee ballots should be placed in the ballot box or optical scan voting equipment.

The EB-103 is located on the front of the white envelope. Election inspectors should make sure to complete the form by:

1. Entering the ward, municipality & county, and election date information before the polls close.
2. Signing and dating the form after the polls close and sealing the used certificate envelopes in the container. The chief election inspector and two additional election inspectors (including one inspector from each of the two major political parties, unless the election inspectors are appointed without regard to party affiliation) sign this certificate.

This envelope should be promptly returned to the municipal clerk. If the election includes ballots for federal, state or county offices, the municipal clerk forwards this envelope to the County Clerk.

Reminders:

1. A candidate at the election cannot be a witness to an absentee ballot.
2. Failure to return unused primary ballots (in municipalities using paper ballots) does not invalidate an absentee elector's vote on the ballot(s) returned.

USED CERTIFICATE ENVELOPES
OF
ABSENTEE ELECTORS

We certify that the used certificate envelopes of absentee ballots contained in this envelope were offered

for voting at an election held in the _____ Ward(s)

of the town / village / city } of _____, _____County, Wisconsin

on the _____ day of _____, _____.

The certification on each absentee certificate envelope was executed in compliance with ss.6 22, 6.87, Wis. Stats. The ballots were placed in the proper ballot boxes after each absent voter's name and post office address was entered on the poll list or a voting number was assigned to the absentee elector's name on the registration list along with an indication that the elector voted absentee.

_____

_____

_____

_____

_____

_____

_____

} **Election Inspectors**

Dated this _____ day of _____, _____.

☆ ☆ ☆

EB-104: Inspectors' Statement

This form is used to record "critical incidents" or other unusual events that occur on election day. Events should be recorded as the day progresses (each event should be recorded on the EB-104 document).

In order to complete this form, the election inspectors should:

1. Complete the heading (ward/municipality, date) before opening the polling place.
2. Record any incident as it occurs. Each incident is assigned a number, starting with "1".
3. Use as much space as necessary to provide an accurate and full description of all incidents, making sure to record the time of the event.
4. Make sure that the election inspector who records an event initials the form.
5. Use the incident codes on the back of the Incident Log (if the codes apply).
6. Record the number of voters and sign the form (after the polls close).
7. Make sure to record the times that each election inspector and chief election inspector worked.
    a. Inspectors who leave before the polls close should sign the form and indicate the hours worked when they leave for the day.

The chief election inspector and two additional election inspectors (including one inspector from each of the two major political parties, unless the election inspectors are appointed without regard to party affiliation) should sign the EB-104. The chief inspector must also certify that he/she has completed training for that election. This form should be promptly returned to the municipal clerk along with the other election materials.

Reminder:

1. If no incidents are recorded at an election, make sure to check the box on the Inspectors' Statement (EB-104) to indicate that no incidents occurred.
2. Don't seal the completed Inspectors' Statement (EB-104) in the ballot bag.
3. Starting July 1, 2006, the EB-104 no longer has to be completed in duplicate. Only ONE original is maintained and given to the municipal clerk. The municipal clerk will make appropriate copies for the school district and county clerks.

Inspectors' Statement

We, the undersigned election inspectors, hereby certify that the following is a true and correct statement for an election held in the _____ ward(s) of the _____ of _____, County of _____, State of Wisconsin, on the _____ day of _____, 20_____.

(ward number(s)) (Town, Village of City) (Name of Municipality) (Name of County) (Day) (Month) (Year)

☐ **Check box if no incidents were recorded for this election.**

Total number of voters: _____
*(The number of absentee voters plus the number of in-person voters. Do **not** include voters who cast provisional ballots.)*

Number of absentee voters: _____ **Number of provisional ballots:** _____

Signatures of Election Inspectors	*Time Worked*
_____	_____ to _____
_____	_____ to _____
_____	_____ to _____

CERTIFICATION OF CHIEF INSPECTOR

I certify that: I have completed the required training administered by the State Elections Board, and have been duly certified as a Chief Inspector. I served as the Chief Inspector for the election described above for the time period indicated below.

_____ (Signature of Chief Inspector)

☐ ENTIRE DAY ☐ FROM _____ a.m. p.m. TO: _____ a.m. p.m.

_____ (Signature of Chief Inspector)

☐ FROM _____ a.m. p.m. TO _____ a.m. p.m.

- **This form is to be made in duplicate.**
  - ✓One copy is to be filed with the County Clerk.
  - ✓One copy is to be filed with the Municipal Clerk. (Wis. Stat. 7.51)
  - (Municipal clerk provides other copies as needed.)
- The Inspectors' Statement is returned to the respective Clerk with the other Election forms.

DO NOT SEAL IN BALLOT BAG!

Incident Log (Please refer to the Election Day Manual for detailed procedures!)

Incident Number	Incident Code (See glossary)	Description of Incident	Time Incident Occurred	Election Officials Initials
			a.m. p.m.	
			a.m. p.m.	
			a.m. p.m.	
			a.m. p.m.	
			a.m. p.m.	
			a.m. p.m.	
			a.m. p.m.	
			a.m. p.m.	
			a.m. p.m.	
			a.m. p.m.	
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			a.m. p.m.	
			a.m. p.m.	
			a.m. p.m.	
			a.m. p.m.	
			a.m. p.m.	
			a.m. p.m.	
			a.m. p.m.	
			a.m. p.m.	
			a.m. p.m.	

Quick Reference (Please refer to the Election Day Manual for detailed procedures!)		
Code	**Description of Incident**	**Procedure for Completing Inspectors' Statement**
RO RS RW RD RB RV	**Rejected Absentee Ballots—*Absentee ballots are rejected if:*** The certificate envelope is open or appears to have been opened and resealed. The elector did not sign the certificate envelope. There is no signature of a witness. The inspectors have reliable proof that the elector has died before election day. Elector has voted more than one ballot of the same type. Elector has already voted in this election.	1) List voter's name and reason ballot was rejected. 2) Indicate the reason for rejection on the certificate envelope 3) Mark the certificate envelope "*Rejected #(serial number).*" 4) Place the envelope containing the ballot in the Rejected Absentee Ballot envelope. 5) The elector's name is not entered on the poll list. 6) Do not count the ballot.
D	**Defective Ballots which are remade by election officials**	1) Describe why the ballot had to be remade (ex: voter used red pen, voter circled names rather than marking arrow, mutilated by postal equipment). 2) These ballots are labeled "*Original Defective Ballot # (serial number)*" and "*Remade Defective Ballot # (same serial number).*" 3) The "remade" ballots are inserted into the counter. 4) The "defective" ballots are bundled together, marked and placed in the **Original Ballots Envelope**. 5) The **Original Ballots Envelope** is placed in the ballot container.
CC CA CR CF CI CV PV	**Challenged Ballots and Provisional Ballots** **Ballots may be challenged because:** The person is not a citizen of the United States. The person is not at least 18 years of age. The person has not resided in the election district for at least 10 days. The person has a felony conviction and has not been restored to civil rights The person has been adjudicated incompetent. The person has voted previously in the same election. **A provisional ballot was issued** because the elector was required to present I.D. and did not.	1) Complete the "*Challenge Documentation" (Form EB-104C).* (There should be one (EB-104C) for each challenged elector.) 2) Mark ballot "*Challenged – Voter #___.*" (Use voter number from poll list.) 3) Mark "*challenged*" next to voter's name on the poll list. 4) Challenged ballots are inserted into the counter. 5) Bundle together, label "*Challenged Ballots,*" and place in ballot container. Refer to the Provisional Ballots section of the Election Day Manual for instructions on issuing provisional ballots.
VI	**Ballots where voter intent could not be determined and, therefore, votes could not be counted**	1) Describe the issue that caused the inspectors to decide that voter intent could not be determined. 2) Mark ballot "*Defective-Intent,*" and assign a serial number. 3) Bundle together, mark "*Defective-Voter Intent Could not be Determined,*" and place in ballot container.
O	**"Objected To" Ballots** Objected Ballots are ballots that a minority of inspectors felt should not be counted.	1) Count the vote the way the majority of the inspectors determined it should be counted. 2) Assign a serial number to ballot, and indicate reason for objection. 3) Bundle together, label "*Objected to Ballots,*" and place in ballot container.
X	**Other Occurrences or Irregularities**	Describe any other occurrences or irregularities at your voting site which may or may not affect the validity of the election.

EB-104 (Rev 7/2004) The information on this form is required by S. 7.51, Wis. Stats. This form is prescribed by the State Elections Board, P.O. Box 2973, Madison WI 53701-2973, 608-266-8005 email: seb@seb.state.wi.us, website: http://elections.state.w.us,

EB-104c: Challenge Statement

This form is used to record any challenge made at the polling place. Challenges can be made to absentee ballots or to electors who appear in-person at the polls. A challenge must be made when an elector requests a ballot from the election inspectors or when an absentee ballot is processed. A challenge can only be made by a qualified elector of Wisconsin. A challenge statement should be completed for each challenge made.

Election inspectors can follow the process provided by the EB-104c. In order to complete this form and process a challenge:

1. List the name and address of the challenged elector at the top of the form.
2. Identify the challenge participants.
3. List the name of the election inspector. If an election inspector makes a challenge, a separate election inspector must process the challenge and issue the oaths.
4. List the name of the election inspector making the challenge (if applicable) or the name of the individual making the challenge.
5. If the challenge is to an absentee ballot, complete parts A & E only.
6. If the challenge is to an elector who is present at the polling place, start with part A and proceed through document.

7. Part A is addressed to the challenger:
    a. If challenger refuses to take the oath, provide a valid reason for the challenge or offers no information to support the challenge, then the process is terminated and the elector is allowed to vote without further challenge.
    b. The challenge must be issued based upon one of the reasons listed in question 3.

8. For question 4, only those questions relating to the reason for the challenge (the reason listed in question 3) are asked.

9. Part B is addressed to the challenged elector
    a. If a challenged elector refuses to take oath or answer any of the questions, or the answers indicate that the individual is not eligible, then the challenged elector does not vote/is not given a ballot.

b. If the elector does not vote/is not given a ballot, this information is noted in the box on the bottom of page 3.

10. For question 2, only those questions relating to the challenge are asked of the challenged elector.

11. Part C is addressed to the challenger:
    a. The election inspector offers the challenger an opportunity to withdraw the challenge.

12. Part D is addressed to the challenged elector.

13. The election inspector administers an oath to the challenged elector:
    a. If the elector refuses to take the oath, register to vote, or responds "No," the elector does not receive a ballot
    b. If the elector responds "Yes," the election inspector:
        i. Confirms the elector's registration. If the elector is not registered and the individual is a qualified elector who can provide proof of residence, the elector should complete the Voter Registration Application (EB-131).
        ii. Marks the back of the ballot with both the voter number and "Section 6.95" and writes the voter number on the front of the EB-104c and on the voter list (The voter number is marked on ballot in case a challenge occurs during a recount or court proceeding).
    c. The elector votes the ballot and inserts it into the ballot box or optical scan equipment.
    d. The election inspector indicates the reason(s) for the challenge on the voter list, and records the challenge incident on the EB-104 Inspectors' Statement.

14. Part E – Challenged Absentee Voter
    a. Remember: for absentee voters, only complete parts A & E of the EB-104c.
    b. The election inspector:
        i. Writes the voter number of the challenged elector and "Section 6.95" on the back of the ballot.
        ii. Writes the voter number on the front of the EB-104c and on the voter list.
        iii. Indicates the reason(s) for the challenge on the voter list and records the challenge incident on the EB-104 Inspectors' Statement.

15. If the challenged elector does not receive a ballot, the election inspector indicates the reason in the box at the bottom of page 3.

This form should be promptly returned to the municipal clerk along with the other election materials.

Challenge Documentation

Name and Address of **Challenged** Elector:

_____

_____

Challenged Elector Voter number _____
(Fill in only if Part D is completed)

Identifying Challenge Participants

Name of Inspector Administering Oaths or Affirmations_____

1. Person Challenging Electors who are Present at the Polling place
(Check the box that applies and provide the information requested.)

☐ **Inspector** (Who Is a Qualified Elector) *Making Challenge to an Elector who is Present at the Polling Place*

Name of Challenging Inspector_____ (Proceed to Part A.)

or

☐ Name and Address of **Elector** *Making Challenge to an Elector who is Present at the Polling Place*

_____

_____ (Proceed to Part A.)

2. Person Challenging Absentee Electors
(Check the box that applies and provide the information requested.)

☐ **Inspector** (Who Is a Qualified Elector) *Making Challenge to An Absentee Elector*

Name of Challenging Inspector_____ (Complete Parts A & E.)

or

☐ Name and Address of **Elector** *Making Challenge to An Absentee Elector*

_____

_____ (Complete Parts A & E.)

Part A. Challenger
(Indicate the challenger's answers to your questions by checking "yes" or "no." Provide any other information requested.)

1. Oath (or Affirmation) of Truthfulness given by inspector to challenger:
"Do you solemnly swear (or affirm) that you will fully and truly answer all questions put to you regarding the challenged person's place of residence and qualifications as an elector of this election."

   ☐ yes ☐ no

   If "yes," proceed with challenge process. If "no," see the end of this section*.

2. Inspector asks challenger if they are a qualified elector of Wisconsin. (Only an elector may challenge.)

   ☐ yes ☐ no

   If "yes," proceed with challenge process. If "no," see the end of this section*.

3. Challenger gives reason for challenge using one of the following criteria that applies to the person being challenged:

   ☐ the person is not a citizen of the United States;
   ☐ the person is not at least 18 years of age;
   ☐ the person has not resided in the election district for at least 10 days;
   ☐ the person has a felony conviction and has not been restored to civil rights;
   ☐ the person has been adjudicated incompetent;
   ☐ the person has voted previously in the same election

4. Inspector asks the following question(s) of challenger which are appropriate to determine the qualifications of the challenged elector:

   ☐ Why do you believe that the challenged elector is not a United States citizen?

   ☐ Why do you believe that the challenged elector is not at least 18 years of age?

❒ Why do you believe that the challenged elector has not, for at least the 10 days before this election, resided in, or been a resident of, the ward or election district from which he or she seeks to vote?

❒ For which of the following reasons, and why, do you believe the challenged elector is currently disqualified from voting:

- ❒ A felony conviction for which the challenged elector is still serving probation or is on parole or extended supervision?
- ❒ A judge's ruling that he or she is incapable of voting?
- ❒ Having made a bet or wager on this election?
- ❒ Having voted previously in this election?

❒ Record Challenger's Answer(s)

_____

_____

_____

_____

*IF CHALLENGER REFUSES TO TAKE THE OATH (OR AFFIRMATION) OF VERACITY, IS NOT A QUALIFIED ELECTOR OF WISCONSIN, REFUSES TO GIVE A VALID REASON FOR CHALLENGE OR REFUSES TO PROVIDE INFORMATION TO SUPPORT THE CHALLENGE, THE CHALLENGE PROCESS IS TERMINATED AND THE ELECTOR IS ALLOWED TO VOTE.

OTHERWISE:

5. *Proceed to Part B.*

Part B. Challenged Elector
(Indicate the challenged elector's answers to your questions by checking "yes" or "no ")

1. Oath (or Affirmation) of Truthfulness given by inspector to challenged elector:
"Do you solemnly swear (or affirm) that you will fully and truly answer all questions put to you regarding your place of residence and qualifications as an elector of this election."

❒ yes ❒ no

If "yes," proceed with challenge process If "no," see end of this section.*

2. Inspector asks challenged elector only those of the following questions which are appropriate to test the person's qualifications based on the cause for the challenge:

❒ Are you a United States citizen? ❒ yes ❒ no

❒ Are you at least 18 years of age? ❒ yes ❒ no

❒ For at least the 10 days before this election, have you resided in, or been a resident of, the ward or election district from which you seek to vote? ❒ yes ❒ no

❒ Are you currently disqualified from voting for any of the following reasons:

- ❒ A felony conviction for which you are still serving probation or are on parole or extended supervision? ❒ yes ❒ no
- ❒ A judge's ruling that you are incapable of voting? ❒ yes ❒ no
- ❒ Having made a bet or wager on this election? ❒ yes ❒ no
- ❒ Having voted previously in this election? ❒ yes ❒ no

*IF CHALLENGED ELECTOR REFUSES TO TAKE THE OATH (OR AFFIRMATION) OF VERACITY, REFUSES TO ANSWER ANY OF THE QUESTIONS IN PART B, OR THE ANSWERS GIVEN INDICATE THAT THE CHALLENGED ELECTOR DOES NOT MEET VOTING ELIGIBILITY REQUIREMENTS,