

**DATE: October 24, 2022**  
**SUBJECT: Election Reminders and Items To Consider**

In discussions with municipal clerks and community members about a variety of matters, I am sharing some useful reminders. Most information from the Wisconsin State Statutes and/or Election Day Manual - references have been included.

### Designated Observer Area

Often during November elections, polling places see an increase in the number of observers that are present throughout the voting process. Each polling location should have a Designated Observer Area located not less than 3 feet or more than 8 feet from the location where voters are checking in and signing the poll book and where voter registration activities are happening.

Wis. Statutes 7.41(1), Election Day Manual – page 21

### Voter Cell Phones and Photography in Polling Area

Voters may silently use cell phones in the polling area and voters may take photos or video of themselves if it is not disruptive. Voters may not take photos or videos of other voters or other voters' ballots without their consent. The chief inspector may prohibit an observer from using a cell phone if it is deemed disruptive. Inspectors may wish to caution voters that sharing an image of their voted ballot in exchange for compensation may violate the election bribery or election fraud statutes.

Election Day Manual – page 85

### Electioneering

Electioneering activities should not be taking place near your polling locations. If necessary, Chief Inspectors and/or Municipal Clerks may want to mark off the distance with chalk. There were reports of this being a problem during the August Partisan Primary, so being prepared may alleviate this issue on Election Day.

Electioneering is any activity intended to influence voting at an election. Electioneering is prohibited on public property within 100 feet of any building entrance a voter may use to access the polling place. This does not apply to private property within the 100 foot rule.

Wis. Statutes 12.03(2), 12.035(3), Election Day Manual – page 86

### End of Line Officer

A designated End of Line Officer stands behind the last voter in line at 8:00 p.m., when the polling location officially closes. Any voters still in line shall be allowed to vote, including completing registration, if necessary. The Municipal Clerk may have coordinated with local law enforcement to provide an officer for this task.

Election Day Manual – page 88

### Counting Ballots

While counting votes occurs after the polls close, the process of counting is a public activity. Any interested person, including a candidate, may be present and observe the counting as long he or she does not interfere with the process.

Election Day Manual – page 108

### Optical Scan Ballots

After processing all absentee ballots and/or any ballots that may have been placed in the auxiliary compartment of your voting equipment during the day, the Chief Inspector should generate the results tape and transmit those results to Racine County for reporting.

ALL ballots must be reviewed by the election officials and write-in votes for registered write-in candidates must be documented and recorded on tally sheets.

Election Day Manual – page 112

### Registered Write-in Candidates

The deadline for a candidate to file a Campaign Registration Statement (CF-1) with the appropriate filing officer to be considered a registered write-in candidate is 12:00 p.m. the Friday before the election. Clerks should provide their election inspectors with a list of registered write-ins. The list may not be posted in the polling place and the election inspectors may not inform voters of any registered write-in candidates unless asked.

Wis. Statutes 7.50(2)(em), Election Day Manual – page 115

### Stickers should NOT be used for write-ins

While some documents may refer to the use of stickers for write-in votes, stickers are NOT to be used on ballots - this language was removed from statute years ago. Stickers should also not be used under the maintenance agreement for the voting equipment.

**WARNING: The use of any applied adhesive label and/or "sticker" to a ballot for write-in campaigns or otherwise that cause any damage to the equipment or result in additional repair work are not covered by this agreement and will be the responsibility of the Customer.**

ImageCast Election Hardware Maintenance Agreement Terms and Conditions,  
Customer Responsibility D.

Repair work related to stickers damaging the internal workings of a tabulator both void the tabulator warranty and can have costs for repair/replacement that starts at \$1,750 and can go to the full cost of a new tabulator. Stickers or any foreign object can cause ballot misreads and/or ballot jams for other ballots cast as well.

### Referendum Questions

Some municipalities have local referendum question(s) on their ballots. Election Officials may not offer an explanation regarding the effect of the vote. Voters having questions should be referred to the Explanatory Statement and Effect of Vote for the specific referendum question. A copy of the notice is to be posted in the polling places for those municipalities.