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Wisconsin Ballot Proofing

WHAT IS BALLOT PROOFING AND WHY SHOULD WE DO IT?

The process of producing a ballot is complex. County election officials do their best to make sure they have listed every contest and every candidate correctly. But **mistakes happen.** Ballot proofing helps catch mistakes before official ballots are printed. And that's important because mistakes caught after ballots are printed often cannot be fixed. Ballot proofing is therefore one of many tools to ensure that election results accurately reflect voter intent.

So who does this proofing? County officials will proof each ballot before sending it to the printer, but **you have a role to play too.** The more eyes on the near-final version of the ballot, the better. You should feel free to invite staff, voter protection volunteers, and others to participate.

HOW LONG DOES IT TAKE TO PROOF A BALLOT?

Not long. It will take one person a few minutes per ballot to perform a complete review. Because mistakes are usually noticed by a fresh set of eyes, consider bringing in a second person to review.

HOW DO WE PARTICIPATE IN THE PROOFING PROCESS?

In Wisconsin, state law does not require that counties send near-final versions of the ballot to candidates to review, but counties are **permitted** to do so. County Clerks are required to send ballot proofs to the State Elections Commission and the Commission must notify the County Clerk of any errors within 7 days.[1] Accordingly, each candidate should request that, at the time that counties transmit ballot proofs to the Elections Commission, they also share a copy with each candidate.

County Clerks are also instructed to proof ballots before printing.[2] You should ask each county when they will be proofing and whether you can assist with that process, noting that an extra set of eyes can help share the burden and avoid the need to reprint ballots closer to the election.

State law does establish a process by which a voter can seek a judicial remedy to correct "an error or omission in the preparation of a ballot."[3] So proofing a sample ballot is recommended even if you are unable to obtain a pre-print

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1   Wis. Stat. § 5.72(a), (b).

2   2016 Elections Manual (p. 60).

3   Wis. Stat. § 5.72(c).

"ballot proof." While it is ideal to review a "ballot proof" earlier in the ballot preparation process, it is always better to catch errors before Election Day when there is still time to reprint.

Remember, each county handles the proofing process differently and so you should reach out to any target counties now to confirm their process, including whether they would be amenable to sharing a ballot proof with you at the time that they transmit one to the State.

WHEN DOES THE PROCESS START?

The process in Wisconsin will likely start in late August or early September. At minimum, ballots must be prepared by September 17 so that they can be mailed to UOCAVA voters.   **You should contact counties by early August so you know what to expect.**

(Note: In Wisconsin, some counties use "Type A" ballots that are mailed to UOCAVA voters by mid-September and then "Type B" ballots that are mailed later and that list additional contests. If the county plans to use both types, you will want to review either a ballot proof or a sample ballot of each type.)

HOW SHOULD WE REPORT ERRORS OR OMISSIONS?

In Wisconsin, there are informal and formal mechanisms to ensure that mistakes are corrected. You should first attempt to notify the county via email of the error and your proposed correction. So long as you timely notify the county election official, she or he will likely correct the error promptly. If for any reason the county official does not correct the error, a voter may seek a judicial remedy by filing an affidavit "alleging an error or omission in the preparation of a ballot."[4] This should be a voter from the relevant county. "The circuit court for the county where the ballot is proposed to be used" may then either require the County Clerk to correct the error or show cause why it should not be corrected.[5]

OTHER THAN ITEMS ON THE PROOFING CHECKLIST, IS THERE ANYTHING SPECIFIC TO WISCONSIN THAT WE SHOULD BE LOOKING FOR?

For more information about ballot layout in Wisconsin, see pages 60-65 of the 2016 Elections Manual.

Ballot and envelope templates used by the counties are available here.

CONNECT WITH US!

Have questions? Need help? Please reach out to us at:

ballotquestions@digidems.com

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4   Wis. Stat. § 5.72(c).
5   Wis. Stat. § 5.72(c).