



Wisconsin Elections Commission

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MEMORANDUM

TO: Wisconsin County Clerks and the Milwaukee County Election Commission
Wisconsin Municipal Clerks and the Milwaukee City Election Commission

FROM: Meagan Wolfe, Administrator
Richard Rydecki, Assistant Administrator
Wisconsin Elections Commission

DATE: February 5, 2020

SUBJECT: Issuing and Managing 'A' and 'B' Ballots for the Spring Election and Presidential Preference Vote

Clerks will be required to issue 'A' and 'B' ballots for the Spring Election and Presidential Preference Vote due to state law. **Wis. Stat. § 7.15(1)(cm) states “The clerk shall send or transmit an absentee ballot for the presidential preference primary to each elector who has requested that ballot no later than the 47th day before the presidential preference primary if the request is made before that day, or, if the request is not made before that day, within one business day of the time the request is received.”** This requirement is in addition to the 47-day deadline under federal law to send absentee ballots to all UOCAVA voters (military and overseas) prior to each federal election.

This memo will attempt to explain the reasons two separate ballots are necessary, provide instructions for tracking these ballots in WisVote, answer frequently asked questions and plainly address the procedures for issuing the ballots and processing them on election day. The WEC will also offer additional training on these processes as we get closer to the deadlines and milestones for the Spring Election and Presidential Preference Vote. This memo includes registration information for an already scheduled webinar on this topic.

Deadline: February 20, 2020 (47 days prior to the Presidential Preference Vote)

Action Required: All Wisconsin clerks are required to send Presidential Primary-only ballots, or 'A' ballots, to all voters with absentee requests on file prior to the deadline. Ballots for UOCAVA voters are included in this requirement and should be given priority when meeting this deadline as the primary purpose of the federal and state laws is to allow sufficient time for military and overseas voters to receive and return their ballots.

Wisconsin Elections Commissioners

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Details: The 'A' ballot that will initially be sent will only contain the Presidential Preference contest and will be provided by the county clerk. It will be created using the hand-count paper ballot template and will not be able to be used with optical scan equipment. The 'B' ballot, or full ballot, will contain both the Presidential Primary contest and all other Spring Election contests. This ballot will be sent to all voters with an absentee request on file once they have been provided by the county clerk, except for permanent overseas voters who are only eligible to vote for federal offices. This means that absentee voters with valid requests prior to receiving the full spring ballot will receive two ballots ('A' and 'B') for the Spring Election and Presidential Preference Vote on April 7, 2020.

Background Information

The Spring Election and Presidential Preference Vote combines a state and local nonpartisan election with a federal partisan primary: two distinctly different types of election events held simultaneously. Because such diametrically dissimilar elections are only conducted together once every four years, statutory requirements for the two types of election have evolved divergently to create a combined election which can be challenging and confusing to administer.

The foremost issue is the statutory conflict between absentee ballot lead times. For state and local elections, the deadline to send ballots to voters with an absentee application on file is 21 days before the election. For partisan and federal elections, the deadline is much earlier – 47 days before the election. 47 days before April 7, 2020 is February 20 – two days after the spring primary which is on February 18. This is well before the results of the primary are certified. For that reason, all voters (except voters in care facilities or retirement homes served by SVDs) who have absentee ballot requests on file with the municipal clerk must be sent the Presidential Preference-Only ballot no later than February 20.

'A' Ballot: Presidential Preference Only Absentee Ballot [EL-204](#)

*** The Presidential Preference-Only ('A') ballot **IS NOT** for new residents that do not meet the durational residency requirement or for former residents that cannot register to vote in their new state. Those provisions are only applicable to the Presidential Election in November. ***

Municipal clerks must send the Presidential Preference-Only ('A') ballot to *all* voters (not just UOCAVA voters) that have absentee ballot requests on file no later than February 20, 2020, *with the exception of voters in care facilities or retirement homes served by SVDs*. Voters whose absentee ballot requests are received after February 20 are sent an 'A' ballot within one business day of receiving the request. 'A' ballots are sent in response to all absentee ballot requests until official Spring Election and Presidential Preference Vote ballots ("official ballots" or 'B' ballots) are prepared and delivered to the municipal clerks. After the official ballot is available, only that full ballot will be issued for new requests, except for permanent overseas electors who may vote only in federal contests.

There are two 'A' ballot styles to choose from. Only these two ballot styles may be sent as an 'A' ballot:

EL-204 Traditional Hand Count Ballot

Staple together at bottom in this order:

EL-204i Instruction Sheet (on top)
EL-204 Democratic ballot
EL-204 Republican ballot
(EL-229 on back of each ballot)

EL-204cons Consolidated Hand-Count Ballot

- Both parties are on one ballot with a Party Preference Section.
- The endorsement section is incorporated into the ballot.
- No additional instruction sheet is required.

Procedure

EL-204 Traditional and Consolidated Hand Count Ballots

- No later than February 19, the county clerk will provide the 'A' ballot in hard copy or as a pdf.
- Mailed traditional hand-count paper 'A' ballots (EL-204) must have an EL-229 on the back of each party ballot. Each party ballot must be initialed by the clerk or deputy clerk and include the instructional coversheet (EL-204i).
- Traditional hand-count paper 'A' ballots (EL-204) sent electronically must be accompanied by an EL-229 and initialed by the clerk or deputy clerk. The face of the ballot is also initialed.
- A mailed consolidated hand-count paper 'A' (EL-204cons) ballot has the endorsement (the section where the municipal clerk initials the ballot) incorporated on the face of the ballot. The clerk or deputy clerk must initial in the endorsement section.
- Before sending an 'A' ballot, write an 'A' on the certificate envelope. If sending the ballot electronically, write an 'A' on the certificate sent with the ballot.
- Include the Uniform Instructions, as usual. <https://elections.wi.gov/forms/voters-uniform-instructions>
- Include an explanation of why the voter is receiving the ballot and that they will be receiving an official ballot toward the middle of March. An explanation accompanies this memo.
- The 'A' ballot may be remade onto an OS ballot on election day or hand counted.

'B' Ballot: Official Spring Election and Presidential Preference Ballot [EL-209](#)

The 'B' ballot is the official Spring Election and Presidential Preference Vote ballot. The county clerk will provide the official 'B' ballots to their municipal clerks no later than March 16. Municipal clerks will stop sending ballot 'A' as soon as the 'B' ballots are received from the county clerk. Below are the available ballot styles.

Hand-Count Paper Ballots

- **For municipalities that use traditional, hand-count ballots:**

[EL-209](#) *2020 Spring Election-Pres Pref-Paper Ballot-state and county.* (You will need one for each party.)

Each ballot must contain an endorsement back (EL-229). The two separate party ballots are stapled at the bottom with the Democratic ballot on top. The instructions on both ballots remind the voter to only vote on one of these ballots. Upon return by the voter, the unused ballot is placed in a locked discard box and the voted ballot is placed in a ballot box for federal/state/county ballots.

Any municipal, school district or referendum ballots are also given to the voter. The voter votes on each of these ballots and deposits them in the appropriate ballot boxes.

- **If the county clerk prepares consolidated paper ballots for municipalities:**

[EL-209](#) *2020 Paper Consolidated Spring Election & Pres Pref.* (You will need one for each party.)

There is a sample for numbered and unnumbered town supervisors, villages and cities.

Optical Scan Ballots

[EL-209](#) There are Arrow and Oval Versions for Towns with numbered and unnumbered seats, villages and cities.

Procedure

- No later than March 17, send a 'B' ballot (official ballot) to all voters who were sent an 'A' ballot, **except permanently overseas voters.**
 - Before mailing a 'B' ballot, write a letter 'B' on the certificate envelope and initial the ballot in the endorsement section.
 - Before transmitting a 'B' ballot electronically, write a letter 'B' on the absentee certificate and initial the ballot in the endorsement section and on the face of the ballot.
 - Include the Uniform Instructions, as usual. <https://elections.wi.gov/forms/voters-uniform-instructions>
 - Include an explanation of why the voter is receiving the ballot and that the 'B' ballot will be counted if both are returned. An explanation accompanies this memo.

Requests for Absentee Ballots Received After Official Ballots Have Been Received

For absentee ballot requests received after the county clerk has delivered the B (official) ballots, send the voters an official ballot within one business day of receiving the request. No more A ballots will be sent, *unless a request from a permanent overseas voter is received.*

Processing 'A' and 'B' Ballots at the Polling Place

Many voters will be sent both 'A' (Presidential Preference-Only) and 'B' (official) ballots for this election. It is important that returned absentee ballots be organized prior to sending them to the polling place or central count facility for processing. For voters who have returned both an 'A' (Presidential Preference-Only) and a 'B' (official) ballot, the 'B' ballot will be counted, and the 'A' ballot will be rejected. If a voter has only returned an 'A' ballot, that ballot must be counted after the polls close on election day. Returned 'B' ballots can be processed throughout election day.

Please use the following procedures to process these absentee ballots on election day:

- Returned 'A' ballots should be separated from returned 'B' ballots.
- Show the election inspectors how to identify 'A' and 'B' ballots.
- 'A' ballots from all voters except permanent overseas voter should be held until after 8:00 p.m., along with 'B' (official) ballots with insufficient certificate envelopes.
- 'A' ballots from permanent overseas voters with sufficient certificate envelopes may be processed throughout the day, as these voters would not have received a 'B' (official) ballot.
- 'B' (official) ballots with sufficient certificate envelopes may be processed throughout the day.
- After 8:00 p.m., the 'B' (official) ballots with insufficient certificate envelopes that were not remediated by the voter on election day are rejected.
- After 8:00 p.m., the 'A' ballots are checked against the poll list and only processed if there is no voter number next to the voter's name.
 - When marking the absentee ballot log that the 'A' ballot was processed, you may find that the voter's 'B' ballot was rejected. If the 'B' ballot was rejected, the 'A' ballot is still processed.
- 'A' ballots received from voters who have a voter number next to their name on the poll list are rejected.
- 'A' ballots tabulated by optical scan equipment first must be remade.

Creating and Tracking 'A' and 'B' Ballots in WisVote

Presidential Preference-Only Ballot – Ballot 'A'

Follow the normal absentee process in WisVote to create the Presidential Preference-Only ballot ('A'). The 'A' ballot is the ballot that will be sent out on February 20, 2020 and until the complete 2020 Spring Election and Presidential Preference Vote ballot (ballot 'B') is provided by the county clerk. The deadline for the county clerk to deliver the 'B' ballots to the municipal clerks is March 16, 2020. After issuing an 'A' ballot, the *Date Ballot Sent* must be populated or the date must be entered manually. *(Mark the certificate envelope with the letter 'A' in order to tell what ballot is returned to the clerk's office).*

Spring Election and Presidential Preference Vote Ballot – Ballot 'B'

Between February 21 and March 15, WEC staff will generate the 'B' ballot records in WisVote, so that clerks can track when a 'B' ballot was mailed to those who were also sent an 'A' ballot. In WisVote it will look like another absentee ballot record for the individuals who were sent 'A' ballots. The absentee ballot records are not labeled 'A' or "B," or differentiated in any other way in WisVote, so clerks will need to look at the *Date Ballot Sent* to know which ballot is which when recording their return status. (*Mark the certificate envelope with the letter 'B' in order to tell what ballot is returned to the clerk's office*).

WEC staff will reach out to clerks once the 'B' ballot absentee ballot records have been created in WisVote. If clerks receive and enter more absentee requests after receiving the WEC notification, and it is before the 'B' ballot is provided by the county, clerks should notify the Help Desk so the 'B' ballot record can be generated as soon as possible.

Any voter making an absentee request on or after March 16, 2020 (or whenever the 'B' ballots are provided by the county clerk), will only be mailed the 'B' ballot and will not have two absentee ballot records in the system.

Managing Returned 'A' and 'B' Ballots in WisVote

There are three scenarios for returned ballots from voters who were sent both 'A' and 'B' ballots. The voter could return:

- only the 'A' ballot
- only the 'B' ballot
- both the 'A' and the 'B' ballots

All absentee returned ballots must be tracked and have their status updated in WisVote.

- If only the 'A' ballot is returned--
 - Mark with *Date Ballot Returned* and *Ballot Status Reason* as "Returned" (Leave the 'B' ballot as "Not Returned.")
- If only the 'B' ballot is returned—
 - Mark with *Date Ballot Returned* and mark *Ballot Status Reason* as "Returned" (Leave Ballot 'A' as "Not Returned.")
- If **both** the 'A' ballot and the 'B' ballot are returned—
 - Mark the 'A' ballot with *Date Ballot Returned* and mark *Response Type* as "Returned, to be Rejected," AND mark the 'B' ballot with *Date Ballot Returned* and *Ballot Status Reason* as "Returned."

Important: For this process to work, we strongly suggest you do not attempt to issue any absentee ballots in the 2020 Spring Election and Presidential Preference Vote until February 13th. We also suggest you do not check your Contests Complete or Candidates Complete checkpoints until after you have issued all Presidential Preference-Only ("A") ballots.

Staff will be offering a webinar to discuss these procedures and answer questions about these requirements. Link to register for the webinar at 10:00 a.m. on February 13, 2020:

<https://attendee.gotowebinar.com/register/1529351809697705739>

Frequently Asked Questions

Q: When must 'A' ballots be sent to voters?

A: The Presidential Preference-Only ('A') ballot must be sent to all voters with an absentee ballot request on file no later than February 20, 2020, *with the exception of voters in care facilities or retirement homes served by SVDs*. Voters whose absentee ballot requests are received after February 20 are sent an 'A' ballot within one business day of receiving the request. 'A' ballots are sent in response to all absentee ballot requests until official Spring Election and Presidential Preference Vote ballots ("official ballots" or 'B' ballots) are prepared and delivered to the municipal clerks.

Q: When sending the 'A' ballot should I also include an explanation to the voter that tells them why they are receiving this ballot?

A: You should include a brief explanation as to why the 'A' ballot was sent. The explanation should inform the voter that they can vote and return the 'A' ballot and they may vote and return the official ('B') ballot when they receive it in March. An explanation for the voter is included with this memo.

Q: When will 'B' Ballots (official ballots) be available?

A: County clerks are required to provide official ballots to municipal clerks by March 16, 2020 for the Spring Election and Presidential Preference Vote.

Q: If 'A' ballots were already sent to voters with absentee requests on file, do I need to also send 'B' ballots (official ballots) to those voters once they are provided by the county clerk?

A: Yes, all voters should also be sent a 'B' ballot once those have been provided to you. *The only exception is permanent overseas voters*; they are only eligible to receive an 'A' ballot for the Spring Election and Presidential Preference vote because they may only vote for federal offices.

Q: When sending the follow up 'B' (official) ballots should I also include an explanation to the voter that tells them why they are receiving another ballot?

A: Yes, you should include a brief explanation as to why the additional ballot was sent. The explanation should inform the voter that they can vote and return the 'B' ballot as a replacement for the initial ballot that only listed the Presidential Preference Vote. An explanation for the voter is included with this memo.

Q: May I offer in-person absentee voting with only 'A' ballots (Presidential Preference-Only) until the 'B' ballots (full ballot) are ready?

A: There is no restriction on offering in person absentee hours with only 'A' ballots until the full ballots are ready. You should explain the situation to each voter and let them know they are still eligible to vote an official ('B') ballot once it is available. If the voter wishes to request an official ballot for the Spring Election, you should obtain a written request. In addition to other forms of a written request, you may create a form that in-person absentee voters can sign to request a Spring Election ballot.

Q: What happens if a voter returns both ballots?

A: You will instruct your poll workers to count the official or 'B' ballot. The 'A' ballot will be sent to the polls to be rejected and should be kept and stored with your election materials. However, if the 'B' ballot is rejected because of certificate or other errors, then the 'A' ballot is counted.

Q: If a voter did not cast a vote for president on the 'B,' should the inspectors open the 'A' ballot and count the vote for president?

A: No. If the voter did not vote for president on the 'B' ballot, poll workers may not transfer that vote from the 'A' ballot onto the 'B' ballot.

Q: What happens if a voter who only voted an absentee 'A' ballot either in-person or by mail comes into their polling place on Election Day and wants to vote a full ballot?

A: The voter should be allowed to receive and vote a full ballot on Election Day. The voter should have a watermark in the poll book that indicates they were issued an absentee ballot, but we recommend marking the poll book to indicate these voters only received an 'A' ballot and are still eligible for the full, or 'B' ballot.

Q: Does this mean we should not process the 'A' ballots until after the polls close on Election Day?

A: Yes, the 'A' ballots should be held until after 8:00 PM in the event one of these voters shows up and wants to vote a full ballot.

If you have any questions concerning this memorandum, please contact the Help Desk at 608-261-2028 or elections@wi.gov.