



Wisconsin Elections Commission

212 East Washington Avenue | Third Floor | P.O. Box 7984 | Madison, WI 53707-7984

DATE: June 22, 2021

TO: Wisconsin County Clerks
Wisconsin Municipal Clerks

FROM: Meagan Wolfe
Administrator

Richard Rydecki
Assistant Administrator

SUBJECT: Updates to WEC Memoranda on Indefinitely Confined Absentee Status

The Wisconsin Elections Commission recently updated the January 8, 2021, clerk communication titled “Indefinitely Confined Absentee Request Confirmation Process” and the May 6, 2021, clerk communication titled “Indefinitely Confined Absentee Ballot Requests Clean-Up Process.” The intent of the communications remains the same, and the content also remains largely intact. However, WEC staff were alerted to some potential ambiguities in the drafting of the materials that led some parties to misunderstand the interpretations being offered by WEC. A high-level summation of the changes is as follows, but please feel free to contact WEC if you have questions pertaining to a prior misreading of the memoranda (e.g. your office did not perform the processes required in Wis. Stat. § 6.86):

- 1) The title of the January 8 memo was changed to reflect the actual, original intent. Specifically, the memo was meant to address optional and proactive clerk confirmation of the indefinitely confined status of voters (some of whom did vote in the prior election), not the mandatory review required by statute. Specifically, clerks were asking if additional outreach could be performed beyond that required in statute, so that the voter registration statuses would remain as up to date as possible.
- 2) The obligations of Wis. Stat. § 6.86(2)(b) remain mandatory, as outlined in the May memo. It was never meant to be implied that they were not.
- 3) The FAQs have been refreshed to eliminate any ambiguity.
- 4) Please consider that a voter who cast and returned an absentee ballot in the last election using an indefinitely confined status should have that status retained on the voter registration list unless they provide notice that they are no longer indefinitely confined, or the clerk receives reliable information that the individual no longer qualifies as indefinitely confined.
- 5) The memorandum’s section on what constitutes reliable information that a voter is no longer indefinitely confined has been expanded to further explain this assessment process. Please note that the reasons for claiming indefinite confinement may be invisible or intermittent. Clerks should consult local counsel before determining what information is “reliable.”

Please see the included comparison documents for additional detail on the updates made to the memoranda. If you have any further questions on these changes, please feel free to contact Jim Witecha at james.witecha@wisconsin.gov or (608) 266-0136.

Wisconsin Elections Commissioners

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Administrator
Meagan Wolfe