

# State of Wisconsin \ Government Accountability Board

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**DATE:** June 17, 2016

**TO:** Wisconsin County Clerks  
Wisconsin Municipal Clerks  
City of Milwaukee Election Commission  
Milwaukee County Election Commission

**FROM:** Michael Haas, Elections Division Administrator  
Meagan McCord Wolfe, Voter Services

**SUBJECT:** Military and Permanent Overseas Absentee Deadlines- August 9 Primary

## **REMINDER:**

**If a Military or Permanent Overseas voter makes a request for an absentee ballot on or before Thursday, June 23, 2016, you MUST send them the requested ballot no later than Thursday, June 23, 2016.**

**If a Military or Permanent Overseas voter makes a request for an absentee ballot on June 24 or June 25, 2016, you MUST send them the requested ballot no later than Saturday, June 25, 2016.**

It is very important that you send absentee ballots to your military and permanent overseas electors in accordance with the deadlines established under federal and state law. If you were a municipal or county clerk during the 2012 General Election, you probably remember the lengthy absentee ballot reporting requirements that municipalities and the G.A.B. were required to complete for the U.S. Department of Justice (USDOJ) due to the delivery deadline in the federal Uniformed and Overseas Citizens Absentee Voter Act (UOCAVA). The reporting requirements in 2012 were a result of a Consent Decree issued by a federal court because some absentee ballots were delivered by municipalities to military and overseas electors for the 2010 election after the deadline under federal law.

While we are not currently subject to the detailed requirements of the Consent Decree, the USDOJ has again asked Wisconsin, along with all other states, to track and report all military and permanent overseas absentee ballots to ensure that they are issued in accordance with the federal deadlines, in order to avoid future Consent Decrees. Also, Wisconsin Statutes set the deadline for issuing absentee ballots to military and permanent overseas voters two days earlier than the federal deadline. This should address most UOCAVA ballot requests without requiring weekend transmissions.

For the August 9, 2016 Partisan Primary, the G.A.B. will report UOCAVA absentee activity to USDOJ on behalf of Wisconsin's 1,854 municipalities. We are doing this by compiling UOCAVA absentee reports directly from WisVote; an approach that worked well for the April 2016 Presidential Preference. However, there were a handful of municipalities with late

UOCAVA ballots or with UOCAVA absentee ballot information that was entered incorrectly into WisVote, and those issues were detailed in the report submitted to USDOJ.

Because of the number of federal offices on the ballot, if even one Wisconsin military or permanent overseas absentee ballot is sent out late for the August 9, 2016 Presidential Preference there is a possibility that USDOJ will again pursue a federal court action and all Wisconsin municipalities may again be subject to the demanding reporting requirements imposed in 2012. To avoid this result for you and your colleagues, we need each of you to make the timely transmittal of UOCAVA ballots a top priority for the August 9, 2016 Partisan Primary. In addition, your efforts in entering UOCAVA absentee ballot information into WisVote in a timely and accurate manner will ensure that the G.A.B. is able to continue to submit reporting requirements to USDOJ on the behalf of municipalities in the future, rather than requiring all municipalities to report directly to USDOJ.

Remember, you may receive absentee ballot requests from military or permanent overseas electors through a MyVote.wi.gov email notification. Please read all MyVote notifications thoroughly to see if you need to mail, fax, or email a ballot to a UOCAVA voter. If the elector asks to *receive* the ballot “online” then the elector will access the ballot on MyVote, the clerk does not need to send the ballot. If the elector asks to receive the ballot by mail, email, or fax, the ballot must be transmitted by the method requested unless the elector subsequently agrees to obtain the ballot through MyVote Wisconsin. Detailed UOCAVA absentee ballot scenarios are attached to this communication for your reference. We have also attached a document on how to email or fax absentee ballots to UOCAVA voters. The deadline for the county to provide you ballots for the August election is June 22, 2016.

It is also important to note that while the State of Wisconsin deadline to send out UOCAVA ballots is Thursday, June 23, 2016, the federal deadline is Saturday, June 25, 2016. This means that any absentee ballot requests you receive on June 24 or 25 must be sent to the voter no later than Saturday, June 25. If you receive an absentee ballot from a UOCAVA voter on June 25<sup>th</sup> and the ballot is not sent to the voter until June 27<sup>th</sup>, the ballot will be considered late by the U.S. DOJ. Please see the attached deadlines document for a list of the UOCAVA ballot deadlines for 2016.

Finally, please note the new WisVote data entry deadlines for all absentee ballots under 2015 Wisconsin Act 261. Municipalities must record in WisVote, within 48 hours, whenever any absentee ballot is requested, issued, or received. Any Relier municipality has 48 hours to forward that information to their WisVote Provider, who has an additional 24 hours to record the information. This means it is no longer sufficient to only enter absentee ballot data into an absentee log.

The Elections Commission is required to make the current data available to requestors at least twice weekly, which will be accomplished through the Badger Voters website. While this was a new requirement for the 2016 Spring Election, ensuring access to the data will be a higher priority for the political campaigns and parties during the fall elections. Compliance with these reporting requirements, therefore, will be a higher priority for the Legislature and the Elections Commission.

Thank you for your assistance in this matter. We know that you take very seriously your role in ensuring that military and permanent overseas electors are able to cast their ballots. We feel

confident that with your cooperation all UOCAVA voters from Wisconsin will receive their ballot on or before the deadlines for the August 9, 2016 Partisan Primary and that we will be able to promptly submit the required absentee ballot data to the US DOJ.

If you have any questions, or anticipate any problems with meeting the UOCAVA absentee ballot deadlines, please contact the G.A.B. helpdesk at [gab@wi.gov](mailto:gab@wi.gov) or (608) 266-8005.