

State of Wisconsin \ Government Accountability Board

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DATE: December 1, 2011

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

FROM: Nathaniel E. Robinson
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Government Accountability Board

SUBJECT: Wisconsin Act 75 Provisions and Mandates
Changing the Partisan Primary and the Absentee Envelope

Today, December 1, 2011, Wisconsin Act 75 became law. This legislation contains significant changes to election laws as well as changes to the election calendar. Most notably the “September Primary” has been renamed the “Partisan Primary,” and has been set for the second Tuesday in August, or August 14, 2012. Many of the changes relate to the requirements of the Federal M.O.V.E Act, but the legislation also contains provisions relating to the absentee voting process, polling place location designation and other election occurrences.

Note that Act 75 also makes a change to the newly revised absentee envelope and one of the important provisions regarding emailing and faxing absentee ballots does not take effect until after the February 2012 Spring Primary. The information below summarizes these two important changes.

Absentee Envelope Changes

Act 75 make changes to the absentee envelope that is provided to absentee electors. This will require a change to the current GAB-122. The certification side of the envelope remains the same; the mailer side of the envelope however, must now include the following statutory required language “Cast by an absentee elector under s.7.515, Wis. Stats., and may be eligible to be counted after election day.” This provision in Act 75 requires that all absentee electors’ ballots may be counted after Election Day if received by 4 p.m. on the Friday following the election and postmarked no later than Election Day. The new version of the envelope can be found at <http://gab.wi.gov/node/2079> (nonmilitary and overseas) or <http://gab.wi.gov/forms/gab-122m-notaway> (military). If you have not ordered new absentee envelope yet, please make sure you are using the updated absentee certificate and mailer.

Clerks may have already printed absentee envelope. These envelopes need to be updated to contain the statutory language in Act 75. There are several options below for clerks to ensure their absentee envelopes are in compliance with Act 75.

1. For those who have printing accounts with Bear Graphics, G.A.B. staff has been in contact with them and they have provided some options. Any municipality or county that ordered envelopes

from Bear Graphics may pursue one of the following options to make those purchased envelopes compliant:

- Request labels from Bear Graphics with the “Cast by an absentee elector...” verbiage at no cost (recommended for those who ordered only a few). The labels are 3” by 1/2” and would be placed above “FIRST CLASS MAIL” and below the stamp (on a non-military envelope) or below “par avion” (on a military envelope).
 - Ship the envelopes back to Bear Graphics. Bear Graphics will overprint the envelopes with the required verbiage. The county or municipality is responsible for shipping costs to and from Bear Graphics and a \$10 handling charge. If you plan to return your envelopes to Bear Graphics for overprinting, you must notify them no later than December 9, 2011. Please contact LouAnn Mogenson at 800-325-8094.
2. Clerks who do NOT have printing accounts with Bear Graphics may make other arrangements with their printer.
 3. Clerk may use a stamp which contains the required verbiage.
 4. Clerks may request that the G.A.B. ship labels to them to affix to the absentee envelope. Clerks may contact the G.A.B. at GABabsLabels@wi.gov to request labels. Please include the number of labels needed and the shipping address in your request. Requests must be received by later than **Friday, December 16, 2012.**

Important Changes to Emailing and Faxing Absentee Ballots

Many clerks have heard that Act 75 removes the requirement for clerks to email or fax absentee ballots to any elector who requests that the ballot be transmitted electronically. **It is important to note that this provision of Act 75 does not take effect until after the February 21, 2012 Spring Primary.** Clerk must still email and fax ballots to any elector who requests it for the February 21, 2012 election. After the February 2012 Spring Primary, Act 75, permits clerks to only email or fax absentee ballots to military and overseas electors.

Other Election Administration Changes

An initial analysis of the known changes to election administration is attached. G.A.B. staff are in the process of comprehensively reviewing all the provisions of Wisconsin Act 75. The information provided with this memo will be updated as soon as staffs’ analysis is completed.

If you have questions regarding Wisconsin Act 75, please contact our Help Desk at (608) 261-2028, or gabhhelpdesk@wi.gov. Thank you.

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