

State of Wisconsin\Government Accountability Board

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MEMORANDUM

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

FROM: Michael Haas
Elections Division Administrator

Diane Lowe
Lead Elections Specialist

DATE: July 15, 2014

SUBJECT: Municipal Clerk Voter Registration and Absentee Voting Responsibilities on
Statutory Deadline Days

Background

G.A.B. staff has fielded a number of calls relating to the deadlines for absentee voting during the week before an election and the responsibility of clerks with respect to those deadlines. Some confusion stems from new legislation regarding the hours during which in-person voting may occur, and how this affects municipal clerks, particularly those without regular office hours.

Summary of Legislation Pertaining to In-Person Absentee Voting

Wis. Stat. § 6.86(1)(b) provides that in-person absentee voting begins the third Monday before the election and ends the Friday before the election. Further, in-person absentee voting hours must be set by the municipal clerk between the hours of 8 am and 7 pm. Set hours can be the same each day or can be different depending on the day. However, the hours must be specified in the Type E Notice. Even if hours are "by appointment," the hours during which those appointments may occur must be specified.

Although the clerk is given some latitude in determining in-person voting hours, the hours should not be so minimal as to affect service to the voters.

Friday-Before-the-Election Deadlines

5 pm on the Friday before the election is a statutory deadline for a number of in-person activities.

- Last opportunity to register to vote in the clerk's office. Wis. Stat. §6.29(2)(a)
- Last opportunity for indefinitely confined voters, military voters not on active duty and all military voters at a non-federal election to request an absentee ballot be mailed to them. Wis. Stat. §6.86(1)(b) (*This may occur by electronic means or in person.*)

- Deadline for military voters and indefinitely-confined voters to spoil a ballot and request that another be sent. Wis. Stat. §§ 6.86(1)(b), 6.86(5) (*This may occur by electronic means or in person.*)
- Last opportunity for a voter to spoil an absentee ballot in person. Wis. Stat. §6.86(5)
- Last opportunity to vote absentee in person. §6.86(1)(b)

Requirements for Friday Deadline: The clerk's office must be open or the clerk (or a deputy appointed by the clerk) must be available for absentee voting and associated duties as well as for voter registration until 5 pm on Friday. If you have set your in-person absentee voting hours past 5 pm on the Friday before the election, you will need to be available for absentee voting until the time you have set, not to exceed 7 pm.

Other Deadlines

The 5th day before an election (generally, **Thursday**), 5 pm:

- Deadline for voters (except for military, indefinitely-confined, hospitalized, and sequestered jurors) to request an absentee ballot by mail and the last day a municipal clerk can mail an absentee ballot to electors. Wis. Stat. § 6.86(1)(b)
- Deadline for voters, other than those exempted above, to spoil an absentee ballot and request another be sent. Wis. Stat. §§ 6.86(1)(b), 6.86(5)

Requirements for Mail Deadlines: The clerk (or a deputy appointed by the clerk) must check the mail at the last possible delivery times on Thursday and Friday to ensure that all absentee ballot requests are honored by mailing ballots within 24 hours of receipt of absentee requests.

Absentee Deadlines – Election Day

- Hospitalized electors may register to vote and/or apply for an absentee ballot, by agent, up to 5 pm. Wis. Stat. § 6.86(3)(c)
- Sequestered jurors may request an absentee ballot up to 5 pm on Election Day. Wis. Stat. § 6.86(1)(b)
- A military voter on active duty may request an absentee ballot up to 5 pm on Election Day (National elections only). § 6.86(1)(b)

If you have questions, please contact the Help Desk at 608-261-2028 or gabhelpdesk@wisconsin.gov.