

State of Wisconsin \ Government Accountability Board

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MEMORANDUM

DATE: June 1, 2012

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

FROM: Nathaniel E. Robinson
Election Division Administrator
WI Government Accountability Board

SUBJECT: Reporting Requirements in the 2012 Consent Decree

The 2009 Military and Overseas Voter Empowerment (MOVE) Act requires that absentee ballots to all military and overseas voters are to be transmitted no later than 45 days before any federal election. In 2010 the State of Wisconsin was sued by the United States Department of Justice (USDOJ) because absentee ballots for military and overseas absentee electors could not be sent out 45 days before federal elections due to the date of the fall partisan primary. The result of the suit was a Consent Decree between the USDOJ and the State of Wisconsin. The Consent Decree required the State of Wisconsin to provide a number of reports regarding military and overseas absentee ballots.

The USDOJ followed up with states who were sued in 2010 to ensure their ability to comply with the MOVE Act in 2012. In early March municipal clerks were surveyed to confirm that all military and overseas absentee ballots for the Presidential Preference Primary were transmitted at least 45 days before the April Presidential Preference and Spring Primary. The results of the survey revealed that over 50 municipalities failed to send out absentee ballots to military and overseas voters 45 days before the April Presidential Preference and Spring Primary.

As a result of the failure of some municipalities to transmit absentee ballots to military and overseas voters 45 days before a federal election, the USDOJ again entered into a Consent Decree with the State of Wisconsin. The 2012 Consent Decree again requires a number of reports from the State of Wisconsin. These reports require information from municipal clerks regarding military and overseas voters that is not currently collected on the GAB-190 or in the Statewide Voter Registration System (SVRS).

A series of surveys will be emailed to municipal clerks throughout the remainder of 2012. All municipalities must respond to six additional surveys in 2012. Even if your municipality does not have any military or overseas voters, you must respond to every survey. Due to the timing requirements of the federal court consent decree, some of the surveys will be sent to clerks only one day before they must be completed and returned to the G.A.B. Below is a list of the dates the surveys will be sent to municipal clerks, the dates the surveys must be completed, and the data to be gathered in each survey. Please mark your calendar with the dates of these surveys so you complete them by the required deadlines. It is critical that we obtain complete and timely survey responses from every municipality to comply with the consent decree.

Municipal Clerks' Survey #1

Date Survey sent to Municipal Clerks: **June 1, 2012** – Click here: [2012 MOVE Consent Decree Survey #1](#)

Date Survey must be completed: **June 15, 2012**

Data Gathered: The survey asks municipal clerks to certify that they have the capability to email or fax absentee ballots to military and permanent overseas voters if those voters request a ballot be emailed or faxed for the August Partisan Primary. Municipalities without a scanner or email address must certify that they will work with the county or another municipality to ensure ballots can be emailed or faxed to military or overseas voters.

Municipal Clerks' Survey #2

Date Survey sent to Municipal Clerks: **June 28, 2012**

Date Survey must be completed: **July 2, 2012**

Data Gathered: The survey asks clerks to report how many valid absentee ballot requests for the August Partisan Primary from military and permanent overseas voters were on file as of June 30, 2012 and the dates absentee ballots were sent to these military and overseas voters.

Municipal Clerks' Survey #3

Date Survey sent to Municipal Clerks: **July 15, 2012**

Date Survey must be completed: **July 16, 2012**

Data Gathered: The survey asks clerks to report how many valid absentee ballot requests for the August Partisan Primary from military and permanent overseas voters were received between June 30, 2012 and July 15, 2012 and the dates absentee ballots were sent to these military and overseas voters.

Municipal Clerks' Survey #4

Date Survey sent to Municipal Clerks: **September 1, 2012**

Date Survey must be completed: **September 14, 2012**

Data Gathered: The survey asks municipal clerks to certify that they have the capability to email or fax absentee ballots to military and permanent overseas voters if they request a ballot be emailed or faxed for the November General Election. Municipalities without a scanner or email address must certify that they will work with the county or another municipality to ensure ballots can be emailed or faxed to military or overseas voters.

Municipal Clerks' Survey #5

Date Survey sent to Municipal Clerks: **September 20, 2012**

Date Survey must be completed: **September 24, 2012**

Data Gathered: The survey asks clerks to report how many valid absentee ballot requests for the November General Election from military and permanent overseas voters were on file as of September 22, 2012 and the dates absentee ballots were sent to these military and overseas voters.

Municipal Clerks' Survey #6

Date Survey sent to Municipal Clerks: **October 7, 2012**

Date Survey must be completed: **October 8, 2012**

Data Gathered: The survey asks clerks to report how many valid absentee ballot requests for the November General Election from military and permanent overseas voters were received between September 22, 2012 and October 7, 2012 and the dates absentee ballots were sent to these military and overseas voters.

Please note that Wisconsin law establishes a stricter deadline of 47 days prior to an election for transmitting absentee ballots to military and permanent overseas voters with a request on file. However, because the consent decree measures compliance with federal law, the survey questions are based upon the federal deadline of 45 days before a federal election.

County Clerks

All county clerks must send an email to the G.A.B. as soon as they deliver ballots to their municipal clerks. The email must be sent no later than June 27, 2012 for the August Partisan Primary and no later than September 19, 2012 for the November General Election.