

State of Wisconsin\Government Accountability Board

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KEVIN J. KENNEDY
Director and General Counsel

DATE: September 16, 2010

TO: Wisconsin County Clerks
Milwaukee County Election Commission

FROM: Nathaniel E. Robinson Katie Mueller
Elections Division Administrator MOVE Act Elections Specialist
Government Accountability Board Government Accountability Board

SUBJECT: Guidance for MOVE Act Compliance for the 2010 November 2, 2010 General Election

Wednesday, the Federal court for the Western District of Wisconsin entered an order to resolve the lawsuit based upon a MOVE Act consent decree reached by U.S. DOJ and the Board, with the assistance of the Wisconsin Department of Justice. We sent a copy of the signed order to you Wednesday evening.

Now that the consent decree is law, in this communication, we are sharing the promised guidance for complying with the Federal court order that ensures our military and overseas voters are able to receive, mark and return their ballots for the November 2 General Election in enough time to have them counted. For additional background regarding the MOVE Act and its impact on Wisconsin, you may refer to our previous communication at this link: <http://gab.wi.gov/node/1327>

Step-by-step checklists and guides are attached that provide a more concise itemization with additional details to help municipal and county election officials accomplish the required steps. We appreciate that these changes required by the Federal lawsuit are coming late in the process, and thank you for your patience and assistance. The main changes from current procedures and statutes contained in both the Federal court order and the Board's order require accelerating the completion of the canvass for the Partisan Primary by:

- Ensuring that absentee ballots are transmitted to military and overseas voters with a request on file no later than October 1, 2010, and enclosing a special notice provided by the Board;
- Promptly reporting the transmission of such ballots in SVRS through October 4, 2010; and
- Extending the deadline for receipt of absentee ballots from military and overseas voters until November 19, 2010, provided that the ballot is postmarked by Election Day, November 2, 2010.

We appreciate your assistance with this special emphasis on processing the absentee ballots of military and overseas voters. Please feel free to contact Kathryn Mueller with questions at (608) 267-7890, or Kathryn.Mueller@wi.gov. Thank you!

cc: Kevin J. Kennedy
Director and General Counsel
Government Accountability Board

Wisconsin County Clerks
Milwaukee County Election Commission

MOVE Compliance Checklist Guide for County Clerks

We have created a checklist to help county clerks comply with the Findings and Order issued by the Board yesterday. The checklist includes dates and tasks. Below is a complete guide to the checklist and the requirements outlined in the Findings and Order issued by the Board. Link to Brief Checklist: <http://gab.wi.gov/node/1333>.

- By **Friday, September 17, 2010**: Enter your election results into the new Canvass System and verify.

The County Board of Canvassers should meet by 5:00pm on Friday, September 17, 2010 to certify the preliminary election results. County clerks need to mark the election canvass data as Verified in the new Canvass System in Citrix. There is a section for "Comments" when Verify is selected, County Clerks should enter the number of outstanding military absentee ballots in the county, in the Comments box. Print the Certification Report, have all members of the County Board of Canvassers sign it and mail the Certification Report to the G.A.B. Speed Dee delivery can be paid for by the G.A.B.

- By **9:00 am Wednesday, September 22, 2010**: Reconvene with the County Board of Canvassers to certify final election results, counting all validly completed away military absentee ballots postmarked by September 14, 2010 and received by a municipal clerk no later than 5:00 pm September 21, 2010. (If no military ballots are outstanding, this step is not necessary.)

The County Board of Canvassers needs to reconvene to count, tally and/or reject any military absentee ballots received after Election Day. If any changes need to be made to the county canvass totals, the adjustments need to be made in the new Canvass System, the Certification Report needs to be printed, signed by the County Board of Canvassers, and mailed to the G.A.B. The prompt certification of the amended canvass is important because the G.A.B. needs to certify election results by September 27, 2010.

- No later than 12:00 pm Friday, **October 1, 2010**: Deliver official ballots for military and overseas voters for the November 2, 2010 General Election to your municipal clerks. The official ballot may be an electronic version printed in your office or the commercially printed version. All ballots must be delivered to your municipal clerks no later than **October 2, 2010**.

County clerks must have and deliver to municipal clerks, an official November General Election Ballot by 12:00pm (noon) on Friday, October 1, 2010. If you have not received the official ballots from the printer at this time, the county clerk should use the PDF version or printing proof to print official ballots on legal or office paper to deliver to the municipal clerks. If the proof is available before October 1, 2010, county clerks can deliver the official ballots to the municipal clerks as soon as they are available.

- Track all Military and Overseas Electors Absentee Ballots in the Statewide Voter Registration System (SVRS) for your reliers (if applicable).**

All military and overseas absentee ballots need to be tracked in SVRS. Providers need to work with Reliers to communicate the need for this required information and to determine the best way for Reliers to transmit the information to Providers. The process for Providers to track military and overseas absentee ballots in SVRS is called Absentee Lite. A training video for Absentee Lite is available on the G.A.B. website: <http://gab.wi.gov/node/1254>

- By **November 3, 2010 at 4:00 pm**: Receive municipal election results and material from all municipalities.

- ❑ **November 3, 2010:** Note the number of outstanding Military and Overseas Absentee Ballots (the military and overseas absentee ballots that have not been returned to the clerk's office) per municipality.

The County Board of Canvassers should be advised of the number of outstanding military and overseas absentee ballots. Military and overseas electors now have until November 19, 2010 to return their absentee ballot to the municipal clerk's office. If the ballot has been validly completed and postmarked by November 2, 2010 it can be counted. The County Board of Canvassers will need to reconvene to tally, count and/or reject any returned military and overseas absentee ballots received after the original canvass is certified.

- ❑ **November 3 – 19, 2010:** Gather and hold Returned Military and Overseas Absentee Ballots from municipalities.

Military and overseas electors now have until November 19, 2010 to return their absentee ballot to the municipal clerk's office. If the ballot has been validly completed and postmarked by November 2, 2010 it can be counted. All military and overseas absentee ballots received in the municipal clerk's office after Election Day must be sent to the County Clerk's office. The County Clerk should hold the military and overseas absentee ballots until the County Board of Canvassers reconvenes. The military and overseas absentee ballot received after Election Day should only be counted, tallied, and/or rejected by the County Board of Canvassers.

- ❑ **November 4, 2010:** County Board of Canvassers meet to certify the original set of election results.

The County Board of Canvassers should meet by 5:00pm on Thursday, November 4, 2010, to certify the preliminary election results. County clerks need to mark the election canvass data as Verified in the new Canvass System in Citrix. There is a section for "Comments" when Verify is selected, County Clerks should enter the number of outstanding military and overseas absentee ballots in the county, in the Comments box. Print the Certification Report, have all members of the County Board of Canvassers sign it and mail the Certification Report to the G.A.B. Speed Dee delivery can be paid for by the G.A.B.

- ❑ **November 19, 2010 at 5:00 pm:** Deadline for Military and Overseas electors to return their absentee ballot to their Municipal Clerk. Ballots must postmarked by November 2, 2010 and otherwise validly completed to be counted.

The Consent Decree extended the deadline for military electors to return their ballots after Election Day and included overseas electors. Both Military and Overseas electors have until November 19, 2010, to return their absentee ballot to their Municipal Clerk. Confirm with all municipal clerks who have outstanding military and overseas absentee ballots that the absentee ballots have been delivered to the County Clerk's office before reconvening the County Board of Canvassers.

- ❑ **By November 20, 2010 at 9:00am:** County Board of Canvassers reconvenes to tally and count all validly completed Military and Overseas absentee ballots. NOTE: The County Board of Canvassers should not reconvene until all outstanding military and overseas absentee ballots have been returned or until the extended time period for military and overseas absentee ballots to returned has expired.
 - County Board of Canvassers amends the canvass with additional military and overseas votes
 - County Board of Canvassers certifies Amended 2010 November General Election Results
 - Amended certification is sent to the Government Accountability Board

The County Board of Canvassers needs to reconvene to count, tally and/or reject any military absentee ballots received after Election Day. If any changes need to be made to the County canvass

totals, the adjustments need to be made in the new Canvass System, the Certification Report needs to be printed, signed by the County Board of Canvassers, and mailed to the G.A.B.

- ❑ By **December 2, 2010**: Submit the GAB-190 (with MOVE Supplemental Sheet) to the Government Accountability Board on behalf of your reliers (if applicable).

The GAB-190, Election Voting and Registration Statistics Report, contains required information. The Consent Decree requires additional statistics. The newly required statistics are on the GAB-190 MOVE Supplemental Sheet (GAB-190S). Municipal clerks need to complete the traditional GAB-190 and the GAB-190S by December 2, 2010. All of the GAB-190 and GAB-190S information must be entered into the Wisconsin Election Data Collection System (WEDCS). If the County Clerk is a Provider for any municipalities, the GAB-190 and GAB-190S data into the WEDCS on the municipality's behalf

Absentee ballots may continue to arrive after the original GAB-190 and GAB-190S has been submitted. Municipal clerks need to update the GAB-190 and GAB-190S and inform Providers of this information. The Provider needs to communicate with the Relier to determine the best way for the Relier to transmit this data.

- ❑ By **December 2, 2010**: Enter Election History into SVRS on behalf of your reliers (if applicable).

The Consent Decree requires data will be extracted from SVRS. Counties who are Providers need to enter the Voter Registration Forms and record Election History from Relier's Poll Lists by December 2, 2010.

- ❑ Through **January 1, 2011**: Resubmit updated GAB-190 information, on behalf of your reliers, to the G.A.B. as late arriving military and overseas absentee ballots are returned to your reliers' offices.

Absentee ballots may continue to arrive after the original GAB-190 and GAB-190S has been submitted. Reliers need to update the GAB-190 and GAB-190S with the appropriate information and transmit the updated date to Providers. Providers need to ensure the updated information has been entered into the WEDCS through the end of 2010.