

# State of Wisconsin \ Government Accountability Board

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**DATE:** May 22, 2012

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

**FROM:** Nathaniel E. Robinson  
Elections Division Administrator  
Government Accountability Board

**SUBJECT:** Revised Central Count Absentee Guideline and Procedure Review Process  
**Action Requested by Tuesday, May 29, 2012.**

Immediately following this Memorandum, please find the revised Central Count Absentee Guideline, which was adopted by the Government Accountability Board at its meeting on May 15, 2012.

At the Board's May 15, 2012 meeting, the Board considered revised procedures for Central Count Absentee taking into account changes due to recent legislation affecting absentee voting as prescribed in 2011 Wisconsin Act 227.

Act 227 prohibits a voter from mailing or personally delivering an absentee ballot and voting in person at the same election on Election Day. Act 227 also affects the return of absentee ballots to voters once mailed or personally delivered, except for damaged or spoiled ballots or envelopes with incomplete or no certificates. These new statutory requirements impact the procedures for processing absentee ballots at polling places and central count locations, which required the revision of the Central Count Absentee Guideline.

At the Board's August, September, and December 2011 meetings, the Board considered previous recommended procedures for Central Count Absentee and those practices in place in various jurisdictions. In addition, the Board considered comments submitted by many clerks regarding effective Central Count Absentee procedures and limitations of the current enabling statutes. Ultimately and in the current context of the relatively recent activities of the Joint Committee for Review of Administrative Rules, the Board adopted a guideline with stricter adherence to the statutory provisions prescribing the Central Count Absentee procedures.

Most notably, this revised Central Count Absentee Guideline sets forth Election Day polling place procedures that implement Act 227's new prohibition of voting in person after having submitted an absentee ballot. This revised Central Count Guideline also reaffirms the statutory election night reconciliation of the central count poll list (or absentee log) with polling place poll lists. After any Central Count Absentee canvass is completed, the Board of Canvassers shall reconcile the poll list (or absentee log) of the electors who vote by absentee ballot with the corresponding poll list of electors who vote in-person to ensure that no elector is allowed to cast more than one ballot. *Wis. Stat. §7.53(1) and (2)(d)*. If an elector who votes in-person has submitted an absentee ballot, the absentee ballot is void. *Id.*

In addition, the Board directed staff to notify all clerks, but specifically clerks for municipalities with existing or contemplated Central Count Absentee, of the revised Central Count Absentee Guideline and the Board's direction that clerks conform their Central Count Absentee conduct to the law. **For those clerks in municipalities with, or contemplating, Central Count Absentee, please forward copies of your enabling ordinances and any written procedures for Central Count Absentee for review by Board staff to ensure compliance with the Central Count Absentee Guideline and statutes. Direct your emails to Nadya Perez-Reyes, Election Specialist, at [Nadya.PerezReyes@wi.gov](mailto:Nadya.PerezReyes@wi.gov). Please complete this submission no later than Tuesday, May 29, 2012.**

Please note that the Board also directed staff to incorporate more information regarding Central Count Absentee processes in the Election Day Manual and training, as well as develop recommendations for statutory revisions for consideration by the Board. This work continues at the G.A.B.; however, the Legislature's recent adoption of Act 227 which affects the absentee voting process as a whole, has delayed the G.A.B.'s statutory review and legislative recommendation process.

For background on the revised Central Count Absentee Guideline, please see the Memorandum to the Board dated May 15, 2012 and attachments, which can be found on the G.A.B. website in the May 15, 2012 Board Meeting Materials.

For even more background on the development of the original Central Count Absentee Guideline, please see the Memorandum to the Board dated December 13, 2011 and attachments, which can be found on the G.A.B. website in the December 13, 2011 Board Meeting Materials at pages 34-51: <http://gab.wi.gov/about/meetings/2011/december>.

If you have any further questions or concerns, please contact Nadya Perez-Reyes, Election Specialist, at 608-267-0714 or [Nadya.PerezReyes@wi.gov](mailto:Nadya.PerezReyes@wi.gov). Thank you.

cc: Kevin J. Kennedy  
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