

State of Wisconsin\Government Accountability Board

212 East Washington Avenue, 3rd Floor
Post Office Box 7984
Madison, WI 53707-7984
Voice (608) 266-8005
Fax (608) 267-0500
E-mail: gab@wisconsin.gov
<http://gab.wi.gov>



JUDGE GORDON MYSE
Chair

KEVIN J. KENNEDY
Director and General Counsel

DATE: September 16, 2010

TO: Wisconsin Municipal Clerks
City of Milwaukee 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

Yesterday, 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 last 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 Municipal Clerks

The G.A.B. has created a checklist to help municipal clerks comply with the Findings and Order issued by the Board. 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/1332>

- ❑ By **October 1, 2010 at 5:00pm**, send all Military and Overseas Electors with a valid absentee application an official absentee ballot. All absentee ballots sent to Military and Overseas Electors need to include the Special Instructions for Military and Overseas Absentee Voters for the November 2, 2010 notification.

All military and overseas electors who have a valid absentee application on file need to be sent an official absentee ballot no later than October 1, 2010. If you do not have the official ballots back from the printer, a PDF version or proof of the ballot may be used. This means the official ballot may need to be printed on legal paper or if the elector is receiving his/her ballot via email or fax the official ballot will need to be printed, initialed, then scanned and attached to the email or faxed. If the official ballots are available before October 1, 2010, then the official ballots may be sent out to military and overseas absentee electors with valid applications on file.

All military and overseas absentee ballots sent for the November 2 General Election need to include the Special Instructions for Military and Overseas Absentee Voters for the November 2, 2010 notification prepared by the G.A.B. This document is attached, but must be customized by the clerk before being sent.

- ❑ By **October 4, 2010 at 5:00pm**, enter all Military and Overseas Electors ballot information into the Statewide Voter Registration System (SVRS) including:
 - The name of the military/overseas elector(s)
 - Date the absentee request was received - only required for requests received between October 1-4, 2010
 - Date the ballot was sent
 - The type of ballot sent (either Official or Federal)
 - The way the ballot was transmitted (ex. via mail, via fax, via email)

Reliers must provide this information to Providers with enough time for the data to be entered into SVRS: All data regarding the transmission of military and overseas absentee ballots needs to be entered in to SVRS. It is imperative that this is done by October 4, 2010 as this data is required by the consent decree and by the Findings and Order issued by the Board. Reliers (municipalities who do not use SVRS) need to email or fax their Provider the following information:

- The name of the military/overseas elector(s) – Provide the name, address and date of birth of the military/overseas elector to ensure the Provider can find the correct elector.
- The date the absentee application was received – Only for military and overseas electors who request a ballot between October 1 – 4, 2010.
- The date the absentee ballot was sent – SVRS should reflect the date the ballot was actually sent, not the date the data was entered into SVRS.
- The type of ballot – Military electors should be receiving an official ballot while overseas electors should be receiving a Federal Only Official ballot.

- The way the ballot was transmitted to the military/overseas elector - Record the elector was sent his/her absentee ballot via mail, via email, or via fax.

Self Providers (SVRS Users) need to enter the above information into SVRS themselves the day that the ballot transmittal takes place.

Clerks without daily or regular office hours: Municipal mail needs to be checked daily in order to respond to the military and overseas voters absentee ballot requests. The ballot must be sent to the elector within 24 hours after the request is received.

- ❑ **Track all Military and Overseas Electors Absentee Ballots in the Statewide Voter Registration System (SVRS).** Reliers must inform Providers of the ballots sent to and returned from Military and Overseas Electors to be tracked in SVRS.

As new military and overseas absentee ballot request are received, the ballots being sent need to be tracked in SVRS. Self Providers, enter this information the day the absentee ballot transmittal takes place. Self Providers need to use the full absentee function in SVRS or may use a smaller-scaled version, Absentee Lite, to track military and overseas absentee ballots in SVRS. Reliers need to work with Providers and relay military and overseas absentee ballot information within 24 hours of receiving the absentee ballot request. Reliers should work with Providers to determine the best way to communicate this information.

- ❑ Send official absentee ballots to Military and Overseas Electors within 24 hours of receiving the absentee application. Continue to track Military and Overseas Electors Absentee Ballots in SVRS. All absentee ballots sent to Military and Overseas Electors need to include the Special Instructions for Military and Overseas Absentee Voters for the November 2, 2010 notification.
- ❑ **November 2, 2010:** Send Voted Military and Overseas Absentee Ballots to the Polling Place on Election Day to be processed and counted.

All voted absentee ballots returned from Military and Overseas Electors need to go the polling place. This does not include undeliverable absentee ballots. However, it does include State Write-In Ballots (SWABs), Official Ballots, Federal Only Ballots, and Federal Write-In Absentee Ballots (FWABs) if returned to the municipal clerk by the elector. If both the SWAB and an Official Ballot are received from an elector, both ballots go to the polling place; rejecting the SWAB and counting the Official Ballot. Keep track of the rejected military and overseas absentee ballots and the reason for rejection on the Inspectors Statement (GAB-104) and the Absentee Ballot Log.

- ❑ **By November 2, 2010 at 8:00 pm (Election Night):** Determine the number of outstanding military and overseas absentee ballots (the military and overseas absentee ballots that have not been returned to the municipal clerk's office) and:
 - Post the notice where other town notices are posted
 - Post the number on the municipal website (if applicable) – If there is a municipal website the number must be posted in an appropriate location.
 - Notify the appropriate county clerk of the number – Municipal clerks may email, fax, or phone in the number of outstanding military and overseas absentee ballots to the appropriate county clerk.
 - Email the Government Accountability Board (GABHelpDesk@wi.gov) the number – municipal clerks must report the number of outstanding military and overseas absentee ballots to the G.A.B. Email the G.A.B. Help Desk with this information. If the Municipal Clerk does not have access

to email; please fax the information or work with the County Clerk to report this total to the G.A.B.

Military and overseas electors now have until November 19, 2010 to return their absentee ballot to the municipal clerk's office. If the ballot is postmarked by November 2, 2010, it may be counted. Municipal clerks need to report the number of outstanding military and overseas absentee ballots so the public and other election officials know the election results are not finalized.

An outstanding military or overseas ballot is an unreturned absentee ballot from a military or overseas elector. The outstanding ballot must be eligible to be counted, meaning the elector's FWAB/SWAB was not counted or the elector did not vote in person for this election. Municipal clerks need to report the number of outstanding military and overseas absentee ballots in the four places listed above by the end of Election Night. Municipal clerks can determine this number after mail is received for the day. As soon as the number of outstanding military and overseas absentee ballots is known, it may be posted.

- By **November 3, 2010 at 4:00 p.m.**, deliver all election results and materials to the County Clerk's office.
- November 4 – 19, 2010:** Deliver any overseas and military absentee ballots received in the clerk's office to the County Clerk's office.

Military and overseas electors now have until November 19, 2010 to return their absentee ballot to the municipal clerk's office. If the ballot is postmarked by November 2, 2010 it can be counted by the County Board of Canvassers. Deliver any military and overseas absentee ballots that were returned to the municipal clerk's offices to the county clerk's office by 5:00pm on November 19, 2010. Do not open the absentee ballots.

- By **December 2, 2010:** Complete and Submit the GAB-190 (with MOVE Supplemental Sheet) to the Government Accountability Board (G.A.B.)

The GAB-190, Election Voting and Registration Statistics Report, contains required information. The Consent Decree requires G.A.B. to report more detailed absentee statistics. The newly required statistics are in the GAB-190 MOVE Supplemental Sheet (GAB-190S). Municipal clerks need to complete the 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 municipal clerks do not have access to the WEDCS, a Provider must enter the GAB-190 and GAB-190S data into the WEDCS on the municipality's behalf. As part of the Findings and Order sent out on September 15, 2010, municipal clerks are responsible for ensuring this data is entered in the WEDCS. Relier municipal clerks are responsible for ensuring the municipality's GAB-190 and GAB-190S are being entered.

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 with the appropriate information and ensure the updated information has been entered into the WEDCS.

- Through **January 1, 2011:** Update and resubmit GAB-190 to the G.A.B. as late arriving military and overseas absentee ballots are returned to the municipal clerk's office.

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 with the appropriate information and ensure the updated information has been entered into the WEDCS through the end of 2010.