

# State of Wisconsin \ Government Accountability Board

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## MEMORANDUM

**DATE:** February 17, 2016

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

**FROM:** Michael Haas, Elections Division Administrator  
Megan McCord Wolfe, Voter Services

**SUBJECT:** Military and Permanent Overseas Absentee Deadline

**REMINDER:**  
**If a UOCAVA voter makes a request for a ballot on or before February 18, 2016, you MUST send the requested ballot no later than Thursday, February 18, 2016.**

It is very important that you send absentee ballots to your military and permanent overseas electors in accordance with the deadlines established under federal law. If you were a municipal or county clerk during the 2012 General Election, you probably remember the lengthy absentee ballot reporting requirements that municipalities and the G.A.B. were required to complete for the U.S. Department of Justice (USDOJ) due to the delivery deadline in the Uniformed and Overseas Citizens Absentee Voter Act (UOCAVA). The reporting requirements in 2012 were a result of a Consent Decree issued by a federal court because some absentee ballots were delivered to military and overseas electors for the 2010 election after the deadline under federal law.

While we are not currently subject to the detailed requirements of the Consent Decree, the USDOJ has again asked Wisconsin, along with all other states, to track and report all of their military and permanent overseas absentee ballots to ensure that they are issued in accordance with the federal deadlines, in order to avoid future Consent Decrees.

For the 2016 Presidential Preference ballot, the G.A.B. has received approval from USDOJ to report UOCAVA absentee activity on behalf of Wisconsin's 1,853 municipalities. We are doing this by compiling UOCAVA absentee reports directly from WisVote. While this approach worked well for the 2014 elections, there were a handful of municipalities with late UOCAVA ballots or with UOCAVA absentee ballot information that was entered incorrectly into SVRS (now WisVote).

**If even one Wisconsin military or permanent overseas absentee ballot is sent out late for the April 5, 2016 Presidential Preference there is a possibility that USDOJ will again pursue a federal court action and all Wisconsin municipalities may again be subject to the detailed reporting process required in 2012.** To avoid this result for you and your colleagues, we need each of you to make the timely transmittal of UOCAVA ballots a top priority for the April 5, 2016 Presidential Preference. In addition, your efforts in entering UOCAVA absentee ballot information into WisVote in a timely and accurate manner will ensure that the G.A.B. is able to continue to submit reporting requirements to USDOJ on the behalf of municipalities in the future, rather than requiring all municipalities to report directly to USDOJ. Tomorrow, detailed instructions, including tutorials, will be posted about how to track your UOCAVA absentee ballots and how to enter them into the WisVote system.

Please note that **military electors** include the individuals described in Wis. Stat. § 6.22, specifically those in the following categories:

1. Members of a uniformed service.
2. Members of the merchant marine of the United States.
3. Civilian employees of the United States and civilians officially attached to a uniformed service and who are serving outside the United States.
4. Peace Corps volunteers.
5. Spouses and dependents of those listed in the above categories residing with or accompanying them.

Military electors are not required to register to vote in Wisconsin, and they may use MyVote Wisconsin ([myvote.wi.gov](http://myvote.wi.gov)) to request or access their ballot online if they choose.

**Permanent overseas electors** are those individuals who are overseas with NO intention of returning to the U.S. These electors are only eligible to vote in federal contests, so you would issue them a federal-only ballot. Permanent overseas electors are required to register, but they may also use [MyVote.wi.gov](http://MyVote.wi.gov) to request or access their ballot online if they choose.

Remember, you may receive military absentee ballot requests from military or permanent overseas electors through a [MyVote.wi.gov](http://MyVote.wi.gov) email notification. Please read all MyVote notifications thoroughly to see if you need to mail, fax or email a ballot to a UOCAVA voter. If the elector asks to *receive* the ballot “online” then the elector will access the ballot on MyVote, the clerk does not need to send the ballot. If the elector asks to receive the ballot by mail, email or fax, the ballot must be transmitted by the method requested unless the elector subsequently agrees to obtain the ballot through MyVote Wisconsin.

To help clarify the UOCAVA absentee deadlines for the April 5, 2015 election, we are outlining the following scenarios:

**Scenario 1:** Military or permanent overseas elector submits a mailed, emailed, faxed, or online request to the clerk asking the clerk to send the ballot by mail, email or fax for the entire calendar year. The request is received by the clerk on, or prior to February 18, 2016.

**Action by clerk:** You must mail, email or fax (as requested) the voter’s ballot no later than February 18, 2016.

**Scenario 2:** Military or permanent overseas elector submits a mailed, emailed, faxed or online request to the clerk asking the clerk to send the ballot by mail, email or fax for the entire calendar year. The request is received by the clerk after February 18, 2016.

*Action by clerk:* You must mail, email or fax (as requested) the voter's ballot within 24 hours of receiving it. For example, if you receive the request on a Friday at noon, you must send the ballot no later than Saturday at noon.

**Scenario 3:** Military or permanent overseas elector submits a mailed, emailed, online or faxed request to the clerk asking the clerk to send the ballot for only the April 5, 2016 Presidential Preference. The request is received by the clerk on, or prior to, February 18, 2016.

*Action by clerk:* You must mail, email or fax (as requested) the voter's ballot no later than February 18, 2016.

**Scenario 4:** Military or permanent overseas elector submits a mailed, emailed, faxed, or online request to the clerk asking the clerk to send the ballot for only the April 5, 2016 Presidential Preference. The request is received by the clerk after February 18, 2016.

*Action by clerk:* You must mail, email, or fax (as requested) the voter's ballot within 24 hours from receiving the request. For example, if you receive the voter's request on Friday at noon, you must mail, email or fax the ballot no later than Saturday at noon.

#### *Presidential Preference vs. Official ballot*

As you know, the April 5, 2016 Presidential Preference Election involves two ballot types. For military electors, you will send the Presidential Preference ballot by the deadlines listed above. Then, once all state and local contests have been certified, you will send a second, official ballot containing all offices to your military electors. Another communication will follow in March regarding the second ballot.

For permanent overseas electors, you will send the Presidential Preference ballot by the deadlines listed above. Permanent overseas electors are only eligible to vote in Federal contests. Therefore, they will not get a second, official ballot once the state and local contests are certified.

Thank you for your assistance in this matter. We know that you take very seriously your role in ensuring that military and permanent overseas electors are able to cast their ballots. We feel confident that with your cooperation all UOCAVA voters from Wisconsin will receive their ballot on or before the deadlines for the April 5, 2016 Presidential Preference and that we will be able to promptly submit the required absentee ballot data to the US DOJ.

If you have any questions, or anticipate any problems with meeting the UOCAVA absentee ballot deadlines, please contact Meagan McCord Wolfe at [Meagan.Wolfe@wi.gov](mailto:Meagan.Wolfe@wi.gov).