

WISCONSIN ELECTIONS COMMISSION

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DATE: September 16, 2016

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

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

SUBJECT: Military and Permanent Overseas Absentee Deadlines For November 8

REMINDER:

If a Military or Permanent Overseas voter makes a request for an absentee ballot on or before Thursday, September 22, 2016, you MUST send them the requested ballot no later than Thursday, September 22, 2016.

If a Military or Permanent Overseas voter makes a request for an absentee ballot on September 23 or September 24, 2016, you MUST send them the requested ballot no later than Saturday, September 24, 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 and state law. If you were a municipal or county clerk during the 2012 General Election, you probably remember the burdensome 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 federal 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 by municipalities 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 military and permanent overseas absentee ballots to ensure that they are issued in accordance with the federal deadlines. Also, Wisconsin Statutes set the deadline for issuing absentee ballots to military and permanent overseas voters two days earlier than the federal deadline. This earlier deadline should address most UOCAVA ballot requests without requiring weekend transmissions.

For the November 8, 2016 General Election, the Wisconsin Elections Commission will report UOCAVA absentee activity to USDOJ on behalf of Wisconsin's 1,854

municipalities. We are doing this by compiling UOCAVA absentee reports directly from WisVote; an approach that worked well for the April and August Elections this year. However, for the August Partisan Primary, there were 25 municipalities with late UOCAVA ballots or with UOCAVA absentee ballot information that was entered incorrectly into WisVote. Those issues were detailed in the report submitted to USDOJ and Elections Commission staff were directed to follow up with municipalities with late ballots to maximize the ability of impacted voters to return their ballot on time.

It is important to note, that if even one Wisconsin military or permanent overseas absentee ballot is sent out late for the November 8, 2016 General Election there is a possibility that USDOJ will again pursue a federal court action and all Wisconsin municipalities may again be subject to the demanding reporting requirements imposed 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 November 8, 2016 General Election. In addition, your efforts in entering UOCAVA absentee ballot information into WisVote in a timely and accurate manner will ensure that the Wisconsin Elections Commission 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.

Remember, you may receive absentee ballot requests from military or permanent overseas electors through a 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. Detailed UOCAVA absentee ballot scenarios are attached to this communication for your reference. We have also attached a document on how to email or fax absentee ballots to UOCAVA voters. The deadline for the county to provide your ballots for the November General Election is September 21, 2016.

It is also important to note that the State of Wisconsin deadline to send out UOCAVA ballots is Thursday, September 22, 2016, and the federal deadline is Saturday, September 24, 2016. This means that any absentee ballot requests you receive on September 23 or 24 must be sent to the voter no later than Saturday, September 24. If you receive an absentee ballot from a UOCAVA voter on September 24th and the ballot is not sent to the voter until Monday, September 26th, the ballot will be considered late by the USDOJ. Please see the attached deadlines document for a list of the UOCAVA ballot deadlines for the November Election.

Finally, please note the new WisVote data entry deadlines for all absentee ballots under 2015 Wisconsin Act 261. Municipalities must record in WisVote, within 48 hours, whenever any absentee ballot is requested, issued, or received. Any Relier municipality has 48 hours to forward that information to their WisVote Provider, who has an additional 24 hours to record the information. This change means it is no longer sufficient to only enter absentee ballot data into an absentee log.

The Elections Commission is required to make the current absentee data available to requestors at least twice weekly, which will be accomplished through the Badger Voters website. While this was a new requirement for the 2016 Spring Election and the Partisan Primary, ensuring access to the data will be an even higher priority for the political campaigns and parties for the General Election. Compliance with these reporting requirements, therefore, will be a higher priority for the Legislature and the Wisconsin Elections Commission.

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 November 8, 2016 General Election 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 the Elections Help Desk at elections@wi.gov or (608) 266-8005.