

# Government Accountability Board

## State of Wisconsin

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## Wisconsin Resolves Military and Overseas Voting Issue

MADISON, WI – The Government Accountability Board today announced that military and overseas voters in the November 2 General Election will now have their ballots counted until November 19 under terms of a federal consent decree agreement with the U.S. Department of Justice.

On August 27, the U.S. Department of Defense denied Wisconsin's application for a waiver from a requirement in the Military and Overseas Voter Empowerment Act that the official ballot be available for mailing overseas 45 days before Election Day. Wisconsin applied for the waiver because the September 14 date of its Partisan Primary created a hardship.

Agency staff, represented by the Wisconsin Department of Justice, immediately began discussing terms of a resolution with the U.S. Department of Justice. Today, US-DOJ filed a proposed consent decree with the U.S. District Court for the Western District of Wisconsin, ordering the state to take certain steps to ensure military and overseas voters are able to fully participate in the November election.

Under the consent decree, the state agrees to:

- Take such steps as are necessary to ensure that all voters covered by the Uniformed Overseas Citizen Absentee Voting Act who have requested an absentee ballot for the general election are sent the official absentee ballot no later than Friday, October 1, 2010. Under existing state law, the ballots would normally be available on October 2. County and municipal clerks will be required to prepare and send absentee ballots a few days earlier than usual.
- Count all military and overseas absentee ballots that are cast and mailed by Election Day if they are received by November 19, 2010. Under current state law, military absentee ballots are counted until November 12, but overseas absentee ballots must reach the municipal clerk by Election Day in order to be counted.
- Communicate to military and overseas voters that the deadline for returning absentee ballots has been extended until November 19. These absentee voters will receive a notice with their ballots indicating the new deadline for receipt of a voted ballot, and the Board will send news releases to international publications and websites explaining the new deadline.
- Provide reports to the federal government certifying that absentee ballots were transmitted by October 1 to qualified military and overseas voters who had requested

them. The state will also report after the election on the number of military and overseas absentee ballots received and counted.

By sending absentee ballots by October 1 and counting them until November 19, the state will be giving military and overseas voters a total of 50 days to receive, cast and return their ballots for counting.

According to an independent study of states' military and overseas absentee voting practices, the PEW Center on the States found that it took Wisconsin's overseas voters only 26 days to complete our absentee process from start to finish, making Wisconsin one of the top 10 states in this category. The reason Wisconsin can serve its military and overseas absentee voters so quickly is that municipal clerks will e-mail or fax ballots if requested, which significantly cuts the transit time. Ballots must still be mailed back to Wisconsin.

"This provides additional assurance that Wisconsin's citizens in the military and overseas will be able to fully participate in the election," said Kevin J. Kennedy, director and general counsel of the G.A.B. "This resolution means they will have even more time to receive their ballot, mark it and have it counted."

"The agreement will place some additional burdens on the G.A.B., as well as our local election partners, the 72 county and 1,851 municipal clerks," said Nathaniel E. Robinson, elections division administrator. "We very much appreciate the extra efforts that municipal and county clerks make to ensure our military and overseas voters get the opportunity to cast their ballots."

As permitted by the MOVE Act, the G.A.B. applied for a one-time waiver and explained how the use of technology and the extension of the deadline for counting ballots from military voters would give Wisconsin residents serving in the military and living overseas sufficient time to vote by absentee ballot.

In its decision, the Department of Defense recognized that the passage of the MOVE Act on October 28, 2009 and Wisconsin's scheduled September 14, 2010 primary created an undue hardship on the state, which prevents compliance with the federal 45-day pre-election ballot transit requirement.

More information about the settlement and Wisconsin's compliance with the MOVE Act is available on the Board's website: <http://gab.wi.gov/elections-voting/voters/military-overseas>.

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The Government Accountability Board (G.A.B.) is responsible for administration and enforcement of campaign finance, elections, ethics and lobbying laws in Wisconsin. The G.A.B. is made up of six non-partisan, former judges and is supported by an agency of non-partisan staff members.