

**Summary:**

**An absentee ballot application should not be denied where it can be reasonably determined from the written information provided that an elector is qualified to vote absentee. (Issued to Mr. Gail Procarione, May 25, 1988)**

This opinion was reviewed by the Government Accountability Board pursuant to 2007 Wisconsin Act 1 and was revised to delete language relating to qualifications for absentee voting which were eliminated by 1999 Wisconsin Act 182. The opinion below was reaffirmed by the Government Accountability Board on June 9, 2008 and fully incorporates the revisions directed by the G.A.B.

**Opinion:**

The legislature has asserted that absentee voting is a privilege. §6.84(1), Stats. Wisconsin law permits any qualified elector of this state, who registers, where required, to vote by absentee ballot. §6.20, Stats. An absent elector is defined by law. §6.85, Stats.

An absent elector may make written application to the municipal clerk for an official ballot. §6.86(1)(a), Stats. The request must be in writing. The clerk may not issue an absentee ballot without a written application. §6.86(1)(ar), Stats.

The Elections Board has developed an absentee ballot application form, which the Board recommends municipal clerks use, Form EB-121. This form should be used for persons coming to the clerk's office to vote absentee. However, many absentee ballot requests are not made on the official form. These requests usually arrive in the form of a letter to the municipal clerk.

A municipal clerk may be able to determine whether an elector is entitled to vote absentee from the content of the written request. If the municipal clerk can reasonably determine from information provided in the written request the person meets the definition of an absent elector, then an absentee ballot should be issued to the voter. If the written request does not indicate an elector is qualified to receive an absentee ballot, the clerk should send an application form to the voter to be completed before an absentee ballot may be issued.

A voter should not be subject to extensive interrogation in order to demonstrate the person qualifies to receive an absentee ballot. If the voter indicates or the clerk can reasonably determine the voter is qualified to vote absentee, the person is entitled to an absentee ballot. In the event that a voter does not appear to be qualified to receive an absentee ballot, he or she should be given the opportunity to amend the application before being denied an absentee ballot.

Wisconsin law prohibits any person from making a false statement for the purpose of obtaining an absentee ballot. §12.13(3)(i), Stats. The clerk should refer to the district attorney any situations involving attempts to obtain an absentee ballot through false statements.

The Elections Board believes municipal clerks must make a concerted effort to facilitate the participation of qualified electors in the election process. Because absentee voting takes place

outside the protection of the polling place, municipal clerks are required to assure each step of the absentee voting process is adhered to from the time of application through the counting of the ballots. §§6.84 through 6.89, Stats. Every effort should be made by the clerk to provide absentee ballots to persons meeting the qualifications to vote absentee and to assist voters in complying with the law.