



Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

DATE: July 29, 2022

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

FROM: WEC Staff

SUBJECT: AMENDED: Fraudulent Absentee Ballot Requests

PLEASE NOTE: The previous clerk communication on this topic, which was issued on July 28, 2022, has been modified by the WEC and is replaced with the guidance below (Adding Section 3(d)).

1. **Summary.** The WEC is aware of a public effort to submit fraudulent ballot requests to “demonstrate” a perceived flaw in the system. The WEC recommends that local election officials examine incoming absentee ballot requests with a separate mailing address to identify possibly fraudulent activity. Clerks should contact the voter to confirm any ballot requests that present concerns. Any confirmed fraudulent ballot requests should be reported to the WEC for further investigation. This applies to requests made on paper via mail, or electronic written requests that come from an email account or an email generated by MyVote.

2. **Background.**

Yesterday the Racine County Sheriff's Office issued a press release alleging “vulnerabilities” in the online ballot request system in Wisconsin. Put simply, if you have someone's personal information you can request a ballot in their name. The alleged issue was picked up by some websites, by talk radio, and by various groups on social media. This led to calls to deliberately submit fraudulent ballot requests through the MyVote Wisconsin website. At least some people seem to be responding to these calls. The WEC is actively investigating several cases where individuals requested ballots for public figures and attempted to direct the ballots to other addresses.

Requesting or attempting to vote an absentee ballot in the name of another person has long been and continues to be a crime. Under the law, a voter can request an absentee ballot for him or herself only. In some instances, a voter with a disability may explicitly request assistance with making their absentee ballot request. There is no indication of any vulnerability with the MyVote application. The idea that absentee ballot requests made online, via MyVote, are more susceptible to fraud is false. The MyVote web application requires a person to provide the same information he or she would provide if the person made the ballot request through electronic or traditional mail. MyVote does not make it any easier to commit voter fraud than requesting a ballot through the mail.

Wisconsin Elections Commissioners

Don M. Millis, chair | Marge Bostelmann | Julie M. Glancey | Ann S. Jacobs | Robert Spindell | Mark L. Thomsen

Administrator
Meagan Wolfe

People who intentionally misuse the MyVote application can be subject to severe criminal and civil penalties. It is illegal to provide false information or another person's information to request the ballot of someone else.

3. Recommendations.

- a) Local election officials should examine absentee ballot requests with a separate mailing address to identify possibly fraudulent activity. Scrutiny should be placed on requests submitted on or after July 27, 2022. Potential concerns may include requests to send ballots out of state, requests placed by public figures, or multiple requests with the same mailing address.
- b) Contact the voter to confirm any ballot requests that present concerns. If you doubt a request is legitimate contact the voter immediately.
- c) Any confirmed fraudulent ballot requests should be reported to the WEC for further investigation. If you have evidence of voter fraud, such as someone making a fraudulent absentee request, you may also choose to refer the matter to the appropriate county district attorney. It is illegal to request a ballot for another person without their permission, under [Wisconsin Statutes §§ 12.13\(3\)\(i\), 12.13\(1\)\(d\), and 12.13\(1\)\(b\)](#), and under federal law [52 U.S.C. § 20511](#).
- d) Local elections officials are reminded that [Wis. Stat. § 7.15\(1\)\(g\)](#) states the clerk shall perform the following duties and any others which may be necessary to properly conduct elections or registration:

“In the manner prescribed by the commission, report suspected election frauds, irregularities, or violations of which the clerk has knowledge to the district attorney for the county where the suspected activity occurs and to the commission. The commission shall annually report the information obtained under this paragraph to the legislature under s. 13.172 (2).”

4. **Questions.** If you have any questions, please contact the WEC Help Desk. Call 608-261-2028 or e-mail elections@wi.gov.