



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: January 23, 2024
TO: All Wisconsin Election Officials
FROM: Meagan Wolfe, Administrator
SUBJECT: Upcoming Absentee Deadlines – April 2, 2024, Spring Election and Presidential Preference Vote

This memorandum outlines important absentee ballot deadlines for the upcoming April 2, 2024, Spring Election and Presidential Preference Vote. These procedures are required by the federal Uniformed and Overseas Absentee Voters Act (UOCAVA) and Wis. Stat. §§ 7.10(3) and 7.15(1)(cm).

County Ballot Delivery Deadline

This is a reminder that counties must deliver Presidential Preference-only ballots to their municipalities no later than the end of the day on Wednesday, February 14, 2024, for the April 2, 2024, Spring Election and Presidential Preference Vote - Wis. Stat. § 7.10(3). This is to ensure that municipalities have sufficient time to fulfill any absentee ballot requests for military or overseas voters beginning February 15, 2024, the state deadline for responding to any such requests on file.

We ask that counties please report to the WEC when ballots have been distributed to their municipalities. If a county anticipates any issues with meeting the deadline for distribution, we ask that the county please contact WEC as soon as possible and we can work with the county to ensure municipalities have an option to fulfill absentee ballot requests by the deadline.

Upcoming Ballot Deadlines for Military and Overseas Voters

Federal and state law require that municipalities send absentee ballots to their military and overseas electors with requests on file in accordance with the deadlines set forth below. With Act 54 being signed into law, this deadline requires clerks to send all military and overseas voters with an absentee request on file a Presidential Preference-only, or 'A' ballot, by February 15, 2024. The 'A' ballot that will initially be sent will only contain the Presidential Preference contest and will be provided by the county clerk. Clerks will also have to send an official, or 'B' ballot to all military and temporary overseas voters by the 21st day prior to the election, March 12, 2024.

Permanent overseas electors may vote only in federal contests and should only be issued a Presidential Preference-only ('A') ballot.

Two ballots are required for most UOCAVA voters due to the statutory conflicts between absentee ballot lead times. For state and local elections, the deadline to send ballots to voters with an absentee application on file is 21 days before the election. For partisan and federal elections, the deadline is much earlier – 47 days before the election. Forty-seven days before April 2, 2024, is February 15 – several days before the February 20 Spring Primary and well before the results of the primary are certified. For that reason, all military and overseas voters who have absentee ballot requests on file with the municipal clerk must be sent the Presidential Preference-Only ballot no later than February 15 to comply with state and federal law.

Military, Temporary Overseas and Permanent Overseas voters may request to receive their ballot via email or fax, and clerks are required to honor those requests. Military and Permanent Overseas voters may also request to receive their ballot online via the MyVote Wisconsin website (myvote.wi.gov). Any requests

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Administrator
Meagan Wolfe

received after the federal deadline of Saturday, February 17, 2024, must be honored within one business day and the ballot must be sent by the method requested by the voter. Voters who request their ballot to be delivered to them online will receive an email notifying them their ballot is ready.

There is an important change to note, which, in most cases eliminates the need to monitor absentee ballot requests on Saturday, February 17. The U.S. Department of Justice (US DOJ) has agreed that, for those clerks who do not normally have office hours on Saturday, the requests that come in after the close of business (4:30 p.m.) on Friday, February 16 or on Saturday, February 17, may be responded to on Monday, February 19 and still be considered timely.

Remember, absentee ballot requests may be received from military, permanent overseas or temporary 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 a military or permanent overseas elector asks to receive the ballot “online” (see Ballot Delivery Method, NOT the Application Source) then the elector will access the ballot on MyVote. If the elector asks to receive the ballot by mail, email or fax, the ballot must be transmitted by the method requested. Please note that temporary overseas electors may not receive ballots through MyVote because they must submit photo identification to the municipal clerk before receiving a ballot.

Please note that to see all military or overseas voters in WisVote, it is now a one-step process. Once you are in the **election**, click **Run Report**; select **UOCAVA Absentee Ballot...** from the dropdown.

Reminder of Change Related to Temporary Overseas Electors

Temporary Overseas electors are entitled to the same protections as other types of UOCAVA voters. This means that they can receive an absentee ballot by mail or electronically (email or fax only). They may also use the Federal Write-In Absentee Ballot (FWAB) to cast their votes. This will not affect the current statutory distinction which allows temporary overseas electors to vote for all offices while restricting permanent overseas electors to vote only in contests for federal offices. For purposes of UOCAVA, “overseas” means “outside the United States.” This change regarding Temporary Overseas voters was first effective with the August 14, 2018, Partisan Primary as communicated in a Clerk Communication dated June 13, 2018.

REMINDER:

1) If a Military, Temporary Overseas, or Permanent Overseas voter makes a request for an absentee ballot on or before Thursday, February 15, 2024, the municipal clerk MUST send them the requested ballot no later than
Thursday, February 15, 2024

2) If a Military, Temporary Overseas, or Permanent Overseas voter makes a request for an absentee ballot on February 16 or February 17, 2024, the municipal clerk MUST send them the requested ballot no later than
Saturday, February 17, 2024

Exception: If the municipal clerk receives a request on Saturday, February 17 and does not normally have office hours on Saturday, the clerk may respond on Monday, February 19 and the response will be considered timely.

The WEC has created a few new resources to assist you with navigating the processes for military and overseas voters. The first is the [Military and Overseas Voter Manual](#). It will walk you through all of the steps and requirements for assisting these voters and includes the **current instructions for checking WisVote for compliance**.

We will be holding a live meeting January 24 at 10:00 a.m. for any municipal and county clerks with active military and overseas ballot applications on file. That invitation will come directly to the clerk's email and is open to clerks who have UOCAVA voters in their municipality or county. Detailed instructions on how to enter and track both 'A' and 'B' ballots in WisVote for UOCAVA absentees, including the webinar, are posted to WisVote News and the online learning center ElectEd.

Additional instructions for organizing and processing these ballots have been posted along with this memo for your use and review with your staff and poll workers. Remember to write an 'A' on the certificate envelope before sending an 'A' ballot. If you are sending the ballot electronically, write an 'A' on the certificate emailed along with the ballot. You should use the same procedure when a 'B' ballot is sent to a military or temporary overseas voter so that you can differentiate between the two ballots when organizing them for processing on election day. If you print absentee labels using WisVote, a "Federal-only ballot" or 'B ballot' notation will automatically appear on each label for those ballots when printed.

Remember, absentee ballot requests may be received from military, permanent overseas or temporary 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 a military or permanent overseas elector asks to *receive* the ballot "online" then the elector will access the ballot on MyVote and 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. **Please note that temporary overseas electors may not receive ballots through MyVote because they must submit photo identification to the municipal clerk before receiving a ballot.**

Thank you for your assistance in this matter. We know that you take very seriously your role in ensuring that military and 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 2, 2024, 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 the WEC Help Deck at elections@wi.gov or by phone at (608) 261-2028.