



Wisconsin Elections Commission

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DATE: November 6, 2023

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

FROM: WEC Staff

SUBJECT: Clerk Guidance Concerning Ballot Timeline for the April 2024 Spring Election and Presidential Preference Primary

1. Background

Wis. Stat. § 7.15(1)(cm) requires a ballot be sent to each voter with an active absentee request on file 47 days prior to the Presidential Preference Primary. This scenario only occurs every four years, in a Presidential election year, when the Spring non-partisan election is paired with the Presidential Preference.

The 47th day prior to the Presidential Preference Primary is February 15, 2024, which is five days before the Spring Primary on February 20, 2024. The February primary results determine what candidates continue to the April ballot. Considering that the Spring Primary is not being held, much less certified, until well after the 47th day, this statutory deadline to get ballots out to voters becomes impossible.

To prevent voter confusion, the Commission voted 6-0 at its September 7, 2023, meeting to direct clerks to send 'A' ballots containing only the Presidential Preference contest to military, permanent overseas, and temporary overseas voters by February 15, 2024, to comply with state law and the federal MOVE Act. The Commission then directed clerks to send 'B' ballots containing all the contests to military and overseas voters (UOCAVA) as soon as complete ballots become available or by March 12, 2024, whichever is sooner.

2. Guidance on Issuing Ballots

Issuing 'A' Ballots:

Municipal clerks must send the Presidential Preference-Only ('A') ballot to *only* UOCAVA voters who have an absentee ballot request on file no later than February 15, 2024. 'A' ballots must be sent in response to UOCAVA absentee ballot requests until the official Spring Election and Presidential

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Preference Vote ballots ('B' ballots) are prepared and delivered to the municipal clerks from their county clerk.

After the official ballot is available, only that full ballot must be issued for new requests, except for permanent overseas electors who may vote only in federal contests.

Procedure

- No later than February 14 the county clerk will provide the 'A' ballot in hard copy or as a pdf.
- Mailed traditional hand-count paper 'A' ballots must have an EL-229 on the back of the ballot and initialed by the clerk or deputy clerk.
- Traditional hand-count paper 'A' ballots sent electronically must be accompanied by an EL-229 and initialed by the clerk or deputy clerk. The face of the ballot is also initialed.
- Before sending an 'A' ballot, write an 'A' on the certificate envelope. If sending the ballot electronically, write an 'A' on the certificate sent with the ballot.
- Include the Uniform Instructions, as usual.
- Include an explanation of why the voter is receiving the ballot and that they will be receiving a complete ballot that includes all contests around the middle of March. An explanation for your use accompanies this memo.
- The 'A' ballot may be remade onto an Optical Scan ballot on Election Day or hand counted.

Issuing 'B' Ballots:

The 'B' ballot is the complete official Spring Election and Presidential Preference Vote ballot. The county clerk will provide the official 'B' ballots to their municipal clerks no later than March 11. Municipal clerks will stop sending 'A' ballots as soon as the 'B' ballots are received from the county clerk. 'B' ballots would not be issued to permanent overseas electors unless a federal special election would appear on the Spring Election Ballot.

Hand-Count Paper Ballots

Each ballot must contain an endorsement back (EL-229). The two separate party ballots are stapled at the bottom with the Democratic ballot on top. Any municipal, school district, or referendum ballots are also given to the voter. The instructions on both ballots remind the voter to only vote on one of these ballots. Upon return by the voter, the unused ballot is placed in a locked discard box and the voted ballot is placed in a ballot box for federal/state/county ballots.

Optical Scan Ballots

There are Arrow and Oval Versions for Towns with numbered and unnumbered seats, villages, and cities.

Procedure

- No later than March 12, 2024, send a 'B' ballot (official ballot) to all voters who were sent an 'A' ballot, except permanent overseas voters as they can vote only in federal contests.
- Before mailing a 'B' ballot, write a letter 'B' on the certificate envelope and initial the ballot in the endorsement section.
- Before transmitting a 'B' ballot electronically, write a letter 'B' on the absentee certificate and initial the ballot in the endorsement section and on the face of the ballot.
- Include the Uniform Instructions, as usual.
- Include an explanation of why the voter is receiving the ballot and that the 'B' ballot will be counted if both are returned. An explanation for your use accompanies this memo.

3. Guidance on Processing 'A' and 'B' Ballots

Prior to Election Day, it is recommended that returned ballots be organized alphabetically. This will allow the clerk to easily identify voters who were issued both an 'A' ballot and a 'B' ballot, and to further see if the 'B' ballot has been returned.

On Election Day, the poll workers should be presented with the returned absentee ballots organized by the voter's name. This will allow poll workers to easily determine if a ballot can be processed during Election Day or if the election inspectors will need to wait until after 8:00 p.m. to process the ballots. Election inspectors should use the following instructions to determine what they can process during Election Day and what they should wait to process until after the polls have closed:

Process any time throughout the day:

1. 'A' ballots from permanent overseas voters with sufficient certificate envelopes who were not issued 'B' ballots.
2. 'B' ballots from military, temporary overseas and regular voters with sufficient certificate envelopes.

Hold for processing after 8:00 p.m.:

1. Sufficient 'A' ballots from military, temporary overseas and regular voters who have not yet returned their 'B' ballot.
2. 'A' Ballots from voters who returned a 'B' Ballot. These can be rejected after 8:00 p.m. if the voter returned a sufficient 'B' ballot that was processed.
3. 'B' Ballots from military, temporary overseas and regular voters with insufficient certificate envelopes that are not corrected by 8:00 p.m.

4. Future Steps

WEC staff will provide reminders in the WEC newsletter about the 'A' and 'B' ballot process ahead of the April 2, 2024, Spring Election and Presidential Preference, as well as in Clerk Communications. Staff will also develop a webinar that will discuss the 'A' and 'B' ballot process in January.

If you have any questions, please contact the WEC Help Desk at elections@wi.gov or 608-261-2028.