



Wisconsin Elections Commission

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DATE: February 9, 2024

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

FROM: Wisconsin Elections Commission

SUBJECT: Q&A Concerning Witness Address Information Related to *Rise, Inc., et al. v. WEC et al.*, (2022-CV-002446), *League of Women Voters of Wisconsin v. WEC, et al.*, (2022-CV-002472), and *White et al. v. Wisconsin Elections Commission*, (2022-CV-001008)

This memo is intended to answer basic questions that may arise following the Commission’s three clerk communications concerning the above-referenced cases relating to absentee ballot witness addresses. This Q&A document does not alter the meaning of those communications and is intended as a practical guide to understanding them.

Question 1: Can an election official modify or add information to absentee ballot witness certifications?

Answer 1: No. Election officials cannot modify or add information to absentee ballot witness certifications.

Question 2: What does “address” mean as used in Wis. Stat. § 6.87(2) and (6d)?

Answer 2: It means “a place where the witness may be communicated with.”

Question 3: What information is required for a sufficient witness address?

Answer 3: No particular components or information are required, but **an absentee ballot cannot be rejected or returned to a voter for correction under Wis. Stat. § 6.87(9) as long as the face of the certificate contains sufficient information to allow a reasonable person in the community to identify a location where the witness may be communicated with.** This does not prevent returning an absentee ballot to a voter or rejecting an absentee ballot after 8 p.m. on Election Day if this standard cannot be met or if there is a separate issue, such as a missing witness signature or missing voter signature.

Wisconsin Elections Commissioners

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Question 4: What information is enough for a reasonable person in the community to identify a location where the witness can be communicated with?

Answer 4: The Commission cannot provide a complete answer to this question since, by definition, it is community specific. However, it can state that in the four scenarios below, the witness address must be considered sufficient. A witness address is sufficient if:

- a. The witness's street number, street name, and municipality are present, but there is neither a state name nor a ZIP code provided;
- b. The witness's street number, street name, and ZIP code are present, but there is neither a municipality nor a state name provided;
- c. The witness's street number and street name are present and match the street number and street name of the voter, but no other address information is provided; or
- d. The witness certification indicates that the witness address is the same as the voter's address with any or any combination of the following words: "same," "same address," "same as voter," "same as above," "see above," "ditto," or by using quotation marks and/or an arrow or line pointing to or from the voter address.

Question 5: If one of these four scenarios is not present, should the absentee ballot be rejected?

Answer 5: Not on that basis. **If an election official determines that one of the four scenarios above is present, the witness address is sufficient, and no further determination is needed. If one of these scenarios is not present, an election official must apply the standard in Answer 3, which is to look to the face of the certificate for information that would allow a reasonable person in the community to identify a location where the witness may be communicated with. If the information can be found on the face of the certificate, it is sufficient.**

Please contact the WEC Help Desk at elections@wi.gov or at (608) 261-2028 with any questions. This memorandum was reviewed and approved by the six members of the Wisconsin Elections Commission at their February 8, 2024, public meeting.