



Wisconsin Elections Commission

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DATE: December 27, 2023

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

FROM: Wisconsin Elections Commission

SUBJECT: Commission Approves Revised Uniform Absentee Ballot Instructions

1. Summary. The Wisconsin Elections Commission voted unanimously to approve revised Uniform Absentee Ballot Instructions (“Uniform Instructions”) on December 19, 2023. The approved Uniform Instructions are attached to this memorandum. These revised instructions replace previous editions and are effective immediately.

2. Background. The Commission directed staff to prepare revised Uniform Instructions to ensure that the instructions complied with the latest legal determinations. Specific topics addressed by recent court decisions and Legislative Audit Bureau findings included:

- a) Ballot Return. Interpreting § 6.87(4)(b)1. to mean that only the voter may return their absentee ballot to the office of the municipal clerk. *Richard Teigen v. Wisconsin Elections Commission*, 403 Wis.2d 607 (Wis. 2022).
- b) Ballot Return. Affirming the right of a disabled person to receive assistance returning an absentee ballot. *Timothy Carey v. Wisconsin Elections Commission*, No. 3:22-CV-402-jdp (W.D. Wis. Aug. 31, 2022).
- c) Witness Addresses. A court declined to make any alterations to the Commission’s longstanding guidance that minimum address requirements include street number, street name, and name of municipality. A zip code is not required. *Michael White v. Wisconsin Elections Commission*, 22-CV-1008
- d) Witness Signatures. Clarifying that a witness must provide both a signature and a printed name. Wisconsin Legislative Audit Bureau, Elections Administration (Report 21-19, Oct. 2021)

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

- e) **Correcting Mistakes.** Limiting a voter’s ability to spoil a ballot. A court ruled that a clerk may not return or spoil an otherwise complete, undamaged ballot that was properly returned by an elector. *Kormanik v. WEC*, 2022CV1395

The Uniform Instructions were also revised to comply with Commission directives that called for a new design that improved legibility with larger fonts, less text, and clear step-by-step guidance. The design features approved by the Commission were then incorporated in each of the three versions attached to this memorandum.

Additional information about the reasons for revision can be found in Commission materials for June 1, September 7, and December 19, 2023. Material from past Commission meetings is available on the Commission website under “About the WEC” and “Meetings and Minutes,” here:

[https://elections.wi.gov/news-events/events/past?audience=All&event_type\[\]=248](https://elections.wi.gov/news-events/events/past?audience=All&event_type[]=248)

3. Changes to the Uniform Instructions. The approved forms should not be modified, except to add the municipal clerk contact information where indicated on the bottom of page two. Should municipalities wish to provide voters with any additional information specific to the municipality, please prepare a separate document instead of modifying the Uniform Instructions.

4. Questions. If you have any questions regarding the Uniform Instructions, please contact the Elections Help Desk at elections@wi.gov or 608-261-2028.

Attachments

- Revised Uniform Instructions
- Revised Uniform Instructions for UOCAVA Voters
- Revised Uniform Instructions for Central Count Jurisdictions