



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: September 29, 2023

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

FROM: Wisconsin Elections Commission (WEC or Commission)

SUBJECT: Absentee Envelope Designs Approved by the Commission

- Summary.** On August 4, 2023, the Wisconsin Elections Commission approved the designs of the Absentee Mailer Envelope (EL-120) and the Absentee Certificate Envelope (EL-122) in their various iterations and languages. **EL-120 and EL-122 are state templates, prescribed by unanimous vote of the Commission in accordance with state statute, for mandatory use in Wisconsin absentee voting processes.** The Commission authorizes no changes to the forms, other than those associated with the varied postage practices of local election officials.
- Background.** WEC staff were recently informed by a concerned municipal clerk that a commonly-used print vendor had made unilateral changes to the witness certificate portion of the EL-122 templates. The approved witness certificates within EL-122, EL-122SVD, and EL-122M should look as follows:

Witness Address (Number, Street Name, City)

Deputy #1 Address (Number, Street Name, City) Deputy #2 Address (Number, Street Name, City)

Witness Address (Number, Street Name, City)

Printed EL-122 forms received by clerks from Bear Graphics include certificates with the following fields: “Number, Street Name, City, *State, Zip.*” (*emphasis added*) The addition of “State, Zip” was not approved by the Commission. An example of a printed EL-122, with the erroneous fields, was provided by a concerned clerk:

Wisconsin Elections Commissioners

Don M. Millis, chair | Marge Bostelmann | Joseph J. Czarnecki | Ann S. Jacobs | Robert Spindell | Mark L. Thomsen

Administrator
Meagan Wolfe

DO NOT USE

Witness Address (Number, Street Name, City, State, Zip)

The Commission specifically and carefully considered these address components in light of its previous guidance on what constitutes a sufficient witness address, statutory requirements, and recent court activity. The Commission-approved templates did not include “State and Zip” by conscious choice.

The vendor was immediately notified of these issues and the WEC’s related concerns. At a September 29, 2023, special meeting of the WEC, the Commissioners voted 6-0 to affirm mandatory, unaltered use of the various EL-120 and EL-122 templates.

No changes may be made to EL-120 and EL-122 templates, unless the changes relate to pre-payment or non-pre-payment of postage. Some clerks, for example, prefer removal of the “First Class Postage Required” field, so there is blank space to meter and pre-pay the return postage. Some clerks also use labels printed from WisVote for the voter information section of the certificate. Use of the official label for this purpose is also allowed and contemplated as part of the Commission’s approval and prescription of the EL-120 and EL-122.

Any clerk or print vendor with EL-120 and EL-122 template concerns are highly encouraged to immediately submit those items to the WEC in writing for consideration.

3. **How to Respond.** Bear Graphics clients should immediately begin working with that vendor to discuss an appropriate fix for this issue. **The Commission unanimously determined that striking “State, Zip” by covering, striking, or redacting the words in any way does not make the envelope compliant.** Not only has the Commission officially prescribed the various EL-120 and EL-122 templates for use in Wisconsin only in their approved forms, clerks must also consider that any altered versions of EL-120 and EL-122 may be subject to potential voter challenges, administrative complaints, or other legal action. Even utilizing existing stock already received from a vendor presents a risk to the voter, vendor, and local officials if changes are present on the forms.

The WEC recommends that clients of other print vendors should immediately contact their suppliers as well. This will ensure no further alteration issues arise and mitigate the risk of challenge to all parties involved.

Additionally, this situation serves as a great reminder to work with local or county counsel to ensure you have an up-to-date and comprehensive contract in place with all print vendors. Such an agreement may include provisions requiring adherence to state templates, necessitating client approval of changes/proofs, ensuring delivery deadlines are met, providing an ability to enforce service levels, and otherwise protecting all parties.

4. **Questions.** Call the WEC Help Desk at 608-261-2028 or e-mail elections@wi.gov.