



Wisconsin Elections Commission

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DATE: November 8, 2023

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

FROM: Wisconsin Elections Commission (WEC)

SUBJECT: National Mail Voter Registration Form – Follow Up to September 15, 2023, Communication

1. **Summary.** The National Mail Voter Registration Form (“National Form”) has been prescribed for use in Wisconsin to register UOCAVA voters under limited circumstances. This is a clarification and expansion of the September 15, 2023, Clerk Communication found here: <https://elections.wi.gov/memo/national-mail-voter-registration-form>

2. **Background.**

The National Form is commonly distributed at military installations, embassies, and consulates. It is now accepted in 48 states. As a result, municipal clerks and their staff may receive the National Form from voters in the military or from those living overseas. Wisconsin residents may also encounter the form online, or in third-party mailings, and submit it to their municipal clerk.

The form, also called the “NVRA Form” or the “Federal Form,” is published by the U.S. Election Assistance Commission (EAC) and appears as shown here on the EAC website: https://www.eac.gov/sites/default/files/eac_assets/1/6/Federal_Voter_Registration_ENG.pdf

A Waukesha County Circuit Court recently ruled that the National Form may not be used for voter registration in Wisconsin. Braun v. WEC, 2022CV1336. The court further directed the WEC to notify all municipal clerks of this finding, and to remove any published guidance indicating the form is acceptable. Although the form has been used in Wisconsin since 1994, it was originally approved by the State Elections Board and not subsequently re-approved by the WEC. The Court noted that the Wisconsin Elections Commission had not prescribed use of the form under the authority granted in Wis. Stat. § 6.33.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

The members of the Wisconsin Elections Commission met publicly on November 2, 2023, and unanimously passed the following motion to prescribe the National Form for limited use under the authority granted in Wis. Stat. § 6.33:

The Wisconsin Elections Commission prescribes the National Mail Voter Registration Form for use in the limited circumstances of being used by Military and Overseas (UOCAVA) voters in the 45 days prior to an election. UOCAVA voters, who are eligible to use the federal form for this limited purpose, shall be identified by designating themselves as a UOCAVA voter on their registration or absentee application, by the use of an overseas address on their election materials, or if the clerk has direct personal knowledge of the voter's UOCAVA status.

3. **Implementation.**

If municipalities receive a completed National Form, the municipal clerk cannot accept the form for registration purposes, unless the conditions above are met. If a voter does not meet those conditions, the WEC recommends that clerks inform the applicant how to lawfully register in Wisconsin using the prescribed form EL-131 or through the online voter registration process on MyVote Wisconsin (<https://myvote.wi.gov>). This is similar to the procedure established in Wisconsin Administrative Code s. EL 3.03(2), which requires follow-up action when clerks receive incomplete forms, and states that:

If information is missing from a voter registration application form, the municipal clerk shall contact the applicant by any means feasible, including in person, by email, facsimile transmission, or telephone, to obtain the missing information.

The only other state to reject the National Form, New Hampshire, likewise treats the form as a request for registration information. However, the Commission determined it was important to ensure UOCAVA voters submitting the National Form 45 days or less from the next election date be served as quickly as possible, and thus the members voted to prescribe the form in those limited circumstances.

Clerks should be mindful of election deadlines when processing registration requests or requests for registration information. The third Wednesday before an election is the last day to register online. Wis. Stat § 6.28(1)(a). The Friday preceding an election is the last day to register at a clerk's office or other designated location. Wis. Stat. § 6.29(2)(a). After the deadline, a voter's only recourse is to register at the polls on Election Day.

4. **Other Forms Not Affected.** The Federal Post Card Application (FPCA) and Federal Write-In Absentee Ballot (FWAB) are **not affected** by this ruling and should be accepted from military and overseas voters.

5. **Summary.**

- a. The National Mail Voter Registration Form can be used in Wisconsin to register UOCAVA voters (military, overseas, temporary overseas).

- b. The National Form can only be used for UOCAVA voters if the document is received by the applicable clerk 45 days or less before the next election date.
 - c. The clerk can consider the proposed registrant a UOCAVA voter for purposes of using the National Form if the registrant designates themselves as a UOCAVA voter on their registration or absentee application, uses an overseas address on their election materials, or if the clerk has direct personal knowledge of the voter's UOCAVA status.
 - d. If not received 45 days or less before the next election date, clerks who receive the form should contact the applicant to let them know the form cannot be accepted and to explain proper registration procedures in Wisconsin.
 - e. Clerks should be mindful of election deadlines when processing registration requests.
 - f. The Federal Post Card Application (FPCA) and Federal Write-In Absentee Ballot (FWAB) remain acceptable for use in Wisconsin.
 - g. This is the approved guidance of the bipartisan Wisconsin Elections Commission.
6. **Questions.** Call the WEC Help Desk at 608-261-2028 or e-mail elections@wi.gov.