



Wisconsin Elections Commission

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DATE: February 9, 2024

TO: All Municipal and County Clerks

FROM: The Wisconsin Elections Commission

SUBJECT: Required Use of New Absentee Envelopes and Instructions

Summary

This communication reminds clerks that use of the new absentee ballot materials is mandatory for all 2024 elections. Specifically, jurisdictions must use only new versions of the following forms:

- [Official Absentee Ballot Certificate and Application \(EL-122 and associated versions\)](#)
- [Absentee Ballot Mailer Envelope \(EL-120 and associated versions\)](#)
- [Uniform Absentee Ballot Instructions \(EL-128 and associated versions\)](#)

Further, this memorandum affirms that the substantive text on absentee envelopes must be printed on the side of the envelope without the “flap.” In the case of the certificate envelope (EL-122) the certificate itself is the substantive language, because it is important that municipalities receive an intact certificate form. In the case of the outer envelope (EL-120), the voter address is the substantive language, because the opposite side of the EL-120 does not contain any essential information.

Why Use of the New Envelopes (EL-122 and EL-120) Is Required

The Wisconsin Elections Commission unanimously voted to require use of the new envelopes on April 28, 2023. This decision was communicated to all jurisdictions on May 2, 2023. The original clerk communication is available here: <https://elections.wi.gov/memo/absentee-envelope-redesign-update>. The Commission affirmed this decision in August, 2023, and their announcement was again communicated to clerks on August 9, 2023. You can find the August memo here: <https://elections.wi.gov/memo/absentee-envelope-designs-approved-commission>.

The new design, approved by the Commission, ensures compliance with current law and court decisions. The specifics of the design have also been reviewed and approved by the U.S. Postal Service. **Using old envelopes in 2024 elections could lead to challenges, complaints, lawsuits, and mailing delays related to the use of a form that is no longer approved by the Commission.**

In summary, on April 28, 2023 the Wisconsin Elections Commission unanimously passed a motion directing that only the new envelope design would be authorized for use in Wisconsin starting with the February 2024 Spring Primary. In August, the Commission prescribed the new versions of the Official

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Absentee Ballot Certificate and Application (EL-122 and associated versions) and the Absentee Ballot Mailer Envelope (EL-120 and associated versions). The colors, format and size of the envelope are also requirements prescribed by the Commission. As is outlined in previous communications, the prescribed form includes the option for clerks to use WisVote mailing labels and their own postage. You can find the print guide posted with the Clerk Communication linked above. The August 4, 2023 Commission materials and minutes can be found here <https://elections.wi.gov/event/special-meeting-842023>

Why Use of the Uniform Instructions For Absentee (EL-128) is Required

On December 19, 2023 the Commission directed the mandatory use of a new version of the Uniform Instructions for Absentee Voters (EL-128 and associated versions) for all 2024 elections. The meeting materials and minutes can be found here: <https://elections.wi.gov/event/special-meeting-12192023>.

A Communication was sent to all clerks on December 27, 2023 announcing the new instructions and the mandatory use of the new instructions. That communication can be found here: <https://elections.wi.gov/memo/commission-approves-revised-uniform-absentee-ballot-instructions>.

Further, Wisconsin Statutes §§[6.22\(4\)\(d\)](#), [6.24\(6\)](#), and [6.869](#) all require that the versions of the Uniform Instructions for Absentee (EL-128 and associated versions) prescribed by the Commission be sent to all voters.

Clerks must send voters the [Uniform Absentee Ballot Instructions \(EL-128 and associated versions\)](#) with every absentee ballot sent by mail. You may not modify the text of the form. The only sections where you may add information are the fillable fields for your municipal contact information. While you must use the Commission's prescribed Uniform Instructions for Absentee, some jurisdictions may choose to send additional information on a separate piece of paper.

Printing Substantive Content on the Side of the Envelope Without the Flap

The Commission believes that previous communications make it clear that all substantive text for the new absentee envelopes should be printed on the side of the envelope without the flap. Specifically, certificate text for the Official Absentee Ballot Certificate and Application (EL-122 and associated versions) should be printed on the side of the envelope without the flap. This means postage information on the EL-122 is printed on the "flap" side. On the Absentee Mailer Envelope (EL-120), the address and postage information should be printed on the side without the flap, meaning the side with the flap is blank.

Conclusion

Use of only the new absentee ballot materials is mandatory for all 2024 elections. The substantive text on absentee envelopes must be printed on the side without a flap.

This memorandum was reviewed and approved by the six members of the Wisconsin Elections Commission at their February 8, 2024 public meeting.