



Wisconsin Elections Commission

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DATE: March 31, 2020

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

FROM: Meagan Wolfe
Administrator

SUBJECT: FAQ: Absentee Ballot Processing on Election Day, Results Reporting, Canvass

The Commission staff has received many questions from county and municipal clerks regarding absentee ballot processing on Election Day, results reporting and conducting the canvass during the current COVID-19 pandemic. Below are frequently asked questions related to those topics.

1. I have more absentee ballots to be processed than usual, are there any procedures I can use to organize these ballots prior to election day?

Clerks are encouraged to organize returned absentee ballots in a way that will help your inspectors or board of absentee ballot canvassers process ballots as quickly and efficiently as possible. This can include sorting ballots alphabetically by ward so they can be quickly found in the pollbook. Clerks should review the certificate envelopes to see if there are any deficiencies that could cause the ballot to be rejected and bundle those together for a more individualized review by the inspectors. If time permits, clerks should be contacting voters to see if those issues can be cured by the voter or witness, but if not possible, bundling the likely defective and proper ballots separately could save processing time on election day/night. Commission staff does not recommend 'pre-numbering' absentee ballots with voter numbers prior to election day, as the decision on whether the certification is proper is vested with the election inspectors. If an absentee ballot has already been assigned (pre-numbered) a voter number and is then rejected at the polls, the statutorily prescribed process for sequentially voter numbers is disrupted. This disruption could also lead to some confusion on the part of election inspectors and observers of the process and lead to errors in reconciling voter numbers and ballots voted at the end of the night.

2. Should I or my staff examine the absentee ballot envelopes that have been returned prior to sending them to the polling place on election day?

Yes. When a ballot is received from a voter, the municipal clerks should examine the certificate envelope for sufficiency. The envelope must contain: the signature of the voter, the signature of a witness and the address of

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the witness. If the certificate envelope is missing any of these components, contact the voter to advise them of their options to remedy the problem before election day.

3. Can I open envelopes and get ballots ready for processing prior to 7:00 AM election day?

No, absentee ballot envelopes cannot be opened until after 7:00 AM on election day. The inspectors must first examine the absentee ballot envelope certificates to determine if all required information has been provided by the voter and the witness. Only then, can the envelope be opened, and the ballot be removed for processing. If the certificate is improper, the envelope containing the ballot is retained, but not opened. See the Commission's Election Day Manual (pgs. 89-98) for additional details on processing absentee ballots:

<https://elections.wi.gov/clerks/education-training/election-day-manual>

4. How can I prepare ballots returned by UOCAVA voters so that the election inspectors process them properly?

Because of the federal deadlines for sending out absentee ballots to military and overseas electors for the April 7 election, municipal clerks could receive a variety of combinations of ballots from those voters (A and B ballots). UOCAVA voters may return: only the "A" ballot; only the "B" ballot or the "A" and "B" ballots.

Recommended procedures for clerks to use when preparing to send UOCAVA and other absentee ballots to the polls is attached to this communication. Municipal clerks should incorporate the instructions for processing UOCAVA ballots into any training provided to the inspectors prior to election day.

5. What if I run out of time on election night and have not finished processing all of my absentee ballots?

Election inspectors must do their best to finish processing all absentee ballots submitted by voters on election day, even if such processing extends late into the night. With the increased number of absentee ballots that have been requested and presumably will be returned for the April 7 election, municipal clerks should prepare their inspectors for the prospect of extended absentee ballot processing after the polls close. If election inspectors are unable to finish their work on election day to processing absentee ballots, they must reconvene to do so the next morning. This extension of election day processing of ballot should occur at the same polling location (if possible) and the municipal clerks should post such plans to reconvene promptly and as widely as possible so that residents are aware of the plan. The municipal clerk should also notify the Commission and their County Clerk, so they are aware of the delay in the reporting of unofficial results. The Commission is hopeful that this procedure is used sparingly, and only in situations in which it is not possible for election inspectors to finish processing absentee ballots on election day.

6. What are the notice requirements for reconvening the processing of absentee ballots and/or the canvass of results after election day?

The Commission has previously advised that a board of canvass meeting is an open public meeting and needs to be noticed appropriately under the open meetings law. The Commission has provided a sample notice for the board of canvass meeting in conjunction with the required Type D Notice of Location and Hours of a Polling Location: <https://elections.wi.gov/publications/election-notices/type-d> If a municipality must reconvene its inspectors from election night to continue processing and counting absentee ballots the next day, the Commission recommends posting the meeting details as soon as possible to comply with the open meetings law provisions, giving at least 2 hours-notice of the meeting under the law's emergency provisions. The

municipality should consult with its own legal counsel to advise on reconvening the inspectors or board of canvass in an emergency capacity and the required notice under the open meetings law.

7. What public health procedures can be used when opening absentee ballot envelopes?

The Centers for Disease Control (CDC) has posted “Recommendations for Election Polling Locations” on its website here: <https://www.cdc.gov/coronavirus/2019-ncov/community/election-polling-locations.html> Inspectors may use letter openers to open absentee envelopes to minimize contact with envelopes if preferred, but no additional precautions are recommended for the storage or handling of ballots. The CDC does recommend good hand hygiene for election inspectors that are processing absentee ballots. Other public health guidance that the WEC has produced in consultation with a health official recommended that poll workers wash or sanitizer their hands after handling ballots and before moving on to other tasks. It’s also recommended that poll workers break every 10 minutes, or when feasible, to wash their hands or sanitize.

8. Do I still have to meet deadlines for reporting and posting unofficial election night results?

Election inspectors must do their best to process absentee ballots, reconcile vote totals with voter numbers on the poll book, run results tapes from the voting equipment, complete all required paperwork and report the unofficial results to the municipal clerk, who must transmit returns to the county clerk “no later than 2 hours after the votes are tabulated.” The Commission understands there could be some delays in reporting results due to the increased volume of absentee ballots and the implementation of policies like social distancing with the polling location, but the Commission does not have the authority to waive statutory requirements related to results reporting. If tallying of unofficial results must continue after Election Night, WEC staff requests that the municipal clerk send an email to elections@wi.gov so that Commission staff is aware of the situation.

If you have questions regarding this communication, please contact the Help Desk at 608-261-2028 or elections@wi.gov.