



# Wisconsin Elections Commission

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**DATE:** March 22, 2020

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

**FROM:** Meagan Wolfe  
Administrator

**SUBJECT: COVID-19 FAQs and Updates: Online Voter Registration, Absentee Voting, Envelopes, Sanitizer and Poll Worker Recruitment**

This communication summarizes some of the previous guidance we have posted regarding significant issues and common questions the Wisconsin Elections Commission (WEC) continues to receive from local election officials. It includes guidance regarding the extension of online voter registration, the safe administration of in-person and polling place voting, and the availability of hand sanitizer and other cleaning products.

## **Online Voter Registration Extended Until March 30, 2020**

On Friday March 19, 2020, federal Judge William Conley issued an order that online registration prior to the April 7 election shall continue through March 30, 2020. The WEC is currently working on restoring that functionality of MyVote Wisconsin and will alert clerks when online registration resumes. More information can be found here: <https://elections.wi.gov/node/6757>.

## **In-Person Absentee Voting**

### **1. May a clerk decline to accommodate in-person absentee voting?**

No. Under Wis. Stat. § 6.86(1)(b) and the federal court decision in *One Wisconsin Institute*, electors may request an absentee ballot in person at the municipal clerk's office or an alternate location until the Sunday before the election. While the statutes do not mandate specific times or a minimum number of hours where in-person absentee voting must take place, the clear intent is that electors have reasonable opportunities to exercise those rights and that clerks must offer in-person absentee voting.

### **2. Can we adjust our posted hours for offering in-person absentee voting hours or move to an appointment-only schedule?**

Yes, a municipality can alter its hours for in-person absentee voting and voter registration. It also can move to an appointment-only process or limit the number of voters allowed into the voting facility at one time to ensure

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that appropriate social distancing recommendations can be accommodated. The best practice is to publish a new Type E Notice indicating the new hours. However, if it is not possible to publish a new Type E Notice in a timely manner or the voting hours may again change, clerks may omit publication of the notice and use other means to publicize the new hours, such as posting on a website, issuing a press release, etc. Notice of the new hours should be posted at the entrance to the building where voters may appear during the hours indicated in the original notice.

**3. What if my mayor, village board president, town board chair, or local governing body orders restrictions on or the elimination of late registration or in-person absentee voting?**

The election laws do not provide local elected officials the authority to place limits on or eliminate registration or voting options established by the statutes absent directives from state or local public health officials. Wis. Stat. § 6.86(1)(b) states that “A municipality shall specify the hours” in the Type E Notice published on the fourth Tuesday prior to the Spring Election. That statute does not specify whether the clerk, governing body, or chief executive order designates the hours for each election. Wis. Stat. § 7.15(1) provides that the municipal clerk “has charge and supervision of elections and registration in the municipality.” WEC staff has interpreted Wis. Stat. § 7.15(1) to authorize the municipal clerk to authorize absentee voting hours without requiring approval of the local governing body.

**4. Can we offer curbside in-person absentee voting?**

Yes, many municipalities are offering curbside or drive through in-person absentee voting. Clerks using this option should set up a system to verify each voter’s registration information and check their photo ID prior to issuing them a ballot. Election officials should create these processes so that voter privacy and the security of voted ballots is ensured. Any observers should have the ability have to observe these procedures even if they are voting curbside.

**Absentee Ballot Witness Requirements**

WEC staff has received a number of questions regarding the witness requirements for the absentee ballot return envelope.

**1. Is there any exemption to the witness requirement for voters who are quarantined?**

No, absentee voters must have someone witness their absentee ballot by signing and providing their address on the certificate envelope (EL-122). The witness signature confirms the voter voted the ballot and placed it in the envelope for return. The witness must also be a U.S. citizen (Note: for military and overseas voters, the witness does not have to be a citizen).

**2. What options are there for witnesses for voters who are quarantined and not allowed visitors?**

Voters will have to find a way to have their witness provide the required information on the certificate envelope. Where direct interaction is being avoided, we have suggested that a family member, friend or neighbor may watch the vote through a window, the voter may insert the ballot in the envelope and then leave it outside the door for the witness to sign. Other options for witnesses in these situations include, mail delivery persons, grocery or food delivery persons, and medical professionals. As always, spouses or roommates can always witness each other’s ballots. If you have a voter who does not think they can meet this requirement, contact the WEC for assistance with determining alternative qualified options.

## **Absentee Ballot Envelopes**

The WEC has placed a large order for both absentee ballot transmittal envelopes and return envelopes and they are expected to arrive in each requesting county this week. Here are the details:

- The WEC is expected to receive a large portion of the envelopes on **March 25, 2020**, and the envelopes will then be shipped by express delivery directly to each county that placed an order with us.
- Each county will then coordinate with their municipalities on how to pick up their envelopes.
- The WEC placed an order for the most common envelope size configurations: #14 for transmittal of ballots and #12 for ballot return envelopes.
- The return envelopes will have FIM bars on them as that was identified by the U.S. Postal Service as the most effective layout for efficient postal delivery.
- Postage is required for both the transmittal and return envelopes.
- The envelopes themselves will be provided at no cost to the counties or municipalities.
- Clerks were notified of these details in a communication that went out last week:  
<https://elections.wi.gov/node/6741>

Many municipalities are currently pursuing or are considering envelope orders outside of the WEC order. More information about absentee envelope options and frequently asked questions was provided on March 18, 2020 and can be found here: <https://elections.wi.gov/node/6733>.

## **Poll Worker Recruitment, Usage and Training**

Clerks may need to recruit and use additional poll workers for election day due to many veteran poll workers inability to serve during the public health crisis. We have created several resources to assist with these efforts, including a sample news release to alert the public about the need for volunteers and a promo on the MyVote Wisconsin website, both of which can be found here: <https://elections.wi.gov/COVID-19/recruiting-poll-workers>. Voters viewing the promo on MyVote are encouraged to send you an email with “Poll Worker Applicant” in the subject line to express their interest in serving.

### **1. Can I use volunteers or other county or municipal staff to assist with line management for in-person absentee and election day voting?**

Yes, it is essential that social distancing recommendations (6-foot distances between people) are being followed to minimize the spread of COVID-19. Volunteers can be used to help manage any lines that may form while people are waiting to vote. Volunteers or government staff serving only this function do not need to meet poll worker residency requirements or receive any election-specific training.

### **2. What is the best way to deploy my poll workers on Election Day?**

Public health officials have consistently stated that COVID-19 is spread at a much higher rate through face-to-face interactions than other means. Poll workers who are not in at-risk categories can be assigned to tasks, such as voter registration, that require more personal interactions. Other tasks, such as processing absentee ballots, may be appropriate for poll workers who need to limit their interactions with others.

### **3. What training resources are available that I can use to train my new poll workers?**

Any of the online training resources, such as Baseline Chief Inspector training or election administration webinars can be used to train new poll workers. The Baseline Chief Inspector training from the Learning Center has been broken out into sections and posted on the agency website here:

<https://elections.wi.gov/clerks/education-training/baseline-cit>. Trainees do not need a username and password to access the presentations. Previous election administration webinars are also a great resource for remote training and are posted here: <https://elections.wi.gov/clerks/education-training/webinars>. Clerks can identify which specific webinars they would like a trainee to view prior to election day. All webinars are now indexed by topic so clerks can also identify specific sections of webinars relevant to the trainee's expected election day role if necessary.

WEC staff will be publishing a memo that identifies and outlines training resources for use with new volunteers. We will also be offering a webinar for poll workers and clerks on recommended election day procedures designed to keep both voters and election officials safe during voting. More information on this webinar is forthcoming.

### **Indefinitely Confined Absentee Applications**

WEC staff has received numerous questions from clerks about the increase in voters requesting absentee ballots as indefinitely confined. Wisconsin Statutes provide the option for a voter to self-certify whether they meet the definition of indefinitely confined. The statutory definition of "age, illness, infirmity or disability" does not require any voter to meet a threshold for qualification and indefinitely confined status need not be permanent. A voter with a broken leg or one recovering from surgery may be temporarily indefinitely confined and may use that status when voting during that period of time.

We understand the concern over the use of indefinitely confined status and do not condone abuse of that option as it is an invaluable accommodation for many voters in Wisconsin. During the current public health crisis, many voters of a certain age or in at-risk populations may meet that standard of indefinitely confined until the crisis abates. We have told clerks if they do not believe a voter understood the declaration they made when requesting an absentee ballot, they can contact the voter for confirmation of their status. They should do so using appropriate discretion as voters are still entitled to privacy concerning their medical and disability status. Any request for confirmation of indefinitely confined status should not be accusatory in nature.

There may be a need to do some review of the absentee voting rolls after this election to confirm voters who met the definition of indefinitely confined during the public health crisis would like to continue that status. WEC staff has already discussed this possibility and may be able to provide resources to assist clerks with these efforts.

### **Sanitizer and Cleaning Product Availability and Options**

The Wisconsin Elections Commission (WEC) has received numerous questions regarding the availability of hand sanitizer and other cleaning products necessary for the safe administration of in-person absentee and polling place voting. We also understand that vendors around the state have exhausted their supply of hand sanitizer, disinfectant wipes and other cleaners that can be used for sanitization of both hands and surfaces.

The WEC is currently looking for options to find additional supplies that clerks can use. In the meantime, there are other options you can pursue on the local level to ensure you, your staff and election workers can practice recommended hand hygiene. We encourage you to continue to pursue those options and not rely on potential

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resources from the WEC or other state agencies. WEC will continue to aggressively pursue options available through the State but we have also been told supplies have been exhausted.

More information about a possible bulk purchase of sanitizer by WEC and information about other options was recently provided in a communication posted here: <https://elections.wi.gov/node/6761>.

Please contact us with any questions or concerns that you may have at [elections@wi.gov](mailto:elections@wi.gov) or (608) 261-2028.