**DATE:** September 8, 2020

**TO:** All Wisconsin Election Officials

**FROM:** Meagan Wolfe

Administrator

**SUBJECT:** Upcoming Absentee Deadlines – November 3, 2020 General Election

This communication provides reminders and information regarding the upcoming ballot deadlines for the November General Election. Please find information about the following issues related to the ballot upcoming ballot deadlines:

1. The county deadline to provide ballots to all municipalities
2. **The deadline for municipal clerks to send ballots to military and overseas voters -Priority**
3. The deadline for municipal clerks to send ballots to all voters with active requests on file
4. A reminder about the recent change in the definition of temporary overseas voters in Wisconsin

**REMINDER:**

**1. If a Military, Temporary Overseas, or Permanent Overseas voter makes a request for an absentee ballot on or before Thursday, September 17, 2020, the municipal clerk MUST send them the requested ballot no later than**

**Thursday, September 17, 2020**

**2. If a Military, Temporary Overseas, or Permanent Overseas voter makes a request for an absentee ballot on September 18 or September 19, 2020, the municipal clerk MUST send them the requested ballot no later than**

**Saturday, September 19, 2020**

**Exception: If the municipal clerk receives a request on Saturday, September 19 and does not normally have office hours on Saturday, the clerk may respond on Monday, September 21 and the response will be considered timely.**

With over 900,000 active absentee requests currently on file statewide for the November General Election, we understand that it will be a significant challenge to issue ballots in accordance with all deadlines in state law. Please review the following information as part of your planning process for meeting these deadlines.

1. **County Ballot Delivery**

This is a reminder that counties must deliver ballots to their municipalities no later than the end of the day on Wednesday, September 16, 2020 for the November 3 General Election. This is to ensure that municipalities have sufficient time to fulfill any absentee ballot requests beginning on September 17, 2020, the state deadline for responding to any such requests on file.

**We ask that counties please report to the WEC when ballots have been distributed to their municipalities.** WEC will follow up with counties who have not confirmed. If a county anticipates any issues with meeting the deadline for distribution, we ask that the county please contact WEC as soon as possible and we can work with the county to ensure municipalities have an option to fulfill requests by the deadline.

1. **Upcoming Ballot Deadlines for Military and Overseas Voters**

State law requires that municipalities send absentee ballots to their military and overseas electors with requests on file by September 17, 2020 (47 days prior to the election). For this election, the federal deadline follows shortly after on September 19, 2020 (45 days prior to the election). Any requests received after the federal deadline on Saturday, September 19, 2020, must be honored within 24 hours and the ballot must be sent by the method requested by the voter. Any requests that come in after close of business (4:30 p.m.) on Friday, September 18, 2020 or on Saturday, September 19, 2020 can be sent on Monday, September 21, 2020 and still be considered timely.

Military, Temporary Overseas, and Permanent Overseas voters may request to receive their ballot via email or fax and clerks are required to honor those requests. Military and Permanent Overseas voters may also request to receive their ballot online via the MyVote Wisconsin website (myvote.wi.gov). Voters who request their ballot to be delivered to them online will receive an email notifying them their ballot is ready.

Remember, absentee ballot requests may be received from military, permanent overseas or temporary overseas electors through a MyVote.wi.gov email notification. Please read all MyVote notifications thoroughly to see if you need to mail, fax or email a ballot to a UOCAVA voter. If a military or permanent overseas elector asks to receive the ballot “online” (see Ballot Delivery Method NOT Application Source) then the elector will access the ballot on MyVote and the clerk does not need to send the ballot. If the elector asks to receive the ballot by mail, email or fax, the ballot must be transmitted by the method requested. Please note that temporary overseas electors may not receive ballots through MyVote because they must submit photo identification to the municipal clerk before receiving a ballot.

1. **Upcoming Ballot Deadlines Regular Voters with Active Requests on File**

State law also requires that ballots be sent to regular voters with requests on file “no later than the 47th day before” a general election. Specifically, Wis. Stats § [7.15(1)(cm)](https://docs.legis.wisconsin.gov/document/statutes/7.15(1)(cm)) states it is the duty of each municipal clerk to:

**Prepare official absentee ballots for delivery to electors requesting them, and except as provided in this paragraph, send an official absentee ballot to each elector who has requested a ballot by mail, and to each military elector, as defined in s.**[**6.34 (1)**](https://docs.legis.wisconsin.gov/document/statutes/6.34(1))**, and overseas elector who has requested a ballot by mail, electronic mail, or facsimile transmission, no later than the 47th day before each partisan primary and general election** (emphasis added) and no later than the 21st day before each other primary and election if the request is made before that day; otherwise, the municipal clerk shall send or transmit an official absentee ballot within one business day of the time the elector's request for such a ballot is received. The clerk shall send or transmit an absentee ballot for the presidential preference primary to each elector who has requested that ballot no later than the 47th day before the presidential preference primary if the request is made before that day, or, if the request is not made before that day, within one business day of the time the request is received. For purposes of this paragraph, “business day" means any day from Monday to Friday, not including a legal holiday under s. [995.20](https://docs.legis.wisconsin.gov/document/statutes/995.20).

It is our belief that local election officials should focus on meeting the September 17, 2020 ballot delivery deadline for military and overseas voters. Clerks should then make their best effort to comply with Wis. Stat. 7.15(1)(cm) which states that all voters with a valid request on file should be sent a ballot by the 47th day prior to a general election. We understand that clerks have an unprecedented number of active requests on file from regular voters and that it will be difficult, if not impossible, to meet this deadline. There will be added attention paid to this deadline for this election and we wanted to provide a reminder that this requirement is not new and that, while little attention has been paid to this requirement in the past, the public interest in this election and the rise in absentee ballot requests may lead to an increase in voter questions regarding this deadline.

1. **Reminder of Change Related to Temporary Overseas Electors**

Temporary Overseas electors are entitled to the same protections as other types of UOCAVA voters. This means that they have the right to receive an absentee ballot electronically (email, fax, or online) and they may also use the Federal Write-In Absentee Ballot (FWAB) to cast their votes. This will not affect the current statutory distinction which allows temporary overseas electors to vote for all offices while restricting permanent overseas electors to vote only in contests for federal offices. For purposes of UOCAVA, “overseas” means “outside the United States.” This change regarding Temporary Overseas voters was first effective with the August 14, 2018 Partisan Primary as communicated in a [Clerk Communication dated June 13, 2018](https://elections.wi.gov/node/5870).

Please note that in order to see all military or overseas voters, you must sort two different ways in WisVote. If you do not do both sorts, you will not capture your voters who are both indefinitely confined and military or overseas voters. A voter can be both.

1. The first sort will be by **Application Type**, including military, overseas, and temporarily overseas voters.
2. The second sort will be by **Application Type,** including indefinitely confined voters, and also by **Voter Type**, including military, and permanently overseas voters.

If a military or overseas voter has a calendar year request for 2020 and did not return an August 11 Partisan Primary ballot, you **must** still send the November 3 General Election ballot. If a voter is indefinitely confined and military or overseas and did not return an August 11 Partisan Primary ballot, you **must** still send them the November 3 General Election ballot. If the indefinitely confined voter does not return their November ballot, then you may send them a 30-day notice after the election that their request will be deactivated if they do not respond.

Thank you for your assistance in this matter. We know that you take very seriously your role in ensuring that military and overseas electors are able to cast their ballots. We feel confident that with your cooperation all UOCAVA voters from Wisconsin will receive their ballot on or before the deadlines for the November 3, 2020 General Election that we will be able to promptly submit the required absentee ballot data to the US DOJ.

If you have any questions, or anticipate any problems with meeting the UOCAVA absentee ballot deadlines, please contact the WEC Help Deck at elections@wi.gov