



# Wisconsin Elections Commission

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**DATE:** January 8, 2021 (Updated June 17, 2021)

**TO:** All Wisconsin County and Municipal Election Officials

**FROM:** Meagan Wolfe  
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**SUBJECT:** **Additional Indefinitely Confined Absentee Request Confirmation Processes Beyond that Required in Wis. Stat. § 6.86(2)(b)**

## Overview

The Wisconsin Elections Commission has received questions from clerks about the increase in indefinitely confined absentee voters and their ability to contact those voters to verify the status of their absentee request. Specifically, some clerks wish to reconfirm that voters in their municipality still meet the standards for indefinitely confined absentee status (whether the person returned a ballot in the last election or not), despite having already performed the required processes detailed in Wis. Stat. § 6.86(2)(b) after the 2020 November General Election. It is allowable for municipal clerks to contact these voters and perform additional review of the absentee list to confirm they remain indefinitely confined, but clerks should do so using discretion and respect to voters' privacy regarding their medical and disability status.

WEC has developed a process that is outlined in this communication in response to clerk interest in tools and procedures to contact these voters to confirm their status. Performing this process is optional, and municipalities are not required to contact these voters if they are not wholly subject to the processes detailed in Wis. Stat. § 6.86(2)(b) or any other relevant statute. Each municipality should decide if they have the resources and interest in sending a voter mailing designed to allow voters to change or cancel their absentee request.

Due to the spread of COVID-19 in 2020, many voters requested absentee ballots as indefinitely confined voters. Voters who were indefinitely confined for the 2020 election(s) may no longer be indefinitely confined. Therefore, clerks may contact these voters and provide them with the following options:

1. **Change their request:** This should be done in writing (mail, email or in-person delivery) and should involve the voter confirming they are no longer indefinitely confined and prompt the voter to send their municipal clerk a copy of their photo ID to receive an absentee ballot for a future election, if it is not already on file.
2. **Continue their request:** Voters may use the form to confirm they are still indefinitely confined and want to continue to receive absentee ballots, but they are not required to do so, provided they cast and returned a ballot in the last election.
3. **Cancel their absentee request:** Any voter who would like to cancel their absentee request should also provide written notice of that requested change.

*Wisconsin Elections Commissioners*

Ann S. Jacobs, chair | Marge Bostelmann | Julie M. Glancey | Dean Knudson | Robert Spindell | Mark L. Thomsen

*Administrator*  
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To address clerk's concerns about the increase in indefinitely confined voters, Commission staff developed an optional process that provides resources to assist clerks in updating their voter rolls. Resources include:

1. A **template letter** for new indefinitely confined voters from the 2020 elections.
2. **Mail merge** instructions for clerks who want to use the template letter.
3. A process to receive a **spreadsheet** listing all new indefinitely confined absentee voters who made a request for any election since March 1, 2020 to use to create the mail merge.

If a voter does not respond to your communication, you may **not** deactivate their absentee request if they returned their November 3, 2020 ballot. This letter also does not replace the 30-day indefinitely confined notice for voters who failed to return a ballot. If an indefinitely confined absentee voter did not cast and return their absentee ballot for November 3, you must proceed with the 30-day notice and deactivate their request if they do not respond within 30 days. WisVote instructions for generating this letter and completing this process can be found in the manual and training materials available on the WEC Learning Center.

### **Process Outline and Resources**

The processes and resources found below are designed to be adapted to fit your municipality's needs and they may be customized. It is not required to use the mail merge or the template letter, and you may use a different process if you prefer or only have a limited number of voters to contact.

#### **1. Template Letter**

The template indefinitely confined letter doubles as a form for voters to return directly to the municipal clerk to confirm their status. You may edit this letter to fit your municipality's needs and place it on your municipal letterhead. The Commission encourages clerks to be sensitive to voter's privacy about their medical and disability status. The letter emphasizes the definition and self-certification aspects of indefinitely confined voters, highlights the photo ID requirement for regular absentee voters, and states that voters will not be deactivated if they do not return the letter. This letter should not be used to contact voters who did not cast and return a ballot in the last election, unless the verbiage is updated to reflect the requirements of Wis. Stat. § 6.86(2)(b).

#### **2. Mail Merge Instructions**

If you are sending this letter to a significant number of indefinitely confined voters, it may be faster for you to use the mail merge feature from Microsoft. This feature allows you to use the spreadsheet provided by the Wisconsin Elections Commission to create multiple letters that are customized for each voter.

These instructions review how to use the mail merge feature step-by-step. You do not have to use this process. Prior to running the mail merge, please make sure you enter your contact information and the date at the top of the letter. The lines from the spreadsheet that will be merged are voter's address line 1; address line 2; city, state, zip code; and voter name.

### **3. Voter Data from the Wisconsin Elections Commission**

The Wisconsin Elections Commission can create a spreadsheet for each municipality that contains every new indefinitely confined voter between the Spring Election on April 7, 2020 to the General Election on November 3, 2020. When you receive your list, you can review the indefinitely confined voters for your specific municipality and use that information for the mail merge. The voter's address listed on the spreadsheet is their mailing address.

To request your municipality's spreadsheet, please email the Wisconsin Elections Commission at [elections@wi.gov](mailto:elections@wi.gov) with the subject line "Indefinitely Confined Voters." Please include your municipality name (with City, Town, or Village) and your county.

#### **FAQs**

#### **If an indefinitely confined voter voted in person at the November 3 election, is that equivalent to a voter not returning a ballot?**

Yes, if a voter did not return their absentee ballot by mail, even if they voted in person, they must be sent the 30-day notice letter in accordance with Wis. Stat. § 6.86(2)(b). However, the voter may have an intermittent condition which causes an unpredictable ability to vote in person, so it may be lawful for them to maintain an indefinitely confined status despite voting in person during the last election cycle.

#### **Can I deactivate an absentee request if I believe the voter is not indefinitely confined?**

No, provided the voter cast and returned a ballot in the last election, and unless the clerk receives reliable information that the individual no longer qualifies as indefinitely confined. All changes to status must otherwise be made in writing and by the voter's request. Not all medical illnesses or disabilities are visible, or they may only impact the voter intermittently, so clerks should use caution and consult local counsel in determining what is "reliable" information.

#### **Do I have to provide return envelopes and postage with the indefinitely confined letter?**

No, you may choose whether to provide envelopes and prepaid postage.

#### **If I have a voter's email or phone number, can I call or email them to confirm their status instead?**

Yes, you may call or email voters to confirm their indefinitely confined status. However, changes to absentee requests must be in writing via mail, email or personal delivery. Voters may not change or cancel their absentee request over the phone.

If you have any questions about this process or the materials, please contact us at [elections@wi.gov](mailto:elections@wi.gov) or (608)261-2028.