



Wisconsin Elections Commission

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MEMORANDUM

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

FROM: Meagan Wolfe
Administrator

DATE: March 24, 2020

SUBJECT: Emergency Order #12 Does Not Eliminate In-Person Absentee Voting

As you may know, this afternoon the Governor and the Department of Health Services issued Emergency Order #12 entitled “Safer at Home Order” related to public and private activity permitted due to the COVID-19 pandemic. The Wisconsin Elections Commission (WEC) has received several inquiries as to whether the order requires the termination of in-person absentee voting for the Spring Election and Presidential Preference Primary. The short answer is no, the Order does not require or authorize municipalities to terminate in-person absentee voting.

Section 1 of the Order states that all persons may leave their residences only for specified activities which include “Essential Government Functions.” The definition of “Essential Government Functions” in Section 12 of the Order includes all services provided by the State and local governments “needed to ensure the continuing operation of the government body and provide and support the health, safety, and welfare of the public.” Some of these functions may include travel to pick up ballots, envelopes or other election-related supplies, in addition to conducting in-person absentee voting.

Section 13 of Order also incorporates into “Essential Government Functions” the list of occupations identified in a document issued by the U.S. Department of Homeland Security, Cybersecurity & Infrastructure Agency (CISA) entitled [Essential Critical Infrastructure Workers During COVID-19](#). Consistent with determinations of the Department of Homeland Security since 2016, this CISA memorandum includes election officials as critical infrastructure workers under the category of “Other Community-Based Government Operations and Essential Functions.”

To provide additional clarification, the Governor’s Office has stated that Emergency Order #12 is not intended to eliminate in-person absentee voting for the Spring Election. Conducting that activity is considered an essential government function and traveling for that purpose by both election officials and voters is permitted.

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

As the Commission indicated in a FAQ document previously posted, there is no election-related statute that authorizes municipalities to decline the opportunity for electors to vote an absentee ballot or register to vote in person.

Emergency Order #12 is attached. If you have questions regarding this communication, please contact the Help Desk at 608-261-2028 or elections@wi.gov.