



Wisconsin Elections Commission

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DATE: March 24, 2020

TO: County and Municipal Clerks in Congressional District 7

FROM: Meagan Wolfe
Administrator

SUBJECT: Military and Overseas Absentee Deadline: March 26, 2020

This memorandum outlines important absentee ballot deadlines for the upcoming May 12 District 7 Special Election. These procedures are required by the federal Uniformed and Overseas Absentee Voters Act (UOCAVA) and Wis. Stat. §§ 7.10(3) and 7.15(1)(cm).

County Ballot Delivery Deadline

This is a reminder that counties must deliver ballots to their municipalities no later than the end of the day on Wednesday, March 25, 2020 for the May 12 District 7 Special Election. This is to ensure that municipalities have sufficient time to fulfill any absentee ballot requests beginning on March 26, 2020, the state deadline for responding to any such requests on file.

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 in accordance with the deadlines set forth below. This deadline requires clerks to send all military and overseas voters with an absentee request on file a May 12 District 7 Special Election ballot by March 26, 2020 (47 days prior to the election). For this election, the federal deadline follows shortly after on March 28, 2020 (45 days prior to the election).

It is our belief that local election officials should focus on meeting the March 26 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.

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). Any requests received after the federal deadline on Saturday, March 28, 2020, must be honored within 24 hours and the ballot must be sent by the method requested by the voter.

There is an important change to note, which, in most cases eliminates the need to monitor

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absentee ballot requests on March 28. The U.S. Department of Justice (US DOJ) has agreed that, for those clerks who do not normally have office hours on Saturday, the requests that come in after the close of business (4:30 p.m.) on Friday, March 27 or on Saturday, March 28, may be responded to on Monday, March 30 and still be considered timely.

Reminder of Change Related to Temporary Overseas Electors

Temporary Overseas electors are entitled to the same protections as other types of UOCAVA voters, such as permanently overseas and military electors. This means that they have the right to receive an absentee ballot electronically 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](#).

REMINDER:

- 1) If a Military, Temporary Overseas, or Permanent Overseas voter makes a request for an absentee ballot on or before Thursday, March 26, 2020, the municipal clerk MUST send them the requested ballot no later than Thursday, March 26, 2020**
- 2) If a Military, Temporary Overseas, or Permanent Overseas voter makes a request for an absentee ballot on March 27 or March 28, 2020, the municipal clerk MUST send them the requested ballot no later than Saturday, March 28, 2020**

Exception: If the municipal clerk receives a request on Saturday, March 28 and does not normally have office hours on Saturday, the clerk may respond on Monday, March 30 and the response will be considered timely.

Please note that in order to see all military or overseas voters, you must do two separate sorts on WisVote. If you do not do both of these sorts, you will not catch 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.

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.

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 May 12 Special Election and 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 Desk at elections@wi.gov