



Absentee Voting at Care Facilities in 2020

Your Role as a Care Facility Administrator

In a typical election, Special Voting Deputies (SVDs) may be coming into your facilities and conducting absentee voting with your residents. However, due to safety concerns, SVDs will not be entering your facility for the November election. Instead ballots will be mailed out to individual voters with current requests on file. Many care facility and nursing home residents rely on family members for assistance in voting. Because most care facilities and nursing homes are not allowing guests at this time, some voters may require assistance from care facility staff to vote. We know that this may be difficult for many facilities due to competing priorities and staffing. This document will provide resources to make absentee voting and registering to vote as smooth as possible for your facility and your residents.

As a care facility administrator or staff member, you are able to:

- Assist residents in filling out their ballots or certificate envelopes.
- Assist residents in completing voter registration forms and absentee requests.
- Sign the special certificate envelope (EL-122sp) if necessary (see below for explanation).
- Witness ballots.

Absentee Voting for Residents of Your Facility

Ballots began being mailed out on September 17 for voters with current absentee requests on file for the November 3 election. Most ballots will be mailed to voters, but some clerks have indicated that they are hand delivering ballots to care facilities in a large envelope or other sealed container. After receiving ballots, you must distribute ballots individually to those voters. If a voter no longer lives in your facility or is deceased, please mark the ballot carrier envelope “moved” or “deceased” and return it to the municipal clerk as soon as possible.

Each absentee carrier envelope should contain the ballot, an instruction sheet and a certificate envelope used to return the ballot (referred to as the EL-122).

How to assist the voter in filling out their absentee ballot

If a voter requests assistance, you may read the ballot, including candidate names, party affiliations and ballot instructions, to the voter or mark the ballot as directed by the voter. If the voter asks questions about individual candidates or their political platform, you cannot answer those questions. You cannot in any way prompt the voter to vote for a particular candidate. If uncertain for whom to vote, the voter may decide to leave a contest unvoted. After assisting the voter, you will sign the ballot in the box that says, “Certification of Voter Assistance.”

How to witness an absentee ballot

Anyone who is a U.S. Citizen, 18 years or older, and is not a candidate at the election may witness a ballot for a voter. Wis. Stat. § 6.87(4)(b)

1. Confirm that the ballot is blank before the voter begins to mark the ballot.
2. Allow the voter to fill their ballot out privately. You should not see how they vote unless you are providing assistance (see above).
3. After the voter finishes marking the ballot, make sure the voter inserts the ballot into the absentee certificate return envelope and seals it. The voter must sign the envelope, and then you, as the witness, must sign your name and provide your home address (street number, name, and city).
4. Note: If you assisted the voter in signing their name on the certificate return envelope, sign as the assistant AND as the witness on the envelope.
5. The ballot is ready to be mailed to the municipal clerk's office!

There is a sample of the certificate return envelope (EL-122) attached to this packet, with the required sections highlighted.

The Special Certificate Ballot Return Envelope

The EL-122sp is the return envelope used for voters in care facilities in what is usually a rare circumstance but will be more common for the 2020 elections with SVD voting suspended. If the voter has NOT requested a ballot as an indefinitely confined voter (meaning they are not indefinitely confined due to age, illness, infirmity, or disability), they must provide a copy of their photo ID in order for their absentee ballot to be counted. This is not always feasible for individuals in care facilities, so there is another way for the voter to meet the photo ID requirement. The voter may use a special certificate envelope (EL-122sp) and instead of including a copy of photo ID, an authorized care facility representative can sign the certificate on the ballot return envelope to affirm the voter's identity.

For reference, the care facility administrator certification section on the return envelope form looks like this:

5	Enclose a copy of acceptable photo ID, or complete this section
CERTIFICATION OF CARE FACILITY AUTHORIZED REPRESENTATIVE	
I certify I am an authorized representative of the facility listed. I further certify that this facility is registered or certified as required by law, that the above voter is a resident, and I verify that the name and address of the voter described above are correct.	
▲ Name of Facility ▲	▲ Signature of Authorized Representative ▲
<i>(Certification of Witness section must also be completed.)</i>	

In this situation, the voter can either insert a copy of their photo ID or the care facility administrator can sign in section 5 on the envelope. It is possible for a care facility administrator to serve as the witness, the assistant AND care facility authorized representative for purposes of the voter meeting the photo ID requirement.

There is a sample of the EL-122sp attached to this packet for your reference.

Absentee Voting FAQs

Q: Is the EL-122sp with the care facility administrator's certification that is used to meet the photo ID requirement posted online?

A: This certificate form is available online and may be printed from here: <https://elections.wi.gov/forms/el-122sp>.

Q: How do residents of my facility return their ballot? We used to have people (SVDs) come to the facility and administer the voting and take the ballots back. Now what is expected?

A: Ballots should be mailed back to the clerk using the postage-paid return envelope provided by the clerk with the voter's ballot. They can also be returned to the clerk's office in-person at the request of the voter.

Q: Who can assist the voter in voting their ballot?

A: Anyone can assist the voter in reading and/or marking their ballot, except the voter's employer, including care facility staff and family. Normally, care facility staff are restricted from assisting voters, but this restriction is not in effect because the voter is casting their ballot by mail. Wis. Stat. § 6.87(5)

Q: Can a resident's ballot be returned using a drop box at the Town/Village/City Hall?

A: Yes, the ballot may be returned to a drop box or directly to the clerk's office at the request of the voter. All ballots must be received by 8:00 PM on election day in order to be counted. Not all municipalities offer drop boxes, so you should check with the clerk to see if one is available for ballot return.

Voter Registration for Residents of Your Facility

We encourage you to reach out to voters who may want to vote, but are not registered to vote, and assist them in getting registered. For voters who are not registered to vote, they can register online or by mail until Wednesday, October 14 for the November 3 election. Online voter registration is only available for voters who have a valid Wisconsin driver license or state ID card and this can be completed using the MyVote WI website: <https://myvote.wi.gov/en-us/RegisterToVote>. Voter registration by mail should be done using the Wisconsin Voter Registration Application (EL-131) and the form must be postmarked by October 14, 2020.

The voter can register either from their home address or from the care facility. If they intend to return home, they should register to vote from their home address. If their return is uncertain, they can select which one they identify as their residence. Wis. Stat. § 6.10(1).

How to fill out the voter registration form (EL-131):

- **Section 1:** The voter should review these answers to ensure that they are eligible to vote. If they do not meet all of the qualifications, they should stop filling out the application.
- **Section 2 and 3:** The voter must provide last name, first name, middle name (if they have one) and date of birth. Providing a phone number and email is optional but can be helpful for clerks to contact the voter if needed.
- **Section 4:** The voter lists their current residential street address, including apartment, city, state and zip code.

Tip: P.O. Boxes may not be listed as the residential street address.

- **Sections 5 and 6:** Voters with a different mailing address than provided in Section 4 should list it in Section 5.

Voters should provide their previous name, if applicable.

If the voter was previously registered at a different address than the one they are registering at now, they are required to provide the previous address, if known.

Tip: Sometime voters cannot remember their previous address but may recall part of their previous address and/or municipality and should put down as much of their previous address as possible.

- **Section 7:** If the voter has an unexpired Wisconsin-issued driver license or identification card and the license or card is unexpired, the voter must provide the number.

Tip: Voters can call the DMV at (608) 264-7447 to get their DL#.

If the voter has an unexpired Wisconsin-issued driver license or identification card, the voter must include the driver license expiration date in Box 2.

Tip: If the voter does not know the expiration date and does not have the license or card with them, the voter should be asked if the license is unexpired. If the voter indicates that the license is unexpired, "voter affirmed" should be written in the expiration date field on the application.

Tip: If voter indicates the license is expired, the voter should be requested to list the driver license number for voter-matching purposes but must list the last four digits of their Social Security number.

If the voter does not have a Wisconsin Driver License or state-issued ID card, the voter must list the last four digits of their social security number.

If the voter has not been issued a Wisconsin Driver License or state-issued ID card, or a social security number, the voter should fill in the oval indicating they have neither.

- **Section 8:** The voter must provide a proof of residence document that lists their current name and the address where they are registering to vote.

If they are registering from the care facility address, an intake document from your facility that contains the voter's name and indicates that the occupant currently resides in the facility (room number not required) is sufficient for proof of residence.

If they are registering from their home address, they could provide a utility bill (gas, electric, etc.), a WI Driver License or ID card with their home address, or a government document (social security information, letter from the clerk, Medicare statements, etc.). Additional options are attached to this packet.

- **Section 9:** The voter must sign and date the application and affirm that their application is accurate and they are eligible to vote.
- **Section 10:** Anyone who assists the voter with filling out or signing the form must list their name and address.

Tip: Any person can assist a voter, except for the voter's employer, union representative or a candidate on the ballot.

Tip: Explaining how to complete the form is not "assistance."

Please see the attached copy for required sections. The highlighted yellow boxes are required and the pink sections are optional or if applicable.

Voter Registration FAQs

Q: What if a resident currently lives in one municipality (in the facility) but has never changed their voter registration from the municipality in which they previously resided?

A: Care facility residents can choose to remain registered at their former address or they can change their voter registration to the care facility address but are not required to do so. A resident can only be registered to vote at one location at a time.

Q: What documents can a resident from care facilities use for proof of residence?

A: The list of documents that can be used for proof of residence are set by Wis. Stat. § 6.34(3). The intake form used for the resident can be used as proof of residence as can any other document issued by any unit of government (e.g. Medicare, Social Security, IRS, municipal library, etc.) More information on proof of residence options can be found here: <https://elections.wi.gov/voters/first-time-registration-guide>

Q: How can you tell if a resident is already registered to vote?

A: The MyVote WI website can be used to determine if a voter is registered. Visit <https://myvote.wi.gov/en-us/MyVoterInfo> and search for the voter using their name and date of birth. A successful search for the voter will allow you to verify if they are registered and at which address they are currently registered to vote.

Q: What if a resident moves close to the election and cannot meet the residency requirement at their new location, will they still be able to vote?

A: State law allows voters who have not met the residence requirement at their new address to vote from their former address until they can achieve residency at the new address. Wis. Stat. § 6.10(3).

Absentee Ballot Requests for Residents of Your Facility

We encourage you to reach out to voters who have not already received an absentee ballot, but may wish to vote, to assist them in filing an absentee request. Voters in your facility may have active absentee ballot requests on file with the municipal clerk and have already received their absentee ballot. Voters who do not have a request on file and would like to vote in the November 3 General Election will need to make a request to their municipal clerk in order to receive a ballot.

Here are the details about making a request:

- A voter must be registered to vote before requesting a ballot.
- The request must be made in writing and may be made online using the MyVote WI website (<https://myvote.wi.gov/en-us/VoteAbsentee>) or submitted to the clerk by mail, email or fax. Wis. Stat. § 6.86(1)(a)
- The EL-121 Absentee Ballot Application may be used to make a request, but it is not required: <https://elections.wi.gov/forms/EL-121-english>. More information on using the application to make a request is provided below.
- If the form is not used to make a request, be sure each written request contains the following information:
 - Voter Name: The name on the voter's registration.
 - Voter Address: The address where the voter is registered to vote.
 - Mailing Address: The address where the voter would like the ballot mailed (if different from the voter registration address).
 - Duration of request: November election, all remaining 2020 elections
 - Indefinitely Confined status: State law allows that voters who self-certify they are 'indefinitely confined' due to age, illness, infirmity or disability can indicate this status on their application and they will receive ballots for all future elections until they fail to return a ballot or cancel their request. This status does not mean that the voter is permanently confined. For example, a voter recovering from a broken leg could be considered indefinitely confined. The voter must indicate on their request either online or on the request form that they are indefinitely confined. Indefinitely confined voters will continue to get absentee ballots until they cancel the request or do not return a ballot. If the indefinitely confined status is temporary, the voter should update their absentee ballot request when they feel they are no longer indefinitely confined. Wis. Stat. § 6.86(2)(a)
 - Photo ID: Some voters may need to provide a copy of their photo ID along with their request. Voters who certify they are indefinitely confined do not have to provide a copy of their photo ID along with their request. More information on the photo ID requirements can be found in the next section.
 - Additionally, all requests should list the specific name of the care facility, so clerks are able to send the EL-122sp envelope for voters that are not indefinitely confined in lieu of sending photo ID.

Wis. Stat. § 6.87(2)

You can assist a resident with finding their clerk's contact information, including phone number and email address, at <https://myvote.wi.gov/en-us/MyMunicipalClerk>.

Using the Absentee Application to Make a Request

The voter will begin by using the Wisconsin Application for Absentee Ballot (EL-121, <https://elections.wi.gov/forms/EL-121-english>) form to request their ballot.

- **Section 1:** The voter must enter their municipality and county.
- **Section 2:** The voter must enter their first name and last name. Date of birth is optional.
- **Section 3:** The voter must enter their address they are registered from.
- **Section 4:** If they are military, they can check that box. Veterans are not considered “military” voters.
- **Section 5:** Ballots can only be mailed to the voter. They must enter the address they want their ballot mailed to and include the name of the care facility.

Tip: Ballots cannot be forwarded. They must put the care facility’s address in this section.

- **Section 6:** Voters should select which elections they want an absentee ballot for (November) OR they can select that they are indefinitely confined due to age, illness, infirmity, or disability.
- **Bottom of the Form:** If you assisted the voter in completing the form, you must sign in the Assistant Declaration Section. The voter must also sign in the Voter Declaration section.

Please see the attached copy for required sections. The highlighted yellow boxes are required and the pink sections are optional or if applicable.

The Photo ID Requirement and Residents in Your Facility

Voters in care facilities or nursing homes have a few options for photo ID compliance:

1. If they requested their absentee ballot as an ‘indefinitely confined’ voter, the photo ID requirement is met through the witness providing their signature and address. The witness is, in essence, verifying the voter’s identity. Additional information or copy of a photo ID is **not** required. Wis. Stat. § 6.87(4)(b)(2)
2. If the voter is not considered ‘indefinitely confined’ and has a valid photo ID (see list below), they can always provide a copy to the clerk to satisfy the requirement. This copy can be sent electronically (fax, email) or by regular mail.
3. If the voter is not ‘indefinitely confined’ and does not have an acceptable photo ID from the list below, the care facility administrator can sign the special certificate (EL-122sp) to verify the identity of the voter. This provision is allowed in care facilities that are eligible to be served with SVDs but are not. If the field for the care facility administrator certification is not present on the envelope the voter received, the special certificate is available for download and printing on our website at the link below. It can be affixed to the return envelope prior to returning the ballot back.

Types of Acceptable Photo IDs

The list of acceptable photo IDs for voting purposes is set by state law and must be from this list. No other types of photo IDs or documents may be used for this purpose and any exemptions or substitutions have been outlined above. Wis. Stat. § 5.02(6m)

These types of IDs can be unexpired or expired after the date of the most recent general election (currently, the November 6, 2018 election):

- A Wisconsin DOT-issued driver license, even if driving privileges are revoked or suspended, *with or without a star in the right-hand corner.*
- A Wisconsin DOT-issued identification card, *with or without a star in the right-hand corner.*

- A Wisconsin DOT-issued identification card or driver license without a photo issued under the religious exemption
- Military ID card issued by a U.S. uniformed service
- A U.S. passport book or card
- An identification card issued by a federally recognized Indian tribe in Wisconsin (may be used even if expired before the most recent general election.)
- A photo identification card issued by a Wisconsin accredited university or college that contains date of issuance, signature of student, and an expiration date no later than two years after date of issuance. Also, the university or college ID must be accompanied by a separate document that proves enrollment. (May be used even if expired before the most recent general election.)

These types of IDs must be unexpired:

- A veteran’s photo identification card issued by the Veterans Health Administration of the federal Department of Veterans Affairs
- A certificate of naturalization that was issued not earlier than two years before the date of an election at which it is presented
- A driver license or state ID card receipt issued by Wisconsin DOT (valid for 45 days)
- A temporary identification card receipt issued by Wisconsin DOT through the Identification Petition Process (IDPP) (valid for 180 days)
- A citation or notice of intent to revoke or suspend a Wisconsin DOT-issued driver license that is dated within 60 days of the date of the election.

Absentee Request FAQs

Q: How do I get a photo ID for nursing home residents who do not have one to use for voting?

A: A registered voter who requests a ballot as an indefinitely confined elector due to age, illness or disability does not have to provide photo ID to get a ballot. Voters who are not indefinitely confined can use the special certificate envelope (EL-122sp) and the signature of a qualified care facility representative will satisfy the photo ID requirement. Please refer to Photo ID Requirements and Residents in your Facility.

Q: Does an ‘admission face sheet’ qualify as photo ID for voting purposes? It has the resident’s identifying information on it, including a picture.

A: No. The list of acceptable photo IDs is specific and does not list a face sheet. If the facility is a government facility, a face sheet that contains their voting address may be used as proof of residence.

Q: Can you make one absentee ballot request to cover the year?

A: A voter can make a calendar year request, which means they receive ballots for all elections in the calendar year. A new request must be made after January 1st of the new year. If the voter moves, they must let their municipal clerk know that they need to update their registration and/or absentee request.