



Wisconsin Elections Commission

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DATE: September 26, 2020
TO: All Wisconsin Elections Officials
FROM: Meagan Wolfe
Administrator

SUBJECT: In-Person Absentee Voting Reminders

We have received a number of questions regarding the timeline for in-person absentee voting and witness procedures for the November General Election. This communication will provide reminders and links to resources for both issues that clerks can use to prepare for the election. The information below does not represent changes in guidance but are reminders in light of recent questions we have received.

- 1. In-Person Absentee Voting:** Due to the recent court decision in the *One Wisconsin Institute* case, in-person absentee voting can only take place in the two weeks prior to election day and no in-person absentee hours can be offered on the Monday prior to election day. Wisconsin Statute § 6.86(1)(b), which sets the 14-day time period for in-person absentee voting was held to be constitutional.

For the November 3, 2020 General Election, in-person absentee voting can begin no earlier than October 20, 2020 and the final day in-person absentee voting hours can be offered is Sunday November 1, 2020.

In-person absentee is defined by state law as the process of issuing an absentee ballot in-person at the clerk's office or alternate site, or sites. During the in-person absentee time period, beginning on October 20 and ending on November 1, there is no restriction on the number of hours you may offer and in-person absentee voting can be offered at multiple locations (although those locations were required to be set by June 12, 2020 for the November General Election). As always, your Type E Notice should accurately reflect the in-person absentee voting hours for your municipality even if you are offering hours by appointment only. More information about the court decision can be found here:

<https://elections.wi.gov/node/6978>.

Further, please note that the only way clerk may issue absentee ballots to voters prior to October 20 is by mail. Before this time, you may not provide voters a ballot in-person nor can you deliver a ballot to a voter in-person or through an agent. Prior to October 20, voters may only receive the ballot by mail.

- 2. Accepting Absentee Ballot Applications In-Person:** Under Wis. Stat. § 6.86(1)(b), clerks cannot accept applications for absentee ballots in person earlier than 14 days preceding the election and no later than the Sunday preceding the election.

Wisconsin Elections Commissioners

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Administrator
Meagan Wolfe

For the November 3, 2020 General Election, in-person absentee applications can be accepted no earlier than October 20, 2020 and the final day these applications can be accepted is Sunday November 1, 2020.

Voters may submit their absentee ballot applications by mail, by mail, or through MyVote.wi.gov but they cannot submit absentee ballot applications in-person prior to October 20, 2020 and only at locations designated in your Type E notice and established prior to the June 12, 2020 deadline.

- 3. Witness Requirements:** Each absentee ballot is required to have the voter signature, witness signature and witness address on the return envelope in order to be counted. State law requires that the voter must show their unmarked ballot to their witness prior to marking their ballot in their presence (Wis. Stat. § 6.87(2)). The witness then signs the certification indicating the proper voting procedure has been followed. If a ballot has not been voted in the presence of the witness, a witness cannot certify that the unmarked ballot was shown to them. The voter should request a replacement ballot from their municipal clerk in these situations.
- 4. Ballot Drop Off Opportunities:** Under Wis. Stat. §6.87(4)(b)(1) municipal clerks may establish opportunities for voters to hand deliver their ballot in their jurisdictions. Guidance on how to securely establish drop off opportunities and drop box locations please see WEC's August 19 communication <https://elections.wi.gov/node/7036>

Please contact us with any questions you may have at (608)261-2028 or elections@wi.gov.