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MEMORANDUM

DATE: September 14, 2018

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

FROM: Meagan Wolfe, Interim Administrator
Bill Wirkus, Election Specialist

SUBJECT: **Important Ballot Deadlines for UOCAVA voters**

This memorandum outlines important absentee ballot deadlines for the upcoming November 6, 2018 General Election.

Reminder of Change Related to Temporary Overseas Electors

Temporary Overseas electors are entitled to the same protections under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) 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](#).

County Ballot Delivery Deadline

This is just a reminder that counties must deliver ballots to their municipalities no later than the end of the day on Wednesday, September 19, 2018 for the November 6, 2018 General Election. This is to ensure that municipalities have sufficient time to fulfill any absentee ballot beginning on September 20, 2018, the state deadline for responding to any such requests on file.

Upcoming Ballot Deadlines for Military and Overseas Voters

Federal and state law require that municipalities send absentee ballots to their military and overseas electors with requests to file in accordance with the deadlines set forth below. 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, September 22, 2018, 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 absentee ballot requests on Saturday, September 22. The USDOJ 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 (4:30pm) on Friday, September 21 or on Saturday, September 22, may be responded to on Monday, September 24 and still be considered timely.

REMINDER:

1) If a Military, Temporary Overseas, or Permanent Overseas voter makes a request for an absentee ballot on or before Thursday, September 20, 2018, you MUST send them the requested ballot no later than

Thursday, September 20, 2018

2) If a Military, Temporary Overseas, or Permanent Overseas voter makes a request for an absentee ballot on September 21 or September 22, 2018, you MUST send them the requested ballot no later than

Saturday, September 22, 2018

Exception: If you receive a request on Saturday, September 22 and you do not normally have office hours on Saturday, you may respond on Monday, September 24 and your response will be considered timely.

In the past, there were lengthy absentee ballot reporting requirements that municipalities and the State were required to complete for the U.S. Department of Justice (USDOJ). The reporting requirements were a result of legal action taken by a federal court due to non-compliance with the deadlines by numerous Wisconsin municipalities. The USDOJ has again asked Wisconsin, along with all other states, to track and report information concerning all military and overseas (both permanent and temporary) absentee ballots to ensure that they are issued in accordance with the federal deadlines.

Whenever any absentee ballot is requested, issued, or received, municipalities must record this information in WisVote within 48 hours. Relier municipalities have 48 hours to forward absentee ballot information to their WisVote Provider, who has an additional 24 hours to record the information. The data must be entered in WisVote within the required timeframes.

Thank you for your assistance in this matter. We know that you take very seriously your role in ensuring that military and overseas electors can cast their ballots. We feel confident, that with your cooperation, all military and overseas voters from Wisconsin will receive their ballot on or before the deadlines for the November 6, 2018 General Election and that we will be able to promptly submit the required absentee ballot data to the USDOJ.

If you have any questions about the changes to the requirements, or anticipate any problems with meeting the UOCAVA absentee ballot deadlines, please contact the WEC helpdesk at elections@wi.gov or (608) 266-8005.