

FILED
12-09-2020
John Barrett
Clerk of Circuit Court
2020CV007092

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

DONALD J. TRUMP,
MICHAEL R. PENCE, et al.,

Plaintiffs,

Dane County Case No.:
2020CV2514
Milwaukee County Case No.:
2020CV7092

v.

JOSEPH R. BIDEN,
KAMALA D. HARRIS, et al.,

Defendants.

AFFIDAVIT OF MEAGAN WOLFE

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

MEAGAN WOLFE, being sworn under oath, says:

1. I am employed as the Administrator of the Wisconsin Elections Commission (“the Commission”). I was appointed Interim Administrator by the Commission in March 2018, and my appointment was confirmed by the Wisconsin Senate in May 2019.

2. The Commission is a governmental agency responsible for administering election laws in Wisconsin. As the Commission’s Administrator,

I serve as Wisconsin's chief elections officer and am generally responsible for managing the agency's programs, staff, and budget.

3. As to absentee ballots, the Commission provides the application form and instructions for the indefinite confinement status of an elector under Wis. Stat. § 6.86(2)(a).

4. Wis. Stat. § 6.86(2)(a) leaves it to the individual to determine his or her status as an indefinitely confined elector.

5. The Commission has provided guidance to all election clerks in the State of Wisconsin regarding the indefinitely confined status. At its March 27, 2020, meeting the Commission reiterated the language of Wis. Stat. § 6.86(2)(a) and made it clear that whether a voter is indefinitely confined is left to the individual voter to determine.

6. Also, on March 27, 2020, the Commission provided written guidance through a memorandum dated March 29, 2020, to election clerks that the indefinitely confined status shall not be used to avoid the photo ID requirement.

7. The Commission also advised clerks that the clerks could tactfully verify with electors who chose indefinitely confined status during the COVID-19 outbreak in the spring of 2020 what that meant for future elections. In effect, the Commission guidance advised clerks that those who chose

indefinitely confined status for one election could withdraw that designation if he or she believed it no longer applied.

8. Around 240,000 voters statewide received indefinite confinement status during the November 2020 election. Roughly 75,000 of those voters resided in Dane in Milwaukee counties; the remaining 165,000 or so are spread throughout every other county in Wisconsin. Approximately 83% of these voters—around 199,000—are more than 50 years old.

9. Based on preliminary data entered by municipal clerks, In the 2020 General Election, roughly 10% of electors across the State of Wisconsin identified as indefinitely confined. This is roughly the same percentage of voters who did in 2016. In addition, 79.60% of indefinitely confined voters have previously shown a photo ID with a previous absentee application, during in-person absentee, or on election day in the last 4 years.

10. Based on preliminary data entered by municipal clerks, the percentage of indefinitely confined electors in each county is roughly the same across all of Wisconsin. In fact, it is often higher in Wisconsin's more rural and less populous counties. No county showed a percentage spike in indefinitely confined status from 2016 to 2020.

11. As to absentee voting, the Commission provided written guidance through a memorandum dated October 18, 2016, that clerks must take corrective action to remedy a witness address error on an absentee ballot

certificate envelope. If clerks are reasonably able to discern any missing address information from outside sources, clerks are not required to contact the voter before making that correction directly to the absentee ballot certificate envelope.

12. The Commission provided this guidance to promote uniformity in the treatment of absentee ballots statewide.

13. The Commission voted unanimously to provide the guidance found in its October 18, 2016, memorandum. Republican Commission member Don Millis made the motion, which was seconded by Republican Commission member Steve King.

14. If clerks are not able to discern missing address information for witnesses from outside sources, and the voter has not remedied the missing address information, the Commission has consistently advised clerks that the ballot cannot be counted.

15. The Commission has consistently advised clerks throughout the state that, for in-person absentee voters, they may use the combined application/certification (Form EL-122) that the Commission publishes to serve as the written application for an absentee ballot.

16. For purposes of completing the absentee ballot canvass and pursuant to Wis. Stat. § 7.52(4)(i), municipal clerks must send all used absentee ballot certificates, which includes used absentee ballot

applications/certifications (the Form EL-122), to the county clerk. The Commission advises clerks that, for a federal election, these used absentee ballot certificates must be retained for a period of 22 months as required by Wis. Stat. § 7.23(1)(f). Different localities comply with this requirement in different ways. In some cases, the counties will retain the used absentee ballot certificates until destruction is permitted. In other cases, county clerks route the used absentee ballot certificates back to the relevant municipal clerk. In either case, the municipal clerks would have access to the used absentee ballot certificates up until their destruction.

17. Outside of Dane and Milwaukee Counties, at least 451 drop boxes were used across 66 other counties for the November 3, 2020 general election.

18. Attached as Exhibit A is a true and correct copy of an October 19, 2020, Commission memorandum titled “Spoiling Absentee Ballot Guidance.”

19. Attached as Exhibit B is a true and correct copy of a Commission document titled “Overview of Absentee Voting Rules.” The document itself is undated but was released on or around January 26, 2016.

20. Attached as Exhibit C is a true and correct copy of a May 13, 2020, Commission memorandum titled “Indefinitely Confined Absentee Request Confirmation Process.”

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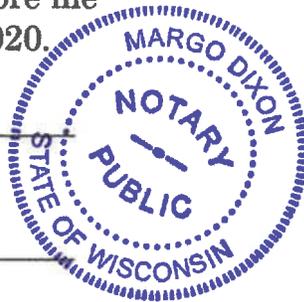
21. Attached as Exhibit D is a true and correct copy of Commission form EL-121, titled "Wisconsin Application for Absentee Ballot."

MEAGAN WOLFE
MEAGAN WOLFE

Subscribed and sworn to before me
this 9 day of December 2020.

Margo Dixon
[Sign Name]

Margo Dixon
[Print Name]



Notary Public, State of Wisconsin

My Commission: 7/19/2020



Wisconsin Elections Commission

212 East Washington Avenue | Third Floor | P.O. Box 7984 | Madison, WI 53707-7984

DATE: October 19, 2020

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

FROM: Meagan Wolfe
Administrator

SUBJECT: Spoiling Absentee Ballot Guidance

Many voters are contacting the Wisconsin Elections Commission regarding spoiling their absentee ballot. Issues include damaged ballots, making an error when voting the ballot (such as filling in the wrong circle or voting for too many candidates), or voters changing their mind after returning their absentee ballots. Absentee voters can request to spoil their absentee ballot and have another ballot issued as long as the appropriate deadline to request the new absentee ballot has not passed. In addition, voters can request to have their returned absentee ballot spoiled and instead vote in person, either during the in-person absentee period or at their polling place on election day, but they must request their ballot be spoiled by the appropriate deadlines. Once that deadline has passed, a returned absentee ballot cannot be changed, and the voter cannot be issued another ballot on Election Day. The spoiling absentee ballot deadlines for the November 3 General Election are:

- For regular absentee voters who spoil their ballot and request a new ballot by mail: October 29, 2020.
- For indefinitely confined by absentee voters who spoil their ballot and request a new ballot by mail: October 30, 2020.
- For all absentee voters who spoil their ballot and request a new ballot in person at the clerk's office or at their in-person absentee voting location: For most municipalities it is October 30, 2020, but may be as late as November 1, 2020, depending on their in-person absentee hours.

Spoiling Absentee Ballot Deadlines

	Spoils ballot; requests new ballot by mail	Spoils ballot; requests new ballot in person at the clerk's office or in-person absentee location
Regular Voters	October 29	October 30 in most munis, but could be as late as November 1
Indefinitely Confined Voters	October 30	October 30 in most munis, but could be as late as November 1

Wisconsin Elections Commissioners

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

Administrator
Meagan Wolfe

Wolfe Aff. Ex. A

Spoiling Absentee Guidance
Page 2

Please note an absentee voter cannot spoil their returned absentee ballot at their polling place on Election Day. If an absentee ballot has been returned to the clerk, or is in the mail, a voter cannot spoil their returned ballot at the polling place and request a new one. 2011 Wisconsin Act 227 changed the law and that option is no longer permitted. The voter also cannot spoil a returned absentee ballot on Election Day even if that ballot is expected to be rejected due to an error made by the voter on the ballot. Please note that a voter, whether voting by absentee ballot in the clerk's office or by mail, or at the polling place, can receive up to three ballots (the first two are spoiled). This has been the law in Wisconsin for many years.

Spoiling an Absentee Ballot

After a voter has been issued an absentee ballot at the clerk's office or by mail, they can request to spoil that ballot and receive a new one in the event the voter makes a mistake or changes their mind. The voter must request to spoil their ballot in writing (by mail or email) so that the clerk can confirm the request to spoil the ballot is being made by the original requestor of the absentee ballot.

Voters may also go to the clerk's office and make the request for a new ballot in person during the in-person voting hours offered by the municipality. The deadline to request a new absentee ballot is the last day the clerk offers in-person absentee voting. For most clerks that is Friday, October 30, but voters should contact their municipal clerk for scheduled hours.

If the voter returned their ballot by mail, but their ballot has not been received at their polling place by Election Day, the voter cannot spoil their absentee ballot and get a new ballot. It is suggested that voters return their ballot as soon as possible to ensure that it makes it to their polling place on time. The voter can only cancel the returned ballot (whether or not it was received) prior to the spoiling deadlines listed above.

Spoiling an Election Day Ballot (NOT Absentee) at the Polling Place

For voters who make an error while marking their ballot, the voter can request another ballot at their polling place as long as the ballot has not been cast (placed in a ballot box or tabulator). The first ballot must be returned to the election officials and spoiled (torn to make it unusable). Then, the inspectors place the spoiled ballot in the spoiled ballot envelope to be returned to the clerk with other election materials. A notation (2nd or 3rd ballot) should be made on the Inspectors' Statement (EL-104) and poll list for each additional ballot issued to each voter.

Voters Who Have Not Returned their Absentee Ballot

Please note that voters who have not returned their absentee ballots can vote at their polling place and do not need to "spoil" their absentee ballot. State law only prohibits voters who returned an absentee ballot from receiving and voting a new ballot at the polling place on Election Day. Voters who have not returned the absentee ballot can be issued a new ballot at their polling place on Election Day. It is suggested that those individuals discard their absentee ballot at home, but if they do bring it into the polling place, the voter should rip in half and discard that ballot on their own. Poll workers should not take the unvoted absentee ballot from the voter.

Spoiling Absentee Guidance
Page 3

Determining if an Absentee Ballot Has Been Returned by a Voter

Care should be taken in relying only on the poll book to determine whether an absentee ballot has been issued, re-issued or returned. If the poll book is printed prior to receiving a valid request to spoil a ballot, the information will not appear on the poll book. Since the absentee ballot log should be printed only after the completion of absentee voting, the log should be consulted to determine whether a voter's ballot has been returned. If so, the voter may not spoil the ballot and receive another one. (If the voter insists that the log is incorrect, the inspector should attempt to confirm with the municipal clerk whether the ballot was returned or spoiled by the deadline.)

If the absentee ballot log indicates that an absentee ballot has been issued but has not been returned, election inspectors should ask the voter whether they returned (placed their absentee ballot in the mail) or personally delivered the absentee ballot. If the voter says yes, the voter is prohibited from spoiling that ballot on Election Day, even if their ballot has not yet been processed. If the voter says no, they haven't returned their ballot, then they can be issued a ballot and vote at the polling place. See the Election Day Manual for further guidance and a helpful flow chart regarding this process.

Absentee Voter Errors or Ballot Damage After the Spoiling Deadline

If the deadline to spoil and receive a replacement ballot has passed, and a voter has mistakenly filled out or damaged their ballot in their possession, they have two options: 1) Choose not to return their absentee ballot, discard it and vote in person at their polling location, or 2) Make their voter intent/candidate choices clear on their ballot. For example, if they mistakenly voted for two candidates, they could make it clear on the ballot that they meant to only vote for one of those candidates. Intent should be determined by the election officials. These clarifying actions such as crossing a vote out, writing a note next to a contest, or highlighting a certain candidate should all be considered when inspectors are process the absentee ballot and determining voter intent on the ballot.

On Election Day, if a voter needs to correct information on the absentee certificate envelope, they and/or their original witness, depending on what the error is, must appear at the polling place or central count. This would be due to missing voter information, missing voter signature, or missing witness signature. The witness can appear without the voter to add their signature or address. Please note that the clerk should attempt to resolve any missing witness address information prior to Election Day if possible, and this can be done through reliable information (personal knowledge, voter registration information, through a phone call with the voter or witness). The witness does not need to appear to add a missing address.

Legal Citations

Wis. Stat. § 6.80(2)(c) states that "An elector who by accident or mistake, spoils or erroneously prepares a ballot may receive another, by returning the defective ballot, but not to exceed 3 ballots in all." At a polling place, a voter informs the inspector that they have spoiled their ballot and the inspector issues a new one, noting the number of replacement ballots a voters has

Spoiling Absentee Guidance
Page 4

requested and received. Absentee voters are afforded the same opportunity to obtain a replacement ballot if their original ballot has been spoiled.

Wis. Stat. § 6.86(5) directs clerks to issue a new ballot to voters who return a damaged or spoiled ballot and specifies that any request for a replacement ballot must be made within the applicable time limits to request an absentee ballot.

Wis. Stat. § 6.86(6) states that “An elector who mails or personally delivers an absentee ballot to the municipal clerk is not permitted to vote in person at the same election on election day.”

Wis. Stat. § 7.50(2) explains the process of determining voter intent.

Please contact the WEC Help Desk at (608) 261-2028 or elections@wi.gov if you have any questions.

Overview of Absentee Voting Rules

Indefinitely Confined Electors	
Definition	Voters indefinitely confined in their home or other facility due to age, physical illness or infirmity, or are disabled for an indefinite period. The elector must have requested an absentee ballot and indicated they qualify as indefinitely confined.
Application Requirements	<ul style="list-style-type: none"> • Voter registrations that are <u>postmarked</u> after the 20th day before the election cannot be accepted. • Absentee applications must be <u>received</u> by mail by 5:00 p.m. on the Friday prior to the election. • Voter must indicate on the absentee application or request that they are indefinitely confined.
Proof of Identification	<ul style="list-style-type: none"> • Proof of identification is not required with the application. <ul style="list-style-type: none"> ○ By signing the certificate envelope, the witness is certifying that they have verified the name and address of the voter. This satisfies the ID requirement for indefinitely confined electors.
Duration of Requests	<ul style="list-style-type: none"> • Receive ballots automatically for as long as they return them. • If a ballot is not returned, send 30-day notice <ul style="list-style-type: none"> ○ Send 30-day notice after general elections only ○ If voter responds to notice, keep on indefinitely confined list ○ If voter does not respond to notice, cancel absentee application (remove from indefinitely confined list)
Deadline for Ballot Return	Postmarked no later than Election Day and received no later than 4:00 p.m. on the Friday following the election.

Overview of Absentee Voting Rules

Electors Served by Special Voting Deputies (SVDs)

Definition

Voters residing in a qualified care facility [Community Based Residential Facility (CBRF), nursing home, residential care apartment complex, or adult family home] or retirement home that is served by special voting deputies.

Application Requirements

- If SVDs are conducting absentee voting at a facility prior to the 20th day before the election, the SVDs may register the individual to vote if also appointed as a Special Registration Deputy (SRD).
 - SVDs may register voters using their previous address if the voter has intent to return. These registrations must be forwarded to the respective municipal clerk.
- Absentee applications must be received by mail by the respective deadline, 5:00 p.m. on Thursday for regular voters, 5:00 p.m. Friday for indefinitely confined voters.
 - Voter must indicate on the absentee application or request that they are indefinitely confined.
 - SVDs may accept written absentee applications in-person from registered electors at the facility while conducting absentee voting at the facility.

Proof of Identification

- Proof of identification is not required with the application.
 - A statement signed by both SVDs that contains the voter's name and address and verifies the voter's name and address are correct. This can be found on the newly-revised certificate envelope (GAB-122).

Overview of Absentee Voting Rules

Electors Served by Special Voting Deputies (SVDs), Continued

Duration of Requests

- As specified in the request (specific elections, calendar year, or all subsequent elections if indefinitely confined).
 - If an elector on the indefinitely confined list does not vote an absentee ballot, the SVDs should ask them if they wish to continue to receive absentee ballots
 - The SVDs should record the voter's name and whether they wish to continue to receive absentee ballots in the appropriate section of the GAB-126.
 - If the elector indicates they do not wish to continue to receive absentee ballots, send them a notice via mail that their absentee application will be canceled.
 - The elector has 30 days to respond
 - Send notice after general elections only
 - If the elector does not respond to the notice, cancel the absentee application.

Time frame for conducting absentee voting in qualified facilities

- Between the 4th Monday before the election and the Monday before the election
 - Notice of date and time posted at facility no less than 5 working days before visit
 - Residents of a care facility not visited by SVDs located on the same grounds as a care facility visited by SVDs may request to vote absentee by appearing at the facility and submitting an absentee request with the SVDs.
 - Must submit a separate written request, not just certificate envelope.

Special Procedures

- Only SVDs may witness the absentee certification.
- No person other than a SVD or a relative of the elector may assist that person in voting.
- Only if an absentee elector is not available to cast his or her ballot on two separate visits by the SVDs to the facility may the clerk mail the ballot to the elector.
- To meet the proof of identification requirement:
 - An indefinitely confined voter must have the signature of a witness on the certificate envelope who is certifying that they have verified the name and address of the voter.
 - If after two visits by the SVDs, a non-indefinitely confined voter is mailed a ballot, the voter must either submit a copy of their proof of identification with the ballot OR have an authorized representative of the care facility sign the certificate envelope.
- See "Absentee Voting in Residential Care Facilities and Retirement Homes" Manual for details.

Overview of Absentee Voting Rules

Electors at Eligible Facilities Not Served by Special Voting Deputies	
Definition	<p>Voters residing in a qualified care facility [Community Based Residential Facility (CBRF), nursing home, residential care apartment complex, or adult family home] or a retirement home that is <u>NOT</u> served by special voting deputies.</p> <ul style="list-style-type: none"> ○ These voters may or may not also be indefinitely confined.
Application Requirements	<ul style="list-style-type: none"> ● Voter registrations that are <u>postmarked</u> after the 20th day before the election cannot be accepted. ● Absentee applications must be <u>received</u> by 5:00 p.m. on Thursday. ● Absentee applications from indefinitely confined voters must be <u>received</u> by mail by 5:00 p.m. on the Friday prior to the election. <ul style="list-style-type: none"> ○ Voter must indicate on the absentee application or request if they are indefinitely confined.
Proof of Identification	<ul style="list-style-type: none"> ● Proof of identification is not required with the application. ● For non-indefinitely confined voters <u>one</u> of the following is required: <ul style="list-style-type: none"> ○ A copy of photo ID submitted <i>either</i> with the application or with the returned ballot <i>OR</i>, ○ A statement signed by both the witness and an authorized agent of the facility that contains the voter's name and address and verifies the voter's name and address are correct and the voter lives at the facility. This can be found on the newly-revised certificate envelope (GAB-122). ● For indefinitely confined voters, the witness is certifying that they have verified the name and address of the voter. ● Proof of identification must be provided only once, either with the application or the ballot (unless the voter re-registers with a new name or address).
Duration of Requests	As specified on absentee ballot application.
Deadline for Ballot Return	Postmarked no later than Election Day and received no later than 4:00 p.m. on the Friday following the election.

Overview of Absentee Voting Rules

Military Voters	
Definition	Members of a uniformed service (at home or away), members of the merchant marine, civilian employees of the United States serving outside the U.S., peace corps volunteers, and their spouses or voting-age dependents.
Application Requirements	<ul style="list-style-type: none"> • No voter registration form is required. • Must have resided in municipality immediately before entering the military. • Absentee application must be received no later than 5:00 p.m. on the Friday preceding the election. However, for any federal election, military electors who are away from their residence due to active duty have until 5:00 p.m. on Election Day. • The Federal Post Card Application (FPCA) is a common alternative form that is used by military electors. It counts as both a voter registration and absentee ballot application.
Proof of Identification	Exempt
Duration of Request	<ul style="list-style-type: none"> • For a specific election or up to a calendar year. <ul style="list-style-type: none"> ○ Receive ballots for all offices
Deadline for Ballot Return	Postmarked no later than Election Day and received no later than 4:00 p.m. on the Friday following the election.

Overview of Absentee Voting Rules

Military Voters, Continued	
Federal Write-In Absentee Ballot (FWAB)	<ul style="list-style-type: none">• Available at military bases, embassies, and online at FVAP.gov. (This is not a ballot sent by the clerk.)• The FWAB's Affirmation/Declaration serves as a military voter's absentee request.
Multiple Ballots - Priority	<ul style="list-style-type: none">• Count whatever ballot you have received by Election Day• If more than one ballot received by Election Day, both ballots are sent to the polling place for processing. Only the official ballot is counted and the FWAB is rejected.• At federal elections, if a ballot comes in after Election Day, but before the deadline, and you have already counted a ballot on Election Day, do not count the late-arriving ballot.
Special Procedures	<ul style="list-style-type: none">• Requests are valid for up to 28 days after the date of discharge from military service.• See the SVRS manual for further details on the administration and tracking of overseas ballots.

Overview of Absentee Voting Rules

Overseas Voters	
Definition	<ul style="list-style-type: none"> • An elector who is permanently outside of the U.S. with no intent to return to their residence. <ul style="list-style-type: none"> ○ A person outside the U.S. for a finite period of time (vacation, work, education) with intent to return is <u>NOT</u> an overseas voter. • May only vote for federal offices (President, U.S. Senate, U.S. Congress).
Application Requirements	<ul style="list-style-type: none"> • Voter registrations that are postmarked after the 20th day before the election cannot be accepted. • Absentee applications must be received by 5:00 p.m. on Thursday. • Must have lived in the district immediately before moving overseas. <ul style="list-style-type: none"> ○ Voting-age children of an overseas elector are eligible to vote as an overseas elector even if they have never lived in the district. • Votes from last address in the district <ul style="list-style-type: none"> ○ Home may not be owned by them anymore or not exist anymore.
Proof of Identification	Exempt
Duration for Request	For a specific election or up to a calendar year. Receive ballots for federal offices only.
Deadline for Ballot Return	Postmarked no later than Election Day and received no later than 4:00 p.m. on the Friday following the election.

Overview of Absentee Voting Rules

Overseas Voters, Continued	
Federal Write-In Absentee Ballot (FWAB)	<ul style="list-style-type: none">• Available at military bases, embassies, and online at FVAP.gov. (This is not a ballot sent by the clerk.)• Cannot be accepted unless there is an absentee application on file.
Multiple Ballots - Priority	<ul style="list-style-type: none">• Count whatever ballot you have received by Election Day• If more than one ballot received by Election Day, both ballots are sent to the polling place for processing. Only the official ballot is counted and the FWAB is rejected.• At federal elections, if a ballot comes in after Election Day, but before the deadline, and you have already counted a ballot on Election Day, do not count the late-arriving ballot.
Special Procedures	See the SVRS manual for further details on the administration and tracking of overseas ballots.

Overview of Absentee Voting Rules

Regular Absentee Voters – By Mail	
Definition	Any otherwise qualified elector who for any reason is unable or unwilling to appear at the polling place.
Application Requirements	<ul style="list-style-type: none"> • Voter registrations that are <u>postmarked</u> after the 20th day before the election cannot be accepted. • Absentee applications must be <u>received</u> by 5:00 p.m. on Thursday before the election.
Proof of Identification	<ul style="list-style-type: none"> • If application received by mail/fax/email, proof of identification must be received with the application in order for elector to receive a ballot. • Proof of identification must be provided only once with the application (unless the voter re-registers with a new name or address). • If voter resides in a care facility not served by SVDs, please see <u>Electors at Eligible Facilities Not Served by Special Voting Deputies</u>
Duration of Request	<ul style="list-style-type: none"> • A specific election, OR • Up to one calendar year <ul style="list-style-type: none"> ○ If a ballot is not returned, stop sending ballots. ○ Send notice within 5 days. ○ Voter can reactivate request by contacting the clerk.
Deadline for Return of Ballot	Postmarked no later than Election Day and received no later than 4:00 p.m. on the Friday following the election
Special Procedures	<ul style="list-style-type: none"> • Requests received before absentee ballots are available should be filled as soon as possible, but no later than the 47th day before a federal election or 21 days before any other election. • Requests received after absentee ballots are available must be filled within 24 hours. <ul style="list-style-type: none"> ○ This includes weekends/holidays.

Overview of Absentee Voting Rules

Transmitting Ballots Via Fax/Email

Definition	Only military and permanent overseas electors may request their ballot be sent via fax or email. The clerk must honor the requested method of transmission.
Application Requirements	<ul style="list-style-type: none"> • Military electors <ul style="list-style-type: none"> ○ Are not required to register. ○ Absentee applications must be received by 5:00 p.m. on the Friday before the election, or 5:00 p.m. on Election Day if the military elector is away from their residence due to active duty during a federal election. • Permanent overseas electors <ul style="list-style-type: none"> ○ Voter registrations that are <u>postmarked</u> after the 20th day before the election cannot be accepted. ○ Voter registrations may not be faxed/emailed. ○ Absentee applications must be received by 5:00 p.m. on Thursday.
Proof of Identification	Exempt
Special Notes	<ul style="list-style-type: none"> • All types of voters may submit a request for an absentee ballot by fax/email • Only military and permanent overseas electors may receive a ballot by fax/email. • An original application with “wet” signature must be received. <ul style="list-style-type: none"> ○ If you are using the combination application/certification certificate envelopes, the signature on the envelope suffices as an original application with “wet” signature. • Transmit the initialed ballot and face of the certificate envelope along with instructions for voting and returning the ballot. • The voted ballot cannot be returned by fax/email. • On Election Day (if using optical scan systems), remake the ballot so it can be processed through the voting equipment. <ul style="list-style-type: none"> ○ See “Election Day Manual” or the GAB-104 for specific instructions on remaking ballot.

Overview of Absentee Voting Rules

In-Person Absentee Voting in Clerk's Office

Definition

Any eligible elector may request to vote an absentee ballot in person at the office of the municipal clerk.

Application Requirements

- Voter registration may occur in-person at the office of the municipal clerk up until 5:00 p.m. on the Friday preceding the election.
- In-person absentee voting begins on the 3rd Monday before Election Day and ends on the Friday preceding the election. No in-person absentee ballots may be issued on the weekends or legal holidays.
- In-person absentee voting can only be conducted between 8:00 a.m. and 7:00 p.m. during this time.
- If the voter only wishes to vote absentee at a single election, the combination application/certification certificate envelope will suffice as the absentee application.
- If the voter wishes to receive ballots for future elections, they must fill out the standard absentee ballot request.
- Ballots requested in-person may NOT be removed from the clerk's office by the voter.

Proof of Identification

- All in-person absentee voters must show proof of identification.
 - The clerk must initial or mark "ID Provided" on the certificate envelope to indicate that identification was shown.
- Having provided identification with prior absentee applications does not exempt the voter from providing identification if voting in-person at the clerk's office.

Overview of Absentee Voting Rules

Provisional Ballots	
Definition	Election officials are to treat an absentee ballot as a provisional ballot if the absentee elector was required to provide proof of residence with their absentee ballot (elector registered by mail prior to April 4, 2015 and did not provide proof of residence).
Procedure	The clerk should attempt to contact the absentee voter as quickly as possible to inform them that their ballot was treated provisionally and advise them of how to provide the necessary information.
Deadline for voter to supply missing information	4:00 p.m. on the Friday after the election
Special Notes	<ul style="list-style-type: none">• All absentee ballots that are treated as provisional ballots must be recorded on the Provisional Ballot Reporting Form (GAB-123r).• Make sure all appropriate canvassing boards (county and municipality) are informed if the elector provides the missing information.• All provisional ballots must be recorded in SVRS on Election Night. See the Provisional Tracking System chapter of the SVRS Application Training Manual for directions.

Overview of Absentee Voting Rules

New & Former Residents – Presidential Only

Definition

Any new resident of the state who would be an eligible elector except for the 28-day residency requirement, or any former resident of the state who is ineligible in their new home state to vote due to a residency requirement, may apply for a presidential-only absentee ballot.

Application Requirements

- New resident:
 - Must apply and vote in-person, no earlier than 27 days before the election, and no later than 5:00 p.m. on the day before the election.
 - Note-This time frame is specific to a new resident voting for president only.
 - Voter may also apply and vote for ‘President only’ on Election Day at the polling place.
 - Must fill out a special absentee application/cancelation (GAB-141).
 - Must complete voter cancellation card (GAB-139).
 - Note-Applicant does not complete GAB-131 and is *not* registered.
 - Must show proof of identification.
 - If the proof of identification is not also a valid form of proof of residence, the voter must show proof of residence as well.
- Former resident:
 - Must apply within 24 months of leaving Wisconsin.
 - By-mail application using a special absentee application (GAB-140).
 - This form must be notarized.
 - There is no specific deadline before the election to apply.
 - Does not have to provide proof of residence.
 - Must also include proof of identification.
 - Ballot must be returned by Election Day.
- See Appendix F in the SVRS Application Training Manual for directions on entering electors into SVRS.

Proof of Identification

Both new and former residents must provide proof of identification unless otherwise exempt or eligible to provide an alternative document (military, indefinitely confined, etc.)

Overview of Absentee Voting Rules

Hospitalized Electors

Definition	Any qualified elector may register and request an absentee ballot by agent if hospitalized.
Application Requirements	<ul style="list-style-type: none">• The absentee ballot application may not be filed earlier than 7 days before the election and no later than 5:00 p.m. on Election Day.<ul style="list-style-type: none">○ If not already registered to vote, the hospitalized elector may register to vote by agent up to 5:00 p.m. on Election Day. Must provide proof of residence.• Must submit a signed absentee application (GAB-121) which indicates that the elector is hospitalized and provide proof of identification.
Proof of Identification	Proof of identification is required with the application unless the elector is otherwise exempt or eligible to provide alternative documentation (military, indefinitely confined, etc.)
Procedure	<ul style="list-style-type: none">• The agent must present proof of identification.• Upon receiving a valid application, the clerk provides the agent with an initialed absentee ballot and certificate envelope.• The agent delivers the ballot to the hospitalized elector.• The hospitalized elector votes the ballot in the presence of the agent, seals it in the certificate envelope, and signs the certificate envelope.• The agent signs the certificate envelope as the witness and returns it to the clerk. <p>Fax/Email requests may be used with this procedure, but the agent must present their photo identification and receive the ballot in person.</p>

Overview of Absentee Voting Rules

Sequestered Jurors

Definition

Any eligible registered elector who indicates that the reason they are requesting an absentee ballot is because they are a sequestered juror.

Application Requirements

Must submit an absentee application to the clerk that indicates that the elector is a sequestered juror no later than 5:00 p.m. on Election Day.

Proof of Identification

Proof of identification is required with the application.

Procedure

- If the application is received before 5:00 p.m. on the Friday preceding the election:
 - The clerk may transmit the ballot as requested by mail.
- If the application is received after 5:00 p.m. on the Friday preceding the election:
 - The municipal clerk shall immediately take the ballot to the court in which the elector is serving as a juror and deposit it with the judge.
 - The judge shall recess court, as soon as convenient, and give the elector the ballot.
 - The judge shall then serve as witness and shall deliver the ballot to the clerk who shall deliver it to the polling place.



Wisconsin Elections Commission

212 East Washington Avenue | Third Floor | P.O. Box 7984 | Madison, WI 53707-7984

DATE: May 13, 2020

TO: All Wisconsin County and Municipal Election Officials

FROM: Meagan Wolfe
Administrator

Richard Rydecki
Assistant Administrator

SUBJECT: Indefinitely Confined Absentee Request Confirmation Process

Overview

The Wisconsin Elections Commission has received questions from clerks about the increase in indefinitely confined absentee voters and their ability to contact those voters to verify the status of their absentee request. It is allowable for municipal clerks to contact these voters for confirmation that they remain indefinitely confined, but they should do so using discretion and respect to voters' privacy regarding their medical and disability status.

WEC has developed a process that is outlined in this communication in response to clerk interest in tools and procedures to contact these voters to confirm their status. This process is optional, and municipalities are not required to contact these voters. Each municipality should decide if they have the resources and interest in sending a voter mailing designed to allow voters to change or cancel their absentee request.

Due to the spread of COVID-19 in advance of the April 7, 2020 election, many voters requested absentee ballots as indefinitely confined voters. Voters who were indefinitely confined for the April 7, 2020 election may no longer be indefinitely confined. Therefore, clerks may contact these voters and provide them with the following options:

1. **Change their request:** This should be done in writing (mail, email or in-person delivery) and should involve the voter confirming they are no longer indefinitely confined and prompt the voter to send their municipal clerk a copy of their photo ID to receive an absentee ballot for a future election, if it is not already on file.
2. **Continue their request:** Voters may use the form to confirm they are still indefinitely confined and want to continue to receive absentee ballots, but they are not required to do so.
3. **Cancel their absentee request:** Any voter who would like to cancel the remainder of their absentee request should also provide written notice of that requested change.

To address clerk's concerns about the increase in indefinitely confined voters, Commission staff developed an optional process that provides resources to assist clerks in updating their voter rolls. Resources include:

1. A **template letter** for new indefinitely confined voters from the April 7 election.
2. **Mail merge** instructions for clerks who want to use the template letter.

Wisconsin Elections Commissioners

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Wolfe Aff. Ex. C

Indefinitely Confined Absentee Request Confirmation Process

May 13, 2020

Page 2 of 3

3. A process to receive a **spreadsheet** listing all new indefinitely confined absentee voters from the April 7 election to use to create the mail merge.

If a voter does not respond to your communication, you may **not** deactivate their absentee request if they returned their April 7 ballot. This letter also does not replace the 30-day indefinitely confined notice for voters who failed to return a ballot. If an indefinitely confined absentee voter did not return their absentee ballot for April 7, you may proceed with the 30-day notice and deactivate their request if they do not respond within 30 days. WisVote instructions for generating this letter and completing this process can be found in the manual and training materials available on the WEC Learning Center.

Process Outline and Resources

The processes and resources found below are designed to be adapted to fit your municipality's needs and they may be customized. It is not required to use the mail merge and you may only need to use the template letter if you prefer another process or only have a limited number of voters to contact.

1. Template Letter

The template indefinitely confined letter doubles as a form for voters to return directly to the municipal clerk to confirm their status. You may edit this letter to fit your municipality's needs and place it on your municipal letterhead. The Commission encourages clerks to be sensitive to voter's privacy about their medical and disability status. The letter emphasizes the definition and self-certification aspects of indefinitely confined voters, highlights the photo ID requirement for regular absentee voters, and states that voters will not be deactivated if they do not return the letter.

2. Mail Merge Instructions

If you are sending this letter to a significant number of indefinitely confined voters, it may be faster for you to use the mail merge feature from Microsoft. This feature allows you to use the spreadsheet provided by the Wisconsin Elections Commission to create multiple letters that are customized for each voter.

These instructions review how to use the mail merge feature step-by-step. You do not have to use this process. Prior to running the mail merge, please make sure you enter your contact information and the date at the top of the letter. The lines from the spreadsheet that will be merged are voter's address line 1; address line 2; city, state, zip code; and voter name.

3. Voter Data from the Wisconsin Elections Commission

The Wisconsin Elections Commission has created a spreadsheet for each municipality that contains every new indefinitely confined voter from the April 7 election. When you receive your list, you can review the indefinitely confined voters for your specific municipality and use that information for the mail merge. The voter's address listed on the spreadsheet is their mailing address.

Indefinitely Confined Absentee Request Confirmation Process
May 13, 2020
Page 3 of 3

To request your municipality's spreadsheet, please email the Wisconsin Elections Commission at elections@wi.gov with the subject line "Indefinitely Confined Voters." Please include your municipality name (with City, Town, or Village) and your county.

FAQs

If an indefinitely confined voter voted in person at the April 7 election, is that equivalent to a voter not returning a ballot?

Yes, if a voter did not return their absentee ballot by mail, even if they voted in person, they can be sent the 30-day notice letter.

Can I deactivate an absentee request if I believe the voter is not indefinitely confined?

No. All changes to status must be made in writing and by the voter's request. Not all medical illnesses or disabilities are visible or may only impact the voter intermittently.

Do I have to provide return envelopes and postage with the indefinitely confined letter?

No, you may choose whether to provide envelopes and prepaid postage.

If I have a voter's email or phone number, can I call or email them to confirm their status instead?

Yes, you may call or email voters to confirm their indefinitely confined status. However, changes to absentee requests must be in writing via mail, email or personal delivery. Voters may not change or cancel their absentee request over the phone.

If you have any questions about this process or the materials, please contact us at elections@wi.gov or (608)261-2028.

	Wisconsin Application for Absentee Ballot				(Municipal Clerk) If in-person voter, check here: <input type="checkbox"/>	
	Absentee ballots may also be requested at MyVote.wi.gov					
Confidential Elector ID# <small>(HINDI - sequential #) (Official Use Only)</small>		WisVote ID # <small>(Official Use Only)</small>		Ward No.		
Instructions	Detailed instructions for completion are on the back of this form. Return this form to your municipal clerk when completed. <ul style="list-style-type: none"> You must be registered to vote before you can receive an absentee ballot. You can confirm your voter registration at https://myvote.wi.gov 					
	 PHOTO ID REQUIRED , unless you qualify for an exception. See instructions on back for exceptions.					
VOTER INFORMATION						
1	Municipality	<input type="radio"/> Town <input type="radio"/> Village <input type="radio"/> City			County	
2	Last Name		First Name			
	Middle Name		Suffix (e.g. Jr, II, etc.)	Date of Birth <small>(MM/DD/YYYY)</small>		
	Phone	Fax		Email		
3	Residence Address: Street Number & Name					
	Apt. Number	City	State & ZIP			
4	Fill in the appropriate circle – if applicable (see instructions for definitions): <input type="radio"/> Military <input type="radio"/> Permanent Overseas <input type="radio"/> Temporary Overseas					
I PREFER TO RECEIVE MY ABSENTEE BALLOT BY: (Ballot will be mailed to the address above if no preference is indicated. Absentee ballots may not be forwarded.)						
5	<input type="radio"/> MAIL	Mailing Address: Street Number & Name				
	<input type="radio"/> VOTE IN CLERK'S OFFICE	Apt. Number	City	State & ZIP		
		Care Facility Name (if applicable)				
		C / O (if applicable)				
	<input type="radio"/> FAX	Fax Number	For Military and Overseas Voters Only		Voter must have a computer and printer when receiving a ballot by fax or email. Voted ballots must be returned by mail.	
<input type="radio"/> EMAIL	Email Address	For Military and Overseas Voters Only				
I REQUEST AN ABSENTEE BALLOT BE SENT TO ME FOR: (mark only one)						
6	<input type="radio"/> The election(s) on the following date(s): _____					
	<input type="radio"/> All elections from today's date through the end of the current calendar year (ending 12/31).					
	<input type="radio"/> For indefinitely-confined voters only: I certify that I am indefinitely confined because of age, illness, infirmity or disability and request absentee ballots be sent to me automatically until I am no longer confined, or I fail to return a ballot. <i>Anyone who makes false statements in order to obtain an absentee ballot may be fined not more than \$1,000 or imprisoned not more than 6 months or both.</i> Wis. Stats. §§ 12.13(3)(i), 12.60(1)(b).					
TEMPORARILY HOSPITALIZED VOTERS ONLY (please fill in circle)						
7	<input type="radio"/> I certify that I cannot appear at the polling place on election day because I am hospitalized, and appoint the following person to serve as my agent, pursuant to Wis. Stat. § 6.86(3).					
	Agent Last Name		Agent First Name		Agent Middle Name	
	AGENT: I certify that I am the duly appointed agent of the hospitalized absentee elector, that the absentee ballot to be received by me is received solely for the benefit of the above named hospitalized elector, and that such ballot will be promptly transmitted by me to that elector and then returned to the municipal clerk or the proper polling place.					
	Agent Signature		X		Agent Address	
ASSISTANT DECLARATION / CERTIFICATION (if required)						
I certify that the application is made on request and by authorization of the named elector, who is unable to sign the application due to physical disability.						
Agent Signature	X		Today's Date			
VOTER DECLARATION / CERTIFICATION (required for all voters)						
I certify that I am a qualified elector, a U.S. Citizen, at least 18 years old, having resided at the above residential address for at least 28 consecutive days immediately preceding this election, not currently serving a sentence including probation or parole for a felony conviction, and not otherwise disqualified from voting. Please sign below to acknowledge that you have read and understand the above.						
Voter Signature	X		Today's Date			

Wisconsin Application for Absentee Ballot Instructions

General Instructions: This form should be submitted to your municipal clerk, unless directed otherwise.

- This form should only be completed by registered voters; if you are not a registered voter or military elector, please submit a Voter Registration Application (EL-131) with this form.

Photo ID requirement: If you will receive your absentee ballot by mail, and have not previously provided a copy of acceptable photo ID with a prior by-mail absentee ballot request, a copy of photo ID must accompany this application. You may submit your application and a copy of your ID by mail, fax or email. In-person voters must always show acceptable photo ID.

The following documents are acceptable Photo ID (For specific information regarding expired documents visit <http://bringit.wi.gov>.)

State of WI driver license or ID card	Certificate of Naturalization
Military ID card issued by a U.S. uniformed service	WI DOT DL or ID card receipt
Photo ID issued by the federal Dept. of Veterans Affairs	Citation/Notice to revoke or suspend WI DL
University, college or tech college ID and enrollment verification	ID card issued by federally recognized WI tribe
U.S. passport booklet or card	

In lieu of photo ID, the voters listed below may satisfy the voter ID requirement by the following means:

- Electors who are indefinitely confined (see Section 6) – the signature of a witness on the Absentee Certificate Envelope.
- Electors residing in care facilities served by Special Voting Deputies – the signatures of both deputies on the envelope.
- Electors residing in care facilities not served by Special Voting Deputies – the signature of an authorized representative of the facility. If the elector is also indefinitely confined, the elector does not need a representative of the facility to sign.
- Military, Permanent Overseas and Confidential Electors – Exempt from the photo ID requirement.

1 • Indicate the municipality and county of residence. Use the municipality's formal name (for example: City of Ashland, Village of Greendale, or Town of Albion).

2 • Provide your name as you are registered to vote in Wisconsin. If applicable, please provide your suffix (Jr, Sr, etc.) and/or middle name. If your current name is different than how you are registered to vote, please submit a Voter Registration Application (EL-131) with this form to update your information.
• Provide your month, day and year of birth. Remember to use your birth year, not the current year.

3 • Provide your home address (legal voting residence) with full house number (including fractions, if any).
• Provide your full street name, including the type (eg., Ave.) and any pre- and/or post-directional (N, S, etc.).
• Provide the city name and ZIP code as it would appear on mail delivered to the home address.
• You may not enter a PO Box as a voting residence. A rural route box without a number may not be used.

4 • A "Military elector" is a person, or the spouse or dependent of a person who is a member of a uniformed service or the merchant marines, a civilian employee of the United States, a civilian officially attached to a uniformed service and serving outside the United States, or a Peace Corp volunteer. Military electors do not need to register to vote.
• A "Permanent Overseas elector" is a person who is a United States citizen, 18 years old or older, who resided in Wisconsin immediately prior to leaving the United States, who is now living outside the United States and has no present intent to return, who is not registered in any other location, or who is an adult child of a United States citizen who resided in this state prior to establishing residency abroad. Permanent Overseas electors will receive ballots for federal offices only and must be registered to vote prior to receiving a ballot.
• A "Temporary Overseas elector" is a person who is a United States citizen, 18 years of age or older, a resident of Wisconsin and is overseas for a temporary purpose and intends to return to their Wisconsin residence.

5 • Fill in the circle to indicate your preferred method of receiving your absentee ballot.
• Military and Permanent Overseas voters may request and access their ballot directly at <https://myvote.wi.gov>.
• If no preference is indicated, your absentee ballot will be mailed to your residence address listed in Box 3.
• You are encouraged to provide a physical mailing address as backup in case of electronic transmission difficulties. Please only fill the circle for your preferred means of transmission.
• If you are living in a care facility, please provide the name of the facility.
• If someone will be receiving the ballot on your behalf, please list them after C/O. Please note: The absentee elector is still required to vote their own ballot, although they may request assistance in physically marking the ballot.

6 • Select the first option if you would like to receive a ballot for a single election or a specific set of elections.
• Select the second option if you would like to have a standing absentee request for any and all elections that may occur in a calendar year (ending December 31).
• Select the third option **only if you are indefinitely confined due to age, illness, infirmity or disability** and wish to request absentee ballots for all elections until you are no longer confined or fail to return a ballot for an election.

7 • This section is only to be completed by an elector or the agent of an elector who is currently hospitalized.
• An agent completing this form for a hospitalized elector must provide his/her name, signature and address on this application.

Assistant Signature: In the situation where the elector is unable to sign the Voter Declaration / Certification due to a physical disability, the elector may authorize another elector to sign on his or her behalf. Any elector signing an application on another elector's behalf shall attest to a statement that the application is made on request and by authorization of the named elector, who is unable to sign the application due to physical disability.

Voter Signature: By signing and dating this form, you certify that you are a qualified elector, a U.S. citizen, at least 18 years old, having resided at your residential address for at least 28 consecutive days immediately preceding this election, not currently serving a sentence including probation or parole for a felony conviction, and not otherwise disqualified from voting.