

# ABSENTEE VOTING FOR MILITARY AND OVERSEAS ELECTORS

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Military and overseas electors often have a difficult time receiving an absentee ballot and returning it in a timely manner. Wisconsin law provides several options to facilitate voting for these electors. This manual explains who qualifies as a military or overseas elector and the procedures for processing absentee ballot requests from these individuals.

## **Definitions**

1. **Military Voter** –Wisconsin law distinguishes between two types of military voters:
  - a. **Section 6.22(1)(b), Wis. Stats., includes the any of the following individuals:**
    - i. Any member of the U.S. army, navy, air force, marine corps or coast guard, the commissioned corps of the federal public health service or the commissioned corps of the national oceanic and atmospheric administration.
    - ii. Members of the merchant marine of the United States.
    - iii. Civilian employees of the United States and civilians officially attached to a uniformed service who are serving outside the United States.
    - iv. Peace corps volunteers.
    - v. Spouses and dependents of those listed in the above categories residing with or accompanying them.
  - b. **Section 6.36(2)(c), Wis. Stats., is specifically limited to military voters who are absent from their residence due to active duty:**
    - i. Any member of the U.S. army, navy, air force, marine corps or coast guard, the commissioned corps of the federal public health service or the commissioned corps of the national oceanic and atmospheric administration on active duty who, by reason of that duty, is absent from the residence where the member is otherwise qualified to vote; a member of the merchant marine, who by reason of service in the merchant marine, is absent from the residence where the member is otherwise qualified to vote; or the spouse or dependent of any such member who, by reason of the duty or service of the member, is absent from the residence where the spouse or dependent is otherwise qualified to vote.
    - ii. For Fall Elections, municipal clerks must pay close attention to requests from military electors and members of their families that qualify under this section. These are members of a uniformed service and their dependents, who are most likely out of the country using APO and FPO addresses. Absentee ballots for the Fall Elections from these individuals are the only ballots that may be counted after election day.
2. **Overseas Voter** - a U.S. citizen who is not disqualified from voting under Section 6.03, Wis. Stats., who has attained or will attain the age of 18 by the date of an election at which the citizen proposes to vote and who does not qualify as a resident of this state under Section 6.10, Wis. Stats., but who was last domiciled in this state or whose parent was last domiciled in this state immediately prior to the parent's departure from the United States, and who is not registered to vote or voting in any other state, territory or possession. These electors may only vote for federal offices.
3. **State Write-In Absentee Ballot** – This is a write-in ballot for all offices, including statewide, federal and local offices. This ballot is prepared by the municipal clerk for

every election and is sent to military absentee voters starting 90 days before the election, until official ballots are available.

4. Federal Write-In Absentee Ballot – This is a write-in ballot for federal offices only, and is only used for the November general election. This ballot is available from military posts, U.S. embassies, and consulates throughout the world. In order to use this ballot, the elector must be outside the United States. The Federal Write-In Absentee Ballot may only be counted if the elector has submitted a valid absentee ballot request.
5. FPCA – The Federal Post Card Application (FPCA), also known as Standard Form 76 (SF 76), is a postage-free postcard, printed and distributed by the U.S. Department of Defense Federal Voting Assistance Program for use by absentee voters covered by the Uniformed and Overseas Citizens Absentee Voting Act. The FPCA is a combination registration form and absentee ballot request. The online version of the FPAC can be accessed at: <http://www.fvap.gov/pubs/onlinefpga.html>.

## Overseas Electors

Types of Overseas Electors – An overseas elector:

1. is a United States citizen,
2. is 18 years or older,
3. resided in Wisconsin before leaving the United States,
4. is now living outside the U.S. with no present intent to return, and not registered to vote in any other location,
5. is an adult child of U.S. citizens who resided in this state prior to establishing residency abroad.

*Note: if an individual is temporarily overseas on election day, that individual may register and vote like any other elector and is not considered an overseas elector.*

Registration Required/Identification/Proof of Residency – Overseas electors must register to vote. First-time overseas voters are not required to provide identification.

If an overseas elector has not registered, he or she must submit a voter registration application (EB-131). The Federal Post Card Application (FPCA) form serves as both a voter registration application and an absentee ballot request for overseas electors.

What Overseas Voters Must Submit – The request for absentee ballot must be made in writing.

An overseas voter may use:

- a letter (providing it gives all required information and is signed by elector),
- the application for absentee ballot (EB-121) ,
- the federal post card application form (FPCA)
- a FAXed request (the original must be mailed and postmarked on the same day).

What Ballots Overseas Voters Receive - Receive ballots for federal offices *only* (U.S. President, U.S. Senator, Representative in Congress). An absentee ballot request from an overseas elector is effective for two successive general elections.

An overseas voter may request that an absentee ballot be FAXed or e-mailed to him/her. A FAXed or e-mailed ballot must be returned by mail. Ballots **cannot** be returned by FAX or via e-mail.

When Ballots from Overseas Voters are Due – Must be received by mail by election day so that ballots can be delivered to the polling place by 8:00pm, .

## **Military Electors**

Types of Military electors – A military elector is a:

1. member of a uniformed service,
2. member of the merchant marines,
3. Civilian employee of the United States,
4. Civilian officially attached to a member of the uniformed service who is serving outside the United States,
5. Peace corps volunteer, or
6. Spouse and dependent of those listed.

The absentee voting procedures distinguish between military electors on active duty who, by reason of that duty, are absent from the residence where the member is otherwise qualified to vote, and those who, while on active duty, are not absent from the residence.

Registration not required/identification/proof of residency – Military electors are not required to register. The Federal Post Card Application (FPCA) form, however, serves as both a voter registration application and an absentee ballot request for overseas electors.

What military voters must submit -

The request for absentee ballot must be made in writing. A military voter may use:

- a letter (providing it gives all required information and is signed by elector);
- the application for absentee ballot (EB-121);
- the federal post card application form (FPCA); or,
- a FAXed or e-mailed request. If the request is submitted by FAX or e-mail, an original request, which must include an original signature from the voter, must be submitted by the deadline for absentee ballots. The original request may be submitted with the absentee ballot.

Like the application for absentee ballot, the FPCA does not require a witness.

A military elector may list an alternative address on the absentee ballot application to mail the absentee ballot if the ballot is returned as undeliverable. If the elector's ballot is returned as an insufficient address before the deadline for receipt, the municipal clerk shall mail an absentee ballot to the alternate address. This information shall be recorded in the absentee ballot log.

What ballots military voters receive –

- Military electors receive ballots for all offices up for election.
- An absentee ballot request from a military elector is valid for all elections as long as the person is a military elector.

A municipal clerk may cancel the request of a military elector if:

1. the military elector does not return a ballot for two (2) consecutive general elections and the elector has not voted an absentee ballot at any intervening election;

- NOTE: for military electors who qualify under section 6.36(2)(c) (military voters who are absent from their residence due to active duty), this deadline is extended to three (3) consecutive general elections
- 2. the municipal clerk is reliably informed the elector is no longer a military elector or no longer resides in the municipality;
- 3. the military elector requests cancellation of the absentee application.

When Requests from Military Voters are Due -

- An absentee ballot request from a military elector who is not, due to active duty, absent from the residence where the member is otherwise qualified to vote, must be received by mail no later than 5:00pm on the 4<sup>th</sup> day prior to election day (the Friday before a Tuesday election).
- An absentee ballot request from a military elector on active duty who, by reason of that duty, is absent from the residence where the member is otherwise qualified to vote must be received (not postmarked) by the municipal clerk no later than 5:00pm on election day.
  - NOTE: this provision only applies to the September primary and November general election.

A military certificate envelope without a postmark or with an illegible postmark that arrives within the required timeframe is presumed to have been mailed on or before Election Day unless established by a preponderance of the evidence to the contrary.

Deployed or Activated Members of the National Guard –

You may also receive a request from a deployed national guard member to FAX their absentee ballot to them in care of the WING Judge Advocate office at (608) 242-3082. The ballot will then be e-mailed to the voter by that office. The absentee ballot will be returned by mail.

When Ballots from Military Voters are Due –

1. Absentee ballots from military electors who are not, due to active duty, absent from the residence where the member is otherwise qualified to vote, must be received by the close of the polls (8:00pm) on election day.
2. An absentee ballot from a military elector on active duty who, by reason of that duty, is absent from the residence where the member is otherwise qualified to vote that arrives by mail after the polls close and no later than 5 pm on the 7<sup>th</sup> day after the September primary or in the November general election, no later than 5 pm on the 10<sup>th</sup> day after the election, is counted if the ballot is postmarked no later than Election Day.

## Procedures

Municipal clerks must keep separate lists of military and overseas electors. Municipal clerk must also maintain a record of all absentee ballot transactions, including all requests and ballots sent (including write-in ballots).

Write-in ballots received from overseas and military elections should be counted on election day if no official absentee ballots have been received by the municipal clerk. In all cases, the official absentee ballot takes precedence over the FAXed ballot, or the federal or state write-in ballots. A write-in absentee ballot is only counted if the official ballot is not received by the time the polls close. Write-in absentee ballots are counted by hand or they may be remade on an optical scan ballot following the same procedures for duplicating ballots set out in the Election Day Manual for Wisconsin Election Day Officials.

*Note: official absentee ballots should be sent by the municipal clerk to all absentee ballot applicants as soon as these ballots are available.*

### Recommended Steps:

1. When a municipal clerk receives an absentee ballot request by mail, FAX or e-mail, the clerk immediately acts on the request.
2. Municipal clerk approves registration request or requests further information using the postage paid confirmation post card (see example on page 8).
3. Mail the absentee ballot (the ballot may, upon request, also be sent via FAX or e-mail).
  - a. Overseas electors are eligible to receive a ballot for *Federal Offices Only*
  - b. Military electors are eligible to receive a *full ballot*
4. The ballot is voted by the elector and returned to municipal clerk. Unlike absentee requests, ballots can only be returned by mail – they cannot be FAXed or e-mailed to the municipal clerk.
5. Keep an up-to date list of all Overseas & Military electors who requested an absentee ballot. The list shall include: complete name and address, last known residence and mailing address, the date in which the requests were received, the date the ballot was sent out and the date in which the ballot was received. This list must be distributed by ward to each polling place, on election day.
6. No later than the close of the polls for the September primary or November general election, post at the municipal clerk's office and website (if applicable), and make available for inspection, the number of absentee ballots mailed or transmitted to military electors that have not been returned to the polling place. This posting shall not include the names or addresses of any military electors.

Election office name and complete address

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



U.S. Postage Paid  
39 USC 3406

**PAR AVION**



**OFFICIAL ABSENTEE BALLOTING MATERIAL - FIRST CLASS MAIL**

NO POSTAGE NECESSARY IN THE U.S. MAIL - DMM 703 8.0

Applicant name and complete address

**TO:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**YOUR FEDERAL POST CARD APPLICATION FOR VOTER  
REGISTRATION AND ABSENTEE BALLOT REQUEST HAS BEEN  
RECEIVED AND PROCESSED**

You will be sent an absentee ballot for Primary - General - Special - Run-off - Other election(s) approximately (date)		
Your application is incomplete or illegible.		
Block(s) is(arc) incomplete or illegible.		
Please provide:		
Please resubmit a completely new application.		
Comments:		
Email information to:		
Fax information to:		
Mail information to return address on reverse side of this post card.		
Signature	Title/Jurisdiction	Date

Note to election official: This is a return post card for your use. Please mark and fill in applicable items. Write your return address and send to the citizen.

## **Types of Ballots**

### Types of absentee ballots issued to military and overseas electors:

1. State Write-in Absentee Ballot

- Sent by municipal clerk 90 days before election until official ballots are available.
- Application for absentee ballot must be received 30 days before election or primary.
- Sample State Write-in Absentee Ballots are included with this packet.

2. Federal Write-In Absentee Ballot

- Obtained by elector from military posts, U.S. embassies, and consulates throughout the world.
- Only federal offices are on ballot; only used in November general election.
- Elector must be outside the United States. (Note: "APO" and "FPO" addresses are for military outside the U.S. even though they may contain New York or San Francisco in address.)
- The Federal Write-In Absentee Ballot (FWAB) is only counted if the clerk received a request for an absentee ballot from the military or overseas elector at least 30 days before the election, and the official ballot is not received by the time the polls close.

3. FAXed and e-mailed Absentee Ballot

- Electors must specifically request the official ballot be FAXed or e-mailed to them.
- Municipal clerks should include instructions on how to vote.
- The FAXed or e-mailed ballot must be returned by mail to protect the secrecy of the vote.
- Electors may use the envelope used with the federal write-in ballot to return the ballot.
- Municipal clerks should use the Federal Voting Assistance FAX number only.
- A FAXed or e-mailed ballot takes precedence over a federal or state write-in ballot.

4. Official Absentee Ballot

- Official absentee ballots should be sent by the municipal clerk to all absentee ballot applicants as soon as these ballots are available.
- If received by election day, this ballot supersedes any write-in ballots received from the elector.

## **Resources**

Federal Voting Assistance Program  
Federal Post Card Application  
Online Federal Post Card Application  
Overseas Vote Foundation

<http://www.fvap.gov/>  
<http://www.fvap.gov/pubs/onlinefpa.pdf>  
<http://www.fvap.gov/pubs/onlinefpa.html>  
<http://www.overseasvotefoundation.org>