



MEMO DATE: July 2, 2020
MEETING DATE: July 6, 2020

TO: Village Board
Matt Giese, Administrator

FROM: Lisa Kalata, Clerk

RE: **Update: 7th circuit court of Appeals Ruling in One Wisconsin Institute Case and August Primary election day process**

OVERVIEW/BACKGROUND

On June 29, 2020 the 7th Circuit Court of Appeals issued its ruling in the One Wisconsin Institute case that had been on appeal since 2016. WEC staff are in contact with the Wisconsin Department of Justice and are currently analyzing the details of the ruling and will be providing comprehensive guidance regarding the impacts of the decision soon. At this time that guidance has not been issued by WEC, we should have it by next week. What is clear are the following items and will be done immediately.

In-Person Absentee Voting

The Court determined that limitations on days, hours and locations for in-person absentee voting contained in the current statute are permissible under the law and that the requirements established by 2017 Wisconsin Act 369 are constitutional and enforceable. For the August 11 Primary you may not begin conducting in-person absentee voting until Tuesday, July 28.

Voter Residency

Voters must have resided at their current address for 28 days prior to election day in order to register at that address. Voters who do not meet the 28-day requirement at their new address are eligible to participate at their former address. Wis. Stat. § 6.02(1) and (2).

Electronic Ballot Delivery

Clerks may not send absentee ballots to regular absentee voters via fax or email delivery. Clerk must continue to send absentee ballots to military and overseas voters via fax or email delivery.

Absentee Ballot Certificate Envelope

State law requires the certification language on the absentee ballot return envelope to include the residency requirement in the voter affirmation section. Wis. Stat. § 6.87(2). Existing stock of return envelopes that list the 10-day standard may still be used, but the clerk should manually change the reference to the 28-day residency requirement, and initial this change, before issuing the return envelope to an absentee voter.

August Primary Election Day Process-Update

Due to the increase of COVID-19 cases in Dane County it has been decided that we will use the same set-up and process for voting on August 11, 2020 as was done for the April election. We will have the tent, doors in place and all voters will remain on the outside of the building with poll workers on the inside. The process went well in April and we anticipate it will work the same in August. We will put out communications to the public, so they are aware of the process prior to election day.