

**WISCONSIN CIRCUIT COURT
WAUKESHA COUNTY**

Concerned Veterans of Waukesha County c/o Ken Marek 745 E. Imperial Dr. Hartland WI 53029 Ken Marek 745 E. Imperial Dr. Hartland WI 53029 Tom Gudex 7051 Parkview Ave. Lannon WI 53046 Janel Brandtjen N52 W16632 Oak Ridge Trail Menomonee Falls, WI 53051, Plaintiffs v. Wisconsin Election Commission 212 Washington Avenue, Third Floor P.O. Box 7984 Madison WI 53707-7984 Defendant	Case Code: Case Type: Case No. _____
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SUMMONS

THE STATE OF WISCONSIN, To Wisconsin Election Commission:

You are hereby notified that the Plaintiffs named above have filed a lawsuit or other legal action against you. The complaint, which is attached, states the nature and basis of the legal action.

Within twenty (20) days of receiving this summons, you must respond with a written answer, as that term is used in chapter 802 of the Wisconsin Statutes, to the complaint. The court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the court, whose address is Waukesha County Courthouse, 515 W Moreland Blvd, Waukesha, WI 53188 and to Erick G. Kaardal, Plaintiffs' attorneys, whose address is 150 South Fifth Street, Suite 3100, Minneapolis, MN 55402, and to Michael Gableman, Plaintiffs' attorney, 150 S. Executive Drive, Ste. 213, Brookfield WI 53005. You may have an attorney help or represent you.

If you do not provide a proper answer within twenty (20) days, the court may grant judgment against you for the award of money or other legal action requested in the complaint, and you may lose your right to object to anything that is or may be incorrect in the complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated: November 4, 2022.

Electronically signed by Erick G. Kaardal

Erick G. Kaardal, 1035141

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**WISCONSIN CIRCUIT COURT
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**PETITION FOR DECLARATORY JUDGMENT
UNDER WISCONSIN STATUTES § 227.40 AND INJUNCTION**

The above-named Plaintiffs for their petition for declaratory judgment under Wisconsin Statutes § 227.40 allege the following against the above-named Defendant Wisconsin Elections Commission (WEC).

Plaintiff

1. Ken Marek, a Wisconsin elector and taxpayer, is a resident of Wisconsin, residing at 745 E. Imperial Dr., Hartland WI 53029.

2. Tom Gudex, a Wisconsin elector and taxpayer, is a resident of Wisconsin, residing at 7051 Parkview Ave., Lannon WI 53046

3. Concerned Veterans of Waukesha County, an association of Wisconsin veterans, electors and taxpayers, has a mailing address of Concerned Veterans of Waukesha County, c/o Ken Marek, 745 E. Imperial Dr., Hartland WI 53029. Concerned Veterans of Waukesha County is concerned about the misuse of WEC's on-line military absentee voting system.

4. Janel Brandtjen, a Wisconsin elector and taxpayer, is a resident of Wisconsin, residing at N52 W16632 Oak Ridge Trail, Menomonee Falls, WI 53051.

Defendant

5. Wisconsin Elections Commission is a state agency at 212 Washington Avenue, Third Floor, P.O. Box 7984, Madison WI 53707-7984.

Jurisdiction

6. Plaintiffs as electors have a private cause of action to sue WEC for election law violations and legally unauthorized guidance under Wisconsin Statutes § 5.06 and Wisconsin Statutes § 227.40.

7. The Plaintiffs as electors have standing to sue for election illegalities and irregularities which may cast doubt on a close election result.

8. The Plaintiffs as taxpayers have a private cause of action to sue government agencies for legally unauthorized use of taxpayer funds.

Claim

9. The administrative procedures act claim in this case is that WEC's guidance to the county clerks and municipal clerks does not comply with Wisconsin Statutes 6.22(6) which requires a "military elector list," which is up-to-date, complete, verified, current, accurate and distributed to each polling place.

10. The military elector list is used to ensure that military elector absentee ballots are not sent to non-qualified voters.

11. Wisconsin has a decentralized election system.

12. The legislature has delegated to the WEC the responsibilities of, among others, administering, enforcing and promulgating rules relating to the election laws. *Jefferson v. Dane Cnty.*, 951 N.W.2d 556, 563 n. 5 (Wis., 2020).

13. Therefore, WEC has the responsibility for guidance in the administration and enforcement of Wisconsin's election laws, not the county clerks, not the municipal clerks. *Id.* at 563.

14. Accordingly, county clerks are not to interpret Wisconsin's election laws and make declarations based on those interpretations; instead, the county clerks rely on WEC's guidance. *Id. See, generally*, Wis. Stat. § 5.05.

15. County clerks have different responsibilities such as (1) providing election supplies and ballots, (2) preparing ballots, (3) adhering to the election time schedule, (4) resolving doubts that relate to election notices, (5) certifying candidates for municipal judges,

(6) assisting the WEC in conducting the WEC's voter education, (7) maintaining toll-free telephone lines to exchange voting information, (8) training election officials, and (9) reporting information to the WEC. Wis. Stat. §§ 7.10(1)–(10).

16. Similarly, municipal clerks are not to interpret Wisconsin's election laws and make declarations based on those interpretations; instead the municipal clerks rely on WEC's guidance. *See, generally*, Wis. Stat. § 5.05.

17. Municipal clerks have different responsibilities such as (1) supervise registration and elections; (2) equip polling places; (3) provide for the purchase and maintenance of election equipment; (4) prepare ballots for municipal elections, and distribute ballots and provide other supplies for conducting all elections; (5) prepare official absentee ballots for delivery to electors requesting them; (6) send an official absentee ballot to each elector who has requested a ballot by mail, and to each military elector and overseas elector; (7) prepare the necessary notices and publications in connection with the conduct of elections or registrations; (8) train election officials in their duties; (9) discharge election officials for improper conduct or willful neglect of duties; (10) report suspected election frauds, irregularities, or violations of which the clerk has knowledge to the district attorney for the county where the suspected activity occurs and to the commission; (11) review, examine and certify the sufficiency and validity of petitions and nomination papers; (12) direct how and when to destroy the contents of the blank ballot boxes and unused election materials; (13) send, when required, an absentee ballot to each elector and send or transmit an absentee ballot to each military elector and each overseas elector; (14) reassign inspectors appointed to serve at one polling place to another polling place within the municipality

whenever necessary to assure adequate staffing at all polling places. Wis. Stat. §§ 7.15 (1) (a-k).

18. WEC’s guidance to county clerks and municipal clerks on military absentee ballots in WEC’s Military and Overseas Voting Manual (Feb. 2022) and in its Military and Overseas Voting Cheat Sheet (Rev. 2020-10) does not comply with Wisconsin Statutes 6.22(6).

19. Wisconsin Statutes 6.22(6) requires a “military elector list,” which is up-to-date, complete, verified, current, accurate and distributed:

- Up-to-date--“Each municipal clerk shall keep an up-to-date list of all eligible military electors who reside in the municipality in the format prescribed by the commission.”
- Complete-- “The list shall contain the name, latest-known military residence and military mailing address of each military elector.”
- Verified--“The list shall indicate whether each elector whose name appears on the list is a military elector, as defined in s. 6.34 (1)...”
- Current--“The list shall be kept current through all possible means.”
- Accurate--“Each clerk shall exercise reasonable care to avoid ... listing anyone who is not eligible to vote.”
- Distributed--“Each clerk shall distribute one copy of the list to the each polling place in the municipality for use on election day.”

Wis. Stat. § 6.22(6).

20. Yet, the Wisconsin Election Commission’s guidance to clerks on military absentee ballots in WEC’s Military and Overseas Voting Manual (Feb. 2022) (MOVIM), attached as Exhibit A, does not require an up-to-date, complete, verified, current, accurate and distributed military elector list.

21. In fact, it doesn’t mention “military elector list”—and doesn’t require that a military elector list be applied either.

22. Instead, WEC provides guidance without it:

Military Voters

Military voters do not need to register but can do so if they choose. They do not need to provide proof of residence if they do register. They can register using the following methods:

- FPCA
- EL-131
- Online at MyVote.wi.gov

Registration deadlines:

- Online or By Mail - form must be postmarked/completed by the third Wednesday before the election. Wis. Stat. §6.28(1).
- In person at the clerk's office – by 5p.m. CST on the Friday preceding the election. Wis. Stat. §6.29(2).
- At their polling place on Election Day.

Clerks must still obtain sufficient information to enter a military elector into WisVote, such as their name, address, and date of birth. Wis. Stat. §6.22(3). If an unregistered military member uses a Federal Post Card Application (FPCA) to request their absentee ballot, they are effectively registering to vote but are still not required to provide proof of residence. If a military voter retires or wishes to change their status to a regular voter, they must register as a regular voter and provide a proof of residence document.

MOVM at 5-6. *See, also*, MOVN at 7.

23. WEC's Military and Overseas Voting Cheat Sheet (08-2022) (Cheat Sheet), attached as Exhibit B, fares no better at complying with Wisconsin Statutes § 6.22(6). The Cheat Sheet doesn't mention "military elector list"—and doesn't require that a military elector list be applied either.

24. To be sure, WEC's guidance in the MOVN requires that "Clerks must still obtain sufficient information to enter a military elector into WisVote, such as their name, address, and date of birth." MOVN at 6.

25. But, this is a far cry from satisfying the Wisconsin Statutes § 6.22(6) requirement for an up-to-date, complete, verified, current, accurate and distributed military elector list.

26. Under Wisconsin's decentralized election system, WEC's legally unauthorized guidance in the MOVIM and Cheat Sheet have caused the municipal clerks to not have up-to-date, complete, verified, current, accurate and distributed military elector list—required by Wisconsin Statutes § 6.22(6).

27. Not having the legally-required lists has created a vulnerability in Wisconsin's military absentee ballot process: essentially, any person can apply for a military elector absentee ballot and have it sent to any address.

28. This vulnerability has been exposed by recent actions undertaken by now former Milwaukee Elections Commissioner Deputy Director Kimberly Zapata.

29. Zapata apparently admitted on November 3, 2022, that she visited the state's MyVote Wisconsin website and ordered military elector absentee ballots in the names of Holly A. Brandtjen, Holly Adams and Holly Jones by entering information for them.

30. Zapata apparently admitted that she had the ballot papers delivered to Janel Brandtjen's house.

31. The absentee ballots were delivered to Brandtjen's house.

32. It is important to follow the path of these three military elector absentee ballots requested by Zapata to understand the importance of the military elector absentee ballot list to ensuring absentee ballots are only sent to qualified voters.

33. First, on or about October 25, 2022, the Clerk of South Milwaukee, sent a military absentee ballot purportedly requested by “Holly A. Brandtjen,” of 722 Oak St., South Milwaukee, voter identification number 701923081 to Plaintiff Janel Brandtjen’s residence at N52 W16632 Oak Ridge Trail, Menomonee Falls, WI 53051.

34. On October 27, 2022, the Plaintiff Janel Brandtjen received the absentee ballot.

35. But, Janel Brandtjen is not qualified to cast the military absentee ballot of Holly Brandtjen.

36. This election illegality would not have occurred if the Clerk of South Milwaukee had an up-to-date, complete, verified, current, accurate and distributed military elector list.

37. Second, on or about October 25, 2022, the Clerk of Menomonee Falls, sent a military absentee ballot purportedly requested by “Holly Adams” to Plaintiff Janel Brandtjen’s residence at N52 W16632 Oak Ridge Trail, Menomonee Falls, WI 53051.

38. On October 27, 2022, the Plaintiff Janel Brandtjen received the absentee ballot.

39. But, Janel Brandtjen is not qualified to cast the absentee ballot of Holly Adams.

40. This election illegality would not have occurred if the Clerk of Menomonee Falls had an up-to-date, complete, verified, current, accurate and distributed military elector list.

41. Third, on or about October 25, 2022, the Defendant, Village Clerk of Shorewood, sent a military absentee ballot purportedly requested by “Holly Jones” to Plaintiff Janel Brandtjen’s residence at N52 W16632 Oak Ridge Trail, Menomonee Falls, WI 53051.

42. On October 27, 2022, the Plaintiff Janel Brandtjen received the absentee ballot.

43. But, Janel Brandtjen is not qualified to cast the absentee ballot of Holly Jones.

44. This election illegality would not have occurred if the Clerk of Shorewood had an up-to-date, complete, verified, current, accurate and distributed military elector list.

45. WEC’s guidance fails to comply with the legal requirements under Wisconsin Statutes § 6.22(6) for an up-to-date, complete, verified, current, accurate and distributed military elector list.

46. The recent actions of now former Milwaukee Elections Commissioner Deputy Director Kimberly Zapata have exposed the vulnerability statewide.

47. WEC’s use of taxpayer funds to send legally unauthorized military absentee ballots to non-qualified voters is actionable.

48. Plaintiffs sue as taxpayers as well to prevent such legally unauthorized spending.

49. Discovery should be allowed to determine the complete extent of the legally unauthorized military absentee voting.

50. A declaratory judgment and related injunctive relief are appropriate.

Prayer for relief

WHEREFORE, the Plaintiff respectfully requests that the Court issue a declaratory judgment declaring the legal violation(s) by the Defendant. Additionally, to prevent election fraud, in current and future elections, the Court should issue a declaratory judgement and related temporary and permanent injunction that the UOCAVA/military ballots should be set aside before counting to allow clerks to ensure that they have been voted by only qualified military voters. The Court should also grant any other relief it deems proper, necessary, or just, consistent with the law and under the circumstances of this case.

Dated: November 4, 2022

/s/Erick G. Kaardal

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MILITARY AND OVERSEAS VOTING

February 2022



Wisconsin Elections Commission

212 East Washington Avenue, Third Floor

P.O. Box 7984

Madison, WI 53707-7984

Phone: (608) 266-8005

FAX: (608) 267-0500

<https://elections.wi.gov>

EXHIBIT A

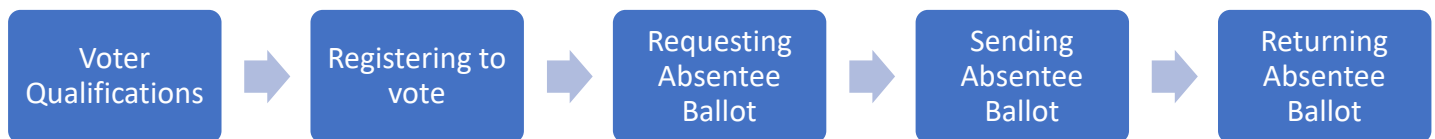
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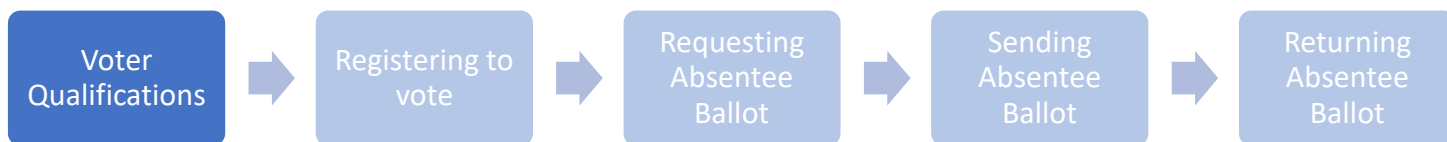
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Introduction

Military and overseas voters face additional challenges when voting. There are many state and national laws that protect military and overseas individuals' right to vote. Wisconsin clerks are entrusted with ensuring that everyone has access to cast a ballot and much of the clerk activity surrounding ballot requests, mailing, and receipt/processing is tracked and reported to the federal government so they can be sure that all states are following the federally mandated guidelines.

Military and overseas voting can be complicated, and this guide serves as a resource for clerks, providing clarity around the many deadlines, voting and registration requirements, and other important processes. The manual is structured to follow the voting process as shown below, with information about the requirements and actions for each group of voters as well as for the clerks.





Wisconsin Military and Overseas Voters

Who are Military Voters? Wis. Stat. [§6.22](#)

Military voter means any of the following:

1. Members of a uniformed service meaning 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.
2. Members of the merchant marine of the United States.
3. Civilian employees of the United States and civilians officially attached to a uniformed service who are serving outside the United States. Examples include but are not limited to foreign service members with the U.S. State Department, U.S. Aid, etc.
4. Peace Corps volunteers.
5. Spouses and dependents of those listed in the above categories residing with or accompanying them.

Military voters do not need to be on active duty or away from home to claim this status. This status does not include veterans, and if someone retires from the military they must re-register to vote as a regular voter. Ultimately, it is up to the voter to determine whether they fulfill the requirements under state statute to be a military voter.

Who are Overseas Voters? Wis. Stat. [§6.24\(1\)](#)

There are two types of overseas voters and the definitions for each type both depend on a voter's intent to return. A **permanent overseas voter** has either never lived in the United States or has left the United States and has no intent to return. A **temporary overseas voter** has lived in the United States and is away for temporary purposes, such as a student studying abroad or someone whose employment requires them to live in another country for a period of time. There is no specific timeframe or definition as to what constitutes "intent to return", so it is up to the voter to determine whether they intend to return to the United States.

Permanent Overseas Voters

A permanent overseas voter must meet the following criteria (see Wis. Stat. [§6.24\(1\)](#)):

1. Be a U.S. citizen who is not disqualified from voting in Wisconsin under Wis. Stat. [§6.03](#), and who does not qualify as a resident of this state under Wis. Stat. [§6.10](#).
2. Is or will be at least 18 years old by the date of the election in which they are voting.
3. Either they have resided in Wisconsin previously or their parents resided in Wisconsin immediately prior to the parent's departure from the United States.
4. Not registered to vote in any other state, territory, or possession.

A permanent overseas elector may vote in any contest or election for federal office, which typically includes the Partisan Primary, General Election, the Presidential Preference Primary, and potential special elections. These voters may vote for President, Representative to U.S. Congress, and U.S. Senate. This is NOT the same as presidential only voter who can only vote for the Office of President.

Some permanent overseas voters may want to update their status to be able to vote for other offices. They may not vote in an election for state or local office unless they qualify as a resident of the state and are registered as a regular or temporary overseas voter. To re-register, they must first establish a physical residency in Wisconsin for at least 28 days prior to Election Day and must register as a regular or temporary overseas voter by completing a voter registration application and providing a proof of residence document. Wis. Stat. [§6.24\(2\)](#)

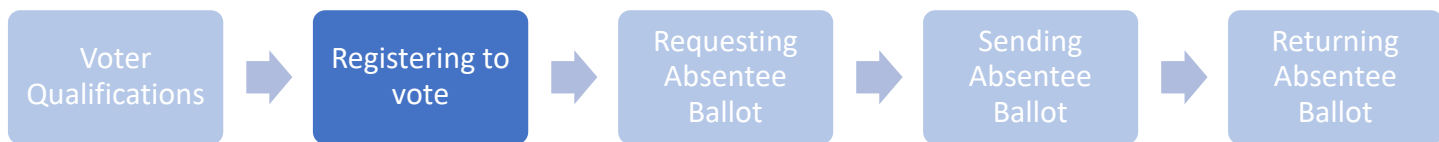
Temporary Overseas Voters

Temporary overseas voters must meet the following criteria:

1. Be a U.S. citizen who is not disqualified from voting in Wisconsin under Wis. Stat. [§6.03](#).
2. Is or will be at least 18 years old by the date of the election in which they are voting.
3. Not registered to vote in any other state, territory, or possession. Wis. Stat. [§6.24\(1\)](#).

Because these voters also meet the Wisconsin residency requirements in Wis. Stat. [§6.10](#), they have intent to return, and they have not lost their registration status by leaving the United States for anything more than temporary purposes, they are treated as regular, absentee voters.

These voters can include short-term travelers, including students studying abroad, and individuals who have moved abroad but intend to return to Wisconsin in the future.



Military and Overseas Voter Registration

Methods for Voter Registration

1. **The Federal Post Card Application or FPCA** (see p. 17 for more information about what information is contained on the FPCA and what it looks like)

The FPCA is a postage-free postcard, printed and distributed by the U.S. Department of Defense – Federal Voting Assistance Program (FVAP) for use by absentee voters covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). The online version of the FPCA can be obtained from the FVAP website at <http://www.fvap.gov>. The FPCA is a combination **voter registration form** and **absentee ballot request**, and it is required to be accepted in Wisconsin if the voter has provided all required information on the form Wis. Stat. [§6.24\(4\)](#). If it is being used for voter registration, it must be postmarked by the third Wednesday prior to the election.

2. **EL-131 Voter Registration Form**

The EL-131 Voter Registration form is available on the Wisconsin Elections Commission website (<https://elections.wi.gov/forms/el-131-fillable>). This form must be mailed and postmarked by the third Wednesday before the election.

or

Register online at MyVote.wi.gov by 11:59p.m. CST on the third Wednesday before the election.

Military Voters

Military voters do not need to register but can do so if they choose. They do not need to provide proof of residence if they do register. They can register using the following methods:

- FPCA
- EL-131
- Online at MyVote.wi.gov

Registration deadlines:

- Online or By Mail - form must be postmarked/completed by the third Wednesday before the election. Wis. Stat. [§6.28\(1\)](#).
- In person at the clerk's office – by 5p.m. CST on the Friday preceding the election. Wis. Stat. [§6.29\(2\)](#).
- At their polling place on Election Day.

Clerks must still obtain sufficient information to enter a military elector into WisVote, such as their name, address, and date of birth. Wis. Stat. [§6.22\(3\)](#). If an unregistered military member uses a Federal Post Card Application (FPCA) to request their absentee ballot, they are effectively registering to vote but are still not required to provide proof of residence.

If a military voter retires or wishes to change their status to a regular voter, they must register as a regular voter and provide a proof of residence document.

Overseas Voters

Overseas voters must register and vote in the last Wisconsin municipality where they (or in the case of some permanent overseas voters, their parent(s)) last had residency. Wis. Stat. [§6.24\(3\)](#). Some permanent overseas voters may not recall or know the address where they are attempting to register if they personally never lived there. It is also possible that the address no longer exists. In these instances, clerks should obtain as much information from the voter as possible about nearby landmarks, cross streets, municipal buildings and businesses, etc. Use this information to make an educated guess about the location to create the address record for the voter in WisVote. If you need assistance with creating a record for an address for a permanent overseas voter, please contact our Help Desk at (608) 261-2028 or at elections@wi.gov.

Permanent Overseas Voters

Permanent overseas voters must register to vote, but do not need to provide a proof of residence document. They can register using the following methods:

- FPCA
- EL-131

Registration deadlines:

- By Mail - form must be postmarked by the third Wednesday before the election. Wis. Stat. [§6.28\(1\)](#).
- In person at the clerk's office – by 5p.m. on the Friday preceding the election. Wis. Stat. [§6.29\(2\)](#).
- At their polling place on Election Day.

For most permanent overseas voters, their only option is to register to vote by mail (they cannot submit registration electronically by email or fax). They must be sure to follow registration deadlines, and their registration form must be the original signed version.

Note: If a regular voter changes their status to permanently overseas, they must re-register under that status.

Temporary Overseas Voters

Temporarily overseas voters must register to vote, but many may already be registered at their Wisconsin address. Temporary overseas voters do not need to re-register to vote if they go overseas, as this is an absentee application status, not a voter status. They may register online, by mail, or in person, if they happen to be stateside, and must provide a proof of residence document. They can register using the following methods:

- FPCA
- EL-131
- Online MyVote.wi.gov with a valid Wisconsin Driver License or State ID

Note: Registration forms must ALWAYS be the original (no copies or email versions).

Registration deadlines:

- By Mail - form must be postmarked by the third Wednesday before the election. Wis. Stat. [§6.28\(1\)](#).
- Online – registration through the MyVote website closes at 11:59p.m. CST on the third Wednesday before the election. Wis. Stat. [§6.28\(1\)](#).
- In person – by 5p.m. on the Friday preceding the election. Wis. Stat. [§6.29\(2\)](#).
- At their polling place on Election Day.

Below is a chart that summarizes registration requirements for each voter type:

Type of Voter	Do they have to register to vote?	What are the registration requirements?	How can they register to vote?	Do they have to provide proof of residence?	What are the registration deadlines?
Military	No	Military voters don't need to register, but must meet the following requirements: 1. At least 18 years old by the next election 2. U.S. Citizen 3. Last resided in WI 4. Not registered in a different state	Military voters don't need to register to vote. They may choose to register using any method.	No	Online or by mail: 20 days prior to the election. In person at the clerk's office: Friday at 5pm prior to the election. At the polling place: Prior to 8pm on Election Day.
Permanent Overseas	Yes	1. At least 18 years old by the next election. 2. U.S. Citizen 3. Either last resided in WI or their parent(s) resided in WI prior to leaving the country 4. Not registered in any other state.	1. By mail using the EL-131 or the Federal Post Card Application (FPCA) 2. In Person at the clerk's office or polling place.	No	Online: 20 days prior to the election.* In person at the clerk's office: Friday at 5pm prior to the election. At the polling place: Prior to 8pm on Election Day.
Temporary Overseas	Yes	1. At least 18 years old by the next election. 2. U.S. Citizen 3. Not registered in any other state.	1. Online at MyVote.wi.gov (if they have a WI Driver License or ID) 2. By mail using the EL-131 or the Federal Post Card Application (FPCA) 3. In Person at the clerk's office or polling place.	Yes	Online or by mail: 20 days prior to the election.* In person at the clerk's office: Friday at 5pm prior to the election. At the polling place: Prior to 8pm on Election Day.

**Online voter registration in Wisconsin requires a driver license or state ID card issued by the WI Department of Transportation.*

Q: I think they're no longer in the military, they live at home. Should I change their status?

A: You may confirm with the voter that they are still in the military, but you do not need to. However, do not delay mailing the voter a ballot while waiting for confirmation. Please keep in mind that the voter could still be living at home or visiting on leave while serving in the military.

Q: The voter lived in Wisconsin, moved to another state where they registered to vote, and now lives abroad permanently. The voter has family in Wisconsin, so they want to register to vote here. Can they?

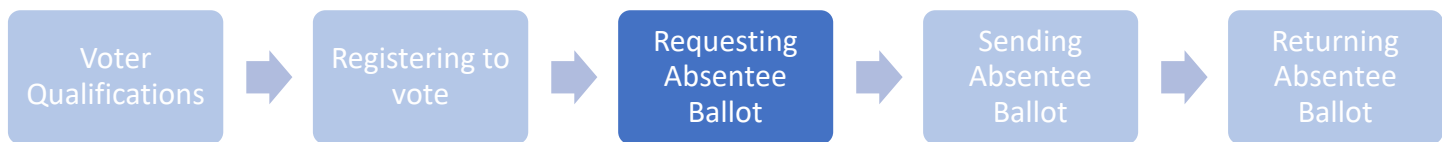
A: No, the voter cannot base their residency on where their family currently lives. Since the voter registered elsewhere after leaving Wisconsin, they must reestablish a physical presence in Wisconsin 28 days prior to an election to achieve residency and identify that as their address.

Q: Someone accidentally registered as a military or overseas voter. What should I do?

A: If this was a typo on behalf of the clerk, this can be updated by the clerk in WisVote. Please note that both the "voter type" in the voter registration record AND the "application type" in the absentee request must be updated in the system. If the voter mistakenly checked something, they should confirm in writing that this is a mistake and then you may update their record in WisVote.

Q: The voter missed the by-mail registration deadline and is overseas. Is there anything they can do?

A: No, the voter can return to their municipality and register to vote in person, but that is their only option.



Requesting Absentee Ballots

Methods for Requesting Absentee Ballots

1. The Federal Write-in Absentee Ballot (FWAB) for Military and Overseas Electors (see p. 21 for more information about what information is contained on the FWAB and what it looks like)

Citizens living overseas on a permanent or temporary basis and military voters often have difficulty receiving and returning ballots quickly. The Federal Voting Assistance Program (FVAP) has a write-in absentee ballot, called the Federal Write-in Absentee Ballot or “FWAB,” available on their website (<http://fvap.gov>) for overseas and military electors to complete if they are unable to submit an official ballot. Wis. Stat. [§6.25](#). It is a multipurpose form that can be used as an **absentee ballot request form** and a **write-in ballot**. The absentee request form section of the FWAB contains areas for voters to provide required information and has a Declaration/Affirmation section where the voter must sign.

- The FWAB must be accompanied by a completed Declaration/Affirmation which must also include the signature of the elector and the signature and address of an adult witness to be counted.
- The completed and signed Declaration/Affirmation that accompanies the FWAB is also a valid absentee application for a military elector. However, if submitted by an overseas elector, the elector must have submitted an absentee request that is received no later than the 5th day before the election in order to count the FWAB.

Note: Permanent overseas voters may only vote in federal elections and will only receive a ballot for federal offices. Temporary overseas and military voters can vote in all elections for all offices. Wis. Stat. [§6.24](#)

2. The Federal Post Card Application (FPCA)

The Federal Post Card Application (FPCA) is also known as Standard Form 76. Regular voters who are temporarily overseas may also use this form. Wis. Stat. [§6.24\(4\)\(b\)](#). The FPCA is a dual purpose form that functions as both a voter registration form and/or absentee ballot application depending on the circumstance and the needs of the voter.

3. EL-121 Application for Absentee Ballot form

This form is the standard absentee ballot application published by the Wisconsin Elections Commission. Military and Permanent Overseas voters are not required to provide a copy of their photo ID when submitting this application. Temporary Overseas voters are required to include a copy of their photo ID unless they already have one on file with the clerk’s office.

4. MyVote.wi.gov

All UOCAVA voters may request their absentee ballots through the MyVote website. There is a separate section of the website for Military and Permanent Overseas voters to use. Temporary Overseas voters use the same ballot request process as regular voters on MyVote and will indicate their temporary overseas status as part of that process.

5. Email and other written requests

Any other written request is acceptable, provided it gives all required information. Fax or email requests are valid if received by the application deadline and do not require a copy of the applicant's signature. Wis. Stat. [§§6.24\(4\)\(a\)](#) & [6.86\(1\)\(ac\)](#). A scan of the FPCA or EL-121 could be emailed to the clerk for the same purpose.

Process and Requirements for Requesting an Absentee Ballot

There are different requirements for requesting and returning absentee ballots depending on the type of voter.

Military Voters

- May vote in all elections
- Can receive a ballot by email, fax, online, by mail, or in person. If voting in person, including in-person absentee voting, they must provide a photo ID.
- No photo ID required/photo ID is optional if voting absentee by mail.

Absentee request deadlines for military voters:

- Federal Elections:
 - Military Voters (not on active duty) - 5p.m. CST on the Friday before Election Day
 - Military Voters (on active duty) - 5p.m. CST on Election Day. Please note that all ballots, regardless of when they were requested, must be returned to the clerk by 8:00p.m. CST on Election Day in order to be counted.
- Non-Federal Elections
 - Military voters (all) – 5p.m. CST on the Friday before Election Day

Permanently Overseas Voters

- May vote only in Federal elections (President, Senate, and Representative to Congress). This includes any special Federal elections.
- Can receive a ballot by email, fax, online, or by mail.
- No photo ID required/photo ID is optional if voting absentee by mail.

Absentee request deadlines for permanently overseas voters:

- Permanent Overseas Voters – 5p.m. CST on the Thursday before Election Day
- Permanent Overseas and Indefinitely Confined Voters- 5p.m. CST on the Friday before Election Day

Temporary Overseas Voter

- May vote in all elections.
- Can receive a ballot by email, fax, or by mail.
- Must provide photo ID unless there is already one on file (same as regular absentee voter).

Absentee request deadlines for temporary overseas

- Temporarily Overseas Voters - 5p.m. CST on the Thursday before Election Day

Below is a chart that summarizes absentee ballot request requirements for each voter type:

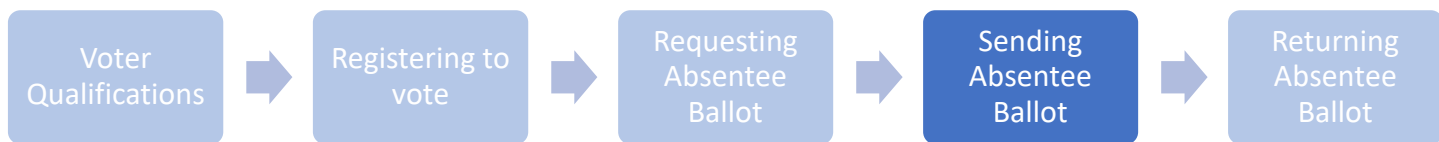
Type of Voter	Do they have to provide a photo ID	What elections are they eligible to vote in?	How can they request an absentee ballot?	How can they receive an absentee ballot?	How can they return an absentee ballot?	What are the deadlines for requesting an absentee ballot?
Military	No	All	• FPCA • FWAB • EL-121 • Online • Email • Fax	• In Person • Mail • Email • Online • Fax	By mail or in person	For federal elections: Active Duty and Away from Home: 5pm on Election Day Not Active Duty and Away from Home: 5pm Friday before Election Day For non-federal elections: 5pm Friday before Election Day
Permanent Overseas	No	Federal Only (President, Senate, and Congress)	• FPCA • FWAB • EL-121 • Online • Email • Fax	• In Person • Mail • Email • Online • Fax	By mail or in person	5pm Thursday before Election Day (if they are also indefinitely confined, then the 5pm Friday before Election Day)
Temporary Overseas	Yes	All	• FPCA • FWAB • EL-121 • Online • Email • Fax	• In Person • Mail • Email • Fax	By mail or in person	5pm Thursday before Election Day

Q: Since military voters who are on active duty can request a ballot for federal elections until 5pm on Election Day, does this mean that they still have to return their ballot by 8pm on Election Day?

A: Yes, all ballots must be returned by 8pm on Election Day and all ballots must be mailed back or dropped off. It is rare that a military voter would be able to return their ballot by 8pm if they request it at 5pm on the same day, but it is possible. For example, if someone in the National Guard is called into duty on Election Day, they could request a ballot and return it as they may be nearby to drop it off.

Q: Can a military or overseas voter also be indefinitely confined?

A: A voter can be both indefinitely confined and military. People with disabilities or illnesses can still be in the military. It is also possible that this may be a family member or dependent who qualifies as a military voter.



Viewing Ballot Requests and Sending Ballots

Clerks must send out ballots to any military and overseas voters with active requests on file no later than 47 days prior to any election with a federal office on the ballot (typically partisan primaries and general elections) or 21 days before all other primaries and elections. Ballot requests received after those deadlines must be processed and sent out within one business day (meaning any day from Monday to Friday, not including a legal holiday). Wis. Stat. [§7.15\(1\)\(cm\)](#).

Ballot Delivery Options

There are a few ways a voter may request to have their ballot sent to them. The preferred method of delivery should be marked on or stated in the absentee ballot request. If you receive a paper form or emailed request, the ballot delivery method requested by the voter will need to be recorded in the ballot request record when entered into WisVote. If the request came through MyVote, the voter should have chosen the preferred delivery method and in that case, it will already appear in WisVote.

Please note the Application Source field in WisVote shown below only lists how the voter made their request. The Ballot Delivery Method field must be reviewed to determine how the voter would like to receive their ballot.

Application Info	
Application Type *	☐ Indefinitely Confined
Application Date *	☐ 3/23/2020
Application Source *	☐ Online

Ballot Delivery Info	
Ballot Delivery Method *	☐ Mail
Different Absentee Address	☐

Procedures for Sending Ballots

Delivery by Mail	Delivery by Email or Fax (see next page for detailed instructions)	Online Delivery
Check to ensure you are sending the right ballot (Federal Only vs Full Ballot).	Take a printed copy of the correct ballot and initial it.	The voter will download their own ballot on MyVote.wi.gov.
Provide return postage UNLESS mailing the ballot outside of the US	Scan the initialed copy and email or fax to the voter.	They will receive an email when it is ready.
Be sure to use the military/overseas EL-122 certification envelope which removes the U.S. Citizen requirement for the witness.	Include a pdf copy of the Uniform Instructions for Emailed and Faxed Ballots and the EL-122 Special envelope: https://elections.wi.gov/forms/voters-uniform-instructions	If someone wants to change their ballot delivery to online, you must deactivate their original request in WisVote.
	Do not pay for postage.	

Q: They're not active duty, do I still have to use the military envelope?

A: Yes, you should still use the postage-free military front side of the envelope for a military voter.

Q: On the FPCA or FWAB, they said they want their ballot delivered "online/email"? How should I send the ballot?

A: If a Military or Permanently Overseas voter asks to receive their ballot by "Email/Online," contact the voter to see if they would like to receive their ballot by email or online, but do not choose for the voter. If the voter does not respond within one business day, email the voter their ballot. If the voter did not provide an email address, mail the voter a ballot. If the voter asks to get their ballot online, then point the voter to myvote.wi.gov so that they may initiate their request online. Please do not enter the online absentee application into WisVote for the voter as they will not receive the notification from the system when their ballot is ready.

Q: On the FPCA, the voter waived their right to privacy so they can email their ballot back. Can they send their ballot back by email?

A: No, a Wisconsin voter can never return their ballot by email. They must deliver it by mail or in person. The FPCA and FWAB are federal forms that are designed to be universally used. Some other states allow voters to email their ballot back.

Faxing or Emailing Absentee Ballots

Any military, permanent overseas, or temporarily overseas voter can request an absentee ballot to be sent to them by fax or email. If you receive a request from a voter who would like to receive their ballot by email or fax, follow these instructions when sending the voter their ballot.

Request

- Review the request for an absentee ballot to ensure it is from a qualified elector. The absentee application request may be on the EL-121, FPCA, FWAB, or in the form of a letter, email or fax that

contains the information needed for an absentee ballot request. Remember, the request needs to be in writing, but email and fax requests do not need to include the voter's signature. Voters can also submit their request through the My Vote Wisconsin website: myvote.wi.gov. You will receive an email notification when the voter makes their request through MyVote.

- Military and permanent overseas voters do not need to provide a photo ID with their request. Temporarily overseas voters must provide a photo ID with their absentee ballot request, or have a copy of their ID already on file with their clerk.
- After determining that the elector is qualified to receive an emailed or faxed absentee ballot, the municipal clerk may fax or e-mail the ballot to the elector.

Faxing

- The municipal clerk should initial the ballot in the endorsement section and initial the face of the ballot.
- Fax the ballot and the face of the [Absentee Ballot Certificate for Military and Overseas Voters](#) along with the [Uniform Instructions for Emailed and Faxed Ballots](#).
- The voter should be instructed to vote the ballot in the presence of a witness, fold the ballot and seal it inside a regular, non-window envelope, complete and sign the absentee certificate. An adult witness must sign and provide their address on the certificate. Military or permanent overseas voters should provide their birthdate in the appropriate section provided on the certificate. The certificate should be affixed to the envelope containing the voted ballot. The envelope with the certificate attached should be placed into another, larger envelope, sealed and mailed to the municipal clerk. The ballot must be received by 8 p.m. on Election Day.

Emailing

- The municipal clerk should print their initials in the endorsement section of the ballot and on the face of the ballot and scan the initialed ballot. If you do not have access to a scanner, work with your county or the WEC to determine an alternate way of initialing the ballot before sending it via email.
- Email the initialed ballot and the face of the [Absentee Ballot Certificate for Military and Overseas Voters](#) along with the [Uniform Instructions for Emailed and Faxed Ballots](#).
- The elector should be instructed to print the ballot, vote the ballot in the presence of a witness, fold the ballot and seal it inside a regular, non-window envelope, complete and sign the absentee certificate. An adult witness must sign and provide their address on the certificate. Military or permanent overseas voters should provide their birthdate in the appropriate section provided on the certificate. The certificate should be affixed to the envelope containing the voted ballot. The envelope with the certificate attached should be placed into another, larger, envelope, sealed and mailed to the municipal clerk. The ballot must be received by 8 p.m. on Election Day.

Expediting Late Ballots

There are two ways for a ballot to be considered sent out late:

1. Not sent out by the 47th day before a federal election.
2. Not sent out within one business day after requesting.

A business day would be any day not including weekends or Wisconsin legal holidays (see Wis. Stats. §§[7.15\(1\)\(cm\)](#) and [995.20](#)). So, even if a clerk only has office hours once a week, they still must send a military

or overseas voter's ballot within one business day of receiving the request. For example, if a clerk has office hours every other Monday, and a voter puts in a request on a Friday, the clerk must get that ballot out either Friday or the next statutory Business Day (e.g. Monday). However, if the clerk's office is open on Saturdays, or the clerk has a reason to be in office on that day, the ballot request should be processed on Saturday. Additionally, if the clerk has limited hours/days of operation, they should monitor office traffic for military and overseas ballot requests so that they can be processed within the deadlines laid out by statute.

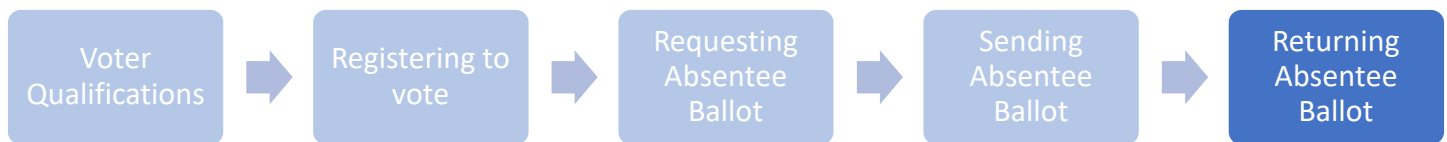
If the ballot is sent out late to a military or overseas voter, then the clerk must expedite the late ballot and include a prepaid expedited return mailing label. If the ballot is sent by email or fax, then the clerk can simply offer expedited return by including a message that says something like "this ballot was sent to you late. Would you like me to send you an expedited prepaid return label?" Then, the clerk can go to the post office, FedEx, UPS, or other mail service provider and get a prepaid expedited return label and scan it to the voter. This expedited delivery and return serves as a sort of "fix" to sending a late ballot to make up for any lost time, but ultimately it can be expensive for the municipality to have to expedite ballot delivery and return. Please plan to send out ballots as soon as possible to avoid any need to expedite ballots or cause a delay for voters.

Q: I only have office hours one day a week, do I have to come in special to send out ballots to military and overseas voters?

A: Yes, all military and overseas ballots must be sent within one business day of receiving the request.

Q: I am sending this ballot out one day late, do I really have to expedite it and offer a prepaid expedited return label?

A: Yes, even if the ballot is just one day late.



Returning Absentee Ballots

- The absentee elector must return the hard copy of the ballot and the completed certificate to the municipal clerk in time so that the clerk can deliver the ballot to the polling place before the close of the polls.
- The elector may choose overnight delivery to assure that their ballot arrives on time. The municipal clerk is not responsible for return postage of a faxed or e-mailed absentee ballot. Overseas voters without access to public mail services may use a private mail carrier (such as UPS, FedEx, DHL, etc.) to return their ballot.
- The USPS recommends that ballots be mailed one week prior to the date of the Election to arrive on time. This timeline may be longer for voters who are overseas, so it is important they mail their ballot back as soon as possible.

Documentation

- The municipal clerk records the date absentee ballots are faxed or e-mailed to voters in WisVote or forwards the information to their WisVote Provider.
- When absentee ballots are returned to the clerk's office, the municipal clerk (or their provider) records the information in WisVote. For returned ballots originally sent by fax or email, the clerk encloses the envelope holding the ballot into a certificate envelope and attaches the completed certificate to the outside. The clerk delivers the ballot to the appropriate polling place in a carrier envelope. [Wis. Stat. §6.88\(1\)](#)
- At the polling place, the election inspectors follow the procedures for processing absentee ballots. The ballot may be remade by 2 election inspectors to be accepted by electronic tabulating equipment.

Compliance

Clerks must send out ballots to any military and overseas voters with active requests on file no later than 47 days prior to any election with a federal office on the ballot (typically partisan primaries and general elections) or 21 days before all other primaries and elections. Ballot requests received after those deadlines must be processed and sent out within one business day (meaning any day from Monday to Friday, not including a legal holiday). Wis. Stat. [§7.15\(1\)\(cm\)](#).

Q: If a clerk is late in mailing absentee ballots to military or overseas voter, what can/will the U.S. Department of Justice do?

A: Under Section 105 of UOCAVA, the Attorney General is authorized to bring civil actions to enforce UOCAVA requirements. When states have failed to make sure that ballots are sent to qualified UOCAVA protected voters in a timely manner, the Department of Justice has successfully obtained court orders and consent decrees to enforce UOCAVA protections. Many of these have required states to extend their deadlines for receiving these ballots and to count such ballots, even when they arrived after Election Day. In some cases, the states were required to make permanent changes to their laws or procedures to make sure the

problems are not repeated in future elections. Through these cases brought to enforce the federal law, the Department has ensured that qualified servicemembers and overseas voters were able to cast their ballots with confidence that they were counted.

Absentee Request Duration and List Maintenance

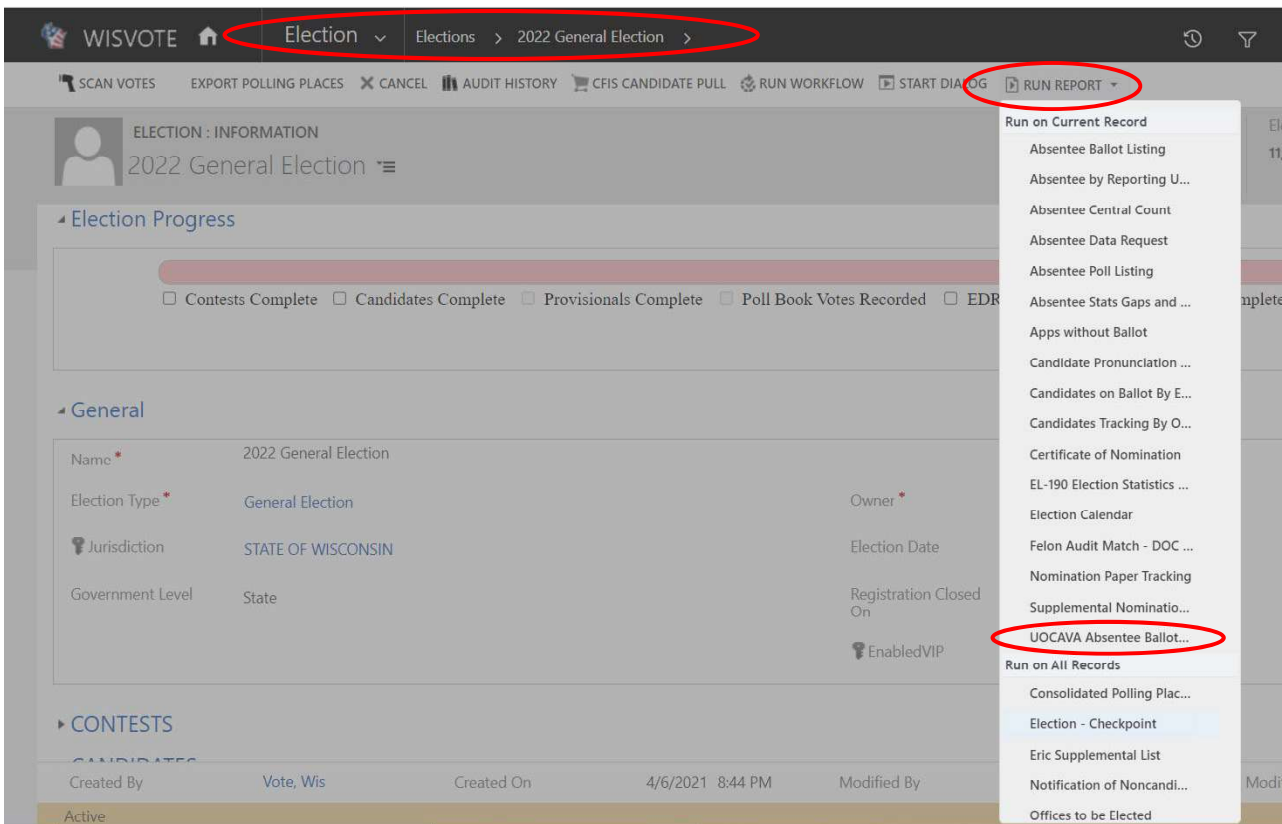
As with regular indefinitely confined voters, if a military or overseas indefinitely confined voter does not return a spring or general election ballot, the clerk should send the “30-day letter” notifying them of the potential cancellation of their indefinitely confined status, Wis. Stat. [§6.86\(2\)\(b\)](#). If they do not respond to the mailing, their absentee request should be inactivated, and they have to reapply if they want to receive ballots for future elections.

Calendar year ballot requests for military and overseas voters that are not indefinitely confined expire on December 31st of each year. All regular military and overseas voters must submit a new absentee request each year and can only request ballots for one calendar year in duration.

Checking Compliance

In order to find all of the overseas and military voters in a municipality, a clerk can run a report of all the UOCAVA ballot requests in WisVote.

1. Click the Elections tile on the main screen
2. Click the Name of the Election
3. Click Run Report
4. Click UOCAVA Absentee Ballot...



Within 30 days after each general election, each municipal clerk shall transmit to the commission a report of the number of absentee ballots transmitted by the clerk to absent military electors and overseas electors for that election and the combined number of those ballots that were cast by those electors in that election. Wis. Stat. [§6.276\(2\)](#). When clerks maintain their UOCAVA-related data in WisVote, WEC staff are able to view an up-to-date report at any given time, requiring no further action by the clerk.

Within 90 days after each general election, the commission shall compile the information contained in the reports received from municipal clerks under sub. (2) and transmit the information to the federal Election Assistance Commission. Wis. Stat. [§6.276\(3\)](#). Again, this information is pulled by WEC staff as a report from WisVote, and so as long as the information has been maintained at the municipal levels, no additional action is required by clerks.

Forms

As listed previously, there are a number of forms used by UOCAVA voters for registering to vote, requesting absentee ballots, and voting. The federal forms like the FPCA and FWAB are accessed through the FVAP website (<https://www.fvap.gov/election-materials>) while the Wisconsin-specific forms are found on the Wisconsin Elections Commission website (elections.wi.gov).

FPCA (Federal Post Card Application): 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 (FVAP) for use by absentee voters covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). The FPCA is a combination voter registration form and absentee ballot request. Wis. Stats. [§§ 6.24\(3\)](#) and [6.24\(4\)](#).

Q: I received an FPCA. What do I do?

A: The FPCA can serve as a voter registration and an absentee request. You will process this form similarly to any other registration or absentee request. Please note that if the voter is using it as a registration form, the original must be mailed or dropped off to the clerk. Please see more information here: <https://elections.wi.gov/sites/elections.wi.gov/files/2021-10/FPCA%20Tips%20for%20Clerks.pdf>.

The first thing you should do when you receive a FPCA is to review it and determine if the voter is attempting register to vote, request an absentee ballot, or both. The chart below identifies the required information on the FPCA, depending on its intended use. Unregistered voters can use the FWAB to both register and request an absentee ballot if they provide all of the required information and supporting documentation. Registered voters can use the FPCA to update their voter registration and/or request an absentee ballot. A sample version of the form and a tip sheet for how to process the FPCA is provided in later in this section of the manual.

What is required on the FPCA?

Registration (or both registration and absentee)	Absentee Request
Must be mailed (not scanned).	Voter type
Voter type	Voter name
Voter name	WI address
Date of Birth	Method to receive absentee ballot
DL or ID #, Last 4 of SSN, OR blank is acceptable.	Remember! Temporary overseas voters must provide a photo ID if one was not previously provided.
WI address	
(If also using as absentee request): Method to receive absentee ballot.	

This form is for absent Uniformed Service members, their families, and citizens residing outside the United States. It is used to register to vote, request an absentee ballot, and update your contact information. See your state's instructions at FVAP.gov.

I request an absentee ballot for all elections which I am eligible to vote in.

☐ I am on active duty in the Uniformed Services or Merchant Marine. **-OR-** ☐ I am an eligible spouse or dependent.

☐ I am a U.S. citizen living outside the country, and I intend to return.

☐ I am a U.S. citizen living outside the country, and my intent to return is uncertain.

Last name		Suffix (Dr., II)		Sex
First name		Previous names (if applicable)		☐ Female
Middle name		Birth date (MM/DD/YYYY)		☐ Male
Social Security Number		Driver's license or State ID #		

2. What is your address in the U.S. state or territory where you are registering to vote and requesting an absentee ballot?

Your voting materials will not be sent to this address. See instructions on other side of form.

Street address		Apt. #
City, town, village		State
County	ZIP	

Your voting materials will not be sent to this address. See instructions on other side of form.

Your mail forwarding address. (If different from mailing address)

Your mailing address (different from above)	Your mail forwarding address (if different from mailing address)

Provide the country code and area code with your phone and fax number. Do not use a Defense Switched Network (DSN) number.

Email:	
Alternate email:	
Phone:	
Fax:	

A. How do you want to receive voting materials from your election office? (Select One)

☐ Mail

☐ Email or online

☐ Fax

B. What is your political party for primary elections?

Puerto Rico and Vermont require more information, see back for instructions. Additional state instructions may be found at NAB.gov. You may also use this space to clarify your voter information.

I swear or affirm, under penalty of perjury, that:

- The information on this form is true, accurate, and to the best of my knowledge, I understand that a material misstatement of fact or omission of a material fact on this form may constitute grounds for conviction of perjury.
- I am a U.S. citizen, at least 18 years of age (or will be by the day of the election), eligible to vote in the requested jurisdiction, and I am not disqualified to vote due to having been convicted of a felony or other disqualifying offense, nor have I been adjudicated mentally incompetent, or if so, my voting rights have been reinstated; and
- I am not registering, requesting a ballot, or voting in any other jurisdiction in the United States, except the jurisdiction cited in this voting form.

Today's date
(MM/DD/YYYY)

This information is for official use only. Any unauthorized release may be punishable by law.

Previous editions are obsolete

Submitted Form 76 (Rev. 10-2012), CCHS No. 0/106-0503

1. Fill out your form completely and accurately.

- Your U.S. address is used to determine where you are eligible to vote

- **2. Remember to sign this form!**
- We recommend that you complete and submit this form every year while you are an absentee voter.
- **3. Remove the adhesive liner from the top and sides. Fold and seal tightly. If you printed out the form yourself you can fold the form and seal it in an envelope.**
- You can find the address for your election office at [PVAAP.gov](#).
- All states accept this form by mail, but they vary on email and fax. See your state's rules in the *Voting Assistance Guide* at [PVAAP.gov](#).

(Your name and mailing address)

International airmail postage is required if not mailed using the U.S. Postal Service, AFO/FPO/DBO system, or diplomatic pouch.



OFFICIAL ABSENTEE BALLOTING MATERIAL - FIRST CLASS MAIL

NO POSTAGE NECESSARY IN THE U.S. MAIL - DMM 703.8.0

(Fill in the address of your election office.)

The address can be found online at FVAP.gov.)

Agency Disclosure Statement

The public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, gathering existing data sources, gathering and maintaining the data needed, reviewing and collecting the information, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Project Director (0304-0188).

Privacy Advisory

When completed, this form contains personally identifiable information and is protected by the Privacy Act of 1974, as amended.

Questions?

Email vote@fvap.gov



U.S. Postage Paid
39 USC 3406
PAR AVION

Federal Post Card Application (FPCA)

Information about the form and tips for Wisconsin clerks who receive an FPCA from a voter

What is the Federal Post Card Application (FPCA)?

The FPCA is a federal form that is provided to Military and Overseas voters (permanent and temporary) by the Federal Voting Assistance Program (FVAP). FPCA forms are made available to voters through the various branches of the U.S. military, through U.S. embassies, or online at www.FVAP.gov/election-materials. The FPCA form can serve as both a voter registration application as well as an absentee ballot request for most Wisconsin voters. The form was designed for use by all 50 states, so some of the information does not perfectly match the Wisconsin-specific forms.

Who can use the FPCA?

The FPCA can serve as a voter registration and/or an absentee ballot request depending on the type of voter using the form:

Voter Type	What can they use the FPCA for?	Registration required?	Proof of Residence required?	Photo ID required?	How to receive their absentee ballot?
Military "I am a member of the Uniformed Services" OR "I am an eligible spouse" OR "I am an activated National Guard"	Voter Registration & Absentee Ballot Request	No	No	No	Mail, online, fax, email, or in person*
Permanent Overseas "I am a U.S. citizen residing outside the United States, and my return is not certain" OR "I am a U.S. citizen and have never resided in the United States."	Voter Registration & Absentee Ballot Request	Yes	No	No	Mail, online, fax, email, or in person*
Temporarily Overseas "I am a U.S. citizen residing outside of the United States, and I intend to return."	Voter Registration & Absentee Ballot Request	Yes	Yes	Yes	Mail, fax, email, or in person*
Regular/Domestic Do not select any options in Box 1.	Voter Registration & Absentee Ballot Request	Yes	Yes	Yes	Mail or in person

*If receiving their ballot in-person, all voters must show a photo ID.

*All ballots must be originals, returned by mail or in person.

When using the FPCA as a registration application: Temporary and permanent overseas voters must submit their FPCA by mail, postmarked no later than the 20th day before the election, with an original signature. Military voters do **not** need to register to receive a ballot.

When using the FPCA as an absentee ballot request: Voters may submit the FPCA by mail, email, or fax. No signature is required when the voter is using the form as an absentee ballot request. Please note that Permanently Overseas voters are only eligible to vote in federal contests.

What does the FPCA look like?
You can find the FPCA online at www.FVAP.gov/election-materials .
What should I look for on the FPCA?
The FPCA may arrive in a military mailing envelope, or it may come to you in a regular envelope. Please open the envelope as soon as you receive it, you have 1 business day to process the request if it is an absentee ballot application. When looking at the FPCA, please note the information in the following boxes: Box 1: This section of the form determines the voter type (see above) and will determine how the voter is able to use the form. This form also provides a place for the voter's name (and previous name, if applicable). It also asks for a Wisconsin driver's license number, social security number, and date of birth (not required if military voter). Box 2: The voter will list the last address where they lived for at least 28 days in Wisconsin. This must be completed by all voters. Permanent overseas voters will list their last Wisconsin address prior to moving out of the country. Box 3: If the voter has a mailing address other than the address in Box 2, they will list it here. Send the ballot to this address, if ballot delivery by mail is requested. Box 4: These fields provide contact information in case you need to contact the voter or if they have specified fax or email delivery of their ballot. Box 5: The first field allows a voter to specify their preferred method of ballot delivery – mail, email, online, or fax – if they are using the FPCA as an absentee ballot request. If a voter selects the email/online option, you should review the tip below before processing this request. The adjacent field, regarding political party, is not required or collected in Wisconsin. Please disregard anything listed in this box. Box 6: Nothing is required in this box. Please look for any special instructions the voter may have listed. Box 7: If the voter is Permanently Overseas, Temporarily Overseas, or a Regular voter, they must sign and date their request if they are using it as a voter registration application. If the form is being used as an absentee request only, no signature or date is required. A signature/date is never required for military voters. A witness signature is never required on the FPCA.
What are some tips for processing a FPCA request?
• If a Military or Permanently Overseas voter asks to receive their ballot by "Email/Online," contact the voter to see if they would like to receive their ballot by email or online, but do not choose for the voter. If the voter does not respond with their preference within one business day, email the voter their ballot. If the voter did not provide an email address, mail the voter a ballot. If the voter asks to get their ballot online, then point the voter to myvote.wi.gov so that they may initiate their request online. Please do not enter the online absentee application into WisVote for the voter. • On the FPCA, there is a section for a voter to voluntarily waive their right to a secret ballot when returning by email or mail. In Wisconsin, all voters must return their ballot by mail or in person, so please disregard this portion of the form. • Photo ID is needed only if a Temporarily Overseas or Regular voter is using the FPCA as an absentee request. If the voter has already provided their Photo ID with a previous absentee ballot request, then they do not need to include a copy with their FPCA absentee ballot request. • Proof of Residence is needed only if a Temporarily Overseas or Regular voter is using the FPCA as a voter registration application. • If the voter is using the FPCA as an absentee ballot request, it should be considered a calendar year request. Voters need to submit a new request for each calendar year to continue receiving ballots, unless the voter states they are indefinitely confined.

FWAB (Federal Write-in Absentee Ballot): The Federal Voting Assistance Program (FVAP) has a write-in absentee ballot available on their website for overseas and military electors to complete if they are unable to submit an official ballot. Wis. Stat. [§6.25](#). This form may arrive in an official envelope, with or without a privacy sleeve around it inside. The FWAB can also serve as an absentee ballot request form.

Q: I received a FWAB. What do I do?

A: The FWAB can serve as an absentee request and an absentee ballot. The envelope returned by the voter with the FWAB may contain the Voter Information form, the Official Backup Ballot (*i.e.* the write-in absentee ballot) and any required photo ID documentation, but not all voters will submit the same documents.

The write-in absentee ballot (Official Backup Ballot) will likely be in a separate envelope inside the main envelope. **DO NOT OPEN THIS ENVELOPE** and securely store it with your other returned absentee ballots until Election Day. You should also ensure this returned ballot is logged into the WisVote system. You must then send out the full ballot to the voter as soon as possible. If the write-in ballot does not come in a separate envelope, put it in a separate envelope (this is not a reason to reject), seal the envelope, label it appropriately with the voter's name and any other identifying information you need for record-keeping purposes. Please securely store this write-in ballot and the FWAB form with the witness signature (if needed) until Election Day. If the full, or official, ballot arrives, the write-in ballot will be rejected by the Election Inspectors on Election Day and the full ballot will be counted. If the full ballot does not arrive, you will either hand count it or remake the write-in ballot so it can be processed on the voting equipment. Please see more information here: <https://elections.wi.gov/sites/elections.wi.gov/files/2021-10/FWAB%20Tips%20for%20Clerks%20.pdf>.

Q: I suspect that an envelope I received from a voter may contain a FWAB, but it is not marked. What do I do?

A: Open the envelope, but please try to maintain voter privacy as much as possible. If it is a FWAB back-up ballot, put it in a separate envelope and attach the Voter Information page of the FWAB to the outside.

Q: The FWAB was not in a separate envelope, can I still accept it?

A: Yes, returning the FWAB without a separate privacy envelope is not a reason to reject the ballot. Put it in a separate envelope and attach the Voter Information page of the FWAB to the outside

Voter Information

Federal Write-In Absentee Ballot (FWAB)

Have you already registered and requested an absentee ballot? Some states allow you to use this form to register and request ballots for future elections. Visit FVAP.gov for more details.

1. Who are you? Pick one.

For absent Uniformed Services of Merit Marine - OR - I am an eligible spouse or dependent. I am on active duty in the Uniformed Services of Merit Marine - OR - I am an eligible spouse or dependent. I am a U.S. citizen living outside the country, and I intend to return. I am a U.S. citizen living outside the country, and my intent to return is uncertain. I am a U.S. citizen living outside the country, and I have never lived in the United States. I am a U.S. citizen living outside the country, and I have never lived in the United States.

Form fields for personal information: Last name, First name, Middle name, Social Security Number, Suffix (Dr., II), Previous names (if applicable), Birth date (MM/DD/YYYY), Sex (Male/Female), Driver's license or State ID #.

2. What is your U.S. voting residence address?

Form fields for residence address: Street address, Apt. #, City, town, village, State, ZIP, County. Includes a field for 'Your mailing address (different from above)' and 'Your mail forwarding address (if different from mailing address)'.

3. Where are you now? You MUST give your CURRENT contact information.

Form fields for current contact information: Phone, Email, Fax.

4. What is your contact information? This is so election officials can reach you about your request.

Form fields for contact information: Alternate email, A. Do you want to register and request a ballot for all elections? (Yes/No), B. How do you want to receive voting materials? (Mail/Email or online/Fax), C. What is your political party for primary elections? (What is your political party for primary elections?).

The following need more information: Alabama, Alaska, Puerto Rico, Vermont, Virginia and Wisconsin, see back for instructions. Additional state instructions can be found at FVAP.gov.

5. What are your preferences for future elections?

Form fields for future election preferences: A. Do you want to register and request a ballot for all elections? (Yes/No), B. How do you want to receive voting materials? (Mail/Email or online/Fax), C. What is your political party for primary elections? (What is your political party for primary elections?).

6. What additional information must you provide?

Form fields for additional information: The following need more information: Alabama, Alaska, Puerto Rico, Vermont, Virginia and Wisconsin, see back for instructions. Additional state instructions can be found at FVAP.gov.

7. You must read and sign this statement.

Form fields for statement: I swear or affirm, under penalty of perjury, that: The information on this form is true, accurate, and complete to the best of my knowledge. I understand that a material misstatement of fact in completion of this document may constitute grounds for conviction of perjury. I am a U.S. citizen, at least 18 years of age (or will be by the day of election), eligible to vote in the requested jurisdiction, and I am not disqualified to vote due to having been convicted of a felony or other disqualifying offense, nor have I been adjudicated mentally incompetent or committed to a mental institution. I am not requesting, requesting a ballot, or voting in any other jurisdiction in the United States, except the jurisdiction cited in this voting form. In voting, I have marked and sealed the ballot in private and have not allowed any person to observe the marking of this ballot, except those authorized to assist voters under State and Federal law.

Sign here X

Form fields for signature: Today's date (MM/DD/YYYY), Signature line.

Official Backup Ballot

Federal Write-In Absentee Ballot (FWAB)

Vote by writing the NAME or PARTY of the candidates you choose. To find out about specific federal candidates and races go to FVAP.gov.

Instructions

- This ballot can be used to vote for federal offices.
- DO NOT write your name or any identifying number (SSN, driver's license) on this ballot.
- Photocopy this page if you require additional room for candidates or ballot initiatives.
- If you are voting in American Samoa, Guam, Puerto Rico, or the U.S. Virgin Islands, you may vote for Delegate or Resident Commissioner, and in presidential primaries.
- State laws vary about using the FWAB for other offices like Governor or Mayor. Learn more online at FVAP.gov.

Federal offices

Form fields for federal offices: President and Vice President, U.S. Senator, U.S. Representative, Delegate, or Resident Commissioner to Congress.

Non-federal offices

Form fields for non-federal offices: Office, Candidate name, Political party.

Ballot initiatives or other items

Form fields for ballot initiatives or other items: Initiative name, Candidate name, Political party.

Federal Write-in Absentee Ballot (FWAB)

Information about the form and tips for Wisconsin clerks who receive a FWAB from a voter

What is the FWAB?

The FWAB is a federal form that is provided to Military and Overseas voters (permanent and temporary) by the Federal Voting Assistance Program (FVAP). FWAB forms are made available to voters through the various branches of the U.S. military, through U.S. embassies, or online at www.FVAP.gov/election-materials. The FWAB form can serve as both an absentee ballot request and a write-in absentee ballot for some Wisconsin voters.

Who can use the FWAB?

The FWAB can serve as an absentee ballot request and/or a write-in absentee ballot depending on the type of voter using the form:

Voter Type (found in Box 1)	What can they use the FWAB for?	Registration required?	Photo ID required?	Eligible to vote in what contests?	How to receive their official absentee ballot?
Military “I am a member of the Uniformed Services” OR “I am an eligible spouse” OR “I am an activated National Guard”	Write-In Ballot & Absentee Ballot Request	No	No	All contests	Mail, online, fax, email, or in person*
Permanent Overseas “I am a U.S. citizen residing outside the United States, and my return is not certain” OR “I am a U.S. citizen and have never resided in the United States.”	Write-In Ballot & Absentee Ballot Request	Yes	No	Federal contests only	Mail, online, fax, email, or in person*
Temporarily Overseas “I am a U.S. citizen residing outside of the United States, and I intend to return.”	Write-In Ballot & Absentee Ballot Request	Yes	Yes	All contests	Mail, fax, email, or in person*
Regular/Domestic Do not select any options in Box 1.	Absentee Ballot Request	Yes	Yes	Cannot use FWAB as a ballot	Mail or in person

*If receiving their ballot in-person, all voters must show a photo ID.

*All ballots must be returned by mail or in person.

When using the FWAB as an absentee ballot request: Voters may submit the FWAB by mail, email, or fax. No signature is required when the voter is using the form as an absentee ballot request.

When using the FWAB as a write-in absentee ballot: Voters must submit the FWAB by mail with the voter’s original signature affirmation section. The FWAB must contain the signature of a witness (does not need to be a U.S. Citizen for overseas and military voters), but do not reject the FWAB if the witness did not list their address. The write-in selections on the voter’s ballot will be counted on Election Day if the voter’s official ballot is not received.

What does the FWAB look like?

You can find the FWAB online at www.FVAP.gov/election-materials.

What should I look for on the FWAB?

The FWAB may arrive in a military mailing envelope, or it may come to you in a regular envelope. When using the FWAB as a write-in ballot, voters are instructed to place the write-in ballot inside a smaller envelope; the small envelope should then be placed in a larger envelope along with the FWAB form/affirmation. Always open the outer envelope to review the form/affirmation. Then keep the smaller envelope, containing the write-in ballot, sealed to be processed at the polls. If the voter did not use two envelopes as instructed, but the ballot and affirmation are otherwise complete, the ballot can still be counted. Please open the envelope as soon as it is received; clerks have one business day to process the request. When looking at the FWAB, please note the information in the following boxes:

Box 1: This section of the form determines the **voter type** (see above) and will determine how the voter is able to use the form. This form also provides a place for the **voter's name** (and previous name, if applicable). It also asks for a Wisconsin driver's license number, social security number, and date of birth (these fields are not required).

Box 2: The voter will list the **address** they are registered at (or the address that ties them to Wisconsin for military voters). This must be completed by all voters.

Box 3: If the voter has a **mailing address** other than the address in Box 2, they will list it here. Send the ballot to this address if ballot delivery by mail is requested.

Box 4: These fields provide **contact information** in case you need to contact the voter or if they have specified fax or email delivery of their ballot.

Box 5: The first field allows a voter to specify their **preferred method of ballot delivery** – mail, email, online, or fax – if they are using the FWAB as an absentee ballot request. The adjacent field, regarding political party, is not required or collected in Wisconsin. Please disregard anything listed in this box.

Box 6: If the voter is using the FWAB as an absentee ballot request only, then a witness signature is not required. If the voter is using the FWAB as a write-in ballot, then a **witness signature** is required and should be placed in this box. Additionally, please look for any special instructions the voter may have listed.

Box 7: If the voter is using the FWAB as an absentee ballot request only, then the signature of the voter is not required. If the voter is using the FWAB as a write-in ballot, then the **voter's signature** is required.

What are some tips for processing a FWAB request?

- If a FWAB is received from a voter who is eligible to use the form as a write-in ballot, the clerk must follow up by sending the voter an official absentee ballot.
- If a Military or Permanently Overseas voter asks to receive their ballot by "Email/Online," contact the voter to see if they would like to receive their ballot by email or online, but do not choose for the voter. If the voter does not respond within one business day, email the voter their ballot. If the voter did not provide an email address, mail the voter a ballot. If the voter asks to get their ballot online, then point the voter to myvote.wi.gov so that they may initiate their request online. Please do not enter the online absentee application into WisVote for the voter.
- The clerk will hold onto the write-in FWAB until Election Day. If the voter's official ballot is not received by Election Day, then the clerk will send the FWAB to the polls to be counted. If the voter's official ballot is received by Election Day, then the official ballot is sent to the polls to be counted and the FWAB ballot is rejected.
- If using the FWAB as a ballot, please remake the FWAB onto a standard ballot and issue a voter number as described in the Election Day Manual. If an eligible voter is using the FWAB as a write-in ballot, the clerk will only count votes on the ballot for contests in which the voter is eligible to participate. For example, if a Permanently Overseas voter writes in a local or state contest, the votes for those contests cannot be counted.

A witness address is never required on the FWAB. The FWAB should still be counted if a witness address is not included.

Sources

U.S. Code Regulating overseas and uniformed voters

UOCAVA: <https://www.justice.gov/crt/uniformed-and-overseas-citizens-absentee-voting-act#prov>

MOVE Act: https://www.justice.gov/sites/default/files/crt/legacy/2011/01/06/MOVE_Act.pdf (sections 577-589); requires states to allow for electronic ballot requests, registrations, and blank ballot sending; requires tracking system

Military and Overseas Voting Cheat Sheet

	Military	Permanent Overseas	Temporary Overseas
What are they?	Member of the Uniformed Services or an activated National Guard member. They do not need to be actively deployed to be in the military.	Any U.S. Citizen who is living outside the U.S. and a.) their intent to return is uncertain or b.) they have never lived in the U.S.	Any U.S. Citizen who is living outside the U.S., but has intent to return.
What ballot do I send?	Full ballot	Federal Only (This ballot is NOT Presidential Only. Congress and Senate races are included on Federal Only ballots).	Full ballot
I have to email the ballot, what do I include? Faxing and emailing instructions here .	1. Full ballot – scanned with your initials 2. Uniform Instructions – Email and Faxed 3. EL-122 for Military and Overseas Voters	1. Federal Only ballot – scanned with your initials 2. Uniform Instructions – Email and Faxed 3. EL-122 for Military and Overseas Voters	1. Full ballot – scanned with your initials 2. Uniform Instructions – Email and Faxed 3. EL-122 for Military and Overseas Voters
Do they have to register to vote?	No	Yes	Yes
How can they register to vote?	They don't need to register.	1. EL-131 WI Voter Registration Application 2. Federal Postcard Application (FPCA) All forms MUST be mailed.	1. EL-131 WI Voter Registration Application 2. MyVote.wi.gov with a valid WI Driver License or ID 3. Federal Postcard Application (FPCA) All forms MUST be mailed.
Do they have to provide a photo ID to get an absentee ballot?	No	No	Yes
How can they request an absentee ballot?	1. Online at MyVote.wi.gov 2. Email (or fax) 3. By Mail using the EL-121 WI Absentee Request 4. Federal Postcard Application (FPCA) 5. Federal Write-In Absentee Ballot (FWAB)	1. Online at MyVote.wi.gov 2. Email (or fax) 3. By Mail using the EL-121 WI Absentee Request 4. Federal Postcard Application (FPCA) Federal Write-In Absentee Ballot (FWAB)	1. Online at MyVote.wi.gov 2. Email (or fax) 3. By Mail using the EL-121 WI Absentee Request 4. Federal Postcard Application (FPCA) Federal Write-In Absentee Ballot (FWAB)
How can they receive an absentee ballot?	1. Email 2. Fax 3. Online (they will get an email automatically by the Wisconsin Elections Commission) 4. By Mail 5. In Person	1. Email 2. Fax 3. Online (they will get an email automatically by the Wisconsin Elections Commission) 4. By Mail 5. In Person	1. Email 2. Fax 3. By Mail 4. In Person
How can they return an absentee ballot?	By Mail or In Person	By Mail or In Person	By Mail or In Person
When are the deadline to request an absentee ballot?	Military voters not on active duty: Friday before the election. Military voter on active duty: Election Day by 5pm.	Thursday before the election (unless indefinitely confined, see below for details).	Thursday before the election (unless indefinitely confined, see below for details).

Frequently Asked Questions

Q: I got a FWAB. What do I do?

A: The FWAB can serve as an absentee request and an absentee ballot. The write-in absentee ballot will likely be in a separate envelope inside the main envelope. DO NOT OPEN THIS ENVELOPE and send out the full ballot to the voter as soon as possible. If it does not come in a separate envelope, put it in a separate envelope (this is not a reason to reject). Please preserve this and the FWAB form with the witness signature (if needed) until Election Day and if the full ballot arrives, you will reject the write-in ballot. If the full ballot does not arrive, you will remake the write-in ballot so it can be counted. Please see more information here: <https://elections.wi.gov/resources/brochures/fwab-tips-clerks>.

Q: I got an FPCA. What do I do?

A: The FPCA can serve as a voter registration and an absentee request. You will process this similarly to any other registration or absentee request. Please note that if using as a registration form, the original must be mailed or dropped off to the clerk. Please see more information here: <https://elections.wi.gov/resources/brochures/fpca-tips-clerks>.

Q: I know they're not in the military, they live at home. Should I change their status?

A: You may confirm with the voter that they are still in the military, but you do not need to. However, do not delay mailing the voter a ballot while waiting for confirmation. Please keep in mind that the voter could still be living at home and be in the military.

Q: They're not active duty, do I still have to use the military envelope?

A: Yes, you should still use the postage-free military front side of the envelope to the military voter.

Q: On the FPCA, the voter waived their right to privacy so they can email their ballot back. Can they send their ballot back by email?

A: No, a voter can never return their ballot by email. They must deliver it by mail or in person. The FPCA and FWAB are federal forms that are designed to be universally used. Some other states allow voters to email their ballot back.

Q: They accidentally registered as a military or overseas voter. What should I do?

A: If this was a typo on behalf of the clerk, this can be updated easily by the clerk on WisVote. Please note that both the voter type in the voter registration record AND the application type in the absentee request must be updated. If the voter mistakenly checked something, they should confirm in writing that this is a mistake and then you may update this on WisVote.

Q: The voter is no longer in the military or permanently overseas. How do I change this?

A: The voter must re-register with their correct voter type and updated information.

Q: On the FPCA or FWAB, they said they want their ballot delivered "online/email"? How should I send the ballot?

A: If a Military or Permanently Overseas voter asks to receive their ballot by "Email/Online," contact the voter to see if they would like to receive their ballot by email or online, but do not choose for the voter. If the voter does not respond within one business day, email the voter their ballot. If the voter did not provide an email address, mail the voter a ballot. If the voter asks to get their ballot online, then point the voter to myvote.wi.gov so that they may initiate their request online. Please do not enter the online absentee application into WisVote for the voter.

Q: Can a military or overseas voter also be indefinitely confined?

A: A voter can be both indefinitely confined and military. People with disabilities or illnesses can still be in the military and it is possible that this may be a family member.