



## Election Transparency Rules for Wisconsin *Current as of October 28, 2020*

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### TOP LINE OVERVIEW

Wisconsin grants substantial public access to polling locations and has a general presumption of accessibility. The vote count process is public, and recording equipment and photography are allowed, as these are subject to the open meeting laws of Wisconsin. All records retained by the Wisconsin Elections Commission are available for public inspection except as otherwise provided by law, and there is a strong presumption of public access in Wisconsin.

### ELECTION DAY ACCESS TO POLLING LOCATIONS

#### 1. Rules concerning access/transparency at polling places generally

Wisconsin is permissive in granting access to polling places: “Any member of the public may be present at any polling place” or any place where absentee ballots might be cast, though reasonable limitations may be placed on the number of persons representing a single organization permitted to observe at a particular time. Wis. Stat. [§ 7.41](#). Election officials can also designate observation areas set up between 3 and 8 feet from the table where voters are checking in. Wis. Stat. [§ 7.41 \(2\)](#).

Even after the polls close, the doors must remain open to allow the public to observe. Wisconsin Elections Commission, [Election Day Manual for Wisconsin Election Officials \(September 2020\)](#) (hereinafter “Election Day Manual”), 88.<sup>1</sup> However, election officials known as “inspectors” are tasked with maintaining order at the polling location and have the authority to maintain that order. Wis. Stat. [§ 7.37 \(2\)](#). Observers should check in with an election official. Due to COVID-19 concerns, the observation areas are now recommended to be at least 6 feet from the poll book and registration tables. [Wis. Elections Comm’n., Observers at Voting and Counting Locations for the November 3, 2020 General Election \(Oct. 13, 2020\)](#), 1. Election Officials are instructed to issue warnings to disruptive observers. *Id* at 3. If the individual continues to behave in a disruptive

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<sup>1</sup> The Elections Commission is required by statute to publish an election manual “written so as to be easily understood by the general public explaining the duties of the election officials, together with notes and references to the statutes as the commission considers advisable.” Wis. Stat. [§ 7.08 \(3\)](#).

manner, then the election official has the authority to eject them from the polling location. *Id.* The elections official should provide the observer with a written order, or EL-110, which lays out in writing the reason for the ejection. *Id.*

## **2. Rules concerning entry to a polling place for news reporting purposes**

Members of the media may be present at the public location hosting an election and/or election administration event so long as they do not interfere with the activities. Wis. Stat. [§ 7.41](#); [Election Day Manual](#) 85.<sup>2</sup> “Members of the media should check-in with the election official in charge of the location.” [Election Day Manual](#) 85. This election official should document the name and affiliation of each member of the media on the [Inspectors’ Statement \(EL-104\)](#). *Id.*

## **3. Rules concerning journalists’ approaches to voters at or near polling places, for exit polling or newsgathering**

Members of the media are strongly encouraged by the Elections Commission to conduct the majority of their activities outside of the room where the election is being conducted. [Election Day Manual](#) 85.<sup>3</sup> Election inspectors are responsible for maintaining order at the polling locations, and therefore have the authority to take action to maintain that order. Wis. Stat. [§ 7.37 \(2\)](#).

Media communication with the electors should be limited. Interviews should be conducted outside the polling area so the entrances are not blocked. [Election Day Manual](#) 85.

Exit polls are allowed but should not interfere with the general election activities. [Election Day Manual](#) 87-88. Electors should not be given the impression that their participation is required, nor should any of the material resemble official election information or imply it is part of the official process. [Election Day Manual](#) 88. Members of the media are encouraged to speak with the municipal clerk to discuss any unique circumstances created by the layout of a particular polling place that could affect the conduct of an exit poll. [Election Day Manual](#) 88.

## **4. Rules concerning the taking of photographs at or near polling places**

Journalists are allowed to take photographs and videos, provided that this activity doesn’t interfere with the election process. [Election Day Manual](#) 85. Photographs and videos may not display how a person has voted. Wis. Stat. [§ 12.13 \(1\)\(f\)](#). Asking a voter to show their marked ballot is also prohibited. Wis. Stat. [§ 12.13 \(3\)\(q\)](#).

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<sup>2</sup> Wis. Stat. [§ 7.41](#) states that “any member of the public” may be present at any polling place but allows the chief inspector or municipal clerk to remove disruptive individuals. The [Election Day Manual](#) provides related specific guidance to members of the media.

<sup>3</sup> Under [Wis. Stat. 7.41 \(5\)](#), the Election Commission has the authority to promulgate rules regarding conduct at the polling locations. Though the following guidance regarding the conduct of the media is not contained directly in the statutes, these are the rules promulgated by the Election Commission and will be the guidelines the Election Officials will be following on Election Day.

## 5. Content restrictions on speech at or near polling places

Electioneering is defined as “any activity which is intended to influence voting in an election.” Wis. Stat. § [12.03\(4\)](#). Any electioneering is prohibited within 100 feet of the entrance to a building containing a polling location. Wis. Stat. § [12.03\(2\)\(b\)1](#).

Soliciting signatures on a petition unrelated to the election at issue is not considered electioneering and is therefore not prohibited within the 100-foot electioneering zone. [Election Day Manual](#) 87.

## 6. Who controls physical access to a polling place?

The chief inspector or municipal clerk can reasonably limit individuals exercising their right to observe as members of the public to “observation areas” located between three and eight feet from where voters interact with poll workers, though the public must have a clear view of the public proceedings from that area. Wis. Stat. § [7.41\(2\)](#). The chief inspector or municipal clerk may order the removal of an individual who disrupts the operation, Wis. Stat. § 7.41(3); Wis. Stat. § 7.37(2); *see also* [Wis. Elections Comm’n., Observers at Voting and Counting Locations for the November 3, 2020 General Election \(Oct. 13, 2020\), 3](#), or engages in electioneering as described in Wis. Stat. § [12.03](#). Wis. Stat. § [7.41\(3\)](#).

## 7. What state official is responsible for correcting improper denials of access or application of laws at polling places?

If an election official denies access in violation of guidance and statute, one should contact the municipal clerk to correct the error.<sup>4</sup> [Here](#) is the directory providing the contact information for the clerks of each municipality.

If a solution cannot be reached through informal procedures with the municipal clerk, the Wisconsin Elections Commission is available at (608) 266-8005.

Those who had negative experiences at their polling locations can fill out [general complaint](#) forms.

If an elector would like to request an official investigation because they believe the law has been violated or there has been an abuse of discretion, they can file a written, sworn complaint. Wis. Stat. § [5.06\(1\)](#). The Commission may then conduct a hearing if it deems such action to be necessary. Wis. Stat. § [5.06\(1\)](#).

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<sup>4</sup> Under Wis. Stat. § [7.15\(1\)\(E\)](#), municipal clerks are charged with training election officials and ensuring that elections are conducted “honestly, efficiently and uniformly.” Municipal clerks are also charged with discharging election officials for “improper conduct or willful neglect of duties” under Wis. Stat. § [7.15\(1\)\(F\)](#).

## ACCESS TO VOTE COUNT & TABULATION/VOTE COUNT PROCESS

### 1. Rules concerning access/transparency at locations where votes are counted or vote counts aggregated

The post-election canvassing of votes is considered to be a “meeting” of “government officials” and is therefore subject to the open meeting requirements of Wis. Stat. § [19.83](#).<sup>5</sup> Accordingly, the public must have notice of the canvassing activities, Wis. Stat. § [19.84](#), and these meetings must be reasonably accessible to the public. Wis. Stat. § [19.82 \(3\)](#). Only employed election officials, however, may touch any of the election materials. Wis. Stat. § [5.87 \(1\)](#).

### 2. Rules concerning observation of the vote count for news reporting purposes

The vote count is open to the public (see above) and doors should remain unlocked during the vote tabulation process. [Election Day Manual](#) 88. Members of the public may observe the counting of ballots at both polling places and central counting locations. Wis. Stat. § [7.51 \(1\)](#).

Most ballots are counted at the polling place, including absentee ballots which are processed throughout Election Day and fed into polling-place scanners. Wis. Stat. § [6.88\(3\)\(a\)](#).

A few large municipalities, including Milwaukee, count absentee ballots at a central counting location. Wis. Stat. § [7.52](#). The public has the same right to access a canvass being conducted in an alternative location. *Id.* These locations must be decided upon in advance and the public must be notified at least 48 hours in advance. *Id.* and those absentee ballots are also fed into automated tabulating equipment that record and tabulate votes. Wis. Stat. § [5.86](#).

Observers cannot look at confidential portions of the registration list. Wis. Stat. § [7.41 \(4\)](#). However, if a member of the public asks, the inspectors or clerks must disclose the number of people who have voted who are on that list. Wis. Stat. § [7.41 \(4\)](#).

### 3. Rules concerning the taking of photographs of the vote counting process

As the canvass is subject to the open meeting laws of Wisconsin (see above), the board of canvassers must accommodate the use of photography or video during the vote count process. Wis. Stat. § [19.90](#). However, the use of photography and video equipment must not interfere with the vote tabulation process. *Id.*

### 4. Rules concerning access to ballots during or after the vote count

Once the count is completed, the return is open to the public. Wis. Stat. § [5.89](#).

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<sup>5</sup> This guidance has been promulgated by the Wisconsin Attorney General’s Office in Op. Att’y Gen. 05-14. This applies equally to local and municipal canvassing boards. [Op. Att’y Gen. AG 05-14 ¶¶ 7-33](#).

## ELECTION TRANSPARENCY INFORMATION

### 1. Voting day basics

Polls are open from 7am to 8 pm. Wis. Stat. § 6.78(1m). Voters that are standing in line when the polls close must be allowed to vote. Wis. Stat. § 6.78(4).

The election inspector is in charge of keeping order at the polling place. Wis. Stat. § [7.37 \(2\)](#). If someone is found to be disruptive of the voting process, then the inspector can ask them to leave. Wis. Stat. § 7.37(2). If they do not comply, then the inspector has the authority to call law enforcement and have the disruptive individual taken into custody. Wis. Stat. § [7.37 \(2\)](#).

If there is an issue that the person wants to report after they leave the polling location, they are encouraged on the Wisconsin [elections website](#) to address the issue informally by filing a complaint with the municipal clerk's office. If a solution cannot be reached through those processes, then they can file a complaint with the Wisconsin Elections Commission, which can be reached at (608) 266-8005.

### 2. Vote counting rules and procedures

After the polls close, the inspectors begin the canvassing process. Wis. Stat. § [7.51 \(1\)](#). Ballots received after 8PM on election night will not be counted. Wis. Stat. § [6.86 \(3\)](#). This has been reaffirmed by the Elections Commission in light of recent litigation (see below) in [Notice of Open and Closed Meeting](#) Wis. Election Comm'n. Oct. 20, 2020. This process is generally conducted at the polling location, but some municipalities use a central counting location instead. Wis. Stat. § [5.85 \(5\)](#). The canvass is to be continuous until all the votes that were received on or before election day have been counted. Wis. Stat. § [7.51 \(1\)](#).

Once the votes are counted, the chief inspector must immediately report the results to the municipal clerk, who then makes those returns public. Wis. Stat. § [7.51 \(4\)\(b\)](#). The municipal clerks have two hours to provide the returns to the county clerks, who then post the returns on their [websites](#). Wis. Stat. § [7.51 \(4\)\(c\)](#).

### 3. Control of the vote count process

On the municipal level, the inspectors act as the municipal board of canvassers and are responsible for the vote count process and producing the returns. Wis. Stat. § [7.53 \(1\)](#). The county board of canvassers oversees the canvassing process on the county level and publicly examines the returns. Wis. Stat. § [7.60 \(3\)](#). The state canvass is conducted by the chairperson of the commission or their designee, who records the results by county. Wis. Stat. § [7.70 \(3\)\(a\)](#). This state canvass must be completed by December 1 for the general election. Wis. Stat. § [7.70 \(3\)\(a\)](#).

#### 4. Mail in ballot transparency and control

*Who collects mail in ballots?*

Mail in ballots are returned to the office of the municipal clerk. Wis. Stat. § [6.88 \(1\)](#). However, some municipalities designate an alternate absentee ballot site. Wis. Stat. § [6.855 \(1\)](#). The location of any alternate site must be prominently displayed both at the office of the municipal clerk and on their website (if they have one). Wis. Stat. § [6.855 \(2\)](#). If an alternate absentee ballot site has been designated, then the board of absentee ballot canvassers may conduct the canvass in an alternate location. Wis. Stat. §§ [6.88 \(3\)\(A\)](#), [6.855 \(1\)](#), [7.52 \(1\)\(a\)](#). The public must be notified of any meeting of absentee canvassers 48 hours in advance. Wis. Stat. § [7.52](#).

Wisconsin does have [ballot drop-off sites](#). Many have poll workers on staff to serve as a witness.

*Where are they stored?*

The ballots are first delivered to the municipal clerk and are then forwarded to the polling location or to the absentee ballot canvassing site (see above). Wis. Stat. § [6.88 \(2\)](#).

*When are they counted?*

Absentee ballot canvass can begin after the polls open on election day. Wis. Stat. § [7.52 \(1\)\(a\)](#). In the April primary election, the Election Commission directed that the process not begin until all the eligible mail-in ballots had arrived, five days after the election, due to the COVID-related extension of the ballot deadline. [Wis. Election Comm'n Updated Guidance on Election Night Procedures](#). However, the deadline for the receipt of ballots has not been similarly extended for the General Election (see below).

The last day to certify the results of the election is December 1. Wis. Stat. § [7.70 \(3\)\(a\)](#).

*Where are they counted?*

Municipalities are allowed to conduct the absentee and general canvasses in separate locations, though these locations must have an alternate canvassing location approved per Wis. Stat. § [7.52 \(1\)\(a\)](#). This also means that these municipalities have designated a separate board of absentee canvassers. This alternate canvassing location is the exception. Wis. Stat. §§ [7.52 \(1\)\(A\)](#), [6.88\(3\)\(a\)](#). If the municipality uses an alternate counting location, the absentee canvass location must be made public. Wis. Stat. § [7.52 \(1\)\(a\)](#). The public is to be notified of any meetings of this alternate canvassing body 48 hours prior to its commencement, and has the same right to access the count as when the count is conducted in the polling location. *Id.*

*Who releases mail in results?*

Mail in results are released in a similar manner to the other election returns. The board of absentee canvassers (if it is different from the municipal canvassers) must deliver a tally sheet and a statement to the municipal clerk upon completion of the count. Wis. Stat. § [7.52 \(8\)](#).

*When are mail in results released?*

The results of the tally are announced and made public upon completion of the count. Wis. Stat. § [7.52 \(8\)](#). Absentee ballots that arrive at the polling station after 8PM on election night are not to be counted. Wis. Stat. § [6.87 \(6\)](#). These records are also open to public inspection. Wis. Stat. § [7.52 \(8\)](#). There is no mandate for intermediate reporting of the results. For municipalities that have designated an alternate canvassing location and a separate board of absentee canvassers, this may mean that there is a difference in time between the reported results of the absentee canvass and the election day voting canvass. These municipalities have been instructed by the Elections Commission to make clear when the return that is posted is merely a partial return. [Notice of Open and Closed Meeting](#), Wis. Election Comm'n. (Oct. 20, 2020), 10.

County clerks are required to post unofficial election results to their websites within two hours of receiving results from the municipalities. Wis. Stat. § [7.60 \(1\)](#).

*What data is generated on mail-in ballots and by whom? (E.g., How many absentee/ mail-in ballots mailed out, how many completed ballots turned in?)*

Day-by-day numbers on requests for absentee ballots and the number of absentee ballots returned are being released on the [Elections Commission website](#), as compiled by the municipal clerks. The municipal clerk must post and make available on request the number of mail-in ballots that have been sent out and the numbers that have been received by the close of the polls on election day. Wis. Stat. § [7.52 \(1\)\(c\)](#).

*Who confirms the authenticity of mail in ballots and how?*

Votes are verified by election inspectors. Prospective voters are disqualified only when the board of canvassers determines beyond a reasonable doubt that they are ineligible. Wis. Stat. § [6.325](#).

In counties that have elected to have a board of absentee ballot canvassers verify the ballots, the board of absentee canvassers must announce the name of the elector and check the certification on the envelope to ensure it has all of the qualifications. Wis. Stat. § [7.52 \(3\)\(a\)](#). The board of absentee canvassers also checks whether proof of residence is required and, if so, whether it has been duly enclosed. Wis. Stat. § [7.52 \(3\)\(a\)](#).

If an envelope has been opened or resealed, the signature of either the elector or the witness is missing or the witness' address is missing, or there is more than one ballot contained within the envelope, then the vote may not be counted. Wis. Stat. § [7.52 \(3\)\(a\)](#).

Once the envelope is determined to be eligible, the board of absentee canvassers deposits the envelope into the ballot box and marks the name and poll number in the poll book, denoting that the individual has voted absentee. [7.52 \(3\)\(a\)](#). Once the tallying begins, the board keeps tally sheets of the number of votes cast for each office.

Mail-in ballots require the signature of a witness. Wis. Stat. § [6.87 \(4\)\(b\)\(1\)](#). This requirement is controversial because many, as a result of COVID, are unable or unwilling to come in close enough contact with another person to have them serve as a witness. The current guidance, which was issued before the primary as a result of voter concern, has not waived this requirement. [Wis.](#)

[Elections Comm’n Absentee Witness Signature Requirement Guidance](#). A ballot missing the address of the witness is also not to be counted. Wis. Stat. § [6.87 \(6\)\(d\)](#).

Though ballots require the signature of a witness, it is important to note that Wisconsin is not a signature-matching state. Ballots will not be invalidated based on the comparison of either signature of the elector or the witness to the signature on record.

Municipal clerks can notify electors if their absentee ballots contain improperly complete certificates or no certificate and, time-permitting, allow the elector to correct the defect. §§ Wis. Stat. § [6.87 \(9\)](#), [7.52 \(5\)\(b\)](#).

### *Challenging votes in-person*

As to in person voting, if an election inspector seeks to challenge a voter’s qualifications, the inspector must administer an oath and ask only the questions listed in [EL 9.01 \(2\)](#) of the elector. Wisconsin also allows other electors to challenge a vote in-person if the challenger knows or suspects that the challenged elector is not qualified. [EL 9.02](#). An inspector then must verify that the challenger is themselves a qualified elector. [EL 9.02](#) The inspector must then administer an oath and ask the challenged elector the questions listed in [EL 9.02 \(2\)](#). A challenger abusing this ability may be removed by the inspector. [EL 9.02](#), Wis. Stat. § [7.41\(3\)](#).

If the person being challenged by either an inspector or another elector refuses to take the oath or answer the questions, then they will not be issued a ballot. [EL 9.01 \(2\)](#), [EL 9.02 \(6\)](#). If they do both, however, they will be issued a ballot, [EL 9.01\(7\)](#); [EL 9.02\(8\)](#), the challenge will be recorded, [EL 9.05](#), and it will be reviewed by the board of canvassers after the individual has cast their ballot. [EL 9.06](#).

## **5. COVID-Related Rules**

The Elections Commission has stated that masks are encouraged but not required for voters to wear at polling locations. [Wis. Elections Comm’n Face Coverings While Voting and Conducting Elections](#).<sup>6</sup> For Election observers, however, the governor’s executive order mandating face-coverings applies. *Id.*

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<sup>6</sup> Governor Evers has issued [Emergency Order 1](#), mandating face coverings to be worn by those over 5 if they are in an enclosed space in the presence of another individual who is not a member of their house. However, Meagan Wolfe, the head of the Wisconsin elections has [reaffirmed](#) the previous guidance in spite of the Governor’s mandate, as she claims the Elections Commission does not have authority to set new “qualifications” for voting and requiring masks to vote would be tantamount to a voting “qualification”.



## ACCESS TO INFORMATION ISSUES

All records retained by the Wisconsin Elections Commission are available for inspection and copying, except as otherwise provided by law.<sup>7</sup> Each agency is required to post a description of its organization and information about the times, places, and methods by which the public may access records in its custody. Wis. Stat. § [19.34 \(1\)](#).

[Here](#) is the link for the Wisconsin Elections Commission page on public records. Public records requests can be made by calling 608-266-8005. The office hours for records requests are 7:45 AM to 4:30 PM Monday through Friday. The Wisconsin Elections Commission Public Information officer can be reached at 608-267-7887 for questions.

The right to request public records is delineated in Wisconsin law under Wis. Stat. § [19.31 et. seq.](#) There is a “presumption of complete public access” and “denial of public access generally is contrary to the public interest.” Public records requests are to be “as soon as practicable and without delay.” Wis. Stat. § [19.35 \(4\)\(a\)](#). According to guidance by the Office of the Attorney General, offices have up to 10 days to respond to simple requests where records are easily located, though they have more time if the request is more complicated. [Wisconsin Public Records Law Compliance Guide, p. 15, Wisconsin Department of Justice, Attorney General Josh Kaul, October 2019.](#)

The voter registration list is available as a matter of public record, though it is only available for a fee. Wis. Stat. § [6.36 \(6\)](#). It costs \$25 plus \$5 per 1,000 voter records, as established by the [Elections Commission](#). They have also stated that there is no fee associated with statistics. [Here](#) is the link for pricing and records requests.

The names and addresses of all those who apply for an absentee ballot are a matter of public record and are available for public inspection. Wis. Stat. § [6.89](#).

The Wisconsin Supreme Court has, however, observed that “[t]he public's right to access public records is very strong, but it is not unrestricted.” *Madison Teachers Inc. v. Scott*, 379 Wis. 2d 439, 456 (2018) (citing *Voces De La Frontera*, 373 Wis. 2d 348 (2018)). It employs a balancing test with a strong interest in favor of disclosure. *Id.* In *Madison Teachers*, the court ruled that the timing of the request and release were relevant factors when determining the weight of the interest in nondisclosure. *Id.* at 456.

The plaintiffs sought the names of people who had voted in the election prior to the election's completion. *Id.* at 445. The court ruled that the release of the names after the close of the polls had been an appropriate action to prevent potential voter intimidation. *Id.* at 455.

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<sup>7</sup> Wis. Stat. § [19.31](#) provides, in relevant part, that only in “exceptional cases” shall access be denied (*See* discussion of *Madison Teachers*, above.) Wis. Stat. § [19.36](#) provides exceptions, and other exceptions have been found by the courts.

## RECENT/CURRENT ELECTION-RELATED LITIGATION

There is quite a bit of litigation regarding Wisconsin elections administration. Please see the “Voting Rights Litigation 2020” website maintained by the [Brennan Center for Justice](#) for updates and a more exhaustive list.

*Democratic Nat’l Comm. v. Bostelmann*, No. 3:20-cv-249 (W.D. Wis.), consolidated with *Edwards v. Vos*, No. 3:20-cv-340; *Gear v. Knudson*, No. 3:20-cv-278; *Lewis v. Knudson*, No. 3:20-cv-284; *Swenson v. Bostelmann*, No. 3:20-cv-459:

In these consolidated cases, plaintiffs sought various modifications to Wisconsin’s election rules to make it easier to vote in the upcoming election in light of the Covid-19 pandemic. Most notably, the case sought to extend the deadline for the receipt of mailed ballots. A district judge issued an injunction extending the deadline from November 3 (Election Day) to November 9, provided that the ballots are postmarked on or before November 3. 020 U.S. Dist. LEXIS 172330 (W.D. Wis. Sept. 21, 2020). However, after back and forth between the state and federal appellate courts, the Seventh Circuit stayed the order. *DNC v. Bostelmann*, No. 20-2835, Dkt. 76, at 6 (Oct. 8, 2020). The Supreme Court denied an application to vacate the stay and the voting Election Night Deadline will remain intact. *DNC et al. v. Wisconsin State Legislature*, No. 20A66, slip op., 592 U.S. \_\_\_\_ (Oct. 26., 2020).

*One Wisconsin Institute, Inc. v. Nichol*, No. 3:15-cv-324 (W.D. Wis.); *One Wisconsin Institute, Inc. v. Thomsen*, No. 16-3091 (7th Cir.)

This suit has challenged a number of the Wisconsin voting rules including the voter ID laws, the limit on early voting locations and reducing the early voting duration. There has been modest success with regarding the dispersal of replacement or temporary IDs, but most of the substantive reform has been deferred until after the election by the District Court. Litigation is ongoing.

*Judge v. Board of Canvassers for the City of Madison*, No. 2020CV002029 (Cir. Ct. Dane County Wisconsin):

Five Wisconsin voters recently sued in state court for confirmation that their ballots would not be invalidated for being cast at a “Democracy in the Park” event. In the [complaint](#) filed September 30, plaintiffs describe the Madison City Clerk’s Office organizing an event in the parks where people could turn in their absentee votes to poll workers. The day before the event was to take place, the city clerk received a letter from the legal counsel of Wisconsin’s legislative leadership claiming that the ballots collected at this event would be unlawfully collected and would likely not be counted.

*Jefferson v. Dane County*, No. 2020AP557-OA (Wis. S. Ct.)

The Wisconsin Supreme Court granted a temporary injunction preventing the county clerk of Dane County Wisconsin from advising electors that everyone could vote without a photo ID by indicating that they are “indefinitely confined” due to COVID-19 and the “Safer at Home” order.

Electors must meet the statutory definition of “indefinite confinement” in order to vote without a photo ID.

## **KEY ACCESS CASES AND LAWS**

Wis. Stat. § [7.41](#) provides the general public right to access polling locations or any other locations that absentee ballots are cast.

[Op. Att’y Gen. 05-14](#) provides the guidance that the canvassing activities are subject to Wisconsin open meeting laws.

Wis. Stat. § [19.81](#) *et seq.* provide the requirements for open meetings.

Wis. Stat. § [7.37 \(3\)](#) provides a list of prohibited activities around the polling location.

## **WEBSITES, GUIDES AND OTHER KEY SOURCES OF INFORMATION**

[Here](#) is a link to the general Wisconsin Election Commission Website.

[Here](#) is a link to Election Day Manual.

[Here](#) is a link to the general election-related statutes.

[Here](#) is a link to the Staff Contacts Page for the Wisconsin Elections Commission.

[Here](#) is a link to the directory of the County Election Commission websites, where the results for each county are posted on election night (see above).

[Here](#) is a link to the page detailing municipal clerk directories.