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# Wisconsin Election Protection 2020 Fall Election Report

*Report from Non-partisan Observers of Voting in the  
November 3, 2020 General Election*

By:

Legal Coordinating Committee of WISCONSIN ELECTION PROTECTION  
& LEAGUE OF WOMEN VOTERS OF WISCONSIN

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# *Introduction*

WISCONSIN ELECTION PROTECTION (WEP) is a non-partisan organization, part of a nationwide coalition of organizations including Advancement Project, Alliance for Youth, Asian American Legal Defense and Educational Fund, Brennan Center for Justice, Common Cause, Democracy Initiative, Lawyers' Committee for Civil Rights Under Law, League of Women Voters of the United States, NAACP, National Action Network, National Bar Association, National Coalition on Black Civic Participation, State Voices, Sojourners, Religious Action Center, Rock the Vote, and Verified Voting Foundation. Locally, WISCONSIN ELECTION PROTECTION includes affiliates of these national groups, as well as Milwaukee Area Labor Council, American Civil Liberties Union of Wisconsin Foundation, All Voting is Local, Wisconsin Conservation Voices, Disability Rights Wisconsin, Voting Rights Lab, Wisconsin Voices, and Voces de la Frontera.

The LEAGUE OF WOMEN VOTERS OF WISCONSIN (LWVWI OR THE LEAGUE) is a nonpartisan, grassroots, political organization established in 1920 that advocates for informed and active participation in government. Our members are women and men who work to improve our systems of government and impact public policies through education and advocacy. The League of Women Voters of Wisconsin operates at the state level with grassroots support from 20 local Leagues across the state.

Both WEP and LWVWI actively engaged in election protection work before, during, and after the November 3, 2020 election.

## **The Purpose of ELECTION PROTECTION & ELECTION OBSERVATION**

The purposes of WISCONSIN ELECTION PROTECTION and of the LEAGUE OF WOMEN VOTERS OF WISCONSIN'S ELECTION OBSERVATION PROGRAM are to protect voter rights, to expose and prevent voter intimidation, and to preserve access to the polls for all eligible voters. These initiatives also allow us to document problems and best practices for the purpose of improving election administration and ensuring that elections continue to be free, fair, and accessible in Wisconsin. ELECTION PROTECTION's participating organizations have differing responsibilities before the election, on Election Day, and in the reporting afterwards. All organizations contribute to recruiting volunteers, and citizen election observers are critical to these efforts.

The LEAGUE OF WOMEN VOTERS OF WISCONSIN'S ELECTION OBSERVATION PROGRAM serves dual purposes – to monitor and document the voter experience on Election Day and to have trained election observers at polling sites to intervene if necessary to prevent voter disenfranchisement. For

this election, the LEAGUE OF WOMEN VOTERS OF WISCONSIN, in collaboration with their election protection partners, expanded their election observation program and recruited over 200 non-attorney volunteer election observers to monitor early voting in select communities, over 600 polling places on Election Day, 27 central count locations, 38 post-election equipment audits, and the partial recount in Dane and Milwaukee Counties.

The polling sites were selected by the organizers of this program in an effort to objectively observe the Election Day process at a variety of sites across Wisconsin. These sites include urban and rural areas as well as polling places with reported problems by this program in past years. Observers were also placed at polling sites that have large populations of student voters and serve Tribal communities in Wisconsin.

The LEAGUE trained observers to witness the application of laws concerning the use of IDs in voting, polling site organization and mechanics, the ease of registration, as well as the knowledge of election officials and polling site management. Observers were given access to the WISCONSIN ELECTION PROTECTION team of attorneys to answer legal questions and report issues that needed to be addressed on Election Day. LWVWI staff also coordinated with WISCONSIN ELECTION PROTECTION to dispatch LEAGUE observers as needed to polling sites requiring additional attention.

Post-election, LEAGUE election observers returned 500 reports from 433 polling sites, which were used for the analysis of this report. The organizers analyzed the information for trends and flagged narrative information on voters who had specific problems voting in the November 3 election. LWVWI also created a survey (in English and Spanish) through which voters could share information on their experiences voting, to which 423 voters responded.

In addition to the LEAGUE OF WOMEN VOTERS OF WISCONSIN's ELECTION OBSERVATION PROGRAM, the LEAGUE helped recruit poll workers at the state and local levels. LWVWI reached over 16,500 people with poll worker recruitment messages. Many local League members serve their communities every election as election officials. Additionally, many past volunteer election observers go on to serve as poll workers in future elections.

The MILWAUKEE AREA LABOR COUNCIL implements the national AFL-CIO's voter protection program, which is a non-partisan effort to protect voting rights. The Labor Council recruited, trained and placed observers in Milwaukee Aldermanic Districts 1, 2, 4, 6, 7, 9, and 15. The Labor Council has worked diligently over the years to dispatch African American union members to monitor polling places in locations that have predominantly African American voters, as such locations have had the most interference in past elections.

The WISCONSIN ELECTION PROTECTION Legal Coordinating Committee recruits, trains and assigns lawyers who have volunteered to address problems that arise on Election Day. Prior to the November 2020 election - and particularly in light of April, 2020's dramatic decline in poll workers

due to the pandemic - WISCONSIN ELECTION PROTECTION also made the decision to help ensure adequate staffing at polling places by referring many well-educated, lower-risk persons to volunteer as poll workers.

WISCONSIN ELECTION PROTECTION monitored the election by answering hotline calls and by posting on social media. In conjunction with the Lawyers' Committee for Civil Rights and the national 1-866-OUR-VOTE hotline, WISCONSIN ELECTION PROTECTION answered calls from voters for assistance and information in the days leading up to the election and on Election Day.

Throughout Election Day, nearly a dozen volunteer attorneys staffed a central command center, answering and responding to calls to the 1-866-OUR-VOTE hotline and to social media requests, and responding by telephone to questions from poll observers and attorneys in the field as they identified problems at polling sites. In addition, Wisconsin Election Protection relied on 60 volunteer attorneys in 20 communities to "rove" to multiple polling sites, some previously assigned and some added as needed. WISCONSIN ELECTION PROTECTION trained these attorneys on the intricacies of Wisconsin election law.

Social media was also an important part of these efforts. WISCONSIN ELECTION PROTECTION AND THE LEAGUE OF WOMEN VOTERS OF WISCONSIN used Facebook, Instagram and Twitter to reach out to hundreds of thousands of voters around Wisconsin – both to provide and receive information. Voters posted questions and concerns that were answered by WISCONSIN ELECTION PROTECTION attorneys. In the month prior to Election Day until Nov. 6, the provisional ballot cure deadline, WISCONSIN ELECTION PROTECTION'S Facebook postings reached more than 109,000 viewers and our tweets had more than 54,000 impressions. The LEAGUE OF WOMEN VOTERS OF WISCONSIN'S Facebook posts reached more than 1.2 million viewers in the month leading up to the election, including more than 78,000 viewers on the day before Election Day and on Election Day.

## *General Findings*

We are pleased to report that most polling sites across the state correctly and efficiently administered this election. The Wisconsin Elections Commission (WEC) estimated that a record number of Wisconsin citizens voted in this election, more than 72 percent of the voting age population. As in the past, our observers and attorneys were impressed by the professionalism and dedication of Wisconsin's Election Day workforce. Election officials maintained orderly polling places where voters were welcome, safe and well-served. The problems that did arise appeared to be limited and site-specific, rather than the result of a generalized inability of the system to handle a large turnout amid changes in the law.

Most notably, despite the vast increase in absentee voting by mail, elections officials, community advocates, and voters themselves, stepped up to provide full and accurate information and facilitate

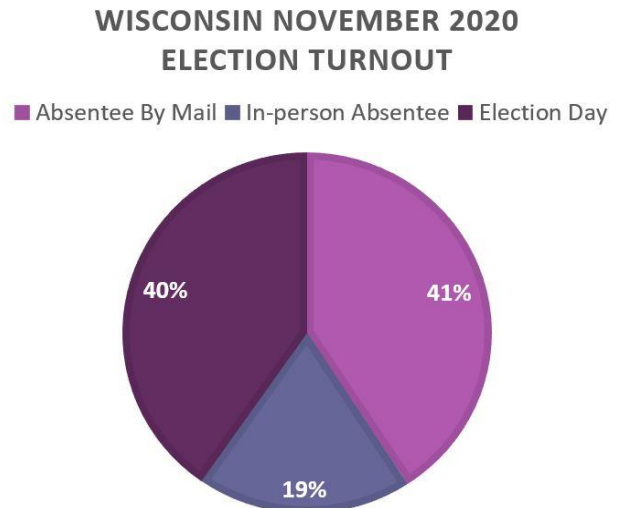
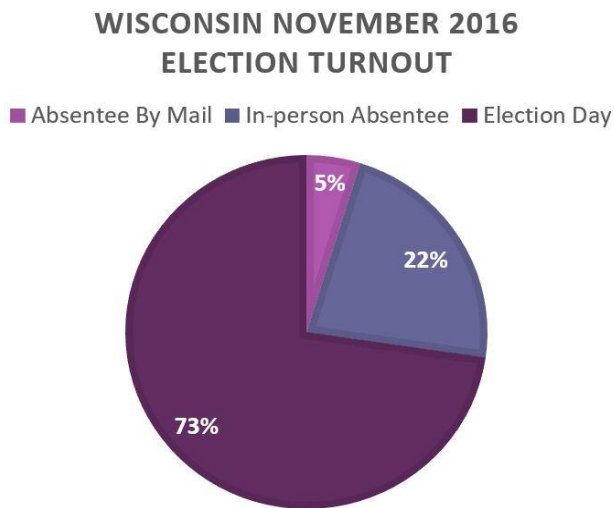
absentee ballot applications and returns, especially between the time when the COVID-19 pandemic began in March and the fall election season. As a result, the rate of rejected absentee ballots plummeted from 1.8 percent in April 2020 to a mere 0.2 percent in November 2020.<sup>1</sup>

There are areas, as discussed below, where we do see room for improvement. Nevertheless, Wisconsin elections officials, advocates, and voters should be proud of their successful participation in a major election in the midst of a pandemic.

## Voter Turnout

A record number of voters - 3,297,524, more than 72 percent of Wisconsin's voting age population - participated in the November election.<sup>2</sup> Most striking, though not surprising in light of the pandemic, was the massive increase in both raw numbers and percentages of persons voting absentee by mail, especially compared to prior general elections.

- Absentee by Mail - 1,346,731;
- In-person Absentee (Early Voting) - 653,236;
- In-person on Election Day - 1,297,557.<sup>3</sup>



<sup>1</sup> Wisconsin Elections Commission, November 2020 Election Data Report (“Election Data Report”) (released Feb. 3, 2021) at 13 (viewed 2/4/21) at: <https://elections.wi.gov/sites/elections.wi.gov/files/2021-01/D.%20November%202020%20Election%20Data%20Report.pdf>

<sup>2</sup> Election Data Report at 3-4.

<sup>3</sup> *Id.* at 4, 12 (Election Day voters calculated by subtracting mail and in person absentee voters from total number of voters).

Voting absentee by mail means that voters *received* their ballots by mail. While some voters also mailed their ballots back, many took advantage of other options, such as using a drop box or delivering the ballot to their clerk's office.

For example, according to the LWVWI survey, in which 287 of the respondents received an absentee ballot by mail:

- 162 people voted absentee by mail;
- 144 people received their ballots by mail but returned them to a drop box or clerk's office;
- 66 people voted early; and
- 45 people voted on Election Day.

## *Voting Absentee by Mail*

As noted above, there was a substantial increase in absentee by mail voting for the November election compared to prior general elections. In contrast to the April election, where we were inundated with complaints and concerns about the absentee by mail process, the November absentee process was vastly improved.

Credit is due to the WEC and municipal clerks for learning lessons from the mail-voting failures of the April 2020 election and taking numerous steps to improve the process and facilitate voting by mail. Credit is also due to the numerous civic groups who worked to improve voter knowledge about the absentee process.

November's absentee by mail voting ran smoother due to a number of improvements that were implemented. These include more lead time for voters to prepare for the process (in contrast to the last-minute flood of absentee requests that occurred in March and April); voters' ability to request absentee ballots for the full year so that there was not the high number of last-minute requests that occurred earlier in the year; the WEC's decision to mail ballot applications to all registered voters about two months before the election; clerks' mailing ballots to voters with absentee requests on file by mid-September; software upgrades and the addition of intelligent mail barcodes that helped ensure timely ballot processing and allowed voters to track the status of their ballots; and widespread promotion and use of drop boxes to facilitate ballot return by voters concerned about mailing completed ballots back to the clerks.

In stark contrast to the concerns about the April election, voters responding to LWVWI's survey reported significantly fewer issues voting absentee in the November election. The rate of voters reporting issues voting absentee dropped from approximately 60 percent of voters in April to approximately 3 percent of voters in November. For the November election, we only received two complaints about ballot application problems and both were related to minor technological problems.

- *A Milwaukee voter "went to the website to complete my request for an absentee ballot, the site kept telling me that my application was accepted, but every time I checked, it said I was not registered. I completed the process seven times, and each time with the same result -- that I was not registered for an absentee ballot. I finally got help from a real person on the phone and she was able to complete the application for my absentee ballot successfully."*
- *"Requesting the absentee ballot online required uploading a picture of my drivers license. That I could do but only a portion of my license was displayed and it did not match the full license used in the example so I thought something was wrong."*

The vastly increased satisfaction with mail absentee voting showed in contacts we received from voters.

- *In Madison, "My husband and I were able to order all of our absentee ballots for the year, which was very helpful. . . I also appreciated being able to check myvotewi to see when my ballot was received. It was recorded as received the day after I dropped it off."*
- *Also in Madison, "It would be great if there was a way to convince more voters to sign up for absentee voting at the beginning of the year. My ballot arrived very quickly from the election commission, but it also was sent out in Sept."*

We also heard from voters who appreciated the ability to go on a "permanent" absentee list as indefinitely confined.

- *In Kaukauna, "I love that my disabled husband will always get a ballot automatically."*

In contrast to the 107 voters who reported not receiving ballots in April, for this election only three voters, one each in *Madison, Milwaukee, and Stevens Point*, reported to us that they had requested but not received their absentee ballots. Unfortunately, one person was out of state and therefore was not able to vote at all.



## Ballot Return Processes

Numerous voters expressed appreciation for the improvements made by municipalities around the state to facilitate mail absentee ballot collection for voters uneasy with returning ballots by mail.

- *In **Hartland**, “I requested and received an absentee ballot, but the envelope to return it did not have an address on it, and I was hesitant to write it on the envelope because it is supposed to be stamped on it, so I took it directly to the village clerk.”*

Drop boxes were particularly appreciated, were found around the state, and, according to reports to LWVWI, were used more frequently than in April. Twelve LWVWI volunteers also reported on 19 drop boxes in about 10 communities, among many other municipalities. Not only were they more available, but municipalities shared more information about where and how to use them. Observers reported that all of the drop boxes were clearly labeled and looked secure. The vast majority were easy to locate, although in some cases signage could have been improved or the boxes could have been placed in locations with better lighting in the evening.

- *In **Madison**, “The tamper-proof temporary ballot collection boxes were awesome! So easy!”*
- *In **Green Bay**, the drop box was easily accessed from a car.*
- *In **La Crosse**, a description and photo of the ballot dropbox, security, and so on, was included with the absentee ballot mailed to voters.*
- *In **Beloit**, “it was great to have a drop box outside City Hall so that my absentee ballot did not have to go through the USPS.”*
- *However, in **Janesville** the proximity of an absentee ballot drop box next to another drop box used for other municipal purposes also created the potential for confusion among voters looking to use their community’s drop box. It is important drop boxes have clear signage to avoid potential confusion.*

At some ballot return locations, voters also could obtain witnesses if needed.

- *In **Milwaukee**, there were people available at the drop box location who were able to serve as witnesses for voters completing their absentee ballots. This is a great service for voters who might not otherwise have had a witness.*

- *In **Madison**, “Finding a witness for my absentee ballot is always a bit of an issue, because I don't like to ask someone else to do that. Democracy in the Park was very helpful to me and thousands of other Madison residents; other municipalities should consider similar events.”*
- *In **Tomahawk**, the “clerk served as a witness willingly. I live alone and otherwise would have had more trouble voting because of the requirement.”*

Many municipalities provided information on drop boxes about collection times and processes, including 63 percent of those our volunteers observed. Other municipalities did not provide information regarding drop boxes or did not give any notice to voters about when the last pick up would be, which is a particular concern on Election Day.

- *In **Milwaukee**, drop boxes indicated both intervals when ballots would be collected (e.g., every two hours), and the final collection time on Election Day.*
- *In contrast, in **Oconomowoc** the final pick up time was not noted on the signage at this “slot” in the back of City Hall outside the door to the old police department, and the voter had to speak with the clerk to ascertain the final pick up time.*

It is also important to educate voters about the drop box process and make sure they know that they must use the drop box that corresponds to their municipality, even if that is farther from their home than another box.

- *One **Brown County** voter reached out to Wisconsin Election Protection because the voter wanted to use the drop box nearest their home and did not realize (until they contacted us) that they had to use the drop box for their own municipality.*
- *“As a City of Madison ballot drop-off courier, I found dozens of ballots from outside of Madison. Hopefully most reached their destination but those collected in the last day simply could not have.”*

These improvements almost certainly contributed to the significant decline in rejected absentee ballots. Of nearly 2 million absentee ballots returned, only 4,270 were rejected, including only 0.07 percent for insufficient certification, 0.06 percent for voter ineligibility, and 0.05 percent for arriving after Election Day.<sup>4</sup> This stands in contrast to April, when 23,196 returned absentee ballots were rejected, including 1.2 percent for insufficient certification, 0.004 percent for voter

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<sup>4</sup>Election Data Report at 12.

ineligibility, and 4.5 percent for being postmarked after Election Day or arriving after the extended deadline.<sup>5</sup>

## *Early Voting*

Early voting, which in Wisconsin is a form of absentee voting, was used by almost one in five voters. While it largely occurred in person at designated locations, some communities included drive up early voting as an option. It was a vast improvement that more voters were aware of options like early voting, absentee voting, and curbside voting, but more needs to be done to ensure voters know they always have these options, not just during a pandemic.

- *As a **Green Bay** voter noted, “Good experience. Will probably vote early again if given the option”*

This year early voting posed more challenges because a few months before Election Day, a court decision restricted the time for early voting to at most the two weeks before the election.

- *On the first day of early voting, lines more than an hour long were reported in multiple locations, including **Green Bay, Milwaukee, Middleton and Racine**. There were also relatively long lines in **Madison and Oshkosh**.*
- *In **Appleton**, “the line at 0800 on the 1st day of voting stretched out onto the city sidewalk in the cold morning. Only 20 voters were allowed on the 6th floor for voting. By threes we could enter the elevator to get to the 6th floor to vote. Not physically distanced in the lobby--no floor markers--so was ‘on one’s honor’ to space out. No masks available for those without them. The entire process took 45 minutes.”*
- *A voter also reported that **Appleton** did not have early voting for the entire two week period. This was also likely true in other parts of the state.*

Contributing factors reported to us that added to the delays included a lack of trained staff available to work early voting, the compressed timeline for early voting, and limited processing capacity of WisVote. In response to those delays, some clerks, including ones in Milwaukee and Madison, made plans to have additional poll workers available for subsequent early voting days. The WEC also added additional bandwidth to WisVote to speed up processing times during early voting.

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<sup>5</sup>Election Data Report at 13.

In addition, state law requires that early voting sites be selected no fewer than 14 days prior to the time absentee ballots are available for the primary. For the November 2020 election, this meant early voting locations were required to be established by June 11, 2020. Consequently, municipalities that sought to use bigger or more convenient early voting sites in light of the pandemic and/or the decrease in early voting duration, were unable to make those changes.

- *In Milwaukee, the city had to cancel its plans to use the (large) Fiserv Forum for early voting and Miller Park for drive up early voting, because it had not listed those sites months earlier, before the city knew they would be available.*
- *An Appleton voter questioned why large facilities, such as school auditoriums or empty “big box” locations, were not being used for early voting.*

## ***Election Day Voting***

Because far more voters voted early - by mail or in person - this Election Day was quieter than in past major elections. It is also clear that elections officials worked hard to remedy failures from April - particularly regarding the lack of poll workers to staff the election.

In particular, while in April 46 percent of survey respondents reported long lines at polling places, by November only 21 percent did. In addition, nearly 73 percent of survey respondents reported there were exceptional poll workers at their polling places.

## **Change of Polling Locations**

Over the course of 2020, locations of polling places changed significantly from previous years. Many communities - most notably Milwaukee and Green Bay in the April 2020 election - moved and consolidated their polling places due to COVID-19. For the November 2020 election, officials made concerted efforts to improve staffing to keep more polling places open. For example, Madison, Milwaukee, and Waukesha increased their number of polling places so that 85 percent of polling places were open. Nevertheless, some municipalities, including Green Bay, Janesville, and Kenosha, opened less than 50 percent of polling places. Changes in polling places caused confusion for voters and poll workers alike.

- *A Milwaukee poll worker noted, “I was a poll worker and the main issue we had was that people were getting bounced around to different polling sites.”*

<u>Number of Open Polling Places in April Elections in 2018 and 2020 and in November Elections in 2016 and 2020 in the Top 10 Most Populous Municipalities in Wisconsin</u>						
Municipality	# Polling Places April 2018	# Polling Places April 2020	% Polling Places Open in April 2020	# Polling Places Nov 2016	# Polling Places Nov 2020	% Polling Places Open in Nov 2020
Milwaukee	182	5	2.7%	181	173	95.6%
Madison	87	66	75.8%	87	86	98.9%
Green Bay	31	2	6.4%	38	16	42.1%
Kenosha	23	10	43.5%	24	10	41.7%
Racine	17	14	82.4%	18	14	77.8%
Appleton	15	15	100%	15	15	100%
Waukesha	15	1	6.7%	15	13	86.7%
Oshkosh	16	14	87.5%	16	16	100%
Eau Claire	20	20	100%	20	20	100%
Janesville	10	4	40%	10	4	40%

Municipalities are required to establish the location of polling places 30 days before an election, although emergency changes are allowed. This minimum time frame is important, as it allows voters a chance to identify where they are supposed to vote and gives election officials time to update WisVote and MyVote. Unfortunately, there were a few instances reported by observers where changes to polling places were made after the 30 day deadline. For example:

- *Wingra School in **Madison** was listed as a polling place, however it was closed less than 30 days before Election Day, and lacked signage to redirect voters to the correct polling location.*
- *The Sunnyview Exposition site in **Oshkosh** had been converted to a COVID-19 testing site and the wards absorbed into the polling place at Oshkosh Elks Lodge.*

## Public Health/COVID Safety

Public health and safety were of critical importance for poll workers and voters who chose to vote in person. Organization of and supplies at polling places were much improved since April, and most poll workers and voters observed appropriate safety protocols. For example,

- 367 polling sites offered hand sanitizer to voters.
- 36 locations offered masks to voters who did not have them.
- *Lodi had a dedicated voting booth sanitizer volunteer.*
- *In Greenville, all staff were wearing masks and plexiglass barriers were in place between workers and voters.*
- *In Antigo, in addition to plexiglass, a disposable Q-tip, rather than the voter's finger, was used to use the voting machine and voters were given clean pens to sign the poll list.*
- *In Cottage Grove, they asked voters to use hand sanitizer and cover their fingers with a tissue before signing the Badger Book screen.*
- *At one site in Fort Atkinson, there were marks on the floor to help with social distancing.*
- *In Green Bay, the Packers' Tailgate Village at Lambeau Field and Bay Beach amusement park - both larger facilities - were used as polling places.*
- *In Bayfield a voter reported, "Our polling place Layout was at least double its usual size to allow for social distancing and extra protection measures."*

On the other hand, there was non-compliance with COVID-19 safety protocols in a number of locations. For example, while the WEC determined that voters could not be forced to wear masks, it required poll workers to do so. That did not always occur. For example:

- At 45 polling sites it was reported that poll workers did not have methods set up to maintain social distancing.
- At 81 sites observers reported that the poll workers were not sanitizing stations regularly.
- *At polling sites in locations including Appleton, Grafton, Green Bay, Hudson, Knapp, and South Milwaukee, and the towns of Lessor, Stanton, Waterford, Farmington and*

*Newport*, observers and survey respondents reported that poll workers were not wearing masks.

- *At a polling place in **Rock County**, “two people with Covid-19 came into the polling place. The Chief Inspector asked the two people to immediately leave through the back door (which meant they walked through the building) and then closed the polls while the Chief Inspector and another poll worker went outside with them to let them vote. They cleaned surfaces after the two people left. Polls were probably closed for about 10 minutes.”*

Half of those who responded to the survey and voted in person were at sites where they reported there was an innovative layout of the polling place allowing for safe social distancing.

Nevertheless, there were 36 reports that some polling sites were just too small for social distancing, and efforts to distance required voters to wait outdoors. For example,

- *At one **Milwaukee** location, “There was a line outside. Fortunately, it moved rather quickly and the weather was good. The process went smoothly. It took about an hour overall to wait in line and to vote. My biggest concern was the air quality in the building where I voted. It seemed ‘stuffy’ and I was concerned about Covid-19 transmission due to poor ventilation.”*
- *At a **Madison** location, “People were literally standing smashed together. There was room in the hallway for voters to wait with 6 feet between them, but no attempt at social distancing inside the voting room. Even under non-pandemic conditions, this tight space cannot accommodate all the polling place functions.”*
- At eleven percent of observed sites, because of Covid distancing, there was no place between 3 and 8 feet from poll workers for observers to sit.

## Polling Place Organization

Signage both inside and outside of a polling place provides important instructions for voters attempting to cast their ballot on Election Day. Outdoor signage, when done well, directs voters to the polling place, helps voters find accessible entrances, and helps voters utilize curbside voting, if needed. This was not, however, always present.

Of the sites observed:

- 53 sites did not have obvious signage outside of the polling place

- 85 sites did not have clear signage distinguishing registration lines from voting lines;
- 72 sites did not have clear signage showing ward boundaries.
- *An observer also assisted a voter at one dark and vacant-looking **Milwaukee** site, helping the voter find the polling place entrance on the far side of the building. There was not any signage to show where the entrance was. Without the observer's help, the voter would not have made it inside the polling place to vote before 8 pm.*

Even though the number of in person voters on Election Day was lower than in past years, there were still a considerable number of reports of lines at polling sites. Eighty seven of the observed sites had more than 15 voters waiting to vote, 37 had more than 10 voters waiting to register, and 26 had long lines for both registration and voting.<sup>6</sup> Some locations were significantly worse. For example:

- *In **Appleton**, "I had arrived about 11:30am and approximately 100-125 voters were waiting. This location had the most poll workers of the 4 I saw but clearly not enough. Once an additional station was opened the line began moving more quickly."*
- *In **Greenfield**, two sites had long lines of 150 or more people waiting to vote. At one site the line wrapped around the block.*
- *A **Janesville** voter waited 1 hour and 15 minutes to vote over the noon hour.*
- *In **West Allis**, there were more than 200 people in line to vote.*
- *In **Grafton**, "the line was long because the site is too small. In trying to maintain social distancing, only a few people were allowed in at a time. There did not appear to be any effort to efficiently sort the waiting voters by ward that might have helped move it along faster."*
- *In **Evansville**, registration stopped for about 30 minutes because they ran out of registration forms and had to wait for them to be brought from City Hall.*
- *In **Newport**, they ran out of ballots. The copies that were made would not work in the machine, so some voters had to wait until the clerk came back with more ballots.*

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<sup>6</sup>The communities with one or more polling places observed to have long lines for both registration and voting were Appleton, Baraboo, Beloit, Colfax, Evansville, Fort Atkinson, Glendale, Grafton, Greenfield, Hobart, Janesville, Middleton, Milwaukee, Oconomowoc, Pleasant Prairie, Racine, Verona and West Allis.



- *A **Fort Atkinson** voter suggested a need for better signage to separate registered from unregistered voters.*
- *A **Milwaukee** site opened late, and later in the day had long lines. The site would have benefitted from splitting the poll books.*

Unfortunately, lines can lead to people not voting.

- *In **Menomonie**, there were voters waiting an hour or more and complaints that same day registrants were being allowed to jump in line and vote ahead of those who are already registered. One voter saw a number of people leave the line because they couldn't wait any longer.*

Some polling places had helpful methods to decrease waiting time to vote.

- 377 observed polling places had a designated greeter, which was helpful with line management, assisting voters to navigate the space, and helping redirect voters who were at the wrong polling place.
- *In **Cross Plains**, “there are social distancing guidelines and someone directing the line to the correct check in line based on the first letter of their last name.”*
- *In **Racine**, they added more poll workers and registration tables to speed up the line.*
- *In **Cudahy**, poll workers were talking to people in line and moving them to the correct section of the polling place for their ward.*
- *In **New Franken**, there were marks on the floor to show where to stand, separate lines for registering and voting, and chairs for people needing them if there was a line.*
- *In **Kenosha**, more poll workers were sent to assist at a site with long lines.*

## Election Workers

In sharp contrast with April’s election, in which the number of poll workers plummeted due to the pandemic, many municipalities made heroic efforts to ensure that polling places would be well-staffed and that the election would run smoothly in November. Their efforts showed in compliments we received from voters.

- **Door County:** *“In my county, I thought the officials did a careful job of planning and executing our polling. I did not hear of ANY issues here. Kudos to them!”*
- *“The **Sister Bay** clerk was exceedingly helpful. Many of our friends who voted early or by mail commented on how easy she made the process.”*
- The **Madison** clerk *“and her staff deserve the highest of awards for their commitment to making the vote accessible to all citizens. Their creativity, compassion, and incredible hard work are inspiring and provide a model for what democracy means.”*
- *“I really appreciated the commitment of **Ashland City and Ashland County** in making sure all questions were answered in the period leading up to Election Day. And of course, their absolute commitment to making sure everyone was able to vote and all votes were counted.”*
- *“The City Clerk in **Glendale** was fantastic about sending information online and through the mail about voting.”*
- *“I am grateful for the service of the poll workers and in particular for the service of the director of the **Milwaukee Election Commission**. My husband and I wanted to send her flowers. I am grateful that Milwaukee was able to provide adequate polling locations even in the face of a pandemic.”*

Nearly every observer reported that the poll workers were generally professional, welcoming, and helpful (reported at 487 of 500 observed sites). Voters as well as observers were very appreciative of the efforts of poll workers.

- *In **Glendale**, poll workers were courteous and detailed in the explanation of the voting process.*
- *In **Menomonie**, “It went great. Friendly and professional workers. Plenty of space. Short wait times. New pen to use on the paper ballot I asked for.”*
- *In **Milwaukee** there was cross training of positions, to allow new poll workers - including many young poll workers - to experience all duties whenever possible, positive attitudes and veteran poll workers thanking new workers. There were also many helpful, organized and knowledgeable chief inspectors reported.*
- *At a **Milwaukee** site, poll workers applauded every new voter.*

- *In **Madison** someone was so appreciative that they sent pizza for the poll workers.*

Despite these efforts, however, observers at 30 polling sites reported that there were not enough poll workers to handle the volume of voters.<sup>7</sup> COVID-19 played a role in reducing the number of available workers, and it is important that clerks have reserve staff to call on to fill in when there are shortages.

- *In **Evansville**, a “Chief Inspector told me that 5 of their usual poll workers were unable to work today because they had been exposed to COVID-19 during early voting last week.”*

Observers also reported poll workers at 20 sites having political conversations among themselves or with voters.<sup>8</sup> In addition, in **Green Bay**, a poll worker openly questioned the chief inspector about how to tell if a voter was an “illegal immigrant.”

## Registration

Proof of residence requirements were confusing to some voters and poll workers as well. While generally most voters were able to register and vote, the requirements for and limitations on proof of residence documents led to some confusion and did keep some voters from voting.

- *In **Milwaukee**, a group of students attending a private religious academy (not a regular college) came to the polling place and wanted to register. They were from out of state, did not live in dorms or apartments, and did not have things like utility bills or other listed proof of residence documents. The dean of the school came to the polling place and tried to get poll workers to register these students. However, the dean did not have any authorized proof of residence documentation either. In the past, the dean could have corroborated the residence of these students, but in 2020 the law did not allow him to do so. Therefore the students could not register or vote.*

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<sup>7</sup>Appleton, Brookfield, Cudahy, Deerfield, Elkhorn, Glendale, Grafton, Hudson, Janesville, La Crosse, Lake Geneva, Milwaukee (one site), Pleasant Prairie, Racine, Verona, Watertown, Wauwatosa, and West Allis (5 sites).

<sup>8</sup>This included sites in Beloit, Brookfield, Glendale, Grafton, La Crosse, Madison, Menasha, Milwaukee, New Glarus, Oconomowoc, Oshkosh, Racine and Ripon.

- *A **Milwaukee** voter had recently moved and was staying with his mother; he had proof of residence at his old address, but not his mother’s address. He was unable to register or vote.*
- *Another **Milwaukee** voter produced a promotional mailing, which was not accepted as proof of residence. The poll worker did not ask about electronic documents. An observer spoke to the voter outside the polling place and discovered she had an electronic utility bill, which she was able to use.*
- *In **Green Bay**, a caregiver brought a voter living in a group home to the polls, but the voter did not have proof of residence.*
- *A **West Allis** voter did not have proof of residence when he went to vote, and apparently was not able to get proof of residence at home and return to the polling place to register and vote.*

## Provisional Ballots

While use of provisional ballots in Wisconsin remains low, there appears to have been an increase in the use of provisional ballots in 2020. According to the WEC, 333 voters cast provisional ballots due to the lack of an ID and 187 due to the lack of a driver’s license number. Only 147 of these 520 ballots were cured and counted.<sup>9</sup>

Cure rate of provisional ballots varies by community as does follow up with provisional voters. In some communities, groups like the League of Women Voters of Dane County actively work with clerks after election day to provide voters assistance with curing their provisional ballots.

## In-Person Voters with Absentee Requests

Poll workers at multiple sites were confused about what to do if a voter came in and wanted to vote when they had already been issued an absentee ballot but had not returned it yet. While these voters were clearly eligible to vote, some locations improperly imposed additional requirements. For example:

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<sup>9</sup> Wisconsin Elections Commission, 2020 General Election (EL-190F) Election Statistics Report 2021-02-04, see spreadsheet at: <https://elections.wi.gov/node/7299>

- *In **Oneida**, a voter was incorrectly told that they would not be allowed to vote unless they turned in their unvoted absentee ballot.*
- *In **Waukesha**, the Chief Inspector called the clerk to check whether every voter who had been issued an absentee ballot had returned it before allowing the voter to vote at the polling place, rather than accepting the voter's affirmation that the ballot had not been returned.*
- *In **Janesville**, a voter brought her unvoted absentee ballot with her. The Chief Inspector took the absentee ballot and put it in a sealed envelope in the safe to wait for the Clerk to provide instructions on how to handle the situation.*

## Electronic Poll Books

Observers noted 85 sites that used electronic poll books, known as Badger Books. This was a significant increase from the nine polling sites, primarily in small communities, who used Badger Books during the 2018 general election. In general, the process worked smoothly.

Observers reported that a major improvement in the Badger Books was that voters could now see their address on the sign-in screen when attesting that their registration information is current.

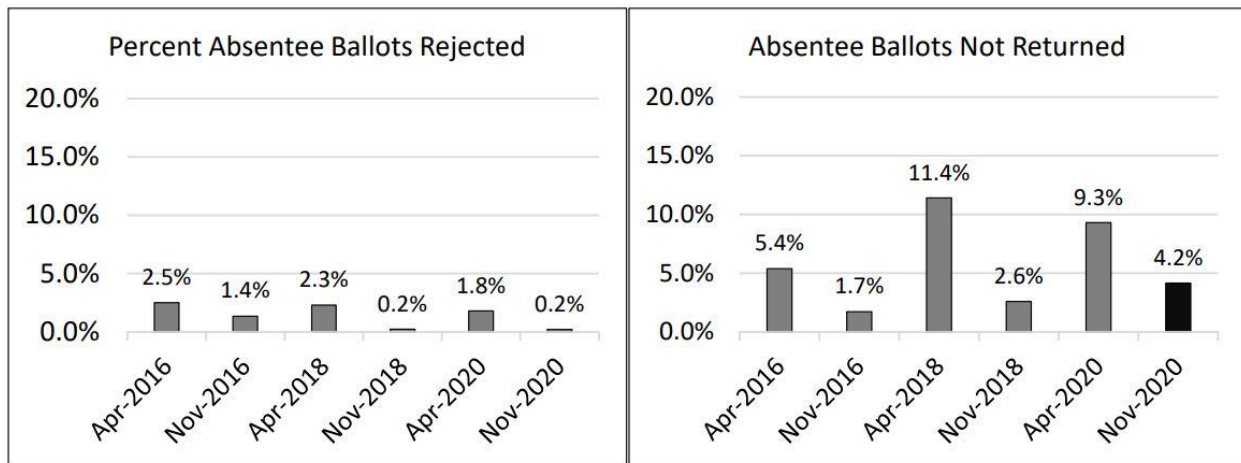
- *In most sites, there were enough stations for the number of voters. However, at some locations in **Appleton, Beloit, Franklin, Lake Geneva, Middleton, Milwaukee, Pleasant Prairie, Racine, Verona, and West Allis**, there were not enough Badger Book stations to serve voters.*
- *In all but three sites, observers indicated that poll workers appeared comfortable with the equipment, but in **Racine and West Allis** not all the Badger Books were working - which also may have contributed to reports of insufficient voting stations.*
- *In **West Allis**, a poll worker said using more Badger Books just slowed down the internet.*
- *In **Portage**, a voter reported that a barcode scanner was not working properly. This was the only site where that or any similar problem was reported.*

Observers also noted that the Badger Books were helpful in redirecting voters who showed up at the wrong polling site.

## Absentee Ballot Counting

Because of the unprecedented number of absentee voters, poll workers played a much bigger role in counting absentee ballots than in any other previous election. As Wisconsin law prohibits municipalities from counting absentee ballots until Election Day, the large volume of absentee ballots in many communities kept poll workers working diligently throughout the night and into the next morning to ensure every eligible ballot was counted.

The work of elections officials and voters alike to properly complete and process absentee ballots is demonstrated in the significant decline in the percentage of absentee ballots that were rejected from April to November.



Source: Election Data Report at 13.

The vast majority of municipalities count their absentee ballots at the voter's polling place; however, as permitted by Wisconsin law, 39 municipalities utilize a central count location where all of the municipality's absentee ballots are sent to one location to be processed and counted.<sup>10</sup> LWVWI observers monitored both absentee processing at some polling places, and at 22 central count locations. Many other observers were also monitoring the process, and were at 21 of these 22 central count locations.

Observers commented on the transparency of the process and professionalism of the poll workers. For example:

- In **Beloit**, "Everything is going pretty well here. The people processing the work all seem very capable and ethical."

<sup>10</sup> A full list is at Central Count Absentee Ballot Municipalities, Wisconsin Elections Commission, <https://elections.wi.gov/clerks/guidance/central-count-absentee> (accessed 2/2/2021).

- *In **Brookfield**, “This site seems very well organized.”*
- *In **Germantown**, “Great election officials make things run smoothly.”*
- *In **West Allis**, “This place is being run smoothly and with open transparency.”*

Municipalities have some flexibility in setting up their central count locations and establishing specific central count procedures. Variations in setup included using one room or multiple rooms to process the absentee ballots. Of course, there was a large variation in the number of staff at the central count locations because of varying municipality size, ranging from three poll workers in Brookfield to as many as 100 poll workers in Green Bay.

Observers paid particular attention while election workers inspected absentee ballot certificates to identify any deficiencies that would cause a ballot to be set aside to be rejected. Some municipalities, such as Greendale, had presorted the absentee ballots and set aside those identified as to be rejected. The ballots appropriately set aside included those with certificates missing voter signatures, witness signatures, witness addresses, and ballots that were rejected because the voter had died after sending back the absentee ballot.

For ballots rejected due to problems with certificate envelopes, voters had until 8 p.m. on Election Day to cure those certifications, although on or in the few days before Election Day the voter must bring the original witness with them. Wisconsin law does not require clerks to contact voters to correct deficiencies, and some lacked procedures to notify voters and facilitate correction of such errors. Municipalities are, however, allowed to contact voters to notify them of problems, and some did so.

- *For example, **Pleasant Prairie** mailed deficient ballot envelopes/ballots back to the voter for correction prior to Election Day.*
- *In **Kenosha**, election officials contacted everyone with certificate envelope deficiencies at least 2 times.*
- *In some municipalities, such as **Neenah**, one of the central count workers would leave the room to call the person whose ballot was rejected to alert them.*
- In some cases, volunteers also assisted in reaching out to voters.

Observers witnessed several voters who were able to come in and correct their absentee ballot certificates.

Observers also paid particular attention to the process followed for any ballots that needed to be remade - according to the voter's intent - because of overvoted or damaged ballots, or for reasons such as processing ballots that had been emailed or faxed to military and overseas voters.

## Accessibility

All eligible voters have the right to cast their votes privately and independently and to be sure their vote is counted. This is true even if the voter is in a care facility, or if a voter is purportedly incompetent but a judge has not taken away the right to vote. We received one report that:

- *In West Allis, a family member had claimed a woman was incompetent. The Clerk appropriately researched the situation and learned there was no judicial determination of incompetence. The woman was able to have her vote counted.*

One of the most important roles of clerks and poll workers is to ensure voters of all abilities are able to access their right to vote - whether they choose to vote absentee or in person. One problem for voters with disabilities is the lack of accessible mail absentee ballots. As a voter noted:

- *“Since I am legally blind and the ballot is available in a paper form, I was unable to vote without assistance. While my municipality offers a braille ballot, I did not choose this option. The majority of people with vision loss are not braille readers. Additionally, uploading the ID on my vote is very challenging for those who cannot see. I needed assistance with this task as well.”*

For voters with hearing impairments, communication can be an obstacle. Many polling sites had writing implements or signs to assist with communication.

- *In Delavan and Hartford, there were poll workers fluent in American Sign Language.*

Some locations also had helpers designated to assist elderly persons and persons with disabilities.

It is also important that voting locations provide accessible parking.<sup>11</sup> One of the most common complaints about accessibility was polling places not providing paths of travel that are free of obstacles and navigable for those using mobility devices.

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<sup>11</sup> Twenty polling sites did not have clearly marked accessible parking spaces: Black Earth, Fitchburg, Fort Atkinson, Hudson, Keshena, Knapp, Madison, Milwaukee, Monroe, Racine, Waterford, Whitefish



## Accessible Supplies and Equipment

One key component of making voting accessible is having accessible voting equipment at all polling locations. Unfortunately, not all municipalities have consistently made the accessible voting equipment available.

- A voter from **Sturtevant** commented “For the first time my polling place had accessible voting booths for people with disabilities.”
- At 10% of polling sites observed by specially trained volunteers, it was not clear to observers if the accessible voting equipment was set up and available for voters to use,<sup>12</sup> which means it was likely more difficult for voters to identify accessible equipment.
- At 7% of polling sites observed, the observer reported that the accessible voting equipment was set up, but in a way that did not give voters privacy.<sup>13</sup>

On the other hand,

- **Janesville** ensured that the accessible voting equipment was available for all to use for all in-person early voting.
- In **Milwaukee**, touch screen devices were easy to use and poll workers also clearly explained how to use them.

In addition, the WEC offers clerks various informational materials and supplies to make voting more accessible. These materials include assistive tools for visually impaired voters, communication cards, magnifying glasses, and curbside voting signs. Dry erase boards for

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Bay, Whitewater, Wisconsin Dells. Two polling places, one in Hudson and one in Milwaukee had neither an accessible parking spot nor an accessible passenger drop-off area.

<sup>12</sup> The following municipalities had some polling sites where it was unclear if the accessible voting equipment was set up: Baraboo, Brodhead, Elkhorn, Fox Point, Green Bay, Janesville, Keshena, Lima, Town of Dunn, Mequon, Middleton, Milwaukee, Monroe, New Glarus, Oak Creek, Oshkosh, Racine, Ripon, Sheboygan, Sheboygan Falls, Superior, and Whitewater.

<sup>13</sup> The following municipalities had some polling sites where the accessible voting equipment was set up in a way that did not allow the voter to vote privately: Beloit, Fitchburg, Green Bay, La Crosse, Lodi, Madison, Middleton, Milwaukee, Oak Creek, Palmyra, Ridgeway, Sheboygan, Stoughton, West Allis, and Wilmot.

communicating and extra seating are also helpful supplies to have on hand at polling sites to make the voting process more accessible.

- At 63 percent of polling locations observed, observers saw at least one of these supplies available for voters. The most common resource was extra seating, available at 57 percent of polling sites observed. The least common was magnifying glasses, available at 25 percent of polling sites observed.

## Curbside Voting

Wisconsin law requires that curbside voting be an option for persons with disabilities. As a *Deforest* voter noted:

- “I was able to cast a drive up vote. Poll workers came out to me with my ballot and turned it in for me.”

Not all voters were aware of this option. For example, a *Whitefish Bay* voter wished that curbside voting information had been published on the village’s website along with the other voting information.

It is also important that the voter be able to *access* curbside voting. Observers at 328 (76 percent of observed sites) sites reported that the poll workers at the polling place did have a plan in place to facilitate curbside voting. These included such options as:

- *In Appleton, there was a push button to alert poll workers.*
- *In Janesville, among other locations, there was a greeter at the door.*
- *In Beloit, there was a sign facing the parking lot with the number to call.*
- *In Waukesha, a sign that was on a building was moved to the location of the accessible parking space.*
- *In Racine, someone monitored an outdoor security camera to watch for curbside voters.*
- *In Bayfield, the voter was directed to honk their horn and a poll worker would come outside.*

- *In **Madison**, there was a doorbell on a post with instructions in English and Spanish; when rung, poll workers went to the car and checked voter registration and ID, then retrieved the ballots for the voters.*

Some locations did more to encourage drive up voting due to the pandemic.

- *In **Evansville, Fitchburg and Madison**, poll workers were stationed outside to assist curbside voters.*
- *At a site in **Kenosha**, there were clearly marked lanes and a tent for poll workers.*
- *In **Dodgeville**, there was a garage-type space that people could use for drive through voting.*

However, having a plan to offer curbside voting does not necessarily mean that curbside voting is accessible to voters. In addition, some locations made it more difficult for voters to vote curbside.

- *In locations including **Brown Deer and Fort Atkinson**, voters had to ask a friend, relative or some other person walking into the polling place to notify poll workers of curbside voting needs.*
- *At a polling place in **Rock County**, the sign with information on whom to call for curbside voting was on a small, hard to read piece of paper taped to the door.*
- *In a **Kenosha** site, the sign about curbside voting was inside an entryway, which therefore required a voter to get out of the car to find the information.*
- *At locations including **Caledonia, Monona and Stoughton**, there was no information posted about curbside voting.*
- *In **LaCrosse**, election officials explicitly expressed concern that if they put a sign out about curbside voting, people who might not need to vote curbside would use it. They refused to place signs anywhere but on the polling place doors, so that curbside voting information was not visible from where a driver parked.*

Of note, some municipalities had plans for curbside voting that differed from one polling place to another within the municipality. Clerks should ensure that all polling places in their municipalities have plans to facilitate curbside voting that are truly accessible.

# Misinformation & Intimidation

There always is some confusion during election season, but the amount of confusion and misinformation was heightened by the fact that many voters had not voted absentee by mail before 2020 and were unfamiliar with the rules, and by exposure to mis- and disinformation concerning Wisconsin election laws in the media and on social media.<sup>14</sup>

One point of confusion was from voters who had requested mail absentee ballots and either did not receive them or decided they wanted to vote in person instead. As noted above, some voters - and poll workers - incorrectly thought this was impermissible, especially if the voter did not bring the unvoted ballot to the polls. Conversely, there were also voters who, due to misinformation in some media, questioned whether they could vote in person on Election Day even if they had returned their ballot, if the ballot had not been listed as received in the MyVote database, something Wisconsin law does not allow.

Other voters did not previously understand that in Wisconsin, early voting is a form of absentee voting. For a few voters, this realization also led to concern about early voting.

- *“I did not understand that early voting meant I was going to complete an absentee ballot at that time. I now understand that there was no benefit for me to have done this. It would have been safer for me to drop off my ballot. I voted in person because I was afraid of my ballot not getting counted. My decision was affected by [a candidate’s] claim that there was going to be ballot fraud.”*

There also were questions and comments about signature matching. Unlike some other states, Wisconsin does not have a “signature match” requirement. (The law requires a signature on an absentee ballot envelope, and on a poll list when voting in person, but there is no “match” required). Thus, we received comments such as the following from a voter who did not understand that this was not required.

- *“A few years ago I started with a condition called Essential Tremors, what makes my hand shake when I write. That is why I went to early vote in person, so they could check thru my ID that it was me. But then I kept thinking, what if, when they start counting the votes, my signature doesn’t match? I heard that some votes were invalidated because of that.” - A **Shawano** voter.*

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<sup>14</sup> Our role did not include taking calls from voters after the election, but we note with concern the extensive, post-election mis- and dis-information about Wisconsin’s election rules and processes that occurred more broadly in the media and social media.

There also were isolated reports of other misinformation. One *Milwaukee* voter, for example, reported that his father had been “called from a mysterious number and was told to stay home multiple times.”

There were a few complaints of voters wearing political clothing to the polls. There also were a few complaints of observers and third parties behaving in an intimidating manner, although far fewer incidents than some had predicted before Election Day.

- *In **Brown Deer**, a partisan observer kept “hovering” near poll workers and the absentee count area.*
- *In **Green Bay**, a partisan observer attempted to interfere with the delivery of a ballot box to central count, and accused the election worker - a person of color - of being a "third-party plant" who was trying to "steal the election." That observer was ultimately removed from the polling place.*
- *In **New Franken**, there was a voter with a firearm at a polling place.*
- *In **West Allis** there were anti-abortion activists with a megaphone standing within 10 feet of the line of voters outdoors.*

The most common complaint of intimidation, however, involved police officers stationed outside or inside polling places. While most communities did not have police at polling sites, those that did caused great concern.

- *We received numerous complaints from **Kenosha** about police sitting in squad cars outside of polling places. The voters and observers felt this was intimidating, especially in light of the protests against police which had occurred after the Jacob Blake shooting.*
- *In the town of **Campbell**, “1-2 police officers were acting as gatekeepers between the registration table, check in table and the polling booths. They were standing in the middle of the walkway only moving aside when someone had talked to the check in staff and had their info ready. They multiple times had to move out of my way while staring at me, without saying a word. This is intimidating and as a brown latinx person I know they would intimidate other people if they were just voters and not staff like myself.”*
- *In **Mequon**, “two auxiliary officers entered the polling station and hung around for 5-10 minutes. The Chief Inspector seemed uncomfortable with it and wanted them to sign in as an observer which they were unwilling to do. I asked them what they were doing here and*

*they said they were just checking to ensure that everything was calm. It all felt a bit uncomfortable.”*

- *We also received complaints of police in or near polling places in **Appleton, Baraboo, Dodgeville, Hobart, Lodi, Menomonee Falls, Milwaukee, Neenah, Pleasant Prairie, Racine, Sheboygan Falls, and Watertown.***

## ***Recount***

On November 19, the WEC ordered a partial recount of presidential election results in Dane and Milwaukee counties. LWVWI, as well as the parties, observed the recounts. Observers witnessed ballots being challenged and reported that the proper procedures were followed as decisions were made about challenged ballots.

Tensions were high during the recount and observers reported a few concerns about potential intimidation. For example, in Dane County, COVID-19 public health protocols were not universally followed, leading some observers and election officials to feel unsafe. In Milwaukee County, an LWVWI observer witnessed a partisan observer removed from the recount for being aggressive towards election officials and other observers.

During the recount process, there are no formal guidelines for allowing nonpartisan or independent observers to observe the process. This caused some confusion and led to a lack of access to monitor some portions of the recount process. This confusion over the role of nonpartisan observers did not hinder the ability of partisan observers to participate in the recount.

## ***Post Election Equipment Audit***

Post-election equipment audits of the voting equipment used in Wisconsin are required after each general election to ensure the equipment used in the election accurately counted ballots on Election Day. The audit is performed by election officials conducting a hand count recount of the ballots and races selected for audit. The WEC is responsible for determining the scope of the audit and determined that the audited sample size should include:

- At least 5 percent of statewide reporting units
- At least one reporting unit in each county

- At least 5 samples from each piece of voting equipment approved for use that records and tabulates votes

LWVWI staff observed the WEC staff randomly select the reporting units to be audited. In total, 190 reporting units in 166 municipalities were selected to be audited. Races selected for audit included:

- President/Vice President
- Congressional Representative
- State Senate or County Clerk (in reporting units where State Senate was not on the ballot)
- Assembly Representative.

Information on the times and locations of the post election equipment audits was not always readily available on municipal websites. Some municipal clerks did not respond to requests for information, or only responded after the audit had already occurred. Information was also difficult to find on municipal websites. A few municipalities even inaccurately stated that they had not been selected for audit. Despite the hurdles to find information on the time and location of the audits, LWVWI observers observed nearly a quarter of the post election equipment audits. The observed audits included seven different types of voting equipment used in November 2020, from ES&S, ClearCast, Dominion, and Sequoia Voting.

Observers reported that all auditors worked with at least one other person, and sometimes in groups of up to five persons. At most of the audits observed, election officials used the WEC’s recommended ballot sorting method to conduct the audit.

In addition, election observers were very impressed by the way the audits were conducted in the overwhelming majority of municipalities. For example:

- *In La Crosse, “The counting teams worked for hours on end never giving up. The environment was professional and the lead people were extremely efficient and competent.”*
- *In Harmony, there was “Excellent work by the participants at the Town. Everything was accurate that was checked and the clerk is doing a great job. It was well organized and went very smoothly. It was a positive experience for me to see our local voting processes first hand and that the machines are working well.”*

The only machine-related issue was observed during the *Oshkosh* audit of the Dominion - ImageCast Evolution machine. Observers witnessed election officials discover a small discrepancy between the audit count and the Election Day count for the State Senate race, one

which did not alter the outcome. The issue arose because apparently the machine may have incorrectly counted ballots that had a fold over the write-in line as write-in ballots, leading the machine to read them as an overvote. In this one situation, likely due to a training issue, rather than remaking the ballots a poll worker overrode the equipment and those ballots were counted. This discrepancy was reported to the WEC for any additional investigation.

## ***Recommendations***

Wisconsin should celebrate our high voter turnout for the November 3, 2020 election. It is clear that Wisconsin is doing a great job of allowing people to vote, whether in person or by mail. Many lessons were learned from the April election, and in November voters experienced greater access despite the pandemic. The hard work of election officials, voters, and voting rights groups led to this significant improvement in access, and Wisconsin should continue this strong commitment to greater civic engagement and voter participation.

## ***Recommendations for Absentee Voting***

Between the April and November 2020 elections, the WEC made a number of improvements that clearly facilitated absentee voting by mail - including a number of recommendations raised in our report on the April election,<sup>15</sup> from sending absentee ballot applications to setting up a system for ballot tracking. These should be continued and in some cases expanded.

### **Facilitate Absentee Ballot Application and Return**

The WEC's decision to send applications for absentee ballots to all registered voters - and to do so well in advance of the November election - was a great success. At least for as long as the pandemic continues, the WEC should consider continuing to send those ballot applications to voters at least 60 days before any election. The WEC should also consider sending reminders to voters (other than indefinitely confined voters) of the need to reapply for absentee ballots each calendar year.

It is also important to retain the option for "indefinitely confined" voters to self-certify. The WEC's own materials made clear that the vast majority of voters who were so confined were not

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<sup>15</sup> [https://www.aclu-wi.org/sites/default/files/field\\_documents/april\\_7\\_2020\\_election\\_report\\_1.pdf](https://www.aclu-wi.org/sites/default/files/field_documents/april_7_2020_election_report_1.pdf)



using it as an excuse to avoid obtaining ID: they already had valid identification on file, and two thirds of those applications came from elderly voters.<sup>16</sup> It is also entirely possible, if not likely, that the increase in the use of this status in 2020 was in part related to the fact that special voting deputies were not used and thus residents of nursing homes and care facilities - persons who are clearly confined - had to apply for absentee ballots. In order to protect the rights of these voters, the indefinitely confined status must be retained as is.

The addition of intelligent mail barcodes on the envelopes used by clerks to mail voters their absentee ballots was a resounding success. They allowed for greater transparency and allowed voters and election officials to identify if there was an issue transporting the ballot to the voter. Intelligent mail barcodes should also be utilized on the envelopes voters use to mail their ballots back to their municipal clerk, allowing for voters and election officials to better track absentee ballots on the return trip to be counted.

Wisconsin unfortunately lacks ADA-compliant accessible mail absentee ballots, such as ballots that can be used with screen readers. Voters who have visual impairments or other disabilities and are unable to physically mark a ballot lack equitable access to private, independent mail absentee voting. Under current Wisconsin statute, absentee ballots may not be transmitted electronically, except to overseas and military voters. The WEC must be authorized to develop a screen reader accessible, ADA compliant absentee ballot which can be electronically sent to the voter to allow voters with disabilities, including those who are blind or low vision, to vote privately and independently.

Finally, one of the most successful improvements for absentee ballot returns was to provide secure drop boxes where voters who are, for whatever reason, concerned about mailing back their ballots, can deliver them in a timely manner. We encourage communities to continue to use these drop boxes; for larger communities to provide multiple drop boxes easily accessible to various neighborhoods; to ensure that instructions are posted in multiple languages, in communities with limited English proficient voters; and to ensure that the last election day drop box pickup time is posted and readily visible to voters choosing to use a drop box.

## **Ensure Absentee Ballots Count**

The absentee ballot tracking function WEC developed on MyVote is important and helpful to allow voters to monitor their applications and ballot processing and to keep track of any delays or problems. That said, the mail absentee process is complicated and confusing for some voters, and there are at times errors and omissions on the ballots. While some clerks notify voters of

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<sup>16</sup> Election Data Report at 17-18.

those mistakes and of opportunities to correct them, that notification is neither mandatory nor universal. To help ensure that votes count, we encourage WEC to develop guidance for all clerks to monitor returned absentee ballots, notify voters of any errors on the certification envelopes, and train clerks and central count election officials on how to assist voters in correcting their ballots. It is particularly important that this be done for ballots received before the absentee ballot application cutoff date, as that would more easily allow a voter to spoil the prior ballot and vote a new absentee ballot (such as at early voting). We recognize that this is an additional task, but particularly given the low rate of improperly completed certifications in this election, it should not be unduly burdensome and is a critical task to help ensure that voters' ballots count.

## *Recommendations for Early Voting*

Early voting opportunities are also critical to allow voter participation and to ease the burden on polling sites on Election Day. We urge the state to consider expanding this option to allow municipalities who are most familiar with their own voters' needs to expand the time period during which early voting is allowed.

We also recommend changing requirements that prohibit changing early voting locations after the initial deadline has passed. Just as Election Day polling places may need to be changed in emergency or unforeseen situations, the same may be true of early voting locations. Municipalities should be given the option to change early voting locations under such circumstances, at least up until 30 days before the early voting period begins. If this is permitted, the WEC should ensure clerks are aware of this new deadline.

Another option that proved successful in this election was drive-up early voting locations, which were, in the pandemic, safer for voters and poll workers, and very convenient for voters. We also urge municipalities to consider such opportunities in the future.

Election officials who work at early voting sites must be trained on specific early voting procedures that do not apply on Election Day. It is important for municipal clerks to ensure they have enough properly trained staff and back up staff to handle the volume of early voters.

Finally, due to reports of WisVote slow downs at the beginning of every early voting period, which lead to long lines during early voting, we encourage the WEC to consider increasing WisVote processing capacity in advance of the start of early voting to avoid these slow downs in the future.

# *Recommendations for Election Day Voting*

## **Enhance Staffing**

Especially at busy locations, encourage or require clerks to ensure that sites have adequate staff to provide greeters to ensure voters are in the correct polling place, the correct line for registration, and, in multiple-ward sites, in the correct line for voting. This election showed that outreach efforts to ensure enough election officials are recruited to serve on Election Day can be successful, and it should be continued and expanded. Seeking to recruit young people, bilingual workers, and persons with disabilities as poll workers should be of particular emphasis.

Municipalities should also have supplemental or on-call staff available on Election Day to deal with unexpected contingencies, such as unusually long lines or, as this year showed, poll worker illness.

## **Facilitate Splitting Poll Books**

At busy polling sites, splitting the poll books shortens lines and facilitates the voting process. Before each election, and especially before general elections, communities should determine which polling sites are expected to have the highest turnout, obtain additional staff, and split the poll books in advance. Communities should also have supplemental staff available to deploy to additional polling sites if splitting the books at additional sites is needed.

## **Improve Polling Site Layout and Location**

Clerks and chief inspectors statewide should give careful evaluation to the ability of their poll sites to accommodate voters in large turnout elections. This must include consideration of persons with mobility problems, the protection of voters from waiting in inclement weather, and the provision of privacy in the completion of the voting process. While care should be given to moving poll sites from their expected location to a new site, creative use of existing facilities can make voting much easier. An analysis of existing poll sites throughout the state should be encouraged well in advance of Election Day.

Proper and helpful signage is a great asset to a polling place. Signage should be visible – especially during busy times – and used to direct voters to the proper line. It would be helpful for signs/instructions to help voters in line to register to get started with a registration form and to have

their proof of residence documents (including electronic documents) ready when they get to the registrar.

Finally, although consolidation of polling places was less dramatic in the November election than the April election, voters still experienced a significant reduction in the number of polling places in communities across Wisconsin. To avoid such problems in the future and provide voters with convenient access to polling places, municipalities should review polling place locations and seek to ensure that there are polling places accessible and easily reachable by all voters in the municipality.

## **Ensure Accessibility**

Care must be taken to ensure that polling locations are accessible to all voters. Therefore, elections officials must ensure that polling sites – and the paths to approach those sites – are accessible. All polling sites also should have a plan to ensure that voters who need to vote curbside can readily access elections officials without having to leave their vehicles or rely on another person to make that contact.

It is also important to ensure that accessible voting equipment is set up and available to all voters who want to use it. Elections officials need to be adequately trained to ensure the equipment is set up and that they can assist voters use it if necessary.

In addition, elections officials should provide additional resources and support for voters with disabilities wherever possible, from magnifying glasses to chairs for voters who need to rest while waiting to vote. The WEC provides supplies to make voting more accessible at no cost. This program should be continued and all clerks should obtain and equip polling places with these supplies.

## **Consider Increased Use of E-Poll Books**

Voters and poll workers alike at sites currently using e-poll books are having good experiences with the technology. Utilizing e-poll books, poll workers can process more voters in less time more flexibly with fewer workers. Additionally, e-poll books significantly reduce the amount of work for poll workers at the end of the night on Election Day. As funds are available, we encourage municipalities to consider whether e-poll books would be a good fit for their communities. Sites already utilizing the e-poll books may also benefit from purchasing additional machines to handle the volume of voters they need to process on Election Day.

# *Recommendations for Voter Registration*

## **Expand and Improve Online Registration**

In recent years, the state has also opened opportunities for online voter registration until 20 days before Election Day. This provides the opportunity for more voters to register, or update their registration online, avoiding these confusing requirements. There are certain limitations with online registration, especially that it is only available to voters with Wisconsin driver's licenses or ID cards - a restriction that should be eliminated. One possibility for online registration is to allow voters to submit registration forms with documentary proof of residence electronically, so voters do not need to print out and mail in documents. Since the state already allows voters to present proof of residence on electronic devices, and also allows voters to upload photos of their IDs to request absentee ballots, it would not and should not be a stretch to expand capabilities to allow electronic submission of proof of residence.

In order to facilitate registration, the state should also combine voter registration with other state processes, such as allowing registration at the time a voter obtains or renews ID or a driver's license, and incorporating online registration for voters who engage in other transactions with the state which already collect residence information, such as applying for a hunting or fishing license or applying for benefits. Having registration handled by state entities already collecting residence information would ensure more consistency in the state databases and more effectively facilitate voter registration and voting.

## **Restore Corroboration**

For decades and without adverse incident, Wisconsin allowed voters who lacked proof of residence to use another voter to corroborate their residence. Statutory corroboration also required the poll worker to take identifying information from the corroborator, which provided an additional safeguard.

Although most voters do have proof of residence, not all do. In the 2020 general election, this meant that, for example, a group of students attending a private religious academy and a person living in a residential care facility were unable to register and vote.

## **Require Posting of DMV Information**

More than one third of the provisional ballots cast in November were due to the voter's lacking their driver's license number to put on the registration form. To ensure that these voters - whose licenses may well have been lost, stolen or misplaced - are able to register and vote a regular ballot, the WEC should require all polling sites to post the Department of Motor Vehicles (DMV) phone number and Department of Transportation (DOT) web address through which voters can obtain their license numbers. We also recommend that this contact information be included on the state voter registration forms. Additionally, poll workers should be trained to assist voters who need to look up these license numbers.

## **Retain Same-Day Registration**

Election Day registration remains an important safeguard for voters and should be protected. During the November 2020 election, Wisconsin's poll workers registered hundreds of thousands of voters, and the only reported problems involved a few voters who lacked proof of residence and therefore could not register or vote.

Election Day registration protects voters from being disenfranchised in situations where there are errors in the poll books, voters believe they are registered only to find out they need to re-register on Election Day, or first-time voters that need to register for the first time. It should be noted that same-day registration has been in effect for more than 40 years in Wisconsin. Clerks and poll workers are not only accustomed to it, they are well trained in it and enthusiastic about its retention. In recent years, however, there have been some calls to eliminate same day registration. Not only would doing so make it more difficult for many voters to vote, but elimination of same-day registration would create confusion at the polls. Additionally, it would disenfranchise the many registered voters who, for various reasons, do not appear on the rolls, and disenfranchise many otherwise eligible voters.

## ***Recommendations for Voter ID***

There remains no evidence from Wisconsin of voter impersonation fraud which would be resolved by the use of Voter ID, and we continue to believe that this is an unnecessary and burdensome requirement that discourages and deters eligible voters from voting. In the November 2020 election, only 147 of the hundreds of provisional ballots cast were cured.

## Expand Forms of ID

To the extent that the state insists on keeping the voter ID requirement which, the state asserts, is to prevent impersonation, there should be an expansion of the types of ID permissible for voting. This is particularly true when, as this year, the pandemic limited DMV hours and made voters more reluctant to go to such agencies. There are many forms of secure photo ID other than the kinds of ID currently listed in the statute. Additional forms of ID to consider include:

- Any photo ID card issued by the federal government, the state of Wisconsin, or a Wisconsin county or local government;
- Regular college and university ID cards from all Wisconsin colleges and technical schools;
- Out of state driver's licenses, to allow voting by many legal Wisconsin voters live part year in another state (*e.g.*, snowbirds), or have recently moved to Wisconsin and not yet been able to obtain new licenses; and
- An affidavit for voters who have reasonable impediments to obtaining photo ID.

Wisconsin does allow citizens who due to age, disability, or infirmity are indefinitely confined to home, to vote by mail without *providing* a copy of their ID card when they request an absentee ballot.<sup>17</sup> This option is clearly necessary to protect some of the most vulnerable voters - a number that indisputably increased due to the significant health risks the pandemic imposed. Moreover, in this fall's election it is likely that the increase in such requests was also related to the WEC's decision not to allow special voting deputies to enter care locations such as nursing homes, forcing such voters to request mail absentee ballots.

## Facilitate ID Issuance

WISCONSIN ELECTION PROTECTION is also concerned that DMV continues to have unreasonably restrictive processes for ID issuance, and in situations like this year, during a pandemic, those processes are even more burdensome.

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<sup>17</sup> WEC found that 80 percent of these voters actually had provided such identification in the past. But, as we noted in our April report, technological and practical barriers kept some voters from being able to provide copies of that identification. Election Data Report at 15-17.

Among the other photo ID-related matters that we believe require improvement, based upon our observations in this and prior elections, are:

- Require posting in DMV, at all polling sites, and as information is provided with all provisional ballots, about the ID requirement and about the ID Petition Process (IDPP), (including what documents can be used to get ID);
- Require DMV to amend rules so that voters only have to go to DMV once (and can bring whatever alternative documents they have at that time), instead of requiring multiple visits to DMV;
- Require DMV to issue receipts valid for voting to all applicants at the time of application, to ensure that voters who enter the IDPP process are able to obtain a form of ID valid for voting without delay;
- Restore the length of time IDPP receipts are valid to 180 days;
- Allow voters to renew IDPP receipts online;
- Require DMV to publicize and post information on the digital photo look-up option for those who have had ID in the past;
- Allow voters with out-of-state driver's licenses to obtain Wisconsin ID cards to vote, including through the IDPP process, without surrendering those licenses;
- Allow voters who lack one or more documents, and/or corroborators, to attest to those facts by sworn affidavit; and
- Require the DOT to release annual reports on the IDPP process, including the number of IDs issued through the IDPP process and the length of time it is taking from IDPP application to final ID issuance.

In addition, there are transportation and scheduling barriers that preclude some Wisconsin residents from obtaining an ID; therefore, the DMV should also:

- Ensure evening and weekend hours are available at all DMV service centers during the 60 days prior to any election, and publicize that availability;
- Provide mobile vehicles to take DMV services to communities, especially communities of rural, homeless, indigent and disabled voters; and



- Consider establishing a system so that voters without ID could have photographs taken and an ID application initiated at polling sites and vote at that time.

## *Recommendations to Prevent Intimidation*

Although the level of third-party disruption of the election that was feared did not materialize, in advance of Election Day there was widespread concern about potential efforts to intimidate voters who were waiting in line *outside* polling places. While *within* polling places, Chief Inspectors can control such behavior, the rules do not directly extend to inappropriate interactions with voters who are not physically within those spaces. The WEC should consider expanding the rules of appropriate observer behavior and electioneering to encompass a floating “bubble” around voters waiting in line but physically outside of polling places.

In this election, we also received many complaints about police presence at polls. It should be made clear that law enforcement, especially uniformed law enforcement, has no place at polling sites unless and until they are called to address a specific disturbance. Voters - some of whom may well have had adverse interactions with law enforcement in the past - should not have to be in fear of such interactions as they exercise their constitutional rights to vote.

## *Recommendations for Outreach & Education*

As the changes in voter behavior from April to November shows, voter education is a key component of a successful election. The WEC and municipal clerks are authorized to develop and conduct “educational programs to inform electors about voting procedures, voting rights, and voting technology.” Wis. Stat. §§ 5.05(12), 7.15(9). This election made clear that voter education must continue.

Proactive voter education and outreach from state and local election officials will help voters find official sources to get their information rather than problematic third-party sources of election information. Municipal and county websites should be kept up to date with accurate and easy to find election information. In addition, MyVote should be made fully accessible in Spanish, so key variable information like the election date is available in Spanish. ***Voter outreach must include methods to reach voters who lack internet access or are otherwise not well-connected digitally.*** Hundreds of thousands of Wisconsin residents lack computers, broadband internet, or both, and

those persons are disproportionately low-income and voters of color.<sup>18</sup> The WEC call center - which was heavily used this year - should continue and expand, especially within 60 days of Election Day, and it must be publicized and accessible to all Wisconsin voters, including those with limited English proficiency.

In addition, written materials on topics like how to vote absentee by mail, how to register and re-register, and how to obtain free voter ID, can and should be created in multiple languages, publicized and also distributed in paper format to clerks and community locations. WEC should provide (and, in the case of public entities, requiring posting of) multilingual notices and postings, in easy-to-understand language, to government and non-government entities. These locations should include all clerks offices and all polling sites; all offices involved in application for or issuance of government benefits such as food stamps, Badgercare, Family Care, SeniorCare, Wisconsin Shares, unemployment compensation, workforce development, and Aging and Disability Resource Centers; community and senior centers, schools, public transit (such as ads on buses), minority media, and inner-city (or other) businesses targeted at low-income residents (e.g., grocery stores, dollar stores). This kind of outreach and publicity is critical to reach the most vulnerable voters.

## *Recommendations for Training*

The WEC has continuously improved training modules to incorporate new requirements and procedures. While training is necessary on substantive issues, Chief Inspectors also need guidance and suggestions on poll site management, including instructions how to utilize greeters, expediting the registration process, handling voters with ID problems and questions, and physically arranging the poll site. The Cities of Madison and Milwaukee have done an excellent job in providing such training and it is reflected in the increasing number of well-trained chiefs who are able to effectively manage their polling sites.

Some, but not all, municipalities require poll worker training before every election. At a minimum, the WEC should require that municipalities train all new poll workers prior to the poll worker's first election, and train other poll workers at least annually (and more frequently in the case of significant changes in election law). Specific training on the broad range of documents that can be used as proof of residence and as a photo ID for voting, and how voters can obtain an appropriate ID is important. Additionally, training on accessibility, voting rights, the provisional ballot process,

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<sup>18</sup>See, e.g., Wisconsin Policy Forum, "Wisconsin's Digital Divide and its Impact on Learning" (May 2020) at 2 ("A racial divide in broadband access is also evident. Statewide, 13.6% of black residents and 11% of Hispanic/Latinx residents lack broadband access ... For white residents, the statewide average is 5.8%."), at [https://wispolicyforum.org/wp-content/uploads/2020/05/Focus\\_COVID\\_Internet\\_Access.pdf](https://wispolicyforum.org/wp-content/uploads/2020/05/Focus_COVID_Internet_Access.pdf).

and finally, how to handle voters who requested but did not return absentee ballots, are all especially important areas for poll worker training. WisVote should track completion of the training by poll workers. The WEC should continue to serve as a backup resource to the municipal clerks who normally conduct such training. We encourage the continued use of webinars and other new ways to disseminate information that make it easier to train poll workers in a uniform and professional fashion.

## *Recommendations for Audits*

The post-election audits conducted are an important way to provide transparency and reduce false or exaggerated claims. We urge the WEC to implement risk-limiting audits after every election, or at least after every general election. Municipalities undergoing the audit should be required to publicly post the audit details, including time and place of the audit, in advance, to allow public viewing.

We also urge WEC to develop standardized post-election audit procedures that clearly dictate what issues would lead to broader audits to verify result accuracy prior to certification of results. It may be useful to audit all ballots tabulated on Dominion ICE machines to further test if the issue identified, regarding marking a “folded” area as an overvote, has been corrected.

## *Conclusion*

Wisconsin voters who voted in record numbers in the midst of a pandemic should be commended. So should the elections officials and poll workers who worked hard to create and improve systems to facilitate that voting - efforts that can and should continue even after the pandemic ends. We hope that our observations and recommendations will assist in making voting easier and better for Wisconsin voters.

*Respectfully submitted:*

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