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DELIVERED VIA E-MAIL

RE: Election Observers in the City Clerk's Office

Pursuant to Section 7.41 of the Wisconsin Statutes, members of the public have a right to be present at any polling place, and in the office of the municipal clerk whose office is located in a public building, on any day that absentee ballots may be cast in that office. This right to observe the casting of absentee ballots, however, is limited. An observer may be removed if that individual disrupts the operation of the polling place or clerk's office. Section 7.52(1) of the Wisconsin Statutes regulates the canvassing of absentee ballots and also extends the right to access such activities to the same the same extent as provided under 7.41

In further, the Wisconsin Election Commission rules provide additional guidance including that observers must comply with the lawful commands of the chief inspector. No observer may engage in any disruptive behavior that threatens the orderly conduct of the election or interferes with voting or contributes to voter intimidation. The Wisconsin Attorney General has provided that voter intimidation includes directly and aggressively challenging voter's qualifications.


The law clearly provides that observers may be present to observe where absentee ballots are being cast or canvassed. There is no authority providing that observers have the right to observe the delivery of ballots or to hear voter statements on their qualifications at the time of absentee ballot delivery.

Based on the foregoing, when the absentee voting period has expired, the City's position is that members of public may be present in the hallway outside of the City Clerk's office, but may not communicate with any voters delivering their ballot and are not privy to any voter statements or communications with Clerk's office staff with respect to the voter qualifications and the delivery of their absentee ballot.

Clerk's office staff have observed that you and other members of your group have communicated with voters while they attempted to deliver their ballots. This behavior is contrary to state law and the City's position on its duties to ensure a safe environment for citizens to exercise their rights. If this behavior continues, the City may consider taking additional actions.

Lastly, while the City Clerk's office is open and accessible to the public, when not conducting in-person absentee activities or absentee ballot canvassing, access to the lobby and waiting area of the office is limited to those who have an appointment or are there to conduct business in the Clerk's office. Loitering in the lobby will not be permitted.

Respectfully,



Joanne Bungert  
City Attorney

CC Celestine Jeffreys, Clerk  
Joseph Faulds, Chief Operating Officer