

Voter Integrity: Protecting Vulnerable Voters



**Wisconsin Statute 6.875
Absentee Voting in Residential Care Facilities:**

- This statute is the exclusive means of absentee voting in facilities
- SVD's shall be dispatched to the facilities
- No employee of the facility may be an SVD
- The SVD's shall witness the vote and may assist in marking the ballot
- The SVD's shall not accept an absentee ballot not issued by an SVD
- No individual other than a SVD or relative may assist the voter

Absentee Voting at Care Facilities in 2020

Your Role as a Care Facility Administrator

In a special election, Special Voting Deputies (SVDs) may be coming into your facilities and conducting absentee voting and processing ballots. Please take the following actions. You will need enough qualified SVDs for the number of facilities. Absentee ballots will be mailed out to residential voters with certain requests on the ballot. You will need to ensure that the ballot is received by the resident in a timely manner. You will need to ensure that the ballot is received by the resident in a timely manner. You will need to ensure that the ballot is received by the resident in a timely manner.

- Assign residents in filling out their ballots or certificate envelopes.
- Assist residents in completing voter registration forms and absentee requests.
- Sign the special certificate envelope (S-1226) if necessary (see below for explanation).
- Witness ballots.

Absentee Voting for Residents of Your Facility

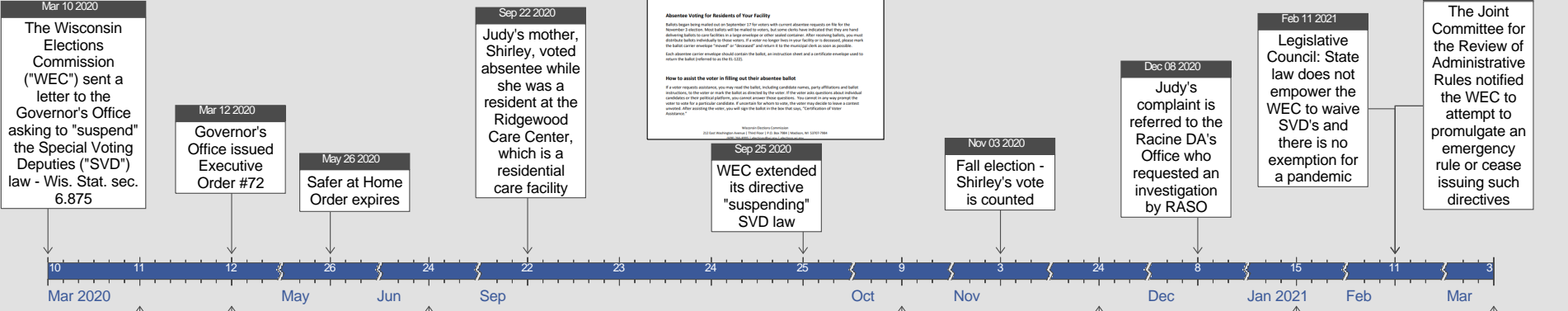
Ballots being mailed out on September 17th voters with current absentee requests on file for the November 7 election. Most ballots will be mailed to voters, but some voters have indicated that they are hard to read. If you are having trouble reading the ballot, you may request an SVD. If you are having trouble reading the ballot, you may request an SVD. If you are having trouble reading the ballot, you may request an SVD.

How to assist the voter in filling out their absentee ballot

If a voter requests assistance, you may read the ballot, including candidate names, party affiliations and ballot instructions, to the voter or mark the ballot on their behalf. If the voter cannot answer their questions, you may assist them by marking the ballot on their behalf. If the voter cannot answer their questions, you may assist them by marking the ballot on their behalf.

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Mar 11 2020
Governor's Office stated they did not have the power to suspend the SVD law

Mar 12 2020
WEC issued a directive "suspending" the SVD law

Jun 24 2020
WEC extended its directive "suspending" SVD law

Sep 22 2020
Judy's mother, Shirley, voted absentee while she was a resident at the Ridgewood Care Center, which is a residential care facility

Sep 25 2020
WEC extended its directive "suspending" SVD law

Oct 09 2020
Judy's mother, Shirley, died

Nov 03 2020
Fall election - Shirley's vote is counted

Nov 24 2020
Judy filed an affidavit with the WEC stating she believed the staff at Ridgewood Care Facility "took advantage" of Shirley's "diminished mental capacity and filled out ballot(s) in her name"

Dec 08 2020
Judy's complaint is referred to the Racine DA's Office who requested an investigation by RASO

Jan 15 2021
WEC extended its directive "suspending" the SVD law

Feb 11 2021
Legislative Council: State law does not empower the WEC to waive SVD's and there is no exemption for a pandemic

Feb 11 2021
The Joint Committee for the Review of Administrative Rules notified the WEC to attempt to promulgate an emergency rule or cease issuing such directives

Mar 03 2021
WEC acknowledges an emergency rule was not going to be authorized and rescinded its directive "suspending" SVD law, The WEC claimed they did nothing wrong

Wisconsin Elections Commission
2020 (Revised 12/15/2019) | 2020 Election Process | 2020 Election Process | 2020 Election Process

DATE: For the March 11, 2020 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Megan Wells, Administrator, Wisconsin Elections Commission

SUBJECT: Guidance Regarding Election Procedures and Public Health Emergency

Governor Evers issued Executive Order #72 today prohibiting the public health emergency rules in the State of Wisconsin as a result of the COVID-19 pandemic. The Chair expresses the Department of Health Services as the lead agency in implementing the public health emergency and directs all election officials to assist in the State's response to this emergency. A copy of the Executive Order is attached.

Also today, the Department of Health Services (DHS) issued directives related to public health, including the prohibition of large public gatherings. The DHS directives include prohibitions related to nursing homes and other residential care facilities, including that all "non-essential" individuals be prohibited from visiting care facilities. The directives include exemptions for up to 1000 non-essential family members per day for all individuals residing in care facilities that are necessary for conversation activities and care needs.

The Executive Order and DHS directives make it necessary to provide guidance to local election officials regarding the election procedures for the Spring Election and Presidential Primary as well as the May 12, 2020 Special Election in the 7th Congressional District. The two past intermediate state elections have been held in person. The DHS directives make it necessary to provide guidance to local election officials regarding concerns and voting procedures regarding these issues.

Special Voting Deputies Process

Wis. Stat. § 6.87 outlines the process for voting by special voting deputy (SVD). SVD's are individuals who are dispatched to the site of each voter facility to assist in the voting process. Regarding March 10, 2020, a request was made to begin using SVD's in each facility to be only those with a directive to conduct in-person voting with the residents.

Sometimes this process happens in common areas in the facility, and sometimes the voting occurs in individual rooms. When conducting in the room, accessibility and health needs. The process also requires that public officials be allowed to watch the voting process to assure

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1) In light of Executive Order #72 and directives of the Department of Health Services, the Commission finds that Special Voting Deputies are "non-essential" individuals who are not permitted to enter nursing homes and other care facilities without completing a screening process that is not feasible to implement prior to the Spring Election and Presidential Primary. For that election and the May 12, 2020 Special Election in the 7th Congressional District, the Commission directs that municipalities shall not use the Special Voting Deputy process to serve residents in care facilities and instead shall transmit absentee ballots to those voters by mail.

**Wisconsin Statute 12.13
Election Fraud**

- § 12.13(2)(b)(7) – In the course of the person's official duties or on account of the person's position, intentionally violate or intentionally cause any other person to violate any provision of chs. 5 to 12
- § 12.13(3)(n) – Receive a ballot from or give a ballot to a person other than the election official in charge
- § 12.13(3)(p) – Receive a completed ballot from a voter unless qualified to do so
- § 12.13(3)(s) – Solicit another elector to offer assistance under s. 6.82(2) or 6.87(5), except in the case of an elector who is blind or visually impaired to the extent that the elector cannot read a ballot.