

# State of Wisconsin\Government Accountability Board

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**DATE:** October 17, 2012

**TO:** Wisconsin County Clerks  
Wisconsin Municipal Clerks  
City of Milwaukee Election Commission  
Milwaukee County Election Commission

**FROM:** Nathaniel E. Robinson  
Elections Division Administrator  
Government Accountability Board

**SUBJECT:** Voter Advocacy Groups at Polling Places on Election Day

The Government Accountability Board (G.A.B.) has received a number of inquiries regarding the conduct of organizations that seek to assist voters in or outside polling places. Individuals associated with such organizations, which may or may not be political organizations, often wish to help voters confirm whether they are at the correct polling place and to ensure that voters have all the information needed to register to vote.

In recent elections, the G.A.B. has received an increasing number of complaints alleging that some individuals affiliated with such advocacy organizations have interfered with or distracted voters or disturbed the voting process. This communication provides guidance regarding rules that apply to advocacy groups or individuals that wish to assist voters at polling places.

Several statutory provisions are important to keep in mind. Wis. Stat. §§5.35(5) states that “The municipal clerks and election inspectors shall prevent interference with and distraction of electors at polling places.” Also, Wis. Stat. §7.37(2) states that

The inspectors shall possess full authority to maintain order and to enforce obedience to their lawful commands during the election and the canvass of the votes. . . . They shall enforce s. 5.35(5) and prevent electioneering and distribution of election-related material from taking place in violation of ss. 12.03 and 12.035. If any person refuses to obey the lawful commands of an inspector, or is disorderly in the presence or hearing of the inspectors, interrupts or disturbs the proceedings, they may order any law enforcement officer to remove the person from the voting area or to take the person into custody.

Chapter 12 of the Statutes also governs conduct at polling places. Wis. Stat. §12.03 prohibits any person from engaging in electioneering within 100 feet of any entrance to a building containing a polling place. Wis. Stat. §12.035(3)(a) prohibits any person from posting or distributing election-related material during polling hours at a polling place or on public property within 100 feet of an entrance to a building containing a polling place.

Election-related material is defined as “any written matter which describes, or purports to describe, the rights or responsibilities of individuals voting or registering to vote at a polling place....” Violations of §12.03 are subject to felony prosecution and violations of §12.035 may result in civil forfeitures. In addition, Wis. Stat. §12.13(3)(x) prohibits an individual from refusing to obey a lawful order of an inspector made for the purpose of enforcing the election laws; engaging in disorderly behavior at or near a polling place, or interrupting or disturbing the voting proceedings. Violations of this section are subject to misdemeanor prosecution.

These provisions protect the rights of voters to avoid being distracted or interfered with at polling places, as well as the authority of municipal clerks and election inspectors to maintain order on behalf of voters and the election process. Full authority for preservation of order at election proceedings is entrusted to the election inspectors and municipal clerks. To maintain order, election officials may place limitations on the access or location of advocacy groups and may ultimately order the removal of any individual or group that does not comply with lawful commands of inspectors.

Based upon these provisions, local election officials, advocacy organizations, and the public are advised of the following guidance:

1. Within 100 feet of an entrance to a polling place, individuals that are not under the supervision of the municipal clerk are prohibited from interacting with voters to check or verify the voter’s registration status or their correct polling location, or direct voters to the proper lines for voting or registration. If an organization offers to supply volunteers to provide this type of assistance, the municipal clerk may accept the offer but the individual volunteers must work under the supervision of the clerk or election commission. Volunteers must be sworn in as election workers and may not perform other duties of election inspectors. It is the clerk’s prerogative to assign such volunteers to polling places or to choose to decline the offer.

Organizations seeking to offer this assistance should inquire with the clerk prior to Election Day for planning purposes. The G.A.B. discourages clerks from accepting such offers and assigning new volunteers on Election Day, and chief inspectors may not assign such volunteers without the clerk’s consent. Individuals acting in this manner may not wear apparel or identification indicating that they are affiliated with an organization other than the municipality. This restriction applies to the end of any voting line which extends beyond the 100-foot zone.

2. Outside of the 100-foot area, individuals may offer to look up a voter's registration status or correct polling location, or provide suggestions for the voter's correct polling location, **only if** that activity does not interfere with or distract voters, or interrupt or disturb the voting process. Voters may not be given the impression that they are required to consult such individuals or interact with them as a requirement of entering into the polling place.
3. Chief inspectors should monitor such activity throughout the day and respond to any complaints raised by voters regarding the conduct of individuals outside of the polling place, even if it takes place outside of the 100-foot area adjacent to the entrance. Inspectors shall order any activity in violation of this guidance to immediately cease. If the activity continues, the inspector may request the assistance of law enforcement and order a law enforcement officer to remove the offending person from the voting area or take the person into custody.
4. This guidance does not affect the ability of individuals to assist voters in the voting process if requested to do so by the voter pursuant to Wis. Stat. §6.82.

The Board encourages public participation in the voting process and appreciates the efforts of private individuals and organizations to assist voters in obtaining accurate information. Such activity, however, must be balanced with the rights of voters to cast a ballot in an orderly environment that is free from disruption or distraction, as well as the responsibility of local election officials to conduct a problem-free election. This guidance seeks to ensure the proper balance and priority of those interests.

Questions regarding information in this memorandum should be directed to the Government Accountability Board at 608-261-2018, or at [gab@wi.gov](mailto:gab@wi.gov).