

**STATE OF WISCONSIN
BEFORE THE ELECTIONS COMMISSION**

SUSAN TROJAN,

Complainant,

v.

Case No. EL 22-66

**CLAIRE WOODALL-VOGG,
Executive Director, Milwaukee Election Commission,**

and

MILWAUKEE ELECTION COMMISSION

Respondents.

**VERIFIED RESPONSE AND REQUEST TO DISMISS OF RESPONDENTS CLAIRE
WOODALL-VOGG AND MILWAUKEE ELECTION COMMISSION**

INTRODUCTION

Respondents Claire Woodall-Vogg, (“Woodall-Vogg”), Executive Director of the Milwaukee Election Commission, and Milwaukee Election Commission, (“MEC”), (collectively, “Respondents”), acting by and through Assistant City Attorney Kathryn Z. Block, hereby submit the following response and ask the Wisconsin Elections Commission (“WEC”) to dismiss in its entirety the September 6, 2022 verified complaint (“Complaint”) of Complainant Susan Trojan, (“Trojan”).

FACTUAL BACKGROUND

As noted by Trojan, pursuant to Wis. Stat., § 6.855, the City of Milwaukee’s (“City’s”) Common Council made a timely designation of alternate locations for in-person absentee voting,

(“IPAV”), on June 1, 2022, for the fall, 2022 elections. (Woodall-Vogg (“CWV”) Aff. ¶ 2) Respondents published a Type E Notice pursuant to Wis. Stat. § 10.01(2). (Id. ¶ 3). The parties appear to dispute the propriety of the Type E notice and of the return of fully voted absentee ballots, (“Voted ABs”) that took place at Respondents’ Office in Room 501 at City Hall (“the City Hall Office”).¹

For the partisan primary, IPAV took place at alternate sites from July 26 through August 6, 2022. (Id. ¶ 2) At no time did IPAV take place in the City Hall Office. (Id. ¶ 7) Both before and after IPAV at alternate sites, however, Respondents allowed for the return of Voted ABs at the City Hall office. (Id. ¶ 8) Consistent with Wis. Stats., § 6.855, it was understood that there could be no voting activities or the return of Voted ABs at the MEC’s office when the alternate sites were operational, from July 26 through August 6, 2022. (Id. ¶ 9) Voted ABs were accepted in the MEC’s office for a short time prior to the start of IPAV at alternate sites. (Id.) However, Woodall-Vogg did not accept the return of Voted ABs in the MEC’s office between July 26 and August 6, 2022 and signs were placed in the City Hall rotunda on July 26 indicating that Voted ABs had to be returned to the Zeidler Municipal Building next door (a designated IPAV location). (Id. ¶ 10) It was only after IPAV at alternate sites concluded on August 6, that Woodall-Vogg again collected Voted ABs at the MEC’s office at City Hall. (Id. ¶ 11)

ARGUMENT

Trojan has filed this Complaint under Wis. Stat. § 5.06, alleging Respondents violated various portions of Wis. Stat. § 6.855. Respondents will address Trojan’s arguments *seriatim*.

I. Respondents properly noticed the IPAV sites.

¹ There is no dispute as to the contents of the Type E notice; only as to the ability of Woodall-Vogg to issue the Type E notice at issue. There is apparently a dispute of fact as to whether Respondents allowed for the return of Voted ABs at the City Hall Office while IPAV was occurring at alternate designated ballot sites.

Trojan correctly notes that only the City's "governing body" has the authority has the power under Wis. Stat. § 6.855 to "designate" the IPAV sites and it properly did this under subsection (1) in Common Council Resolution 220149. Note, however, that subsection (1) says nothing about the hours during which voting is to take place at such locations, or other details of the designation, and such matters are obviously a matter of some discretion left to the municipal clerk (or the Executive Director of the Board of Election Commissioners) or board of election commissioners. The WEC recognized as much when it put out the following guidance:

Municipal clerks who will be using multiple in-person absentee voting sites must list these sites in their Type E notice. Wis. Stat. § 10.01(2)(e). The notice must include the location of any alternate site established under Wis. Stat. § 6.855 and the hours during which voting will be made available for in-person absentee voting. Any in-person absentee voting site that was designated with the intention of use prior to the November General Election must also be notice for in-person absentee voting during the period prior to the August Partisan Primary. If turnout at certain in-person absentee voting locations is expected to be lower for the August Partisan Primary than for the November General Election, clerks may offer limited voting hours or "by appointment only" voting at those sites. In the event that a Type E notice for the Partisan Primary has been published and does not list each alternate site as designated by the governing body, clerks should amend their Type E notice. The amended notice should reflect all locations what will be in use prior to both the Partisan Primary and General Election, and the respective hours of voting or if a location is "by appointment only."

(Id. at 5). This guidance clarifies several things: The Type E notice (including the setting of specific hours and locations for IPAV for the Partisan Primary and General Election, *from among the list of locations designated by the governing body*, is a matter for the clerk and that it is entirely appropriate to have fewer sites designated for full-time IPAV at the Partisan Primary than the General Election (and that the appropriate means to do that is to designate some from among those locations as being available by appointment only). That is precisely what Respondents did here. To summarize, the statute contemplates the Common Council designate

the *locations* IPAV will take place, and Respondents specified the *hours* and other details regarding the IPAV at those locations – matters about which the statute is silent.

Trojan also argues that Respondents were required to “immediately” display the Type E notice of the Common Council’s designation (i.e., on June 1, 2022) and that the notice wasn’t displayed until July. Notice was actually given via posting of the Resolution on Legistar on the City’s website as of the date it was passed. (Id. ¶ 2) Additionally, adoption of the sites was widely reported in the media.² Moreover, notice was ultimately provided, via publication of the Type E Notice and posting on the MEC’s website. (Id. ¶ 3) Actual notice was ample and given via multiple channels.

II. The Alternate IPAV sites were properly located.

Citing Wis. Stat. § 6.855(1), Trojan argues the alternate IPAV sites selected by Respondents were improper because they were not “located as near as practicable to the office of the municipal clerk or board of election commissioners.” This provision, however, clearly conflicts with the plain language of subsection (5), which allows “[a] governing body [to] designate more than one alternate site under sub. (1).” Subsection (5) would be rendered surplusage if subsection (1) were to be given the meaning intended by Trojan. Whatever the intended meaning of the cited language in sub. (1) at the time of its adoption, it must be given a reasonable interpretation in light of the addition by the legislature of subsection (5) in 2017 allowing municipalities to designate multiple sites.

Even assuming, *arguendo*, it applies, “as practicable” within the meaning of Wis. Stat. § 6.855 also provides the municipality with discretion to establish IPAV sites at locations which

² [Early Voting Begins in Milwaukee » Urban Milwaukee](#); [Wisconsin early voting: When, where and how to vote ahead of primaries \(jsonline.com\)](#); [Early voting for Wisconsin primary on Aug. 9; what you need to know \(fox6now.com\)](#).

accomplish the basic goal of the statutes—to provide options for absentee voting outside of the clerk’s office. Trojan does not, and cannot, establish that this plan is not the most practical plan for IPAV within the City. Their cramped reading of Wis. Stat. § 6.855 would render IPAV useless for Wisconsin’s larger municipalities, as all functions would have to occur at or immediately proximate to the clerk’s office, violating the rule set forth in Wis. Stat. § 5.05 (“chs. 5 to 12 shall be construed to give effect to the will of the electors”). It would not be “practicable” within the meaning of the statute to group sites directly around the clerk’s office.³

III. Voters were not allowed to return Voted ABs in the MEC Office at the same time IPAV was occurring at alternate sites.

Trojan is simply incorrect about the facts concerning the “functions related to voting” that took place at the City Hall Office at the same time IPAV took place at alternate sites. Before IPAV of any kind took place in the City, Respondents allowed for the return of Voted ABs in the City Hall Office. (CWV ¶ 8) Trojan’s undated Exhibit 4 depicts the return of Voted ABs in the City Hall Office *prior to* IPAV in the City of Milwaukee (that is, prior to July 26, 2022). (Id. ¶ 9) The ballot box depicted in Trojan’s Exhibit 4 was removed at the end of the day on July 25, 2022, and signs were placed in the entrances to City Hall indicating Voted ABs could not be returned to the City Hall Office (and directing they be returned instead to the Zeidler Municipal Building, a designated IPAV location). (Id. ¶ 10) The reason the Type E notice indicated that it was possible to “vote an absentee ballot in the Election Commission” as a preamble to the list of designated IPAV locations is because the notice was based on WEC sample Type E notice language; not because any IPAV actually took place in the City Hall Office. (Id. ¶ 4) In fact, at no time for the partisan primary did any IPAV take place in the City Hall Office, nor did the

³ Despite Trojan’s claim to the contrary, Wis. Stat. § 6.855 is not one of the statutes that must be construed as mandatory per Wis. Stat. § 6.84.

return of Voted ABs take place in the City Hall Office while IPAV was taking place at alternate sites (from July 26 through August 6).

IV. IPAV by appointment was authorized by the WEC.

As noted above, WEC guidance specifically authorized the by-appointment IPAV set forth in Respondents' notice. (Id. ¶ 5) In point of fact, no voters selected this option for the August primary, but to allay the concerns of any potential voters, it is the intent of Respondents to post a 24-hour notice in the event anyone does, so that observers may be present to observe any such voting. (Id. ¶ 6)

IV. None of the sites selected for IPAV provided an advantage to any political party.

Finally, it should be noted that the sites selected by Respondents are nearly all publicly owned buildings. Others were selected because of their geographic location, low or no-cost availability, or other features such a size that made them attractive locations for IPAV activities. Trojan has complained that the Good Hope Library provides an advantage to one political party over another because State Senator Lena Taylor has office hours at that location. Trojan does not allege that the Library was selected because it is a location that Taylor has selected for her community meetings or that the Library would not be available to candidates of other political parties.

CONCLUSION

For the foregoing reasons the WEC should dismiss Trojan's Complaint in its entirety.

Dated this 28th day of September, 2022.

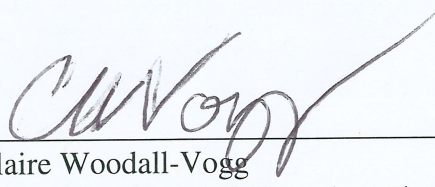
Respectfully submitted,

Electronically signed by Kathryn Z. Block
Kathryn Z. Block (State Bar No. 1029749)
Attorney for Respondent Claire Woodall-Vogg
CITY OF MILWAUKEE
200 E. Wells St., Room 800
Milwaukee, WI 53202-3515
Telephone: (414) 286-2601
Facsimile: (414) 286-8550
kblock@milwaukee.gov

VERIFICATION

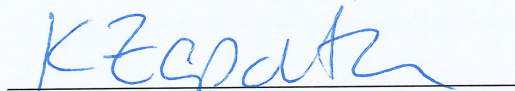
I, CLAIRE WOODALL-VOGG, being first duly sworn upon oath, state that I personally read the above Verified Response and Request to Dismiss and that it is true and correct based upon my personal knowledge.

Dated this 28th day of September, 2022.



Claire Woodall-Vogg
Executive Director, Milwaukee Election Commission

Subscribed and sworn to before me this
28th day of September, 2022.


Notary Public, State of Wisconsin

My commission expires 6-9-2024



AFFIDAVIT OF CLAIRE WOODALL-VOGG

STATE OF WISCONSIN)
) SS
MILWAUKEE COUNTY)

Claire Woodall-Vogg, being first duly sworn upon oath, deposes and states as follows:

1. I am the Executive Director of the City of Milwaukee Election Commission, (“MEC”). In my capacity as Executive Director, I administer elections for the City of Milwaukee (“City”), and led the MEC’s operations in connection with the August 9, 2022 election, including our office’s handling of the absentee balloting processes.

2. Pursuant to Wis. Stat., § 6.855, the City Common Council has designated alternate locations for in-person absentee voting, (“IPAV”) for the fall, 2022 elections, specifically from July 26, through August 6, 2022, for the August 9, 2022 partisan primary. (Ex. 1)

3. The Type E Notice contemplated by Wis. Stat. § 10.01(2) was published on July 11, 2022 and on the City’s website. (Ex. 2)

4. Trojan Exhibit 3 (Copy of Trojan Exhibit 3, attached for convenience as Ex. 3) references the ability to “request and vote an absentee ballot in the Election Commission during the days and hours specified for casting an absentee ballot in person,” not because IPAV was conducted at the MEC office at City Hall, 200 East Wells Street, Room 501 (“the City Hall Office”) for the partisan primary, but because the language used in Trojan Exhibit 3 was taken from a sample WEC Type E notice. (Ex. 4)

5. I took into account anticipated voter turnout when setting the hours at the alternate sites designated by the Common Council for IPAV for the fall 2022 elections and decided that

some sites would have “appointment only” hours. In so doing, I relied, in part, on guidance from the WEC issued on July 24, 2020. (Ex. 5)

6. No voters took advantage of “appointment only” sites for the partisan primary. Had they done so, I would have posted a notice at City Hall at least 24 hours in advance of such an appointment in the place where public notices are posted.

7. For clarity, at no time did IPAV take place at the City Hall Office or at any other location in City Hall, in July or August 2022, including specifically July 26 through August 6, 2022.

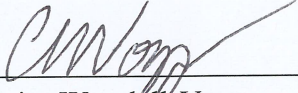
8. I allowed for the return of fully voted, absentee ballots (“Voted ABs”) at the City Hall Office prior to and after IPAV at alternate sites.

9. While I allowed for the return of Voted ABs at the City Hall Office prior to and after IPAV, I did not accept the return of Voted ABs while IPAV was taking place. Trojan Exhibit 4 depicts the City Hall Office as conditions existed *prior to* IPAV at alternate sites. (Copy of Trojan Exhibit 4, attached for convenience as Ex. 6)

10. The ballot box used for return of Voted ABs at the City Hall Office depicted in Trojan Exhibit 4 was removed at the end of the day July 25, 2022, and signs were placed in the entrances to City Hall rotunda indicating Voted ABs could not be returned to the City Hall Office, (but could be returned to a designated IPAV location, the Frank P. Zeidler Municipal Building next door). (Ex. 7)

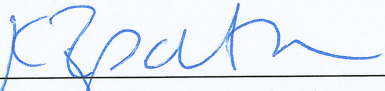
11. After IPAV was completed on August 6, 2022, I allowed for the return of Voted ABs by hand to the City Hall Office to an Election Commission staff member on August 8 and 9, 2022.

Dated: September 28, 2022

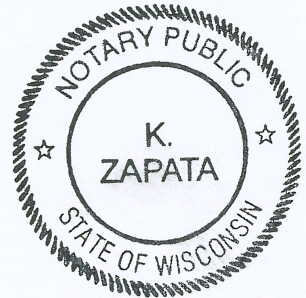


Claire Woodall-Vogg

Subscribed to and sworn before me on September 28, 2022



Notary Public, State of Wisconsin
My Commission 6-9-2024





City of
Milwaukee
Wisconsin

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File #: 220149 Version: 1 ▼

Type: Resolution

Status: Passed

File created: 5/10/2022

In control: JUDICIARY & LEGISLATION COMMITTEE

On agenda:

Final action: 6/1/2022

Effective date:

Title: Substitute resolution relating to locations for in-person absentee voting in the city of Milwaukee.

Sponsors: ALD. PEREZ, ALD. DIMITRIJEVIC, ALD. ZAMARRIPA

Indexes: VOTING

[History \(5\)](#)

[Text](#)

5 records Group Export

Date	Ver.	Action By	Action	Result	Tally	Action Details	Meeting Details	Video
6/6/2022	1	MAYOR	SIGNED			Action details	Meeting details	Not available
6/1/2022	1	COMMON COUNCIL	ADOPTED	Pass	13:0	Action details	Meeting details	Not available
5/23/2022	0	JUDICIARY & LEGISLATION COMMITTEE	SUBSTITUTED	Pass	5:0	Action details	Meeting details	Not available
Minutes note: Appearing: Sponsors - Perez, Dimitrijevic, Zamarripa Claire Woodall-Vogg - Election Commission Proposed sub was presented at the table, by Ald. Murphy, there were no objections.								
5/23/2022	1	JUDICIARY & LEGISLATION COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0	Action details	Meeting details	Not available
5/10/2022	0	COMMON COUNCIL	ASSIGNED TO			Action details	Meeting details	Not available

Ex. 1



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[Text](#)

Number

220149

Version

SUBSTITUTE 1

Reference

Sponsor

PRES. PEREZ, ALD DIMITRIJEVIC, ALD ZAMARIPPA

Title

Substitute resolution relating to locations for in-person absentee voting in the city of Milwaukee.

Analysis

This resolution directs the Election Commission to provide alternative in-person absentee voting at any of the following locations in the city for the Fall 2022 Elections:

1. Atkinson Library, 1960 W. Atkinson Ave
2. Bay View Library, 2566 S. Kinnickinnic Ave.
3. Capitol Library, 3969 N. 74th St.
4. Center Street Library, 2727 W. Fond du Lac Ave
5. Central Library, 814 W Wisconsin Ave
6. East Library, 2320 N. Cramer St.
7. Frank P. Zeidler Municipal Building, 841 N. Broadway.
8. Good Hope Library, 7717 W. Good Hope Road.
9. Midtown Shopping Center, 5700 W Capitol Drive.
10. Mitchell Street Library, 906 W. Historic Mitchell St.
11. Tippecanoe Library, 3912 S. Howell Ave.
12. Villard Square Library, 5190 N. 35th St.
13. Washington Park Library, 2121 N. Sherman Blvd.
14. Zablocki Library, 3501 W. Oklahoma Ave.
15. American Serb Hall, 5101 W Oklahoma Ave.
16. Wisconsin Hispanic Scholarship Foundation/Mexican Fiesta - Flores Hall,
2997 S 20th St.
17. University of Wisconsin - Milwaukee, 2200 E Kenwood Blvd.
18. Milwaukee Area Technical College, 700 W State St.
19. Fiserv Forum, 1111 Vel R. Phillips Ave.
20. Clinton Rose Senior Center, 3045 N Martin Luther King Dr.
21. Social Development Commission, 1730 W North Ave.
22. Marcia P. Coggins Human Services Center, 1220 W Vliet St.
23. Sojourner Family Peace Center, 619 W. Walnut St.
24. UMOS, 2701 S Chase Ave.
25. Gee's Clippers, 2200 N Martin Luther King Dr.
26. COA Goldin Center, 2320 W Burleigh St.

27. Coffee Makes You Black, 2803 N Teutonia Ave.

Body

Whereas, Voting is both a right and a vital core of a healthy democracy; and

Whereas, Section 6.855, Wis. Stats., allows the Common Council to designate alternate locations for in-person absentee voting; and

Whereas, Voting by mail is not the best option for every voter; and

Whereas, In the Fall of 2020, the City broke historical records for in-person absentee voting when 61,323 voters cast ballots at in-person absentee voting locations; comprising 36% of all absentee ballots cast; and

Whereas, Offering in-person absentee voting at more sites offers greater opportunities to voters throughout the City and may further racial equity and access to in-person voting opportunities; now, therefore be it.

Resolved, By the Common Council of the City of Milwaukee, that the Election Commission provide additional absentee voting at any of the following locations for the Fall 2022 Elections:

1. Atkinson Library, 1960 W. Atkinson Ave
2. Bay View Library, 2566 S. Kinnickinnic Ave.
3. Capitol Library, 3969 N. 74th St.
4. Center Street Library, 2727 W. Fond du Lac Ave
5. Central Library, 814 W Wisconsin Ave
6. East Library, 2320 N. Cramer St.
7. Frank P. Zeidler Municipal Building, 841 N. Broadway.
8. Good Hope Library, 7717 W. Good Hope Road.
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Requestor
Drafter

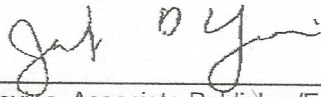
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STATE OF WISCONSIN
MILWAUKEE COUNTY

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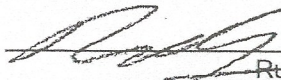
Joe Yovino, being the first duly sworn on oath, says that he or she is the Associate Publisher/Editor of THE DAILY REPORTER, which is a public newspaper of general circulation, printed and published daily in the English language in the City of Milwaukee, in said county, and fully complying with the laws of Wisconsin, relating to the publication of legal notices; that the notice of which the printed one attached is a true copy, which was clipped from the said newspaper, was inserted and published in said newspaper on

Jul. 11, 2022

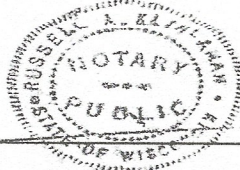


Joe Yovino, Associate Publisher/Editor

Sworn to me this 11th day of July 2022



Russell A. Klingaman
Notary Public, Milwaukee County, Wisconsin
My Commission Is Permanent



PROOF OF PUBLICATION

VOTING BY ABSENTEE BALLOT

Any qualified elector who is unable or unwilling to appear at the polling place on Election Day may request to vote an absentee ballot. A qualified elector is any U.S. citizen, who will be 18 years of age or older on Election Day, who has resided in the ward or municipality where he or she wishes to vote for at least 28 consecutive days before the election. The elector must also be registered in order to receive an absentee ballot. Proof of identification must be provided before an absentee ballot may be issued.

You must make a request for an absentee ballot in writing.

Contact the City of Milwaukee Election Commission and request that an application for an absentee ballot be sent to you for the primary or election or both. You may also submit a written request in the form of a letter. Your written request must list your voting address within the municipality where you wish to vote, the address where the absentee ballot should be sent, if different, and your signature. You may make application for an absentee ballot by mail, email or in person.

Making application to receive an absentee ballot by mail.

The deadline for making application to receive an absentee by mail is:

5pm on Thursday, August 4, 2022

Note: Special absentee voting application provisions apply to electors who are indefinitely confined to home or a care facility, in the military, hospitalized, or serving as a sequestered juror. If this applies to you, contact the municipal clerk regarding deadlines for requesting and submitting an absentee ballot.

Voting an absentee ballot in person.

You may also request and vote an absentee ballot in the Election Commission during the days and hours specified for casting an absentee ballot in person:

Frank P. Zeidler Municipal Building
841 North Broadway, Room 102
Midtown Center
5700 West Capitol Drive
Zablocki Library
3501 West Oklahoma Avenue
Good Hope Library
7717 West Good Hope Road
Tuesday, July 26 - Saturday,
August 6, 2022

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9am - 6pm weekdays

10am - 3pm weekends

The following sites are available August 1 - 5, 2022, by appointment only. Email

voterinfo@milwaukee.gov for an appointment. Please provide explanation for why the other sites with regular hours are not able to accommodate the voter.

Atkinson Library, 1960 W. Atkinson Ave

Bay View Library, 2566 S. Kinnickinnic Ave.

Capitol Library, 3969 N. 74th St.

Center Street Library, 2727 W. Fond du Lac Ave

Central Library, 814 W Wisconsin Ave

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University of Wisconsin - Milwaukee, 2200 E Kenwood Blvd.

Milwaukee Area Technical College, 700 W State St.

Fiserv Forum, 1111 Vel R. Phillips Ave.

Clinton Rose Senior Center, 3045 N Martin Luther King Dr.

Social Development Commission, 1730 W North Ave.

Marcia P. Coggs Human Services Center, 1220 W Vliet St.

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UMOS, 2701 S Chase Ave.

Gee's Clippers, 2200 N Martin Luther King Dr.

COA Goldin Center, 2320 W Burleigh St.

Coffee Makes You Black, 2803 N Teutonia Ave.

The first day to vote an absentee ballot with the clerk's office is:

Tuesday, July 26 at 9am

The last day to vote an absentee ballot with the clerk's office is:

Saturday, August 6 at 3pm

No in-person absentee voting may occur on the day before the election.

The Election Commission will deliver voted ballots returned on or before Election Day to Central Count

before the polls close on August 9, 2022. Any ballots received after the polls close will not be counted.

12134880/7-11

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3501 West Oklahoma Avenue

Good Hope Library
7717 West Good Hope Road

Tuesday, July 26 - Saturday, August 6, 2022
9am – 6pm weekdays
10am – 3pm weekends

The following sites are available August 1 – 5, 2022, by appointment only. Email voterinfo@milwaukee.gov for an appointment. Please provide explanation for why the other sites with regular hours are not able to accommodate the voter.

Atkinson Library, 1960 W. Atkinson Ave
Bay View Library, 2566 S. Kinnickinnic Ave.
Capitol Library, 3969 N. 74th St.
Center Street Library, 2727 W. Fond du Lac Ave
Central Library, 814 W Wisconsin Ave
East Library, 2320 N. Cramer St.

EXHIBIT 3

Ex. 3

Mitchell Street Library, 906 W. Historic Mitchell St.
Tippecanoe Library, 3912 S. Howell Ave.
Villard Square Library, 5190 N. 35th St.
Washington Park Library, 2121 N. Sherman Blvd.
American Serb Hall, 5101 W Oklahoma Ave.
Wisconsin Hispanic Scholarship Foundation/Mexican Fiesta – Flores Hall,
2997 S 20th St.
University of Wisconsin – Milwaukee, 2200 E Kenwood Blvd.
Milwaukee Area Technical College, 700 W State St.
Fiserv Forum, 1111 Vel R. Phillips Ave.
Clinton Rose Senior Center, 3045 N Martin Luther King Dr.
Social Development Commission, 1730 W North Ave.
Marcia P. Coggs Human Services Center, 1220 W Vliet St.
Sojourner Family Peace Center, 619 W. Walnut St.
UMOS, 2701 S Chase Ave.
Gee's Clippers, 2200 N Martin Luther King Dr.
COA Goldin Center, 2320 W Burleigh St.
Coffee Makes You Black, 2803 N Teutonia Ave.

The first day to vote an absentee ballot with the clerk's office is:
Tuesday, July 26 at 9am

The last day to vote an absentee ballot with the clerk's office is:
Saturday, August 6 at 3pm

No in-person absentee voting may occur on the day before the election.

The Election Commission will deliver voted ballots returned on or before Election Day to Central Count before the polls close on August 9, 2022. Any ballots received after the polls close will not be counted.

VOTING BY ABSENTEE BALLOT

Any qualified elector who is unable or unwilling to appear at the polling place on Election Day may submit a request to vote an absentee ballot to their municipal clerk. A qualified elector is any U.S. citizen who:

- will be 18 years of age or older on Election Day.
- has resided in the ward or municipality where they wish to vote for at least 28 consecutive days before the election.

The elector must also be registered to vote to receive an absentee ballot. Proof of identification must be provided before an absentee ballot may be issued*.

Making application to receive an absentee ballot by mail

Contact your municipal clerk and request that an application for an absentee ballot be sent to you for the primary or election or both. You may make written application to your municipal clerk for an absentee ballot in person, by mail, by fax, by email or at MyVote.wi.gov.

Your written request must include:

1. your voting address within the municipality where you wish to vote
2. the address where the absentee ballot should be sent, if different from the address above
3. your signature
4. a copy of your photo identification*

The deadline for making application to receive an absentee ballot by mail is:
5:00 p.m. on the fifth day before the election, (insert actual date of deadline)**.

*Voters who are indefinitely confined due to age, illness, infirmity, or disability may not be required to provide photo ID. If this applies to you, contact the municipal clerk regarding deadlines for requesting and submitting an absentee ballot.

**Special absentee voting application provisions apply to electors who are indefinitely confined, in the military, hospitalized, or serving as a sequestered juror. If this applies to you, contact the municipal clerk regarding deadlines for requesting and submitting an absentee ballot.

Voting an absentee ballot in person

You may also request and vote an absentee ballot in the clerk's office or other specified location during the days and hours specified for casting an absentee ballot in person.

(Insert: Name of municipal clerk; telephone number)
(address of clerk's office or alternate location for applying for and casting absentee ballots)
(clerk's days and hours of availability for receiving absentee ballot applications)

The first day to vote an absentee ballot in the clerk's office is:

(Insert date and time in-person absentee voting will begin in your municipality)

(Note: Absentee voting may have begun in your municipality before publication of the Type E Notice. If so, you may insert the date and time in-person voting began. If in-person absentee voting has not begun yet, insert the date and time in-person absentee voting will begin upon publication of the Type E Notice.)

The last day to vote an absentee ballot in the clerk's office is:

(Insert date and time in-person absentee voting will cease in your municipality)

(Note: This may be no later than the Sunday before the election.)

No in-person absentee voting may occur on the day before the election. The municipal clerk will deliver voted ballots returned on or before Election Day to the proper polling place or counting location before the polls close on (insert date of primary or election). Any ballots received after the polls close will not be counted.

(Note: The Type E Notice is published by the municipal clerk on the 4th* Tuesday before each primary and each election held in the municipality. If a weekly paper is used for publication, the notice is published in the closest preceding issue to the 4th* Tuesday before each primary and each election. If a municipality chooses to post this notice in lieu of publication, the notice must be posted no later than the 4th* Tuesday before the primary or the election.)

* The Type E Notice for a special primary or election for national state, county or municipal or special district office, not held concurrently with the spring or general election, is published on the 3rd Tuesday preceding the primary or election. Wis. Stat. §§10.01(2)(e), 10.06(3)(f).



Wisconsin Elections Commission

212 East Washington Avenue | Third Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

DATE: July 24, 2020

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

FROM: Meagan Wolfe
Administrator

SUBJECT: Establishment and Continued Use of Alternate In-Person Absentee Voting Sites

As the August Partisan Primary and November General Election approaches, some municipalities throughout Wisconsin may be using alternate sites, outside of the clerk's office, to conduct in-person absentee voting. While these alternate sites are allowed by statute, there are specific requirements to which clerks and municipal governing bodies must be mindful of when both establishing and using those alternate sites. These specifications are laid out in Wis. Stat. § 6.855(1),(2) and are summarized below.

Establishment of Alternate In-Person Absentee Voting Sites

In any municipality where alternate in-person absentee ballot sites will be used, those sites must have been established by the municipal governing body no later than 14 days prior to the time that absentee ballots are available for the August primary. ([See WEC Election Calendar](#)) With regard to the August Partisan Primary and the November General Election, this date was June 11, 2020. If, at this time, alternate sites have not been designated by the municipal governing body, they cannot be added prior to the August or November elections. There are no provisions in state statute that allow municipalities to establish a certain set of in-person absentee locations prior to the August Partisan Primary only to have a separate set of locations offered prior to the November General Election. Alternate in-person absentee voting locations established for the August Partisan Primary must also be used for the November General Election. Neither state statute nor the *One Wisconsin Institute* court decision limits the number of alternate absentee sites that may be established, nor the hours that voting may occur at those sites. Voting may not occur at any in-person absentee voting location on the Monday prior to an election.

Using Alternate In-Person Absentee Voting Sites

Municipal clerks who will be using multiple in-person absentee voting sites must list these sites in their Type E notice. Wis. Stat. § 10.01(2)(e). The notice must include the location of any alternate site established under Wis. Stat. § 6.855 and the hours during which voting will be made available for in-person absentee voting. Any in-person absentee voting site that was designated with the intention of use prior to the November General Election must also be noticed for in-person absentee voting during the period prior to the August Partisan Primary. If turnout at certain in-person absentee voting locations is expected to be lower for the August

Wisconsin Elections Commissioners

Ann S. Jacobs, chair | Marge Bostelmann | Julie M. Glancey | Dean Knudson | Robert Spindell | Mark L. Thomsen

Administrator
Meagan Wolfe

Ex. 5

Wisconsin Elections Commission
Establishment and Continued Use of Alternate In-Person Absentee Voting Sites
July 24, 2020

Partisan Primary than for the November General Election, clerks may offer limited voting hours or “by appointment only” voting at those sites. In the event that a Type E notice for the Partisan Primary has been published and does not list each alternate site as designated by the governing body, clerks should amend their Type E notice. The amended notice should reflect all locations that will be in use prior to both the Partisan Primary and General Election, and the respective hours of voting or if a location is “by appointment only.”

We appreciate your attention to this matter. Please contact us at elections@wi.gov or call us at (608)261-2028 with any questions you may have.

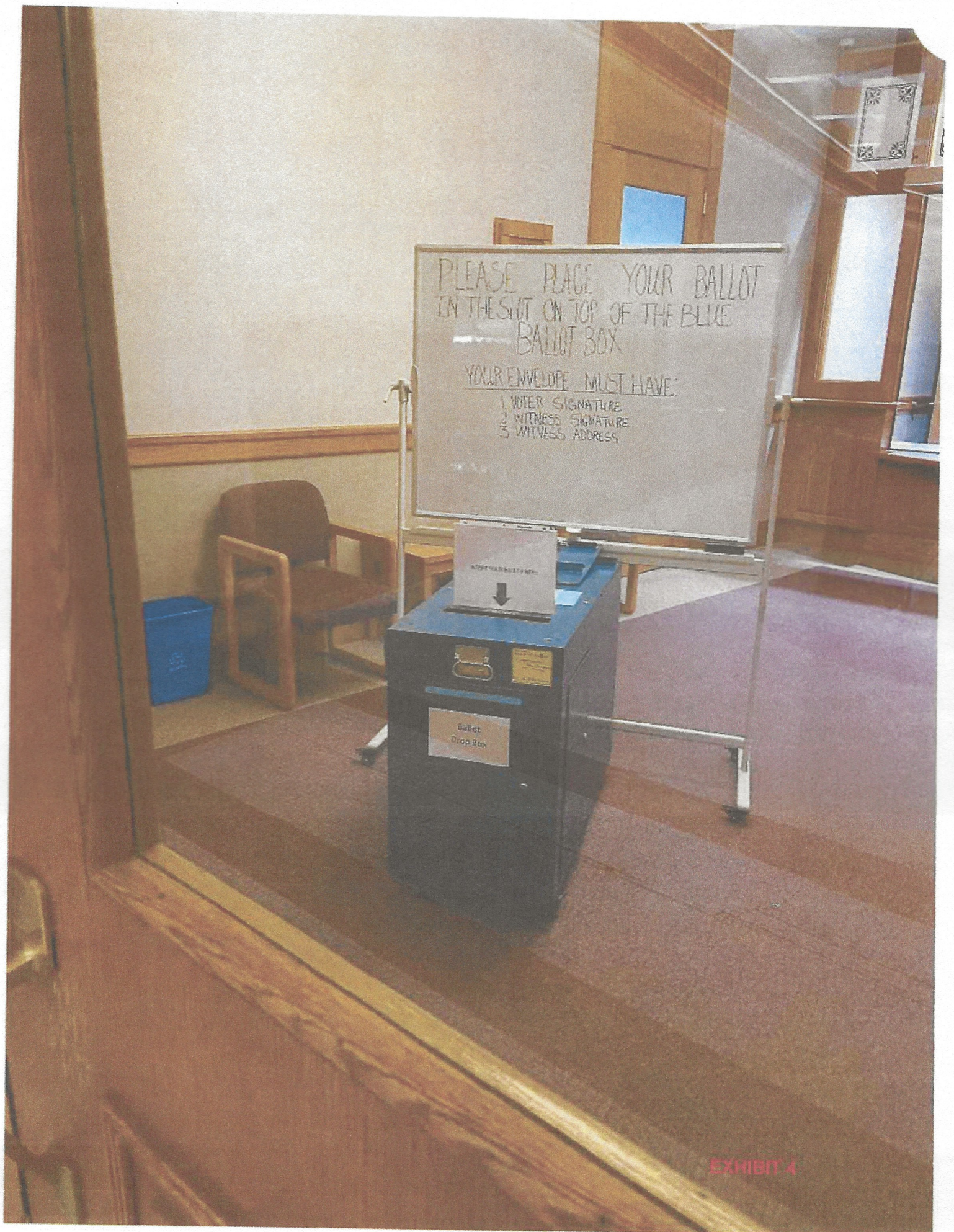


EXHIBIT 4

Ex. 6



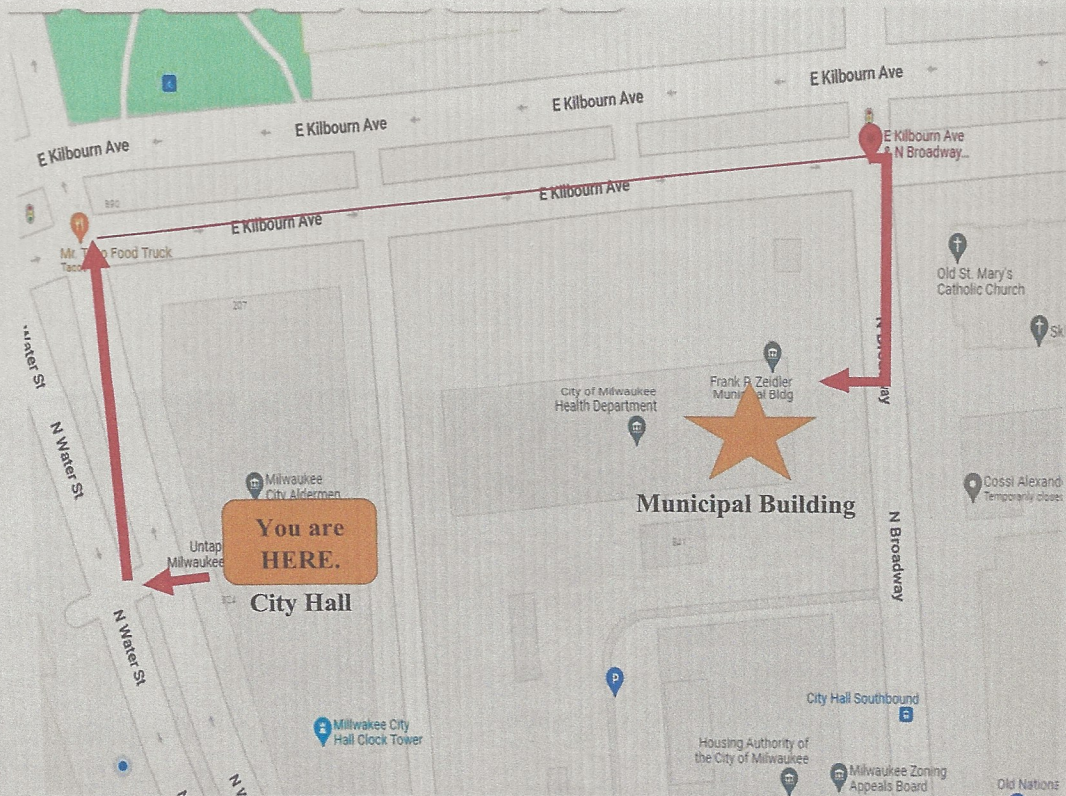
Returning an Absentee Ballot?

**You must go to the Municipal Building,
corner of Broadway and Kilbourn Ave.**

Exit City Hall through revolving doors on Water St. and turn right.

Take a right onto Kilbourn Ave (east, towards the lake).

The municipal building is one block away. Look for the early voting signs.



If you need an accessible route, please ask the information desk for directions through the basement tunnel.