

Official Election Complaint Form



STEP 1

Complaint Type

Please select the statutory process that governs your complaint:

Note: you should choose only one statutory process per complaint; if you feel that your allegations fall under more than one statutory process, you should submit separate complaints under each process.

[5.05 \(Election Law Violation\)](#)

● [5.06 \(Violations by Election Officials or Appeals of Decisions of Election Officials\)](#)

[5.061 \(Help America Vote Act Violation\)](#)

STEP 2

Complainant Contact Information

Please provide the following information about yourself.

Note: Anyone filing this complaint with you can add their information on a separate page (see page 4).

First Name	Last Name
MARIE	SCHMIDT
Residential Address	
1205 PARCHER STREET, WAUSAU, WI 54403	
Mailing Address (if different)	
607 S. 24 th AVENUE, SUITE 12, P.M.B. #146, WAUSAU, WI 54401	
Telephone (optional)	Email
	d6.4mhs@use.startmail.com

STEP 3

Respondent

Please provide the following information about the individual or individuals whom you allege violated or improperly administered election laws:

Note: For 5.06 complaints, each respondent must be an election official. If there are multiple respondents, you can add their information on a separate page (see page 5).

Respondent Name	Respondent Title (5.06 complaints)
KAITLYN BERNARDE	CITY OF WAUSAU CLERK
Mailing Address	
407 GRANT STREET, WAUSAU, WI 54403	
Telephone (if available)	Email (if available)
715-261-6620	KAITLYN.BERNARDE@WAUSAUWI.GOV



Applicable Statutes

Please cite each statute within Chapters 5 to 10 and 12 of the Wisconsin Statutes, as well as any other laws relating to elections, other than laws relating to campaign financing, that you allege were violated or improperly administered.

Note: The Commission cannot accept a complaint that does not cite specific provisions, including the correct subsections, of election law.

PLEASE SEE SUPPORTING DOCUMENTATION,



Allegations

Set forth in detail the facts that establish probable cause to believe that a violation occurred. Be as specific as possible as it relates to dates, times, individuals, and actions involved. Use as many separate pages as needed and attach copies of any supporting documentation, evidence, or affidavits.

PLEASE SEE SUPPORTING DOCUMENTATION.

STEP 6

Sign

Each complainant must complete **either** step 6a, "Unsworn Statement," or Step 6b "Sworn Statement." For either option, you may enter your digital signature by clicking the box and following the instructions, or you may print the form and sign it.

STEP 6a

Unsworn Statement

I declare under penalty of false swearing under the law of Wisconsin that

the foregoing is true and correct. Signed on the day of ,

at

(city or other location and state or country).

Printed Name

Signature

STEP 6b

Sworn Statement (to be completed in the presence of a notary)

I, being first duly sworn, on oath, state that I personally read the above complaint, and that the above allegations are true based on my personal knowledge and, as to those stated on information and belief, I believe them to be true.

Complainant's Signature

Note: Each complainant listed above in section 6b must have this form sworn before a notary or other official able to swear oaths.

STATE OF WISCONSIN

County of, (county of notarization)

Sworn to before me this day of,

(Signature of person authorized to administer oaths)

My commission expires on , or is permanent.

Notary Public or (official title if not notary)





.....
Filing the Complaint

Please send this completed form to the Wisconsin Elections Commission

Email:

elections@wi.gov

Please put your name and
"Complaint" in the email
subject field

Mail:

Wisconsin Elections
Commission
P.O. Box 7984
Madison, WI 53707-7984

Fax:

608-267-0500

Additional Complainants

First Name	Last Name
STEVEN	SCHMIDT
Residential Address	
1205 PARCHER STREET, WAUSAU, WI 54403	
Mailing Address (if different)	
607 S. 24 th AVENUE, SUITE 12, P.M.B. #146, WAUSAU, WI 54401	
Telephone (optional)	Email
	dl6.4mhs@USE.STARTMAIL.COM

First Name	Last Name
Residential Address	
Mailing Address (if different)	
Telephone (optional)	Email

First Name	Last Name
Residential Address	
Mailing Address (if different)	
Telephone (optional)	Email

Additional Respondents

Respondent Name	Respondent Title (5.06 complaints)
KODY HART	DEPUTY CLERK
Mailing Address	
407 GRANT STREET, WAUSAU, WI 54403	
Telephone (if available)	Email (if available)
715-261-6621	

Respondent Name	Respondent Title (5.06 complaints)
MARYANNE GROAT, CPA	FINANCE DIRECTOR
Mailing Address	
407 GRANT STREET, WAUSAU, WI 54403	
Telephone (if available)	Email (if available)
715-261-6640	MARYANNE.GROAT@WAUSAUWI.GOV

Respondent Name	Respondent Title (5.06 complaints)
Mailing Address	
Telephone (if available)	Email (if available)

Respondent Name	Respondent Title (5.06 complaints)
Mailing Address	
Telephone (if available)	Email (if available)

Steven & Marie Schmidt

607 S. 24th Avenue
Suite 12, P.M.B. #146
Wausau, WI 54401

10 October 2024

Dear Wisconsin Elections Commission,

Our names are Steve and Marie Schmidt and we would like to bring to your **URGENT** attention the matter of the universal/multi-use drop box that was put outside for residents to submit absentee ballots, payments, and other important city requests as insisted upon by Wausau’s City Clerk, Kaitlyn Bernarde. The official statement by the clerk is below.

Official Statement from the City Clerk Regarding the Drop Box on 09/30/2024

<https://www.wausauwi.gov/home/showpublisheddocument/12468/638633025457570000>



Office of the City Clerk
Kaitlyn Bernarde

TEL: (715) 261-6620
FAX: (715) 261-4106
Kaitlyn.bernarde@ausauwi.gov

FOR IMMEDIATE RELEASE

September 30, 2024

**Wausau City Clerk Statement
on Official Drop Box Use**

Absentee ballots were mailed starting September 19, 2024. An official drop box is now secured outside City Hall for residents to submit absentee ballots, payments, and other important city requests as was intended. The drop box has been re-labeled for use and is secured to the ground, in accordance with guidelines from the Wisconsin Elections Commission and the United States Election Assistance Commission. The previously utilized silver payment box in front of City Hall has been removed and will no longer be in service. We appreciate the community’s patience.

On October 2, 2024 at 9:43 a.m. we submitted via email our strong concerns in a public comment for the Wausau City Council meeting scheduled for October 8, 2024. We sent this to the Wausau City Clerk Kaitlyn Bernarde, Mayor Doug Diny, and Cc: the entire City Council – Carol Lukens, Michael Martens, Terry Killian, Tom Neal, Gary Gisselman, Becky McElhaney, Council President Lisa Rasmussen, Sarah Watson, Victoria Tierney, Lou Larson, and Chad Henke.

We requested that our concerns, which were put into an easy-to-understand pdf document, be included with the public comments for the Wausau City Council meeting on October 8, 2024. City Clerk Kaitlyn Bernarde failed to include our comments with the public comments of the meeting agenda or minutes. Our concerns are listed below.

This is a picture of the CURRENT “Official Drop Box”



In the Election Administration Manual for Wisconsin Municipal Clerks by Wisconsin Elections Commission book dated August 2024, found here at this link <https://elections.wi.gov/sites/default/files/documents/EA%20Manual-August%202024.pdf>, on page 79 of the 251 pages, you will find “Best Practices: Physical Security of the Drop Box Itself” guidelines.

These are the specific points that we would like to point out. (**Emphasis ours**)

Point #1.

The slot of the drop box be appropriately sized so that **only an absentee ballot can be deposited and not other objects** or liquids.

Point #1 Violation

Per the Election Administration Manual for Wisconsin Municipal Clerks by Wisconsin Elections Commission as stated above “**only an absentee ballot can be deposited and not other objects**”. This would indicate that payments and other important city requests would not be allowed to be put into a drop box intended for Absentee Voter Ballots. “Payment” is clearly at the top of the box.

Point #2.

Any damage to or tampering with the drop box be documented and **the drop box be inspected to ensure that it remains secure for the purpose of depositing absentee ballot envelopes.**

Point #2 Violation

Per the Election Administration Manual for Wisconsin Municipal Clerks by Wisconsin Elections Commission as stated above “**for the purpose of depositing absentee ballot envelopes**”. This would also indicate that payments and other important city requests would not be allowed to be put into a drop box intended for the purpose of Absentee Voter Ballots.

Point #3.

The drop box be clearly marked or labeled that the drop box is for the purpose of collecting absentee ballots in return envelopes.

Point #3 Violation

Per the Election Administration Manual for Wisconsin Municipal Clerks by Wisconsin Elections Commission as stated above “**The drop box be clearly marked or labeled that the drop box is for the purpose of collecting absentee ballots in return envelopes**”. This drop box is not clearly marked or labeled that it is for the purpose of collecting absentee voter ballots in their respective return envelopes, it is labeled for Payments.

Point #4.

The time of final retrieval of ballot return envelopes be clearly marked on or near the drop box. After the time of final retrieval, the drop box be secured to prevent the submission of absentee ballot return envelopes.

Point #4 Violation

Per the Election Administration Manual for Wisconsin Municipal Clerks by Wisconsin Elections Commission as stated above **“The time of final retrieval of ballot return envelopes be clearly marked on or near the drop box. After the time of final retrieval, the drop box be secured to prevent the submission of absentee ballot return envelopes”**. This drop box does not have the time of final retrieval of ballot return envelopes clearly marked on or near the drop box.

Furthermore, if the clerk Kaitlyn Bernarde’s intention is to use this box for multi-purposes, how can you secure it to prevent the submission of absentee ballot return envelopes after the final retrieval deadline?

Also per the United States Elections Assistance Commission on the next page, after the ballot return deadline, the box is supposed to be locked so no additional ballots can be deposited.

From the United States Elections Assistance Commission:

https://www.eac.gov/sites/default/files/electionofficials/QuickStartGuides/Ballot_Drop_Boxes_EAC_Quick_Start_Guide_508.pdf

Quick Start Guide

Ballot Drop Boxes

Helping America Vote

About the Quick Start Guides: The EAC’s Quick Start Guides are intended to familiarize local election officials with various topics they will likely encounter in election administration. The guides are a starting point to identify areas of concern and give officials a broad idea of factors they should consider in approaching a given topic.

Utilizing Drop Boxes
In jurisdictions that permit ballot drop boxes, election officials must address several considerations before deploying drop boxes. First, they must familiarize themselves with state law and regulatory requirements. Some states only permit drop boxes in certain locations or with specific security measures. Drop boxes also come with additional costs, including staff to empty the boxes daily, hardware, security seals and locks, ballot containers, and other security equipment.

Locations

- Follow state statutes on required or permissible locations for the installation of drop boxes.
- Use demographic data to determine whether there should be a different formula for placing drop boxes in rural or urban locations (i.e., 1 for every 15,000 residents might be every mile in an urban area, but every 50 miles in a rural area).
- Choose a location that is accessible by public transportation (where available).
- Avoid locations that can be obstructed by high traffic events.
- Ensure the drop box is clearly visible and the path to it is accessible with a 30 inch by 48 inch minimum clear and level ground space in front.
- Publish Public Service Announcements on radio and in local newspapers, and share drop box locations on social media.
- Provide a list or map of drop box locations on your website and with mail ballot voting instructions.

Ballot Return Deadline
Election officials must ensure teams are present at each drop box as the ballot return deadline passes. Teams must allow any voters in line by the deadline to deposit their ballots, then collect all ballots, and lock the box so no additional ballots can be deposited.

Security

- Teams of two (preferably bipartisan) should empty each drop box at least once a day.
- Utilize unique locks and security seals to secure ballots within the drop box.
- Provide local law enforcement a map of drop box locations and request extra patrols.
- Ensure the area is well lit and any unsupervised drop boxes have video surveillance.
- Implement rigorous chain of custody procedures. For each drop box, teams should record the time and date emptied, verify the box’s seal number, document the number of ballots retrieved, reseal the drop box, and seal the ballot container.
- Track the return of drop boxes after the ballot return deadline passes to ensure all drop boxes are emptied and ballots collected are included in election night unofficial results.

Point #5

Best Practices: Security of the Drop Box Surroundings

- The drop box be located in a well-lit area.

Point #5 Violation

This universal/multi-use drop box is not in a well-lit area. See pages 88 & 90 at the link below for photographs provided in the council packet.

Wausau Mayor asked for drop box security funding and received zero support from Common Council at the October 8, 2024 meeting. It was the last item on the agenda. Several residents spoke at public comment at the beginning of this meeting with concerns of election integrity and the drop box. Wausau Mayor Doug Diny's request for \$3,000 to fund lighting and a new camera to train on the clerk's office drop box outside City Hall was dismissed at Tuesday's Common Council meeting.

Council packet for October 8, 2024 meeting

<https://www.wausauwi.gov/home/showpublisheddocument/12516/638639856195970000>

Page 86: Drop Box information starts

Page 88: Photo of drop box (it's in the dark, you can't even see it)

Page 90: Photo is not clear

Wausau Mayor Diny has made attempts to address this, sadly unsuccessfully due to the pushback of City Clerk Kaitlyn Bernarde, City Council Members, advice of City Attorney, and Finance Director Mary Ann Groat - who is the city clerk's supervisor and one who also made the decision to make this a universal/multi-use drop box to be used for absentee ballots, payments, and other important city requests.

Per the Election Administration Manual for Wisconsin Municipal Clerks by Wisconsin Elections Commission as stated on page 78, —the Commission recommends that clerks thoroughly complete a security assessment for each intended drop box location prior to deployment. The Wausau City Clerk Kaitlyn Bernarde failed in doing so.

Wausau City Clerk Kaitlyn Bernarde was in such a hurry to get a drop box out for use that she failed miserably at all the requirements to make an Absentee Ballot Drop Box legal and secure. We have brought this to Wausau City Clerk Kaitlyn Bernarde's attention 8 days ago and the box is still non-compliant.

We are requesting your URGENT attention to investigate this matter as we are already in election season and Absentee Ballots are being put into this universal/multi-use drop box which clearly does not meet the standards set by the State of Wisconsin and Wisconsin Election Commissions. This is an important and very big election and we seek 100% election integrity.

This is a picture of the FORMER “Official Box”

The City of Wausau used to have a secured box located outside in front of City Hall for the sole purpose of Absentee Ballots only. That is no longer there.

This seems more in line with what the requirements are. It’s a shame the clerk got rid of it.

- Clearly marked for Official Absentee Ballots Drop Box
- Not marked for Payments, etc.



This is an important and very big election. One would think that a clerk in charge of elections, knowing full well that election integrity is and will be a hot button topic, that Clerk Kaitlyn Bernarde would take every measure possible to ensure that all regulations, guidelines, rules and stipulations are not only followed but would have gone beyond all these measures to ensure that all parties in this election would not have any concerns about election integrity.

Sincerely,
Steven & Marie Schmidt



City Hall N Entrance Quad - W View





WISCONSIN ELECTIONS
COMMISSION



Litigation Update: Priorities USA v. WEC

Thursday, July 11, 2024

To: [City of Milwaukee Election Commission](#)
[Milwaukee County Election Commission](#) [Wisconsin County Clerks](#)
[Wisconsin Municipal Clerks](#)

Priority: High Priority

File Downloads

-  [Litigation Update FAQ - Priorities USA v. WEC - Drop Boxes - FINAL \(003\).pdf](#)
-  [Attachment A - Drop Box Resources from the United States Election Assistance Commission - Pages Labeled.pdf](#)

SUBJECT: Litigation Update: Priorities USA v. WEC¹
RE: Unstaffed drop boxes; municipal clerk discretion; Teigen v. WEC²

ATTACHMENTS: Attachment A - Drop Box Resources from the United States Election Assistance Commission

On July 11, 2024, the Wisconsin Elections Commission ("the Commission") held a public meeting to review and issue guidance following the Wisconsin Supreme Court's decision in *Priorities USA v. WEC*. The Commission passed the following motion unanimously:

The Wisconsin Elections Commission approves and issues the Clerk Communication and FAQ in Attachment A, including questions 1-16, as amended by discussion. The Commission directs staff to make edits to the Election Administration and Election Day manuals consistent with its discussion, and to bring revised pages back for Commission approval at a future meeting.

The Commission is issuing this guidance in the interest of answering common questions it has received from clerks, voters, and the media since the decision was published by the Wisconsin Supreme Court. The Commission may issue additional guidance in the future to address new questions or aspects of drop box administration and policy ahead of the November 2024 General Election.

6. Are the Commission's previous memos related to drop boxes prior to the Teigen decision back in effect?

No. The Commission withdrew memoranda dated March 31 and August 19, 2020 relating to drop boxes as part of the Teigen litigation on February 16, 2022. The Priorities USA decision does not mean either of those memoranda are back in effect.

This memorandum, dated July 11, 2024, is the Commission's sole issued guidance document related to drop boxes as of this date.

7. Did the decision discuss where drop boxes may be located and who can set them up?

Yes. The decision stated that drop boxes are set up, maintained, secured, and emptied by the municipal clerk, which includes their authorized representatives. A single person need not set up, maintain, secure, and empty all drop boxes in a municipality. The drop boxes may be placed in a location other than the municipal clerk's office, and may be placed in any location that the municipal clerk, within his or her statutory discretion, designates.

8. Do drop boxes need to be secure? What should clerks consider when examining drop box security?

Yes. The decision held that state law permits clerks to lawfully utilize secure drop boxes in an exercise of their statutorily conferred discretion. The decision did not provide guidance on what it means for a drop box to be "secure." The Commission recommends that clerks keep the following non-exhaustive security considerations in mind when planning to utilize drop boxes, which are consistent with guidance from the U.S. Election Assistance Commission (EAC) and the U.S. Cybersecurity and Infrastructure Security Agency (CISA). These considerations are merely a starting point—the Commission recommends that clerks thoroughly complete a security assessment for each intended drop box location prior to deployment. The Commission recommends the following best practices:

Best Practices: Physical Security of the Drop Box Itself

- The drop box be securely affixed to the ground or the side of the building, or secured such that the drop box cannot be removed or tampered with.
- If located outside, the drop box be sturdy enough to withstand the elements so the ballots inside will remain unspoiled.
- The drop box be secured against unlawful access or emptying.
- The slot of the drop box be appropriately sized so that only an absentee ballot can be deposited and not other objects or liquids.
- Any damage to or tampering with the drop box be documented and the drop box be inspected to ensure that it remains secure for the purpose of depositing absentee ballot envelopes.
- The drop box be clearly marked or labeled that the drop box is for the purpose of collecting absentee ballots in return envelopes.
- The time of final retrieval of ballot return envelopes be clearly marked on or near the drop box. After the time of final retrieval, the drop box be secured to prevent the submission of absentee ballot return envelopes.

The decision does not say that drop boxes need to be staffed, nor does the decision require a clerk to ask any questions of a voter who is attempting to return a ballot to a drop box.

11. What steps should clerks take if they want to display their drop box locations on MyVote ahead of the August 13, 2024 election?

Once implemented, clerks will be able to add drop box locations and information to WisVote under Election Specific Absentee Options, which will make the drop box locations viewable to voters in their municipality on MyVote. Registered voters in these municipalities will be able to see the information under "Find My Local Absentee Options" button from the Vote Absentee section (<https://myvote.wi.gov/en-us/VoteAbsentee>). Clerks will receive detailed instructions when this functionality becomes available again.

Clerks are encouraged to communicate to voters as to the dates, times, and locations of drop boxes, as well as final retrieval dates and times.

12. Does the decision require clerks to track which ballots are received by drop box?

No. Nothing in the decision requires clerks to track, mark, or otherwise separate or indicate which returned absentee ballots were received via secure drop box.

13. May a clerk place an insert informing voters of the availability of drop boxes?

Yes. Clerks may place an insert informing voters of the availability of drop boxes for the return of absentee ballot envelopes. Those inserts are recommended to include the locations of the drop boxes, dates and times of availability, and date and time of final retrieval of absentee ballot envelopes. Such an insert would be considered additional administrative or logistical instructions pursuant to administrative rule EL § 6.05(2).

14. Will there be additional training on drop boxes?

Yes. Commission staff intend to provide training to clerks in ElectEd that will be consistent with the Commission's guidance.

15. Are private citizens permitted to watch drop boxes if they are located in public?

Yes, but not if the watching interferes with voting. Whoever "interrupt[s] or disturb[s] the voting... proceedings" may be fined not more than \$1,000, or imprisoned not more than 6 months or both.⁵ Additionally, anyone who "by abduction, duress, or any fraudulent device or contrivance, impede[s] or prevent[s] the free exercise of the franchise at an election" is guilty of a Class I felony.⁶

Clerks immediately contact law enforcement if anyone tampers with, defaces, destroys, unlawfully empties, or interrupts, impedes, or prevents the use of a drop box.

16. What should I do if I still have questions?



Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

DATE: July 11, 2024

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

FROM: The Wisconsin Elections Commission

SUBJECT: **Litigation Update: *Priorities USA v. WEC*¹**
RE: Unstaffed drop boxes; municipal clerk discretion; *Teigen v. WEC*²

ATTACHMENTS: **Attachment A - Drop Box Resources from the United States Election Assistance Commission**

On July 11, 2024, the Wisconsin Elections Commission (“the Commission”) held a public meeting to review and issue guidance following the Wisconsin Supreme Court’s decision in *Priorities USA v. WEC*. The Commission passed the following motion unanimously:

The Wisconsin Elections Commission approves and issues the Clerk Communication and FAQ in Attachment A, including questions 1-16, as amended by discussion. The Commission directs staff to make edits to the *Election Administration* and *Election Day* manuals consistent with its discussion, and to bring revised pages back for Commission approval at a future meeting.

The Commission is issuing this guidance in the interest of answering common questions it has received from clerks, voters, and the media since the decision was published by the Wisconsin Supreme Court. The Commission may issue additional guidance in the future to address new questions or aspects of drop box administration and policy ahead of the November 2024 General Election.

Priorities USA v. WEC **Frequently Asked Questions** **July 11, 2024**

Decision Issued: On July 5, 2024, the Wisconsin Supreme Court overruled its prior decision, in part, in *Teigen v. WEC*, and held that secure drop boxes were permitted under state law as a valid method of absentee ballot return. The decision is binding on all lower Wisconsin courts. The use of drop boxes is not mandatory and is at the discretion of the municipal clerk.

¹ 2024 WI 32. Wisconsin Supreme Court Number: 2024AP000164; Dane County Circuit Court Number: 2023CV1900

² 2022 WI 64, 403 Wis. 2d 607; 976 N.W.2d 519.

Wisconsin Elections Commissioners

Ann S. Jacobs, chair | Marge Bostelmann | Don M. Millis | Carrie Riepl | Robert Spindell | Mark L. Thomsen

Administrator
Meagan Wolfe

8. Do drop boxes need to be secure? What should clerks consider when examining drop box security?

Yes. The decision held that state law permits clerks to lawfully utilize secure drop boxes in an exercise of their statutorily conferred discretion. The decision did not provide guidance on what it means for a drop box to be “secure.” The Commission recommends that clerks keep the following non-exhaustive security considerations in mind when planning to utilize drop boxes, which are consistent with guidance from the U.S. Election Assistance Commission (EAC) and the U.S. Cybersecurity and Infrastructure Security Agency (CISA). These considerations are merely a starting point—the Commission recommends that clerks thoroughly complete a security assessment for each intended drop box location prior to deployment. The Commission recommends the following best practices:

Best Practices: Physical Security of the Drop Box Itself

- The drop box be securely affixed to the ground or the side of the building, or secured such that the drop box cannot be removed or tampered with.
- If located outside, the drop box be sturdy enough to withstand the elements so the ballots inside will remain unspoiled.
- The drop box be secured against unlawful access or emptying.
- The slot of the drop box be appropriately sized so that only an absentee ballot can be deposited and not other objects or liquids.
- Any damage to or tampering with the drop box be documented and the drop box be inspected to ensure that it remains secure for the purpose of depositing absentee ballot envelopes.
- The drop box be clearly marked or labeled that the drop box is for the purpose of collecting absentee ballots in return envelopes.
- The time of final retrieval of ballot return envelopes be clearly marked on or near the drop box. After the time of final retrieval, the drop box be secured to prevent the submission of absentee ballot return envelopes.

Best Practices: Security of the Drop Box Surroundings

- The drop box be located in a safe location with adequate parking and safe access for pedestrians.
- The drop box be located in a well-lit area.
- The drop box be clearly visible, and the path to the drop box be accessible with clear and level ground space in front.

Best Practices: Security of Ballot Retrieval/Emptying

- The drop box be emptied often enough to avoid the box from being filled with ballots, and a record of the times and dates of retrieval, number of ballots retrieved and the person or persons participating in the retrieval be maintained.
- Ballots retrieved from a drop box be securely transported to the office of the clerk.
- The drop box be equipped with unique locks or seals to secure ballots.

12. Does the decision require clerks to track which ballots are received by drop box?

No. Nothing in the decision requires clerks to track, mark, or otherwise separate or indicate which returned absentee ballots were received via secure drop box.

13. May a clerk place an insert informing voters of the availability of drop boxes?

Yes. Clerks may place an insert informing voters of the availability of drop boxes for the return of absentee ballot envelopes. Those inserts are recommended to include the locations of the drop boxes, dates and times of availability, and date and time of final retrieval of absentee ballot envelopes. Such an insert would be considered additional administrative or logistical instructions pursuant to administrative rule EL § 6.05(2).

14. Will there be additional training on drop boxes?

Yes. Commission staff intend to provide training to clerks in ElectEd that will be consistent with the Commission's guidance.

15. Are private citizens permitted to watch drop boxes if they are located in public?

Yes, but not if the watching interferes with voting. Whoever "interrupt[s] or disturb[s] the voting...proceedings" may be fined not more than \$1,000, or imprisoned not more than 6 months or both.⁵ Additionally, anyone who "by abduction, duress, or any fraudulent device or contrivance, impede[s] or prevent[s] the free exercise of the franchise at an election" is guilty of a Class I felony.⁶

Clerks immediately contact law enforcement if anyone tampers with, defaces, destroys, unlawfully empties, or interrupts, impedes, or prevents the use of a drop box.

16. What should I do if I still have questions?

If you have additional questions, please email elections@wi.gov.

⁵ See Wis. Stat. §§ 12.13(3)(x), 12.60(1)(b).

⁶ See Wis. Stat. §§ 12.09(2), 12.60(1)(a).

Attachment A - Drop Box Resources from the United States Election Assistance Commission



ELECTION MANAGEMENT GUIDELINES

WWW.EAC.GOV

Attachment A - Drop Box Resources from the United States Election Assistance Commission

ELECTION MANAGEMENT GUIDELINES

There are a significant number of states that authorize the return of mail or electronically transmitted ballots by email, fax, or other electronic means such as an upload to a portal. Security procedures, chain of custody, and ballot duplication procedures in offices are determined by state law and guidance.

Drop Boxes

Election officials should review state law and regulations before using ballot drop boxes. When locating drop boxes, election officials consider population, geographic areas, security, and available funding. Election officials should consider using city and county facilities, public assistance offices, senior and community centers, locations in areas with significant minority or traditionally disenfranchised communities as drop box locations when applicable.

When determining locations and drop box placement, consider the following factors:

- Access for voters with disabilities
- Security
- Voter convenience
- Parking

Election officials should be sure to inform voters of the location and hours of operation for all drop boxes in their jurisdiction. The EAC's **Ballot Drop Boxes Quick Start Guide** provides additional information on locating and securing drop boxes.² The Quick Start Guide and the EAC's **Best Practices: Chain of Custody** include guidelines for developing robust chain of custody procedures applicable to emptying drop boxes.³ Additionally, the **Making Voting Accessible Quick Start Guide** outlines general accessibility considerations for ballot drop boxes.⁴

Ballot drop boxes must be locked and secure at all times. They should be placed in monitored areas or under video surveillance, whether indoor or outdoor. The drop boxes should be accessible only by a unique key, and two staff members (preferably bipartisan) should access the box to collect ballots.

Election officials should establish a predetermined collection schedule. A team of two election workers (preferably bipartisan) should transfer the voted ballots to a locked or sealed ballot box, bag, or pouch and deliver it to the elections office. On Election Day, election workers should monitor the drop box locations until the close of the polls or the deadline for ballot receipt. Two election workers (preferably bipartisan) should be assigned to lock each drop box location, collect all remaining ballots, and ensure the drop box is removed or cannot accept any additional ballots after the deadline.

In-Person Voting Locations

If state law allows the voter to drop off voted absentee ballots at in-person voting locations, election officials must include instructions and procedures for poll workers to use in returning these voted ballots to the central elections office. Depending on the jurisdiction, mail ballots returned to a voting location may either be scanned at the location or centrally scanned at the elections office. Poll workers must understand how to document receipt of mail ballots and track tabulation, if applicable, and return to the elections office.

Returned Ballot Audit Trail

Elections office staff must create an audit trail throughout the ballot reception process. Election officials should maintain logs for processing the ballots through each step. All statistical information must be maintained for each batch of ballots processed, including:

- Number of ballots received
- Number of ballots counted
- Name, team number, or persons involved
- Date and time processed
- Number of challenged ballots
- Number of write-ins and duplicated ballots
- Number of envelopes that do not contain a ballot
- Number of envelopes containing more than one ballot

² https://www.eac.gov/sites/default/files/electionofficials/QuickStartGuides/Ballot_Drop_Boxes_EAC_Quick_Start_Guide_508.pdf

³ https://www.eac.gov/sites/default/files/bestpractices/Chain_of_Custody_Best_Practices.pdf

⁴ https://www.eac.gov/sites/default/files/electionofficials/QuickStartGuides/Making_Voting_Accessible_EAC_Quick_Start_Guide_508.pdf

Quick Start Guide

Attachment A - Drop Box Resources from the United States Election Assistance Commission

Ballot Drop Boxes



Helping America Vote

About the Quick Start Guides: The EAC's Quick Start Guides are intended to familiarize local election officials with various topics they will likely encounter in election administration. The guides are a starting point to identify areas of concern and give officials a broad idea of factors they should consider in approaching a given topic.

Utilizing Drop Boxes

In jurisdictions that permit ballot drop boxes, election officials must address several considerations before deploying drop boxes. First, they must familiarize themselves with state law and regulatory requirements. Some states only permit drop boxes in certain locations or with specific security measures. Drop boxes also come with additional costs, including staff to empty the boxes daily, hardware, security seals and locks, ballot containers, and other security equipment.



Locations



- Follow state statutes on required or permissible locations for the installation of drop boxes.
- Use demographic data to determine whether there should be a different formula for placing drop boxes in rural or urban locations (i.e., 1 for every 15,000 residents might be every mile in an urban area, but every 50 miles in a rural area).
- Choose a location that is accessible by public transportation (where available).
- Avoid locations that can be obstructed by high traffic events.
- Ensure the drop box is clearly visible and the path to it is accessible with a 30 inch by 48 inch minimum clear and level ground space in front.
- Publish Public Service Announcements on radio and in local newspapers, and share drop box locations on social media.
- Provide a list or map of drop box locations on your website and with mail ballot voting instructions.

Ballot Return Deadline
Election officials must ensure teams are present at each drop box as the ballot return deadline passes. Teams must allow any voters in line by the deadline to deposit their ballots, then collect all ballots, and lock the box so no additional ballots can be deposited.

Security



- Teams of two (preferably bipartisan) should empty each drop box at least once a day.
- Utilize unique locks and security seals to secure ballots within the drop box.
- Provide local law enforcement a map of drop box locations and request extra patrols.
- Ensure the area is well lit and any unsupervised drop boxes have video surveillance.
- Implement rigorous chain of custody procedures. For each drop box, teams should record the time and date emptied, verify the box's seal number, document the number of ballots retrieved, reseal the drop box, and seal the ballot container.
- Track the return of drop boxes after the ballot return deadline passes to ensure all drop boxes are emptied and ballots collected are included in election night unofficial results.

Sample Drop Box Chain of Custody Log

Date & Time	Removed Seal #	# Ballots	New Seal #	Signatures
10/31/22 3:25pm	00987654	174	00123456	Team Member One Team Member Two
11/01/22 3:15pm	00123456	88	00456789	Team Member One Team Member Two

May 1, 2022 v. 1.0

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Many of these last-minute voters drop their ballot off at a voting location (which may not be allowed by state law). Setting up ballot drop boxes and educating voters to use them mitigates a number of COVID-19-related risks associated with in-person voting. It also minimizes the number of people that will need to access voting locations, thereby providing more space for those who are engaged in in-person voting.

How many ballot drop boxes will you need?

At a minimum, you should have a drop box at your main county or city office building. Voters generally know the locations of these buildings and are already accustomed to voting or doing business there. Some other best practices include:

- Have one drop box for every 15,000–20,000 registered voters.
- Consider adding more drop boxes to areas where there may be communities with historically low vote by mail usage.
- Use demographic data and analysis to determine whether there should be a different formula for rural and urban locations (i.e., 1 for every 15,000 residents may be every mile in an urban area, but every 50 miles in a rural area).

To get a better idea of how many voters use ballot drop boxes when voting by mail is the primary method of voting, look at the [Ballot Drop Box Usage](#) chart put together by the Washington Secretary of State. It shows ballot drop box use as a percentage of total ballots returned for Washington state, where voting by mail has been the primary method of voting for over a decade.

Timeline: The number of drop boxes and their locations should be finalized in time to be included in the instructions with your mail ballot packet—typically 80 days before the election.

Where should ballot drop boxes be located?

Ballot drop boxes should be placed in convenient, accessible locations, including places close to public transportation routes, near or on college campuses, and public buildings, such as libraries and community centers familiar to voters and easy to find. If there is time, getting input from citizens and community groups is recommended.

All drop box locations should be evaluated for:

- Security
- Lighting (well-lit 24 hours a day)
- High visibility
- Security cameras (more on cameras in the *Security Considerations* section below)
- Accessibility
- Voter convenience
- Parking or drive-through options

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Version 1.0 – Submit comments to EISSA@CISA.DHS.GOV and it will be updated as necessary.

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What equipment and supplies are needed for ballot drop boxes?

Whether you are collecting ballots just from a USPS facility, ballot drop boxes, or both, you will need ballot drop box collection teams. Ideally, these are bipartisan teams (poll workers or temporary workers) hired to drive a collection route and pick up ballots on a regular basis. Each of these teams will need:

- Vehicle such as a van or SUV where the seats can be laid flat (county owned or rented)
- Radio or cell phone
- Secure ballot collection bag/box
- Security seals
- Chain of custody procedures/forms
- Personal protective equipment (e.g. disposable, sterile gloves), as appropriate and in accordance to current CDC guidance

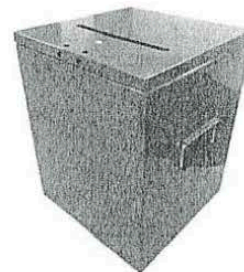
Timeline: Reservations should be made as soon as possible if you plan to rent vehicles, radios, or cell phones—no later than 35 days before the election.

Outlined below is a list of the typical items you will need to rent or buy, depending on the type of drop box or drop-off location you are installing.

STAFFED – INDOOR TEMPORARY BALLOT DROP BOX

When demand for a ballot drop box is low, a temporary ballot box located inside is a good solution. These boxes should be constructed of durable material and include a key or combination lock as well as a way to securely fasten the box to prevent it from being moved or tampered with. This type of box looks similar to the example pictured here. In addition to purchasing or renting the **ballot box**, you will need:

- Padlock and keys (if not included)
- Bike chain or some other way to fasten the box to prevent it from being removed (if not staffed)
- Security seals



Timeline: Depending on the lead time required by the manufacturer, boxes may need to be ordered 3 months in advance—90 days before the election.

OUTDOOR, TEMPORARY DRIVE-THROUGH DROP OFF

A drive-through drop-off location is an easy way to keep traffic flowing when demand for a ballot drop box is at its peak, especially on Election Day. This drive-through is typically set up in a parking lot or a street depending on the location.

The team staffing the site accepts ballots from voters as they pull through, depositing them directly into a ballot box. For voters who prefer placing the ballot directly into the box

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- Identifying the voter or car in line at the time polls close and ensuring they have the opportunity to deposit their ballots.
- Retrieving the temporary indoor boxes and returning them to the counting facility.
- Locking the drop slot on the 24-hour boxes and transferring ballots to a ballot transfer bag or box and returning them to the counting facility.
- Completing chain of custody forms.

Security Considerations

Ballot drop boxes must be secured and locked at all times. Only an election official or a designated ballot drop box collection team should have access to the keys and/or combination of the lock. In addition to locks, all drop boxes should be sealed with one or more tamper evident seals.

Ideally, unstaffed 24-hour drop boxes should be located in areas with good lighting and be monitored by video surveillance cameras. When this is not feasible, positioning the box close to a nearby camera is a good option. Also consider placing it in a high traffic area and inviting local law enforcement to make regular observations.

Try to place indoor drop boxes in locations where they can be monitored by a live person. When ballot boxes are unstaffed and not being monitored, the box should be securely fastened to a stationary surface or immovable object in a way that prevents moving or tampering.

Chain of Custody

- Chain of custody logs must be completed every time ballots are collected.
- All ballot collection boxes/bags should be numbered to ensure all boxes are returned at the end of the shift, day, and on election night.
- Team members should sign the log and record the date and time, security seal number at opening, and security seal number when the box is locked and sealed again.