



WISCONSIN INSTITUTE FOR LAW & LIBERTY, INC.
330 E. Kilbourn Avenue, Suite 725, Milwaukee, WI 53202-3141
414-727-WILL (9455) | Fax 414-727-6385 | www.will-law.org
ALoCoco@will-law.org | Direct: 414-727-7419

August 10, 2022

VIA U.S. MAIL and E-MAIL:
Wisconsin Elections Commission
P.O. Box 7984
Madison, WI 53707-7984
elections@wi.gov

RE: Service of Complaint in *Brown v. McMenamin*

Dear Commission:

Along with this letter is a complaint under Wis. Stat. § 5.06 against Tara McMenamin, in her capacity as clerk of the City of Racine. I hereby certify that, prior to filing this complaint, we served it upon Ms. McMenamin via email and via U.S. mail, as required by Wis. Admin. Code § EL 20.03(6).

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony F. LoCoco", written over a horizontal line.

Anthony F. LoCoco
Deputy Counsel

Enclosures

STATE OF WISCONSIN
BEFORE THE ELECTIONS COMMISSION

Kenneth Brown
610 Main Street
Racine, WI 53403,

Complainant,

v.

Tara McMenamin
Office of the City Clerk
730 Washington Ave
Racine, WI 53403,

Respondent.

COMPLAINT

The Complainant, Kenneth Brown alleges as follows:

1. Complainant is a registered Wisconsin voter and qualifies as an elector within the meaning of Chapters 5 and 6 of the Wisconsin Statutes. Complainant resides in the City of Racine, Racine County.

2. The Respondent, Tara McMenamin, is the City Clerk of the City of Racine. Ms. McMenamin is an “election official” within the meaning of Chapters 5 and 6 of the Wisconsin Statutes and is sued in that capacity.

JURISDICTION

3. This case is brought against Ms. McMenamin under Wisconsin Statute § 5.06 which provides that:

Whenever any elector of a jurisdiction or district served by an election official believes that a decision or action of the official or the failure of the official to act with respect to any matter concerning nominations, qualifications of candidates, voting qualifications,

including residence, ward division and numbering, recall, ballot preparation, election administration or conduct of elections is contrary to law, or the official has abused the discretion vested in him or her by law with respect to any such matter, the elector may file a written sworn complaint with the commission requesting that the official be required to conform his or her conduct to the law, be restrained from taking any action inconsistent with the law or be required to correct any action or decision inconsistent with the law or any abuse of the discretion vested in him or her by law.

THE COMPLAINT

4. Wis. Stat. § 6.855 provides that the office of the municipal clerk is the default location “to which voted absentee ballots shall be returned by electors for any election.”

5. If a clerk determines that, for some reason, the clerk’s office is unavailable for in-person absentee voting, then the clerk may designate an alternate absentee ballot site or sites, but any other location must be designated in the manner set forth in § 6.855 and “The designated site shall be located as near as practicable to the office of the municipal clerk or board of election commissioners and no site may be designated that affords an advantage to any political party.”

6. Further, if the governing body of a municipality makes an election to designate an alternate site to the clerk’s office under this section, then “no function related to voting and return of absentee ballots that is to be conducted at the alternate site may be conducted in the office of the municipal clerk or board of election commissioners.”

7. As set forth in more detail below, Ms. McMenamin allowed voters to cast absentee ballots at alternate absentee ballot sites in the City of Racine during in-person absentee voting for the August 9, 2022 primary without complying with the requirements of Wis. Stat. § 6.855.

8. Instead of complying with Wis. Stat. § 6.855, Ms. McMenamin authorized both in-person absentee voting at City Hall and authorized in-person absentee voting at an “election van” that would move from place to place throughout the city, with the van staying in no single place for more than 3 hours and moving to 21 different locations during the two-week period allowed

for early in-person absentee voting. Conducting an election in this fashion leads to voter confusion, creates opportunities for partisan advantage and directly contradicts the statutory language of Wis. Stat. § 6.855.

9. Ms. McMenamin, in her role as City Clerk of Racine (or through her designated representatives), has created and maintained an internet site for providing information to voters regarding elections in the City of Racine at <https://www.voteracine.org/voteracine.org>

10. Attached hereto as Exhibit A is a pdf printout of the section of voteracine.org regarding in-person absentee voting in the City of Racine for the August 9, 2022 primary. The print out was created on July 27, 2022.

11. The content of the website listing sites for absentee voting for the August 9th primary was first posted on July 7, 2022 according to information received from Ms. McMenamin's office in response to an Open Records Request (*See*, Exhibit B attached hereto).

12. The website informs voters that "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." The website then specifies 21 alternate sites in addition to the clerk's office where voters may request and vote an absentee ballot.

13. Each of the 21 alternate sites designated is designated for a limited 3 hour period of time on a single day with two different sites per day, except for the Racine Art Museum which is designated for three hour periods on two different days; Friday, July 29th, 2022, 4:30 to 7 p.m. and Saturday, July 30th, 2022, 4:30 to 7 p.m.. Also, there is only one site designated for Sunday, August 7th.

14. For example, the first designated alternate absentee ballot site is the Martin Luther King Community Center at 1134 Dr. Martin Luther King Dr, Racine WI 53404 on Tuesday, July 26th, 2022 from 9 a.m. to noon.

15. But in-person absentee voting was not actually conducted inside any of the buildings identified on the website. For example, voters could not cast absentee ballots inside the Martin Luther King Community Center on Tuesday, July 26th from 9 a.m. to noon.

16. Instead, in-person absentee voting at these varying locations was accomplished by use of an “election van” which traveled from location to location, parked nearby these buildings, and was equipped to allow in-person absentee voting. *See*, https://journaltimes.com/news/local/govt-and-politics/elections/early-voting-underway-heres-where-to-cast-your-ballot-in-racine-county/article_a1db8bf2-0d21-11ed-b953-076508494963.html

17. During the same period of time that in-person absentee voting was permitted at these alternate absentee voting sites, the voteracine.org website stated that “you may also request and vote an absentee ballot in the clerk’s office” and stated that in-person absentee voting was allowed at City Hall on all regular business days from 8 a.m. to 4:30 p.m., July 26th, 2022 – August 5th, 2022 and on Saturday, July 30th, 2022, from 9 a.m. to noon and Saturday, August 6th, 2022, from 9 a.m. to noon.

18. Complainant Brown personally observed at least one voter casting in-person absentee ballots at the election van on the afternoon of August 3, 2022. The election van was parked near the Regency Mall which is the location listed on voteracine.org as an alternate absentee ballot site for that date and time.

19. That same afternoon, Complainant Brown personally observed voters casting in-person absentee ballots at City Hall. If a voter went to the clerk's office in City Hall to cast a ballot as indicated on the web site, they were directed by signage within City Hall to proceed to Room 207.

20. Allowing in-person absentee voting at these temporary, alternate absentee voting sites violates Wis. Stat. § 6.855 in several ways.

21. First, Wis. Stat. § 6.855 provides that alternate absentee ballot sites "shall be located as near as practicable to the office of the municipal clerk or board of election." Here, the 21 alternate sites are not as near as practicable to the office of Ms. McMenemy.

22. In December, 2021, the Racine City Council pre-approved over one hundred fifty locations as alternate absentee ballot sites for all elections to be conducted during calendar year 2022. *See*, the Common Council Resolution attached hereto as Exhibit C and incorporated herein by reference.

23. Attached hereto as Exhibit D is a map. The red marker on the map is City Hall. The green markers on the map are the 21 alternate absentee ballot site used by Ms. McMenemy for the August 9th primary. The gold markers on the map are alternate sites that were also pre-approved by the Racine Common Council in its December, 2021 resolution. Although the City Council pre-approved over 150 locations, the attached map only shows 50 such locations because showing them all made the map too cluttered, and the 50 locations displayed sufficiently show that Ms. McMenemy had many sites that she could have used that were nearer to her office than the ones she actually used.

24. Thus, Ms. McMenemy had options for alternate absentee ballot sites that were nearer to her office than the sites she permitted for in-person absentee voting for the August 9,

2022 election, and by failing to only use locations as near as practicable to her office, she violated Wis. Stat. § 6.855.

25. Second, Wis. Stat. § 6.855 provides that “no site may be designated that affords an advantage to any political party.”

26. Per the report attached hereto as Exhibit E and incorporated herein by reference, the majority of the alternate sites designated by Ms. McMenemy afford an advantage to a political party.

27. Many of the 21 alternate sites advantage the Democratic Party and some advantage the Republican Party. Collectively, however, the sites used by Ms. McMenemy afforded an advantage to the Democratic Party

28. In addition, as reflected in the attached report, that is true for both the 150+ sites which had been pre-approved in the December 2021 Racine Common Council Resolution and the 21 alternate ballot sites used by Ms. McMenemy for in-person absentee voting for the August 9th primary.

29. Third, Wis. Stat. § 6.855 provides that if “the governing body of a municipality makes an election under this section, no function related to voting and return of absentee ballots that is to be conducted at the alternate site may be conducted in the office of the municipal clerk or board of election commissioners.”

30. Ms. McMenemy violated this provision of the statute by permitting in-person absentee voting at both 21 different alternate absentee ballot sites and at City Hall. The City of Racine clerk’s office is located in City Hall, which has the street address 730 Washington Avenue. Ms. McMenemy’s office is in Room 103 of City Hall, whereas absentee voting was permitted in Room 207 of City Hall.

31. It is no defense for Ms. McMenamin to argue that the in-person absentee ballot voting at City Hall was in a different room than her office. Any such argument is contradicted by the statement on the website that “You may also request and vote an absentee ballot in the clerk’s office.”

32. Further, as alleged above, if voters went to the clerk’s office to cast an absentee ballot – as the Clerk’s website stated they could – they were directed to Room 207. Room 207 was simply an extension of the clerk’s office.

33. Furthermore, if such gamesmanship is permitted, it would make a mockery of the statutory requirement. The statute is meant to have in-person absentee voting at one centralized location – the clerk’s office – which is virtually always in the City Hall, Village Hall or Town Hall of the relevant municipality. If that location is unavailable or undesirable the Clerk may designate alternate locations, but she may not then permit voting at City Hall.

34. Fourth, Wis. Stat. § 6.855 provides that “An election by a governing body to designate an alternate site under this section shall be made no fewer than 14 days prior to the time that absentee ballots are available for the primary under s. 7.15 (1) (cm), if a primary is scheduled to be held, or at least 14 days prior to the time that absentee ballots are available for the election under s. 7.15 (1) (cm), if a primary is not scheduled to be held, **and shall remain in effect until at least the day after the election.**” (Emphasis added.)

35. Under this provision each location designated must be designated for the period 14 days prior to the time absentee ballots are available and the alternate site must remain in place until the day after the election. This provision requires a fixed location for the entire period of time and does not permit the temporary shifting locations permitted by Ms. McMenamin.

36. Fifth, Ms. McMenamin is permitting in-person absentee voting, not in the buildings at the addresses designated, but at a van parked somewhere near those addresses. The statute does not permit that sort of temporary, unfixed location, and the notice to voters and the designation of the site does not reflect the actual location where ballots will be available and can be cast by the voter.

37. Specifically, Wis. Stat. § 5.25 which governs “polling places” states that “public buildings” shall be used as polling places “unless the use of a use of a public building for this purpose is impracticable or the use of a nonpublic building better serves the needs of the electorate.” The plain language of the statute contemplates that “polling places” shall be in buildings and not in a transitory vehicle such as a van. Other statutory provisions also support this plain language, common-sense interpretation. For example, Section 5.80, governing demonstration of the electronic voting system, permits the clerk to provide a demonstration of electronic voting equipment “in any public building within the municipality in which the election occurs.”

38. Similarly, Wis. Stat. § 6.55(2)(c)1, governing registration at the polling place, provides that a person who qualifies as an elector and who is not registered and desires to register on election day shall be provided the opportunity to do so at the polling place or “at another readily accessible location *in the same building as the polling place serving the elector’s residence* or at an alternate polling place assigned under s. 5.25 (5) (b), instead of at the polling place serving the elector’s residence.” Again, the statute contemplates that a polling place will be a building and not at a vehicle.

39. Further, Wis. Stat. § 12.03(2)(b)2 provides, “No person may engage in electioneering during the hours that absentee ballots may be cast on any public property within 100 feet of an entrance to *a building* containing the municipal clerk’s office or an alternate site

under s. 6.855.” Yet again, the statute contemplates that voting will be done in a building and not on the street.

40. The statute does not permit alternate absentee ballot sites such as the sidewalk in front of the clerk’s house from 5 to 7 p.m., or the trunk of the clerk’s car, or the inside of a van.

41. This is important for ballot security purposes. At the clerk’s office, and presumably at any other alternate site, absentee ballots that are cast in advance of the election are kept in the clerk’s office or an alternate site until delivered, via carrier envelope and in person, to the individuals who will count them. *See*, Wis. Stat. § 6.88.

42. Under this provision, the ballots are to be kept at the alternate site from the time they are cast until they are counted on election day.

43. That does not occur with the Racine Election Van. The ballots do not stay at the 21 sites designated by the Clerk.

44. Nor is it consistent with the statute to deliver them to the clerk’s office each time the Election Van changes location or at the end of each day. That would violate Wis. Stat. § 6.855’s prohibition that no function relating to absentee voting occur at the clerk’s office if the Clerk is using an alternate site or sites.

45. Nor is it consistent with the statute to keep them in the Election Van for the entire period of in-person absentee voting. That is equivalent to having someone driving completed absentee ballots around the City in the trunk of their car for 14 days prior to the election and leaving the vehicle parked in various locations throughout the days and nights. That is completely inconsistent with the ballot security measures set forth in Wis. Stat. § 6.88

46. As set forth in the preceding paragraphs, Ms. McMnamin has allowed in-person absentee ballots to be cast in a manner inconsistent with Wis. Stat. § 6.855 in a number of different

ways. Such conduct is contrary to law and/or amounts to an abuse of discretion by Ms. McMenamin. Ms. McMenamin should be required to conform her conduct to the law and be restrained from administering the November 2022 general election and all future elections in a similar fashion.

47. The Complainant seeks an order from the Wisconsin Election Commission directing that in her administration of the November 2022 general election and all future elections, that Ms. McMenamin conform her conduct to the law and ensure that if alternate in-person absentee ballot sites are used that: (a) they be located as near as practicable to the office of the municipal clerk, (b) that they be in locations that confer no partisan advantage, (c) that no in-person absentee voting be done at City Hall, (d) that any in-person alternate absentee ballot locations be in fixed locations and available for the entire period established by statute, and (e) that no in-person absentee voting be permitted at a mobile location such as an RV, van, truck, automobile, etc.

PRAYER FOR RELIEF

WHEREFORE, the Complainant request the following relief:

A. That Ms. McMenamin be directed to conform her conduct to the law as described above.

B. That Ms. McMenamin be restrained from permitting in-person alternate absentee ballot sites other than as allowed under § 6.855 and specifically (a) that any such sites be located as near as practicable to the office of the municipal clerk, (b) that any such sites be in locations that confer no partisan advantage, (c) that if alternate absentee ballot sites are used that no in-person absentee voting be permitted at City Hall, (d) that any in-person alternate absentee ballot locations be in a fixed locations and available for the entire period established by statute, and (e) that no in-

person absentee voting be permitted at a mobile location such as an RV, van, truck, automobile, etc.

C. Such equitable or other relief as is just and appropriate.

Respectfully submitted this 10th day of August, 2022.

WISCONSIN INSTITUTE FOR LAW & LIBERTY, INC.



Richard M. Esenberg (WI Bar No. 1005622)

Anthony F. LoCoco (WI Bar No. 1101773)

Katherine D. Spitz (WI Bar No. 1066375)

Brian McGrath (WI Bar No. 1016840)

330 E. Kilbourn Avenue, Suite 725

Milwaukee, WI 53202

Telephone: (414) 727-9455

Facsimile: (414) 727-6385

Rick@will-law.org

ALoCoco@will-law.org

Kate@will-law.org

Brian@will-law.org

The Complainant, Kenneth Brown, being first duly sworn, state that he has personally read the above complaint, and that the above allegations are based on information and belief and the complainant believes them to be true.



Kenneth Brown

Subscribed and sworn to before me
this 8th day of August, 2022.



Notary Public, State of Wisconsin

My Commission expires is permanent



Vote Absentee

Any qualified elector who is unable or unwilling to appear at the polling place on Election Day may request to vote an absentee ballot.

LEARN MORE ►



EXHIBIT

A

English Español



Voting by Absentee Ballot for the August 9th, 2022 Partisan Primary Election

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, and 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, unless the elector is otherwise exempt from this requirement

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

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 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 an application for an absentee ballot by mail or in person.

Making application to receive an absentee ballot by mail



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

5 pm on the fifth day before the election, August 4th, 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 the 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.

 **City Hall**

730 Washington Ave, Room 207

All regular business days 8 AM- 4:30 PM July 26th,
2022 – August 5th, 2022

Saturday, July 30th, 2022, 9 AM-12 PM

Saturday, August 6th, 2022, 9 AM-12 PM

[Map & Directions](#)



➤ **Martin Luther King Community Center**

1134 Dr. Martin Luther King Dr, Racine, WI 53404

Tuesday, July 26th, 2022 9 AM-12 PM

[Map & Directions](#)

➤ **SC Johnson School**

2420 Kentucky St, Racine, WI 53405

Tuesday, July 26th, 2022, 3 PM- 6 PM

[Map & Directions](#)

➤ **Caesar Chavez Community Center**

2221 Douglas Ave, Racine, WI 53402

Wednesday, July 27th, 2022, 9 AM-12 PM

[Map & Directions](#)

Starbuck Middle School

1516 Ohio St, Racine, WI 53405

Wednesday, July 27th, 2022, 3 PM-6 PM

[Map & Directions](#)



PD- COP House

2437 Anthony Ln, Racine, WI 53404

Thursday, July 28th, 2022, 9 AM-12 PM

[Map & Directions](#)

Tyler Domer Community Center

2301 12th St, Racine, WI 53403

Thursday, July 28th, 2022, 3 PM-6 PM

[Map & Directions](#)

Knapp Elementary School

2701 17th St, Racine, WI 53405

Friday, July 29th, 2022, 9 AM-12 PM

[Map & Directions](#)

➤ **Racine Art Museum**

441 Main St, Racine, WI 53403

Friday, July 29th, 2022, 4:30 PM-7 PM

Saturday, July 30th, 2022, 4:30 PM-7 PM

[Map & Directions](#)



➤ **Wilson's Coffee & Tea**

3306 Washington Ave, Racine, WI 53405

Saturday, July 30th, 2022, 9 AM-12 PM

[Map & Directions](#)

➤ **Gateway Community College**

1001 S, Main St, Racine, WI 53403

Monday, August 1st, 2022, 9 AM-12 PM

[Map & Directions](#)



Twin's Corner Store

1812 16th St, Racine, WI 53403

Monday, August 1st, 2022, 3 PM- 6 PM

[Map & Directions](#)



Lockwood Park

4300 Graceland Blvd, Racine, WI 53405

Tuesday, August 2nd, 2022, 9 AM-12 PM

[Map & Directions](#)



Wustum Museum

2519 Northwestern Ave, Racine, WI 53404

Tuesday, August 2nd, 2022, 3 PM- 6 PM

[Map & Directions](#)



Greater Mount Eagle Baptist Church

929 State St, Racine, WI 53404

Wednesday, August 3rd, 2022, 9 AM- 12 PM

[Map & Directions](#)



Regency Mall

5538 Durand Ave, Racine, WI 53406

Wednesday, August 3rd, 2022, 3 PM to 6 PM

[Map & Directions](#)



Lakeview Community Center

209 Goold St, Racine, WI 53402

Thursday, August 4th, 2022, 9 AM-12 PM

[Map & Directions](#)



Humble Park Community Center

2200 Blaine Ave, Racine, WI 53405

Thursday, August 4th, 2022, 3 PM-6 PM

[Map & Directions](#)



John Bryant Community Center

601 Caron Butler Drive, Racine, WI 53403

Friday, August 5th, 2022, 9 AM-12 PM

[Map & Directions](#)



Belle City Square

2100 Northwestern Ave, Racine, WI 53404

Friday, August 5th, 2022, 3 PM-6 PM

[Map & Directions](#)



Racine North Beach

100 Kewaunee St, Racine, WI 53403

Saturday, August 6th, 2022, 9 AM-12 PM

[Map & Directions](#)



St Paul Baptist Church

1120 Grand Ave, Racine, WI 53403

Sunday, August 7th, 2022, 9 AM-12 PM

[Map & Directions](#)

**The last day to vote an absentee ballot is: Sunday,
August 7th, 2022**

The municipal clerk will deliver voted ballots returned on or
before Election Day to the proper polling place or counting

[English](#) [Español](#)

location before the polls close on Tuesday, August 9th, 2022 at 8:00 PM. Any ballots received after the polls close will not be counted.

Special Voting Deputy Schedule

Residents of qualifying care facilities may vote during the days and hours below.

- Monday, July 18, 2022, 09:00 a.m. at 1916 Wisconsin Ave.
- Monday, July 18, 2022, 01:00 p.m. at 1600 Ohio St.
- Tuesday, July 19, 2022, 09:00 a.m. at 5111 Wright Ave.
- Tuesday, July 19, 2022, 02:00 p.m. at 1700 C.A. Becker Dr.
- Wednesday, July 20, 2022, 09:00 a.m. at 3950 N Main St.
- Wednesday, July 20, 2022, 02:00 p.m. at 2015 Prospect St.
- Wednesday, July 27, 2022, 09:00 a.m. at 1600 Ohio St.
- Wednesday, July 27, 2022, 01:00 p.m. at 1916 Wisconsin Ave
- Thursday, July 28, 2022, 09:00 a.m. at 1700 C.A. Becker Dr.
- Thursday, July 28, 2022, 02:00 p.m. at 5111 Wright Ave.
- Friday, July 29, 2022, 09:00 a.m. at 2015 Prospect St.
- Friday, July 29, 2022, 01:00 p.m. at 3950 N Main St.

Absentee Voting FAQs

Frequently Asked Questions

Who can vote by absentee ballot?



What do I need in order to request an absentee ballot?



How do I request an absentee ballot?



How long will it take to get my absentee ballot?



What should I do if I haven't received my absentee ballot?



How do I complete my absentee ballot?



Do I need my absentee ballot notarized?



Do I need to include a copy of my ID with my absentee ballot?



Where can I bring my absentee ballot to be accepted?



Can I use the drop box outside of City Hall?

English Español



Can I deliver someone else's ballot?



Do I need Photo ID to return my ballot?



Can I call when I am outside and have someone come to my car to collect my ballot?



Can I return my absentee ballot to the MEU?



For questions about voting or serving as a poll worker, contact:



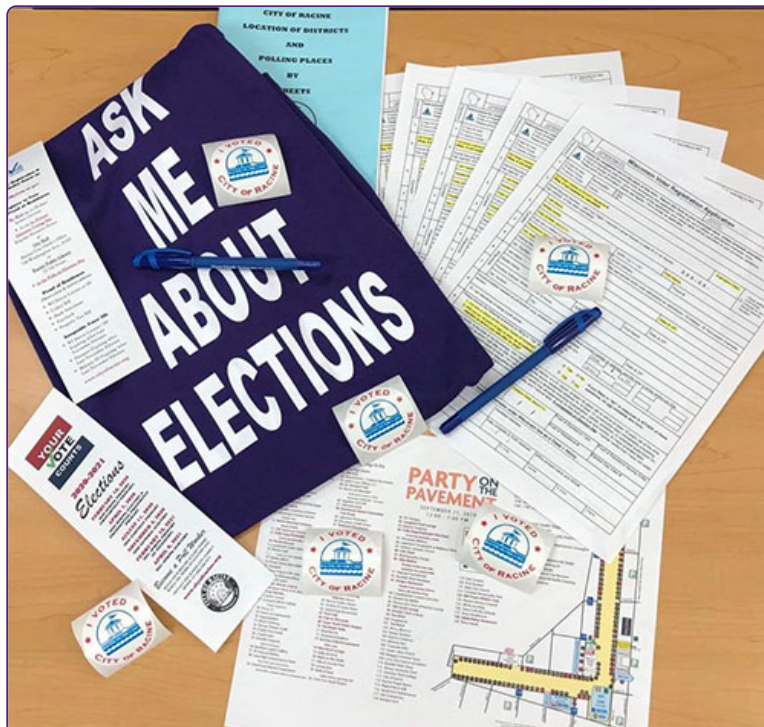
Tara Coolidge

City Clerk & Treasury Manager

clerks@cityofracine.org

Call 262-636-9171

Racine, let's hear your voice!



English Español



City Hall

730 Washington Avenue
Racine, Wisconsin 53403
Main Phone: (262) 636-9171

cityofracine.org



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English Español

From: Nim Joshi <nim@designstouch.com>
Sent: Thursday, July 7, 2022 2:27 PM
To: Olsen, Jennifer
Cc: Coolidge, Tara; Pfeiffer, Amber
Subject: Re: Voteracine website updates

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Jennifer,

We have updated the website. Please review and let me know if there are any changes. Please clear the browser cache before viewing the website.

<https://www.voteracine.org/vote-absentee/>
<https://www.voteracine.org/vote-in-person/>

Best,

Nim Joshi
nim@designstouch.com
Direct: (262) 320-7872

Racine Innovation Award
Innovative Business Apollo Award
Outstanding Businesses Award



Mobile Apps
eCommerce
WebsiteDesign
SEO & Digital Marketing
Branding

Phone: (262) 417-7044
DesignsTouch LLC
201 Sixth Street, Suite 401,
Racine, WI 53403
info@designstouch.com | www.designstouch.com

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On Wed, Jul 6, 2022 at 11:28 AM Olsen, Jennifer <Jennifer.Olsen@cityofracine.org> wrote:

Sounds good, thank you!



Thank you,

Jennifer Olsen

Customer Service Specialist

City of Racine - City Clerk/Treasurer's Office

Phone: 262-636-9171

Fax: 262-636-9548

jennifer.olsen@cityofracine.org



2022 Election Dates

Spring Primary - Tuesday, February 15

Spring Election - Tuesday, April 5

Fall Primary - Tuesday, August 9

General Election - Tuesday, November 8

From: Nim Joshi <nim@designstouch.com>

Sent: Wednesday, July 6, 2022 11:21 AM

To: Olsen, Jennifer <Jennifer.Olsen@cityofracine.org>

Cc: Coolidge, Tara <Tara.Coolidge@cityofracine.org>; Pfeiffer, Amber <Amber.Pfeiffer@cityofracine.org>

Subject: Re: Voteracine website updates

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Jennifer,

I will finish it today or tomorrow. I will let you know if we have any questions.

Best,

Nim Joshi

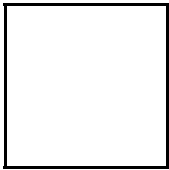
nim@designstouch.com

Direct: (262) 320-7872

Racine Innovation Award

Innovative Business Apollo Award

Outstanding Businesses Award



Phone: (262) 417-7044

DesignsTouch LLC

201 Sixth Street, Suite 401,

Racine, WI 53403

info@designstouch.com | www.designstouch.com

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On Tue, Jul 5, 2022 at 2:47 PM Olsen, Jennifer <Jennifer.Olsen@cityofracine.org> wrote:

Hi Nim,

There was a section that didn't get updated, please see the attached for the corrected dates.

Thank you,

Jennifer Olsen

Customer Service Specialist

City of Racine - City Clerk/Treasurer's Office

Phone: 262-636-9171

Fax: 262-636-9548

jennifer.olsen@cityofracine.org



2022 Election Dates

Spring Primary - Tuesday, February 15

Spring Election - Tuesday, April 5

Fall Primary - Tuesday, August 9

General Election - Tuesday, November 8

From: Olsen, Jennifer

Sent: Tuesday, July 5, 2022 11:49 AM

To: Nim Joshi <nim@designstouch.com>

Cc: Coolidge, Tara <Tara.Coolidge@cityofracine.org>; Pfeiffer, Amber <Amber.Pfeiffer@cityofracine.org>

Subject: Voteracine website updates

Good morning!

Can you please update our website with the attached early voting hours? Updates will be needed on the Vote Absentee page and the Vote In-Person page. Let me know if you have any questions, thanks!

Thank you,

Jennifer Olsen

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City of Racine

City Hall
730 Washington Ave.
Racine, WI 53403
www.cityofracine.org

Legislative Report

File Number: Res. 0955-21

Agenda Date: 12/07/2021

File Type: Resolution

2022 Alternate Early Absentee Voting Locations

Resolved, that the list of alternate early absentee voting locations for all elections in the 2022 calendar year is approved.

Regency Mall	5538 Durand Ave.
Gateway Technical College	1001 Main St.
Racine Unified School District	
Administration Building	3109 Mount Pleasant St.
Workforce Development	1717 Taylor Ave.
Julian Thomas	930 M.L. King Dr.
Roosevelt Elementary School	915 Romaine Ave.
Gilmore Middle School	2330 Northwestern Ave.
Knapp Elementary School	2701 17 th St.
Mitchell School	2701 Drexel Ave.
Lutheran Church of the Resurrection	322 Ohio St.
Starbuck Middle School	1516 Ohio St.
Jerstad-Agerholm School	3601 Lasalle St.
Fratt Elementary School	3501 Kinzie Ave.
SC Johnson School	2420 Kentucky Ave.
Red Apple School	914 St. Patrick St.
Bensen's	3200 Washington Ave.
Gold Metal Lofts	1701 Packard Ave.
Horlick Field	1648 N Memorial Dr.
Matson Park	1110 South St.
Shelborn Ct Apartments	541 Shelborn Ct.
Horlick High School	2119 Rapids Dr.
Park High School	3109 Mt. Pleasant St.
Belle City Square	2100 Northwestern Ave.
Twins Corner Store	1812 16 th St.
DeKoven Center	600 21 st St.
Holy Communion Lutheran Church	2000 W 6 th St.
Walden Middle and High School	2340 Mohr St.
Jefferson Lighthouse Elementary	1722 W 6 th St.
C&N-W RY Train Station	753-799 Randolph St.
CNH Industrial	575 State St.
St. Patrick's Catholic Church	1100 Erie St.



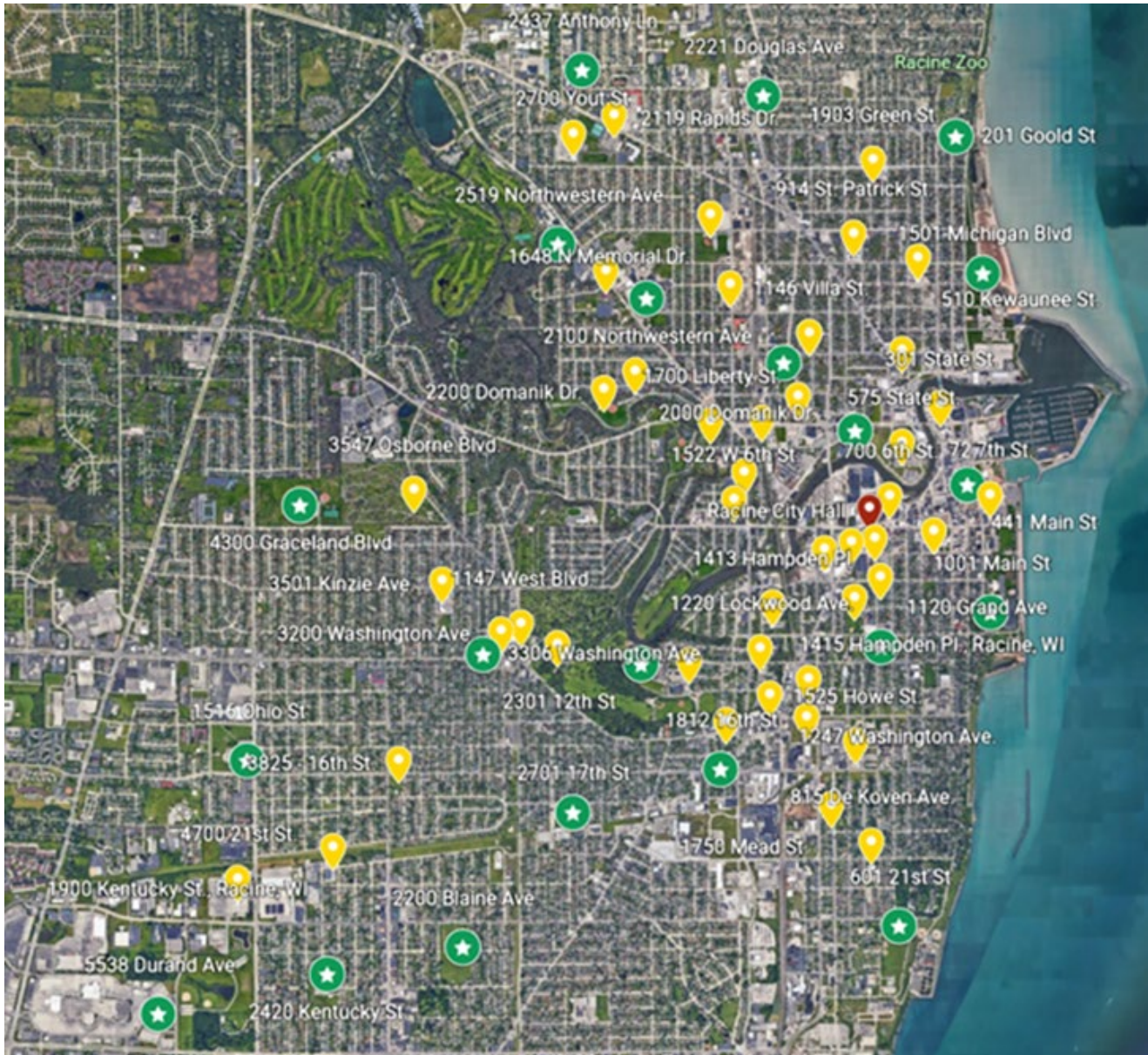
Racine Yacht Club	1 Barker St.
St. John's Lutheran School	510 Kewaunee St.
New Life Christian Fellowship	1529 N Wisconsin St.
St. John Nepomuk Church	1903 Green St.
The Pillars at Crystal Bay	3950 N Main St.
North Pointe United Methodist Church	3825 Erie St.
Douglas Terrace Apartments	3706 Douglas Ave.
Wadewitz Elementary School	2700 Yout St.
Racine Country Club	2801 Northwestern Ave.
John Paul II Academy	2023 Northwestern Ave.
Sacred Heart Catholic Church	2201 Northwestern Ave.
United Way of Racine County	2000 Domanik Dr.
Graceland Gardens Apartments	5000 Graceland Blvd.
Goodland Elementary School	4800 Graceland Blvd.
Racine Christian School	912 Virginia St.
Home Harbor	1600 Ohio St.
Giese Elementary School	5120 Byrd Ave.
InSinkErator	4700 21st St.
Elmwood Plaza Shopping Center	3701 Durand Ave.
Bull Early Learning Center	815 De Koven Ave.
Halo, Inc.	2000 De Koven Ave.
S.C. Johnson Wax Headquarters	1525 Howe St.
St. Catherine's High School	1200 Park Ave.
Twin Disc, Inc.	1328 Racine St.
Calvary Memorial Church	4001 Washington Ave.
Racine Art Museum	441 Main St.
Racine North Beach	100 Kewaunee St.
Wilson's Coffee & Tea	3306 Washington Ave.
Target	5300 Durand Ave.
St. Paul the Apostle Parish	1120 Grand Ave.
Wayman Church	424 N. Memorial Dr.
Greater Mount Eagle Baptist Church	929 State St.
Aldi	3110 Douglas Ave.
Piggly Wiggly	3900 Erie St.
All City Owned Buildings As Listed	
DPW Central Heating Plant	734/736 Washington Ave.
DPW Centralized Fueling	838 Racine St.
DPW City Hall	730 Washington Ave.
DPW City Hall Annex	800 Center St.
DPW - Civic Centre	2 Fifth St.
DPW - Civic Centre	72 7th St.
DPW Electrician's Garage	770 Washington Ave.
DPW Electrician's Storage Garage	1411 Hampden Pl.
DPW Equipment Maintenance Garage	830 S. Marquette St.
DPW Former Fire Station #5	1437 Marquette St.

DPW Hampden Garage	1413 Hampden Pl.
DPW Hampden Service Center	1415 Hampden Pl.
DPW Incinerator Building	770 Washington Ave.
DPW Library	75 7th St.
DPW Metal Sculpture (Fine Arts)	1247 Washington Ave.
DPW Police Safety Building	730 Center St.
DPW Radio Repair Center	2507 S. Green Bay Rd.
DPW Solid Waste Garages A, B, C, D	841 S. Marquette St.
DPW State Street Bridge	301 State St.
DPW Storm Lift Station	1300 Valley Dr.
DPW Storm Lift Station	2301 - 12th St.
DPW Street Maintenance Garage	800 S. Marquette St.
DPW Traffic Department	830 Racine St.
DPW Train Platform	1402 Liberty St.
DPW Transit Garage (BUS)	1920 Kentucky St.
DPW Transit Offices (BUS)	1900 Kentucky St.
DPW Transit Center	1409 State St.
Fire - storage	710 Rickeman Ct.
Fire Station #2	2430 Northwestern Ave.
Fire Station #3 Museum	700 6th St.
Fire Station #6	2101 16th St.
Fire Station #4	3829 Washington Ave.
Fire Station #3	1107 Lombard Ave.
Fire Station #5	2430 Blaine Ave.
Parking System - McMynn Parking Ramp	110 7th St.
Parking System - Civic Center Garage	501 Lake Ave.
Parking System - Gaslight Ramp	25 Gaslight Dr.
Parking System - Lake Ave. Ramp	300 Lake Ave.
Parking System - Shoop Ramp	226 Main St.
PD - COP House	1140 Geneva St.
PD - COP House	1146 Villa St.
PD - COP House	1522 W 6th St.
PD - COP House	1750 Mead St.
PD - COP House	2437 Anthony Ln.
PD - COP House	1900 - 16th St.
PRCS	1220 Lockwood Ave.
PRCS	1420 - 13th St.
PRCS	1501 Michigan Blvd.
PRCS	6200 Northwestern Ave.
PRCS	6200 Northwestern Ave.
PRCS	712 Rickeman Ct.
PRCS - Cedar Bend Bridge	33 McKinley Ave.
PRCS - Cesar Chavez Community Center	2221 Douglas Ave.
PRCS - Colonial Park	2300 W High St.
PRCS - Colonial Park	2300 W High St.
PRCS - Douglas Park	2221 Douglas Ave.

PRCS - Franklin Park	900 11th St.
PRCS - Graceland Cemetery	3547 Osborne Blvd.
PRCS - Hantschel Park	5400 Byrd Ave.
PRCS - Heck Park	2914 Donna Ave.
PRCS - Horlick Field	1648 N Memorial Dr.
PRCS - Humble Park Community Center	2200 Blaine Ave.
PRCS - Island Park	1700 Liberty St
PRCS - John Bryant Center	601 -- 21st St.
PRCS - Johnson Park	6200 Northwestern Ave.
PRCS - Laurel Clark Fountain	30 - 6th St.
PRCS - Lincoln Field	2200 Domanik Dr.
PRCS - Lockwood Park	4300 Graceland Ave.
PRCS - M. L. King Community Center	1134 Dr. King Dr.
PRCS - Matson Park	1110 South St.
PRCS - Mound Cemetery	1147 West Blvd.
PRCS - North Beach	1501 Michigan Blvd..
PRCS - North Beach	1501 Michigan Blvd
PRCS - Park Shelter w/Restrooms	18th St.
PRCS - Pershing Boat Ramp	3-5th St.
PRCS - Pershing Park	800 Pershing Ave.
PRCS - Pierce Woods	3616 Pierce Blvd.
PRCS - Roosevelt Park	601 - 21st St.
PRCS - Shoop Park Golf Course	4510 Lighthouse Dr.
PRCS - Solbraa Park	3825 - 16th St.
PRCS - Tyler-Domer Community Center	2801 12th St.
PRCS - Washington Park Golf Course	2801 12th St.
PRCS - Washington Park Golf Course	2920 Washington Ave.
PRCS - Wustum Museum	2519 Northwestern Ave.
PRCS - Zoo	200 Goold St.
PRCS - Zoo	2131 N. Main St.
PRCS - Zoo	2153 N. Main St.
DCD/RDA Unoccupied	1637 Packard Ave.
DCD/RDA Unoccupied	1445 Clark St.
DCD/RDA Unoccupied	1233 Schiller St.
DCD/RDA Unoccupied	939 Center St.
DCD/RDA Unoccupied	1521 Packard Ave.
DCD/RDA Unoccupied	1511 Washington Ave.
DCD/RDA Old Tavern Rooming House	1423 State St.
DCD/CDA retail/office	500 Walton Ave.
Memorial Hall	72 7 th St.
Festival Hall	5 5 th St.

Fiscal Note: N/A

- ★ Alternate absentee ballot sites used for August 9, 2022 primaries
- Alternate sites approved (50 of the 150 total approved)
- Racine City Hall



August 2022



POLICY BRIEF

Stacking the Deck?

Racine's Mobile Voting Unit and Ward Partisanship

Will Flanders, PhD
Director of Research

Dylan M. Palmer
Policy Intern

WILL
WISCONSIN INSTITUTE
FOR LAW & LIBERTY



Executive Summary

Using funding from the Center for Tech and Civic Life (CTCL), the City of Racine purchased a mobile voting unit for use in the 2022 elections. The unit (see pictured vehicle) visits various designated locations around the city for the purpose of early voting (called “in-person absentee voting” in Wisconsin). However, concerns have been raised about the extent to which the mobile unit complies with Wisconsin state law, including a law which prohibits an absentee balloting location which “affords an advantage to any political party.” In this report, we analyze several issues and provide a statistical analysis as to whether Racine’s designated locations provide one party an advantage over the other. We find that the Democratic Party is advantaged by the locations designated by Racine.

Among the key findings of this report:

- **State law forbids absentee ballot locations that confer a partisan advantage.**
- **The City of Racine assigned more potential mobile voting locations to wards that vote at the highest percentage for Democrats.** Based on the selection method used by Racine, a hypothetical ward with 100% Democratic voters could be expected to have 2.2 more possible locations per 100 registered voters than a ward with 0% Democratic voters.
- **Similarly, the number of mobile unit locations selected for the 2022 Primary in a ward is correlated with the percentage of votes for Democrats in that ward.**
- **State law also requires that alternative voting sites be as close as practicable to City Hall, but Racine has not done that in their selection of locations.** We have identified a number of locations closer to City Hall that were approved as potential sites for the mobile voting unit, but were not selected for actual use during the primary election.
- **The mobile voting unit is likely in violation of other requirements for absentee voting in Wisconsin.** This includes the requirement that voting take place in a fixed structure—a building—and not a vehicle that allows for in-person absentee voting for a short period of time in a variety of places. It also makes Wisconsin’s ban on electioneering within 100 feet of a polling place extremely difficult to enforce.

Implications

It is vital that policymakers craft election practices that ensure every citizen has an equal opportunity to participate in the electoral process. Whether intentional or not, the City of Racine has exhibited a bias towards one political party in the selection of locations for their mobile voting unit. Because ensuring fairness in the use of a mobile voting unit would be extremely difficult for any municipality, our recommendation is that Racine refrain from utilizing the unit, and that such mobile voting units not be used by any municipality in the future unless specifically authorized by the legislature.

Background and Legal Question

In 2021, the City of Racine used funding from the Center for Tech and Civic Life (CTCL) to purchase a van for use as a mobile voting unit. The vehicle travels around the city, setting up at various designated locations to provide access to absentee voting (voters may also cast absentee ballots at City Hall).ⁱ

Wis. Stat. § 6.855(1), concerning alternate (i.e. in addition to City Hall) absentee balloting locations, provides that: “The designated site shall be located as near as practicable to the office of the municipal clerk or board of election commissioners and no site may be designated that affords an advantage to any political party.”

In this report, we will explore both components of this law in relation to the mobile voting unit. First, has the City of Racine placed its mobile voting unit in locations “as near as practicable to the office of the municipal clerk or board of election commissioners”? Second, has the City selected any site that affords an advantage “to any political party”?

The Election Van Purchase

As prelude, it is worth noting that the source of the funding for Racine’s mobile voting unit was the CTCL. Racine received almost \$1,700,000 from CTCL, in multiple instalments. On August 5, 2020, the Racine Common Council voted to allow CTCL funds to be used to purchase a van to be used as a mobile voting “precinct.”ⁱⁱ It was eventually purchased for \$222,045 and unveiled to the public in June of 2021 as a way to better engage citizens throughout the year and make voting more accessible.ⁱⁱⁱ The mobile voting precinct was used for the first time in the 2021 Spring Primary election, as an in-person early voting site, and is being utilized again this fall for that purpose.

Racine’s Absentee Voting Locations

In December 2021, the Racine City Council approved a list of 158 alternative absentee voting locations. Since then, each time the City of Racine holds elections, they select a number of approved locations from that list for use. Then, the van spends a scheduled amount of time distributing and collecting ballots at each over the 14 day period of in-person absentee voting prior to Election Day. For instance, during the Spring 2022 elections, 13 alternative sites were used for absentee voting by the mobile voting unit.^{iv} For the August 9th primary, 21 alternative sites were selected.^v

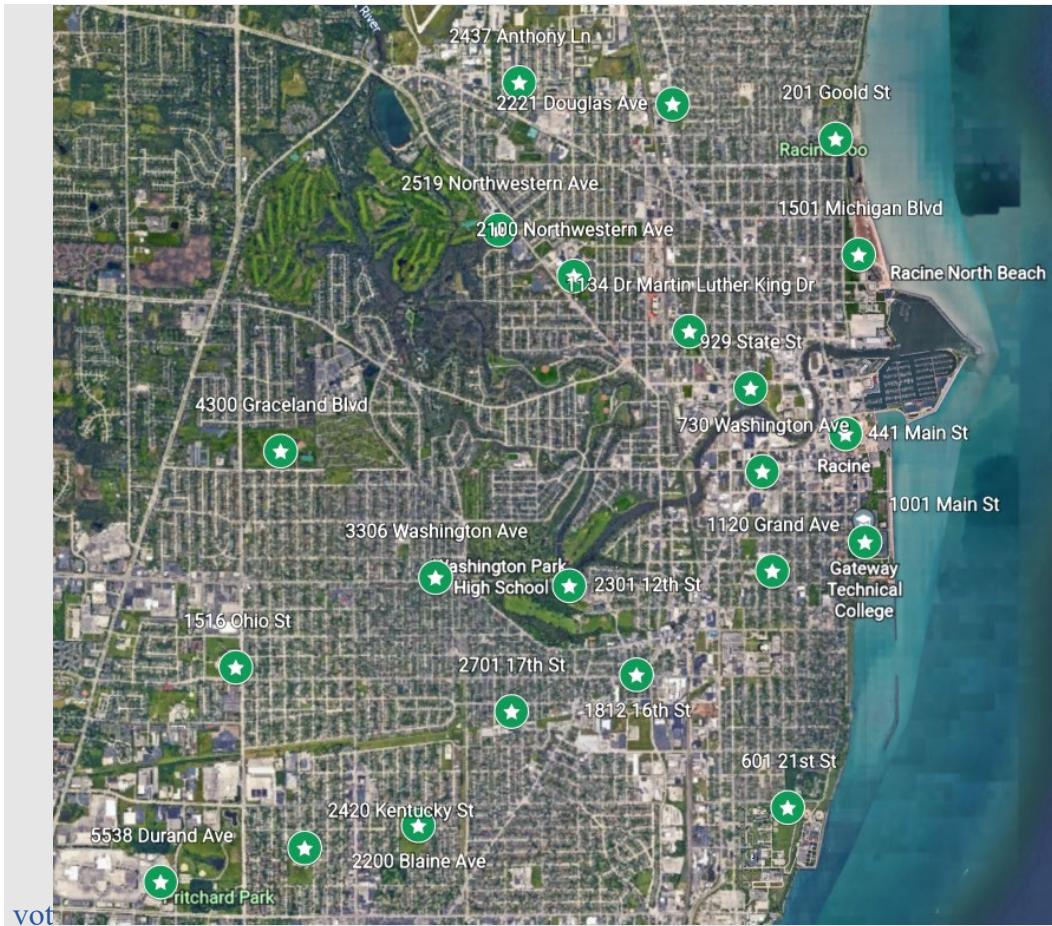


Figure 1 Racine Absentee Ballot Locations, August 2022

The above map denotes with green stars all 22 locations at which voters were enabled to submit absentee ballots for the August 9th, 2022, primaries. This includes Racine City Hall (730 Washington Avenue) and the 21 alternative sites, such as the Regency Mall (bottom leftmost green star on the map: 5538 Durand Avenue). These 21 alternative “sites” were places where voters could cast absentee ballots during early in-person absentee voting by going to the van on the specific days and times which had been posted by the City Clerk.

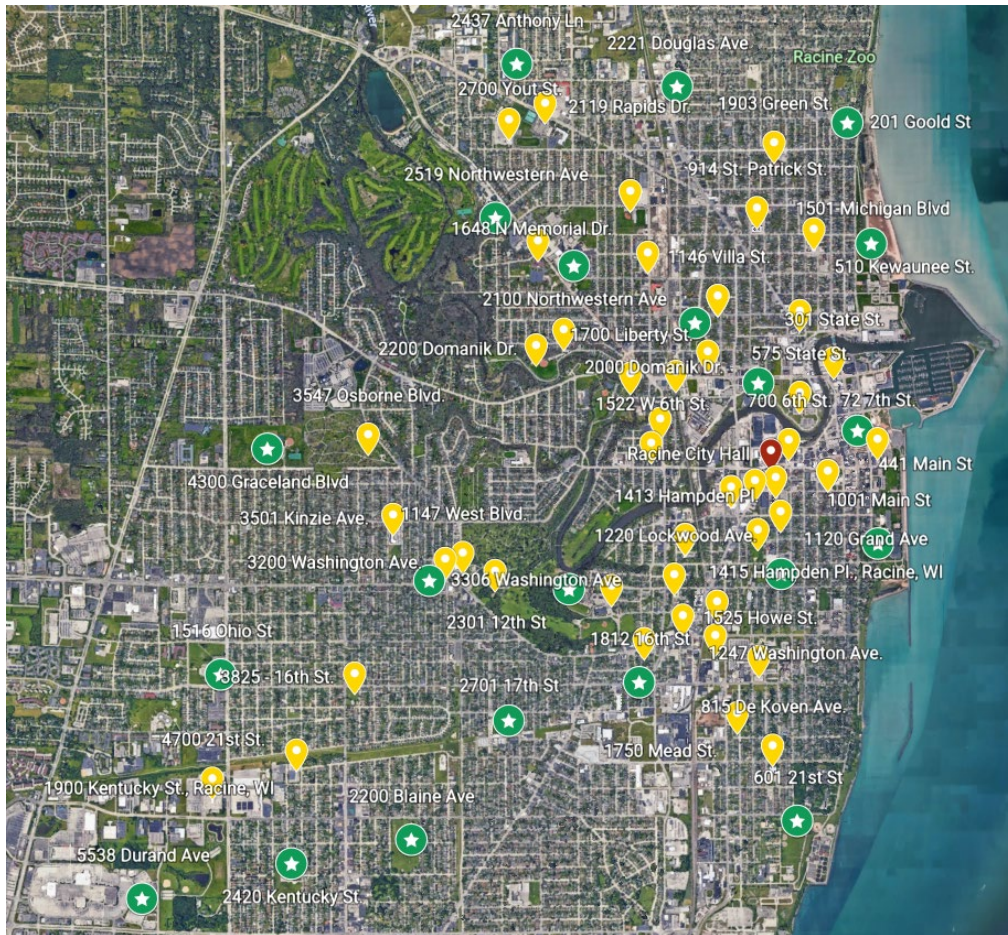


Figure 2 Racine Alternative Absentee Ballot Locations, August 2022

This second map denotes City Hall with a red marker, 50 approved alternative sites for absentee balloting that were not used in the August 9, 2022 primary with gold markers (chosen by us from the 137 total unused alternative sites to improve map readability), and the 21 alternative sites actually used for the August 9th primary marked by the same green stars used in the first map.

Despite the requirement in Wisconsin law, the alternative absentee sites selected for the August 9th primary were not “as near as practicable to the office of the municipal clerk” (i.e., at City Hall). For each of the 21 selected locations (green stars), there are multiple locations closer to the clerk’s City Hall office that could have been used, as shown by the gold markers. Each of the gold marker sites were pre-approved by the Racine Common Council. The use of the 21 alternative locations specifically chosen for the 2022 primaries therefore likely violates Wisconsin state law.

Even more fundamentally, Wisconsin election law does not anticipate the use of a mobile vehicle for casting absentee ballots at numerous temporary locations. It requires designation of a “site” with a “location” to be identified to the public in a specified way. This is hard to square with identification of a roving site which will stop at certain locations for limited periods of time. Nevertheless, Racine engages in this exact practice.

Finally, Wisconsin law provides that alternative absentee voter locations must confer no partisan advantage to any political party. Racine’s mobile voting scheme for the August 9th primary failed this requirement—as we will now demonstrate with statistical data.

Methods

In order to determine whether Racine’s choice of mobile unit locations conferred a partisan advantage, we compared both the selected locations for the primary and the full list of possible locations to ward-level voting data from the 2020, 2018, and 2016 elections. Because we have not yet had a partisan election under the wards put into place following the 2020 Census, we make use of the ward map that existed prior to 2022 in our analysis.¹

The key variable in this analysis was the number of unit locations per 100 registered voters in 2020. So, for instance, if a ward has 1,000 voters and 2 mobile voting locations, this ward’s variable would be:

$$\frac{2}{\left(\frac{1,000}{100}\right)} = 0.2$$

In this ward, there are 0.2 locations per 100 voters.²

Racine is a Democratic-leaning city, but does exhibit variation in the concentration of Democratic voters in each of its wards. The average percentage for the top-level (Presidential in 2020 and 2016 and Gubernatorial in 2018) Democratic candidate across the wards is 66.4%, with a high of about 90% and a low of about 45%. If there is a partisan bias in the choice of locations, we would expect the number of unit locations per 100 registered voters to be correlated with the partisanship of the ward. If there is no partisan advantage, we would expect partisanship to be insignificantly related to the number of locations per 100 voters.

Unlike many analyses we conduct at WILL, we are unconcerned about any role for other “explanatory” or “control” variables. The law is explicit that polling locations cannot have a partisan bias, so it is largely irrelevant for the question at hand if, for instance, poverty rates rather than partisanship could help to explain the results here. If any alternative absentee voting site “affords an advantage to any political party”, for any reason, it violates the law.

¹ Note that three locations do not appear to be part of any ward based on the 2020 ward map. These locations were excluded from analysis. Placing them in their nearest ward does not substantively change the results.

² We use this metric rather than what might be considered the more common inverse (voters per unit location) because a number of wards have no listed locations, leading to some divisions by zero. It is unclear how to properly incorporate those into our analysis, but using the inverse is a meaningful alternative that avoids that problem.

Results

Raw Data

We begin with a look at the raw data in two different contexts. Table 1 shows each ward in Racine (numbered 1 through 36), the percentage of the vote received on average by top-of-the-ticket Democrats in the last three major elections,³ and the count of unit locations selected overall as possibilities (“Count”) and those selected specifically for use in the August 2022 primary (“Primary”).

Table 1 Count of Unit Locations and Percent Democratic Voting by Ward

Ward	Dem %	Count	Primary	Ward	Dem %	Count	Primary
1	71%	28	3	19	86%	10	0
2	82%	5	1	20	56%	2	1
3	72%	4	1	21	68%	1	1
4	90%	4	0	22	60%	1	0
5	88%	3	1	23	64%	0	0
6	72%	13	0	24	58%	4	1
7	84%	8	1	25	68%	0	0
8	80%	6	2	26	45%	0	0
9	70%	5	0	27	56%	4	0
10	61%	4	1	28	55%	3	0
11	62%	3	1	29	58%	0	0
12	56%	1	0	30	66%	0	0
13	56%	6	1	31	57%	2	1
14	62%	7	0	32	68%	2	0
15	66%	2	1	33	60%	7	2
16	53%	8	0	34	56%	0	0
17	73%	5	1	35	58%	3	0
18	88%	3	1	36	68%	1	0

One can see that Ward 1—located in downtown Racine—has by far the largest number of possible locations for the mobile voting unit. This ward has voted 71% Democratic on average in the past three election cycles, above the city average of about 66%. The ward with the next highest count of potential sites is Ward 19, which is even more Democratic than average.

We take a more systematic look through all wards with the figures that follow. Figure 3 groups Racine’s wards into thirds based on the percentage of Democratic vote and plots the total number

³ These percentages are the average Democratic performance for each ward in the November 2016, November 2018, and November 2020 general elections.

of primary locations used in each third for the 2022 primary. Figure 4 shows the same number for the full list of possible locations for each third of wards.

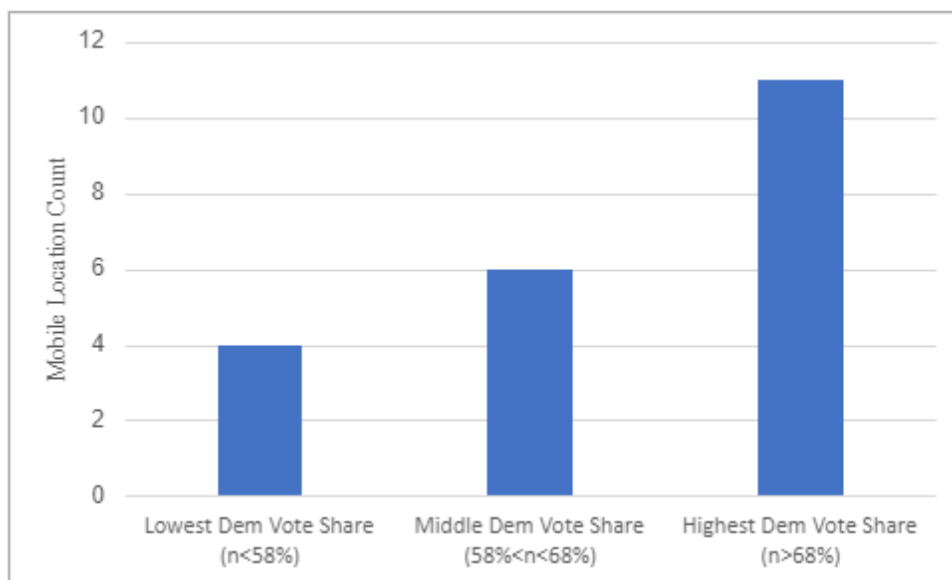


Figure 3 2022 Primary Unit Locations and Average Democratic Vote

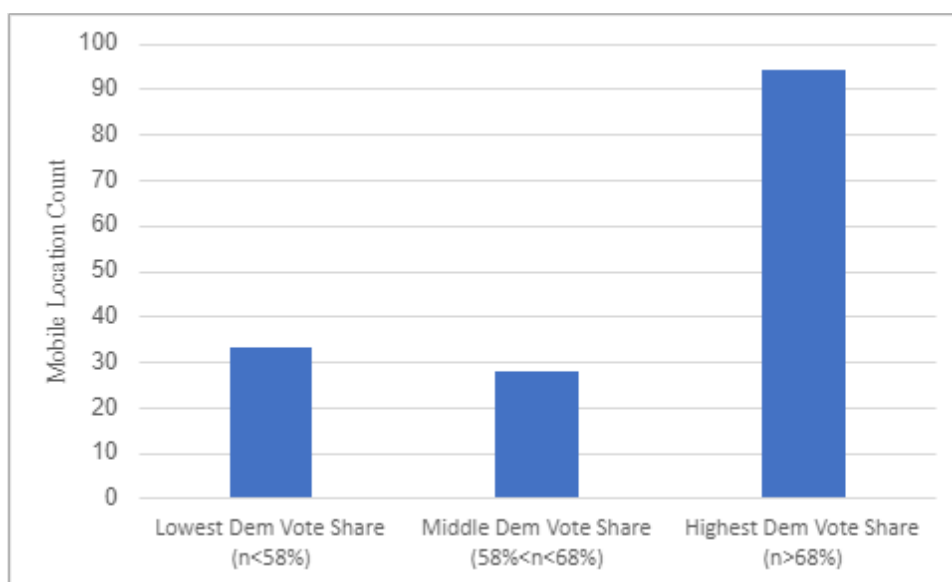


Figure 4 All Possible Unit Locations and Average Democratic Vote

In the case of primary locations, we see a visible stepping-up effect with more locations selected as the share of the vote becomes more heavily Democratic. In the case of all possible locations for the unit, we see a slight nuance in that there are slightly more locations (33) in relatively low-Democratic support wards than mid-level support wards (28). However, the number of locations in the highest Democratic-support wards dwarfs them all (94).

This outcome could, theoretically, come as a result of population—if significantly more people live in the Democratic-leaning areas, we would expect more locations there. We can control for

that by using the metric of locations per 100 registered voters. Figures 5 and 6 plot that new metric across the three subsets of wards to address that concern.

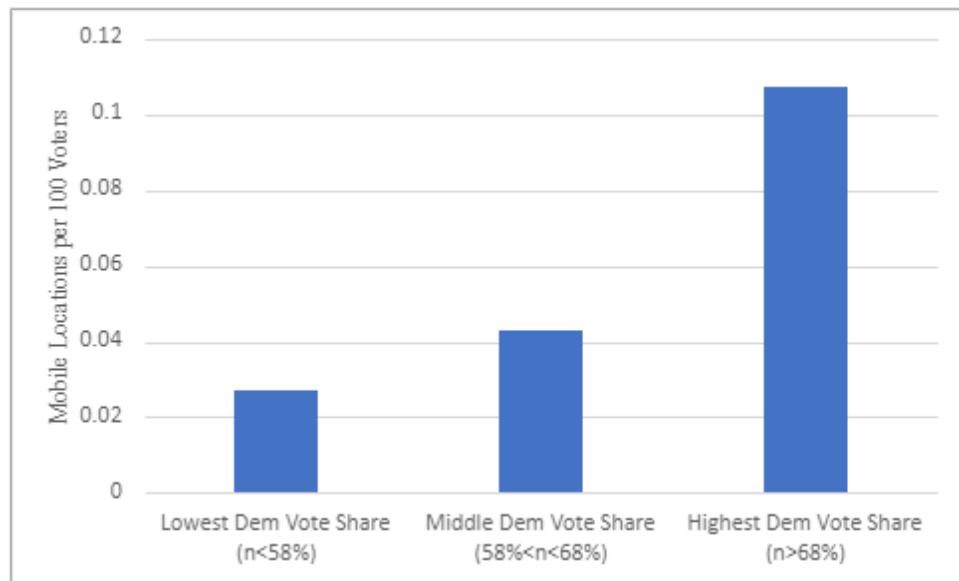


Figure 5 Primary Locations per 100 Registered Voters and Average Democratic Vote

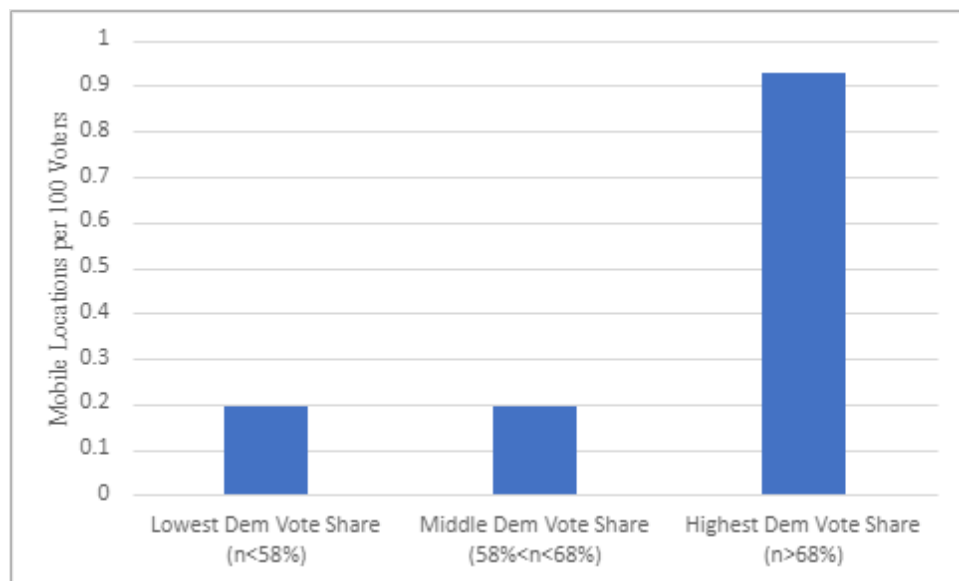


Figure 6 All Possible Unit Locations per 100 Registered Voters and Average Democratic Vote

A similar pattern emerges here. The number of locations per 100 voters visibly steps up when considering how many locations were selected for the primary. Among the possible absentee voting locations, we once again see relative parity among the low- and mid-level Democratic supporting wards, but significantly more among the high-Democratic supporting wards.

Correlational Analysis

Our final analysis allows us to describe the relationships discussed above more dynamically through regression analysis. These results are depicted in Table 2 below.

Table 2 Relationship Between Unit Locations per 100 Voters & Average Democratic Vote

VARIABLES	(1) Primary Locations/100 Voters	(2) Locations/100 Voters
Average Democratic %	0.258** (0.105)	2.248*** (0.725)
Constant	-0.123* (0.0709)	-1.056** (0.489)
Observations	36	36
R-squared	0.178	0.221

Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Once again, the results are consistent with partisan bias in the selected locations. Going from a hypothetical ward with no Democratic voters to a ward with 100% Democratic voters, there would be an expected increase in the number of unit locations by 0.25 in locations used for the August 9th primary and 2.248 for the full set of locations designated by the Racine Common Council.

Some may be concerned that the use of the last three election cycles masks changes in the voting patterns of Racine. Indeed, the city did vote slightly more Republican in 2020 than it did in the 2016 election.^{vi} When we conduct the analysis using just 2020 data, the results were statistically indistinguishable from the three-election average.

Legal Implications

As mentioned in the introduction to this paper, Wis. Stat. § 6.855(1) requires that (1) the selected alternative locations for absentee voting be “as near as practicable” to the city clerk’s office, and (2) the absentee voting locations not “afford an advantage” to either political party. Our analysis suggests that these standards have not been met by the City of Racine.

Though this report focuses chiefly on investigating whether Racine’s absentee voting scheme is in contradiction with Wis. Stat. § 6.855(1), there are likely further legal issues with Racine’s mobile voting unit.

Wisconsin election law does not anticipate the use of transitory vehicles as absentee voting locations. Rather, the statutes only reference “buildings” when describing polling places (See, e.g., Wis. Stat. § 5.25). Nor do the statutes anticipate absentee ballot locations that are only available for a three-hour period of time that changes every day. Finally, the use of an election van makes it difficult to enforce the statute prohibiting electioneering within 100 feet of a polling place. See, Wis. Stat. § 12.03(2)(b)2. For instance, one of the August 3rd voting locations was at Regency Mall.^{vii} Would it really be possible to consistently enforce electioneering rules in a parking lot? What about bumper stickers on parked cars? What about shirts and buttons on shoppers that promote a candidate? Other locations are near private stores. Do they have to take down any campaign signs they have on site?

In short, there are multiple unmistakable ways in which the City of Racine’s alternative absentee voting locations likely violate state election law. This report has just focused on the foremost issues of partisan advantage and improper distance from City Hall. These and other violations and injuries must be remedied to ensure fair elections in Racine. In light of state law’s sundry other requirements as well, it is WILL’s position that the clearest way to resolve Racine’s election law problems is to cease all absentee mobile voting unit operations in all future elections.

Conclusion

Whether Racine intended for partisan bias in their selection of locations is not a component of the law and therefore irrelevant to the issue at hand. The result of the locations chosen *is* biased along partisan lines, which violates state election law. If the mobile voting unit is effective in driving up turnout, concerns that there may be a differential partisan effect on turnout are well-founded, given the data presented here. This is fundamentally unfair. This, and the further violations and issues with Racine’s van discussed in this report, show that the current absentee voting structure in Racine must end and be replaced by a system that properly accords with state law.



Will Flanders, PhD, is Director of Research at the Wisconsin Institute for Law and Liberty. He can be reached at Flanders@will-law.org.



Dylan M. Palmer is a Policy Intern at the Wisconsin Institute for Law and Liberty.



330 East Kilbourn Ave. | Suite 725
Milwaukee, WI 53202

will-law.org
414-727-9455


@WILawLiberty

ⁱ <https://apnews.com/article/2022-midterm-elections-wisconsin-voting-municipal-ed31477d7a0429e642341ffd46f8b918>

ⁱⁱ <https://cityofracine.legistar.com/View.ashx?M=M&ID=800066&GUID=012F7AEE-5F79-45E9-B4BF-9C2DBC5D0373>

ⁱⁱⁱ https://journaltimes.com/news/local/govt-and-politics/elections/first-of-its-kind-in-wisconsin-racine-now-has-its-mobile-election-vehicle-thanks-to/article_c8581f0e-cbd2-54b4-8200-fa134ede78c9.html

^{iv} <https://racinecountyeye.com/in-person-absentee-voting-starts-march-22/>

^v <https://www.voteracine.org/vote-absentee/>

^{vi} <https://www.nytimes.com/interactive/2021/upshot/2020-election-map.html>

^{vii} <https://www.voteracine.org/vote-absentee/>