



# Wisconsin Elections Commission

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**DATE:** For the January 15, 2021 Wisconsin Elections Commission Meeting

**TO:** Members, Wisconsin Elections Commission

**FROM:** Meagan Wolfe  
Administrator

**SUBJECT:** **Nursing Home and Care Facility Voting Program for the February 16, Non-Partisan Primary and Special Elections**

In preparation for the November 3, 2020 General Election, the Wisconsin Elections Commission asked staff to work with public health officials, the Department of Health Services, and care facility advocates to understand the feasibility and limitation of utilizing special voting deputies (SVD) in nursing homes and care facilities. At the September 10, 2020 meeting, the Commission considered public health guidance and recommendations related to visitors in nursing homes and care facilities. Based on the prohibition of visitors in these facilities amid the ongoing COVID-19 pandemic, the Commission concluded that municipal clerks should bypass the two in-person, special voting deputy visits and proceed directly to mailing ballots to voters who request them and reside in care facilities.

Since the November election, WEC staff has again consulted with public health officials to understand restrictions on visitors in care facilities as of January 2021. Public health officials have advised that visitors, including SVDs, are significantly limited at facilities normally served by SVDs. This guidance remains unchanged from what was provided ahead of the November 3, 2020 election. Public health official stated that while COVID-19 rates in many counties are stable, they are still managing a number of outbreaks in care facilities and nursing homes. These officials also indicated that COVID-19 vaccine rollout is ongoing for residents and staff of these facilities but not complete. They anticipate that the first of two required rounds of vaccination will be complete by the end of January 2021 but the required second round will not be complete until later in February. These factors make it unlikely that facility administrators would grant access to SVDs for voting ahead of the February 16 primaries.

The first day that SVDs could visit nursing homes and care facilities prior to the Spring Primary and special election primaries is January 25, 2021. However, clerks have indicated they would need to begin the planning process for SVD visits soon, if not immediately, in order to make the necessary arrangements and preparations. Given the limitations on visitors to facilities normally served by SVDs, the current state of concern regarding COVID-19 vulnerabilities at these facilities, and the vaccination schedule for staff and residents, it would be difficult for clerks to determine their ultimate access to these facilities and effectively plan for SVD visits. Because facility access is unlikely at the vast majority of these places, waiting until two SVD visits are attempted before mailing ballots directly to residents will result in significant delays in access to the ballot for these voters.

Public health officials further advised WEC staff that restrictions may be modified ahead of the April 2021 election. Therefore, this memo and discussion are focused solely on the February nonpartisan and special

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primary election. The Commission will need to consider updated guidance of public health officials ahead of the April election at a later date. Because the guidance from public health officials has not changed since the November election, the September 10, 2020 memo is also included as an attachment for background.

Given that the public health advice related to visitors and SVDs in care facilities is unchanged from the November 2020 election, staff recommends that the Commission continue this approach for the February 16, 2021 primary elections. A continuation of this approach will allow voters in care facilities to receive their ballots without delay. If clerks first attempt to visit care facilities twice before mailing voters their ballots, the SVD visits will be denied by the care facilities, meaning that the ballots would ultimately be mailed, but the mailing would be delayed by weeks. Further, WEC staff recommends that the Commission re-evaluate the public health guidance relevant to visitors in care facilities prior to the April election as the guidance is expected to change in light of vaccination rollout plans and seasonal public health considerations.

### **Recommended Motion**

WEC directs local election officials to forgo attempting in-person SVD visits for the February 16, 2021 elections and proceed directly to mailing ballots to voters in care facilities who make a valid request. WEC further directs staff to continue working with public health officials to prepare a recommendation regarding SVD voting for the April 6, 2021 election for the Commission's review at a future meeting.