

NOTICE OF OPEN AND CLOSED MEETING

Wisconsin Elections Commission

Special Teleconference-Only Meeting
Tuesday, March 31, 2020
9:00 A.M.

Due to the COVID-19 pandemic, this meeting is being held via teleconference only. Members of the public and media may attend by telephone or online. Please visit <https://elections.wi.gov/node/6777> for login/call-in information. All public participants' phones/microphones will be muted during the meeting. Members of the public wishing to communicate to the Commissioners should email elections@wi.gov with "Message to Commissioners" in the subject line. Those messages will be provided to the Commission members.

AGENDA – OPEN AND CLOSED SESSION

- A. Call to Order**
- B. Administrator's Report of Appropriate Meeting Notice**
- C. Discussion of Election Day Preparations**
- D. Closed Session**

1. Litigation Update

19.85 (1) (g) The Commission may confer with legal counsel concerning litigation strategy.

- E. Adjourn**

The Elections Commission will convene in open session but may move to closed session under Wis. Stat. § 19.851. This meeting is not noticed for the Commission to return to open session.



Wisconsin Elections Commission

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

DATE: March 31, 2020

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

FROM: Meagan Wolfe
Administrator

SUBJECT: FAQ: Absentee Ballot Processing on Election Day, Results Reporting, Canvass

The Commission staff has received many questions from county and municipal clerks regarding absentee ballot processing on Election Day, results reporting and conducting the canvass during the current COVID-19 pandemic. Below are frequently asked questions related to those topics.

1. I have more absentee ballots to be processed than usual, are there any procedures I can use to organize these ballots prior to election day?

Clerks are encouraged to organize returned absentee ballots in a way that will help your inspectors or board of absentee ballot canvassers process ballots as quickly and efficiently as possible. This can include sorting ballots alphabetically by ward so they can be quickly found in the pollbook. Clerks should review the certificate envelopes to see if there are any deficiencies that could cause the ballot to be rejected and bundle those together for a more individualized review by the inspectors. If time permits, clerks should be contacting voters to see if those issues can be cured by the voter or witness, but if not possible, bundling the likely defective and proper ballots separately could save processing time on election day/night. Commission staff does not recommend 'pre-numbering' absentee ballots with voter numbers prior to election day, as the decision on whether the certification is proper is vested with the election inspectors. If an absentee ballot has already been assigned (pre-numbered) a voter number and is then rejected at the polls, the statutorily prescribed process for sequentially voter numbers is disrupted. This disruption could also lead to some confusion on the part of election inspectors and observers of the process and lead to errors in reconciling voter numbers and ballots voted at the end of the night.

2. Should I or my staff examine the absentee ballot envelopes that have been returned prior to sending them to the polling place on election day?

Yes. When a ballot is received from a voter, the municipal clerks should examine the certificate envelope for sufficiency. The envelope must contain: the signature of the voter, the signature of a witness and the address of

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the witness. If the certificate envelope is missing any of these components, contact the voter to advise them of their options to remedy the problem before election day.

3. Can I open envelopes and get ballots ready for processing prior to 7:00 AM election day?

No, absentee ballot envelopes cannot be opened until after 7:00 AM on election day. The inspectors must first examine the absentee ballot envelope certificates to determine if all required information has been provided by the voter and the witness. Only then, can the envelope be opened, and the ballot be removed for processing. If the certificate is improper, the envelope containing the ballot is retained, but not opened. See the Commission's Election Day Manual (pgs. 89-98) for additional details on processing absentee ballots:

<https://elections.wi.gov/clerks/education-training/election-day-manual>

4. How can I prepare ballots returned by UOCAVA voters so that the election inspectors process them properly?

Because of the federal deadlines for sending out absentee ballots to military and overseas electors for the April 7 election, municipal clerks could receive a variety of combinations of ballots from those voters (A and B ballots). UOCAVA voters may return: only the "A" ballot; only the "B" ballot or the "A" and "B" ballots.

Recommended procedures for clerks to use when preparing to send UOCAVA and other absentee ballots to the polls is attached to this communication. Municipal clerks should incorporate the instructions for processing UOCAVA ballots into any training provided to the inspectors prior to election day.

5. What if I run out of time on election night and have not finished processing all of my absentee ballots?

Election inspectors must do their best to finish processing all absentee ballots submitted by voters on election day, even if such processing extends late into the night. With the increased number of absentee ballots that have been requested and presumably will be returned for the April 7 election, municipal clerks should prepare their inspectors for the prospect of extended absentee ballot processing after the polls close. If election inspectors are unable to finish their work on election day to processing absentee ballots, they must reconvene to do so the next morning. This extension of election day processing of ballot should occur at the same polling location (if possible) and the municipal clerks should post such plans to reconvene promptly and as widely as possible so that residents are aware of the plan. The municipal clerk should also notify the Commission and their County Clerk, so they are aware of the delay in the reporting of unofficial results. The Commission is hopeful that this procedure is used sparingly, and only in situations in which it is not possible for election inspectors to finish processing absentee ballots on election day.

6. What are the notice requirements for reconvening the processing of absentee ballots and/or the canvass of results after election day?

The Commission has previously advised that a board of canvass meeting is an open public meeting and needs to be noticed appropriately under the open meetings law. The Commission has provided a sample notice for the board of canvass meeting in conjunction with the required Type D Notice of Location and Hours of a Polling Location: <https://elections.wi.gov/publications/election-notices/type-d> If a municipality must reconvene its inspectors from election night to continue processing and counting absentee ballots the next day, the Commission recommends posting the meeting details as soon as possible to comply with the open meetings law provisions, giving at least 2 hours-notice of the meeting under the law's emergency provisions. The

municipality should consult with its own legal counsel to advise on reconvening the inspectors or board of canvass in an emergency capacity and the required notice under the open meetings law.

7. What public health procedures can be used when opening absentee ballot envelopes?

The Centers for Disease Control (CDC) has posted “Recommendations for Election Polling Locations” on its website here: <https://www.cdc.gov/coronavirus/2019-ncov/community/election-polling-locations.html>. Inspectors may use letter openers to open absentee envelopes to minimize contact with envelopes if preferred, but no additional precautions are recommended for the storage or handling of ballots. The CDC does recommend good hand hygiene for election inspectors that are processing absentee ballots. Other public health guidance that the WEC has produced in consultation with a health official recommended that poll workers wash or sanitizer their hands after handling ballots and before moving on to other tasks. It’s also recommended that poll workers break every 10 minutes, or when feasible, to wash their hands or sanitize.

8. Do I still have to meet deadlines for reporting and posting unofficial election night results?

Election inspectors must do their best to process absentee ballots, reconcile vote totals with voter numbers on the poll book, run results tapes from the voting equipment, complete all required paperwork and report the unofficial results to the municipal clerk, who must transmit returns to the county clerk “no later than 2 hours after the votes are tabulated.” The Commission understands there could be some delays in reporting results due to the increased volume of absentee ballots and the implementation of policies like social distancing with the polling location, but the Commission does not have the authority to waive statutory requirements related to results reporting. If tallying of unofficial results must continue after Election Night, WEC staff requests that the municipal clerk send an email to elections@wi.gov so that Commission staff is aware of the situation.

If you have questions regarding this communication, please contact the Help Desk at 608-261-2028 or elections@wi.gov.

Absentee Ballot Organization and Processing Tips

When a ballot is received from a voter, examine the certificate envelope for sufficiency. The envelope must contain:

- ✓ the signature of the voter
- ✓ the signature of a witness
- ✓ the address of the witness

If the certificate envelope is missing any of these components, contact the voter to advise them of their options to remedy the problem before election day.

UOCAVA voters may return:

- ✓ only the 'A' ballot (Presidential Preference-only)
- ✓ only the 'B' ballot (Full Official Ballot)
- ✓ the 'A' and the 'B' ballots

Preparing Ballots for Delivery to the Polling Place

Ballots should be organized to assist with more efficient processing on election day at the polling place or central count location. Certificate envelopes should be reviewed to ensure all required information is present on each envelope and envelopes with missing information can be organized into separate stacks so that they can be held until after 8 pm for processing. Ballots envelopes with complete information that are ready for processing can be organized alphabetically and sorted by ward, if applicable.

Ballots of Regular (Non-UOCAVA) Voters

1. Separate Ballots of Regular Voters into 2 stacks.
 - A. Sufficient Certificate Envelopes (Regular—Sufficient)
 - B. Insufficient Certificate Envelopes (Regular—Insufficient)
 - C. Label each stack appropriately

Ballots of UOCAVA Voters

Please consider the following steps when organizing military and overseas absentee ballots prior to election day:

1. Separate the 'A' ballots from the 'B' ballots
2. Separate the 'A' ballots into 2 stacks.
 - A. Ballots of military and temporary overseas voters
 - B. Ballots of permanent overseas voters

3. Separate each of these stacks into 2 more stacks

- A. Sufficient certificate envelopes
- B. Insufficient certificate envelopes

You should now have four stacks of UOCAVA envelopes:

- 1. 'A' ballots of military and temporary overseas voters—*sufficient certificate envelopes* (A--Military/Temp Ov--Sufficient)
- 2. 'A' ballots of military and temporary overseas voters—*insufficient certificate envelopes* (A--Military/Temp OV--Insufficient)
- 3. 'A' ballots of permanent overseas voters—*sufficient certificate envelopes* (A--Perm OV--Sufficient)
- 4. 'A' ballots of permanent overseas voters—*insufficient certificate envelopes* (A--Perm OV--Insufficient)

C. Alphabetize each stack, band each stack together and label each stack appropriately.

4. Separate the 'B' ballots into 2 stacks

- A. 'B' ballots of military and temporary overseas voters—*sufficient certificate envelopes* (B--Military/Temp Ov--Sufficient)
- B. 'B' ballots of military and temporary overseas voters--*insufficient certificate envelopes* (B--Military/Temp Ov--Insufficient)

C. Alphabetize each stack, band each stack and label appropriately.

5. Provide instructions to the election inspectors as to each of the 8 stacks you have prepared.

A. Process the following absentee ballots during the day:

- 1. 'A' ballots of permanent overseas voters—*sufficient certificate envelopes*
- 2. 'B' ballots from military and temporary overseas voters—*sufficient certificate envelopes*
- 3. Official ballots from 'regular' absentee by mail or in-person absentee voters – *sufficient certificate envelopes*

B. Hold these ballots until after 8:00 p.m.

- 1. 'A' ballots of military and temporary overseas voters who have not returned a sufficient 'B' ballot.

Why?

- a. If the 'A' ballot envelope is insufficient,
 - i. The voter may repair an insufficient 'A' certificate envelope on election day.
 - ii. The 'B' ballot may be submitted on election day or voted at the polling place.
- b. If the 'A' ballot is sufficient,
 - i. The 'B' ballot may be submitted on election day or voted at the polling place
 - ii. If the 'B' ballot is submitted but insufficient, the 'A' ballot may be counted.

2. 'A' ballots of permanent overseas voters—*insufficient certificate envelopes*

Why?

- a. Voters may repair the certificate envelope on election day.

3. 'B' ballots of military and temporary overseas voters—*insufficient certificate envelopes*

Why?

- a. Voters may repair the certificate envelope on election day.

4. Official ballots from 'regular' absentee by mail or in-person absentee voters – *insufficient sufficient certificate envelopes*

Why?

- a. Voters may repair the certificate envelope on election day.

C. After 8:00 p.m. process all remaining ballots

1. After 8:00 p.m., the 'B' (official) ballots with insufficient certificate envelopes that were not remediated by the voter on election day are rejected.
2. After 8:00 p.m., the 'A' ballots are checked against the poll list and only processed if there is no voter number next to the voter's name.
 - a. When marking the absentee ballot log that the 'A' ballot was processed, you may find that the voter's 'B' ballot was rejected. If the 'B' ballot was rejected, the 'A' ballot is still processed.
4. 'A' ballots received from voters who have a voter number next to their name on the poll list are rejected.
5. 'A' ballots tabulated by optical scan equipment first must be remade.
6. Official ballots from 'regular' absentee by mail or in-person absentee voters with insufficient sufficient certificate envelopes are rejected.



Wisconsin Elections Commission

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DATE: March 31, 2020

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

FROM: Meagan Wolfe
Administrator

SUBJECT: FAQs: Absentee Ballot Return Options: USPS Coordination and Drop Boxes

Due to the increase in by-mail absentee ballots, clerks have inquired about options for ensuring that the maximum number of ballots are returned to be counted for the April 7, 2020 election. There are several options clerks can use to make ballot return more accessible and efficient.

1. Can I establish drop boxes, or other similar options, for voters to return ballots without having to mail them back?

Yes, drop boxes can be used for voters to return ballots but clerks should ensure they are secure, can be monitored for security purposes, and should be regularly emptied. Clerks can also use mail slots at municipal facilities when residents submit tax or utility payments for the return of ballots. These slots should be regularly monitored, and ballots should be collected on a daily basis. Clerks can also use book return slots at municipal libraries for this purpose as well as long as clerk staff have regular access to these facilities to collect ballots on, at least, a daily basis.

2. Can voters return an absentee ballot they received by mail in-person at the clerk's office, in-person absentee site or their polling place on election day?

Yes, a voter can hand deliver an absentee ballot they received by mail to the clerk. Ballots can be returned to the clerk's office, an in-person absentee (or early voting) site or the voter's polling on election day. A family member or another person may also return the ballot on behalf of the voter. Voters who received their ballot by mail and do not have access to a witness could potentially appear at the clerk's office or in-person absentee site to vote their ballot and have the clerk or clerk staff serve as a witness for the voter.

3. Can mail be held by the local U.S. Postal Service station for pick up by the clerk?

Clerks can coordinate with their local postmaster to have their election mail held on and around election day rather than having it delivered to them by the mail carrier. This process would limit the time ballots are out for

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delivery, can ensure the clerk has access to all ballots returned by election day and could lead to more efficient delivery of those ballots to the polling place or central count facility for counting. Interested clerks can contact their local postmaster directly to discuss available options for holding election mail on and around election day for pickup.

4. Can the U.S. Postal Service keep election mail local and not send it to central facilities for processing?

It may be possible to have election mail kept local and not sent to central processing facilities (Milwaukee, Twin Cities), but that requires coordination with the postal service. If this practice is possible it would potentially cut down on the transit time for ballots returned by mail to the clerk's office. Clerks interested in this option should contact their local postmaster directly to discuss these options.

Please contact us with any questions you may have about these options at elections@wi.gov or (608) 261-2028.



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DATE: March 30, 2020

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

FROM: Meagan Wolfe
Administrator

SUBJECT: Consolidating Polling Places and Use of WisVote

This communication focuses on two issues related to the consolidation of polling places – the ability of municipal clerks to consolidate polling places as opposed to closing all polling places on Election Day, and the use of WisVote to check in voters at a consolidated polling location.

Consolidation of Polling Places vs. Closing Polling Places

Wisconsin Elections Commission (WEC) staff has received several inquiries to confirm the ability of municipal clerks to consolidate polling places at this time. In short, polling places may be consolidated by the municipal clerk but Election Day voting at the polls may not be eliminated completely.

At its meeting of March 12, 2020, the Commission adopted a motion stating that municipal clerks can relocate or move polling places for the Spring Election that are located in nursing homes or other care facilities as well as other facilities as determined by the Department of Health Services or local health officials, without obtaining prior approval of the local governing body or municipal elections commission. This motion was adopted because Wis. Stat. § 5.25 requires that polling places be established at least 30 days in advance of the election by the local governing body.

WEC staff has applied the Commission's directive to situations in which the continuing effects of COVID-19 require changes to or consolidation of polling locations regardless of where the polling place is currently planned. It has become clear that a shortage of available election inspectors due to COVID-19 is one of the most limiting factors related to the number of polling locations to be used. Many municipalities are contemplating or in the process of significant reductions in the number of polling places or consolidating existing sites.

WEC staff is confirming that, for the Spring Election as well as the May 12th Special Election in the 7th Congressional District, municipal clerks have the authority to consolidate polling places due to a shortage of election inspectors without receiving prior approval of the local governing body. When moving or consolidating polling places, municipalities should publicize any changes as broadly as possible through their websites, social media communications, and informing the local media. A

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notice should also be posted at the entrances to the original polling place to advise voters who appear of the new location.

Consolidating polling places is, of course, not the same as closing all polling places for Election Day voting. Municipal clerks and local officials do not have the authority to eliminate the opportunity for Election Day voting, at least absent an order from a state or local health official. If a polling place is closed due to such an order, the municipal clerk should immediately contact WEC staff and the county clerk so that possible options can be discussed and coordinated. In the event the public health order is limited to a specific polling location, the clerk and inspectors should attempt to adjourn to another location pursuant to Wis. Stat. § 7.37(1).

Consolidation of Polling Places in Municipalities Utilizing WisVote

The Wisconsin Elections Commission is committed to working with county and municipal clerks to carry out their Election Day duties in the safest manner possible. Many municipalities are facing difficult circumstances such as poll worker shortages and lack of polling places as a result of COVID-19.

Typically, municipalities with a population over 35,000 utilize multiple polling places and maintain one poll book per ward, however larger municipalities do not have enough poll workers to meet this requirement for the upcoming election. Additionally, municipal clerks are attempting to reduce the incidence of voters and poll workers repeated touching of the same surface, as would occur with use of a paper poll book. They are also attempting to reduce the number of locations they will need to adequately sanitize throughout the day. In response to these challenges, some municipalities have approached WEC staff with a request to modify WisVote to support consolidated polling places for the 2020 Spring Election and Presidential Preference. This process would allow clerks to manage many wards and voters in one space, without paper poll books.

After consultation with these municipalities, WEC staff agreed to limited WisVote development to support this approach. Using this approach, the poll worker would verify the voter's photo ID and then search WisVote directly to determine if the voter is registered, in the correct voting location, and that their stated name and address match what is in WisVote. The poll worker would then print a report from the voter's record and have the voter sign the report to fulfill the requirement to sign the poll book. The report would include the voter's name, address, ward, ballot style, and their sequential voter number.

One municipality has also requested the ability to enter Election Day voter registrations directly in WisVote instead of using a paper process. The municipality would still need to collect signatures and affirmations to eligibility questions from the voter as part of the registration process. At the end of the night, the clerk would pull an additional report that would include all voters who had checked in through this process and what voter number they were assigned. The total number of voters per ward would be compared to the total number of ballots processed at the polling place for end of night reconciliation.

These updates to WisVote are low risks to the system, however WisVote has never been used to directly support Election Day processes before. WEC staff has limited time to develop and test this new process. If municipal clerks are interested in using this process for the Spring Election, please contact WEC staff.



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DATE: For the March 31, 2020 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Meagan Wolfe, Administrator
Wisconsin Elections Commission

SUBJECT: Polling Place Supply and Personnel Shortages

During the ongoing COVID-19 crisis, local election officials across the state report concerns with the availability of polling place supplies and personnel to staff polling places. This memorandum provides a report summarizing local conditions as reported by Wisconsin municipal and county clerks.

1. Election Inspectors (a/k/a Poll Workers).

A. Reported Concerns. The most critical need in many polling places remains qualified election inspectors. Nearly 60% of Wisconsin municipalities report a shortage of poll workers. It should also be noted that many jurisdictions have dramatically consolidated polling places; this survey was based on need to staff the usual number of polling places. As of 6:30 p.m. on March 30, 2020, we have the following data:

Reporting Status	Poll Worker Shortage	Number of Jurisdictions
Critical – jurisdiction cannot staff even one polling place	671	111
Serious – jurisdiction is unable to staff all desired polling places	2,713	126
Concerning – jurisdiction has fewer staff than needed for efficient operations	3,469	542
Stable – jurisdiction has enough poll workers to function efficiently	86	541
Did not report a status	n/a	530
TOTAL	6,939	1,850

Jurisdictions described as “Critical” and “Serious” are spread across the state with no geographic trends. Nearly every county in Wisconsin has at least one municipality concerned about their ability to open a polling place on April 7th. A map of these jurisdictions is attached with this memorandum. In addition, staff currently lack data from 530 municipalities who have not responded to the survey or other communications.

Finally, an additional concern for clerks is the possibility of unexpected absences due to illness or fear on election day. While an unexpected absence is always possible, many clerks worry they do not have adequate depth to accommodate missing staff. To mitigate this risk, many jurisdictions, including several large cities, are consolidating their polling places to preserve manpower.

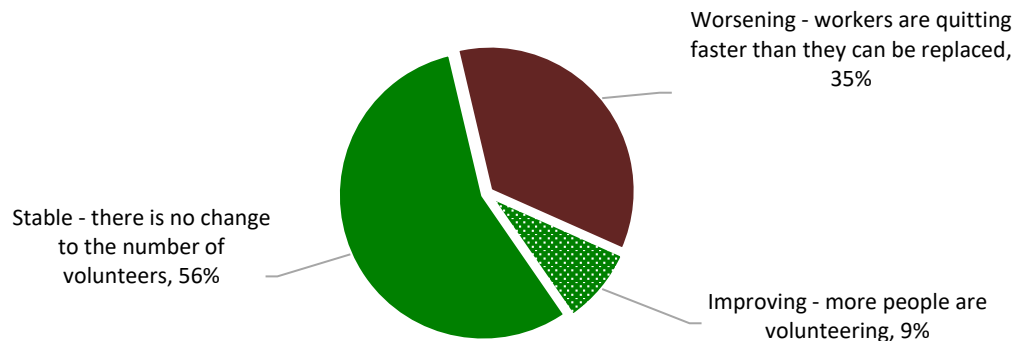
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B. Efforts to Mitigate. To address this problem, clerks, WEC Staff, and the DOA have conducted outreach to colleges and universities, labor unions, state employees, and other groups. Clerks and staff have also issued press releases calling for volunteers and attempting to bring this issue to light in the media. While these efforts have yielded volunteers in some areas, clerks generally report the problem as growing.

Poll Worker Trends as Reported by Wisconsin Clerks



Looking ahead, staff are also considering options to mitigate the risk of missing poll workers on election day. Staff continue to explore alternate sources of personnel in collaboration with other state agencies. WEC staff is also continuing to work with state and county partners to identify a pool of reserve poll workers who can be trained ahead of time to serve in the event of an unplanned, critical lack of poll workers on election day. Draft guidance for clerks will be available later this week.

2. Special Supplies.

A. Envelopes. The COVID-19 crisis generated unprecedented demand for ballots by-mail and left many jurisdictions with a dwindling supply of absentee ballot envelopes. In early March, requests for envelopes rapidly grew from 300,000 to more than one million. The agency's initial emergency procurement obtained and distributed 1.2 million absentee envelopes to nearly every county in the state. Demand for absentee ballot envelopes remains unprecedented and 1,050,000 additional envelopes were recently ordered. It's expected that the envelopes most needed by jurisdictions will arrive by 4/1 but the balance of the additional envelopes are unlikely to arrive before the April 7th election. If municipalities run out of certificate envelopes, they have been provided with instructions on how to continue fulfilling requests using plain envelopes and printed certificates.

B. Sanitizer. Clerks in all counties have requested assistance obtaining sanitizer for both people and surfaces. As regular suppliers had no sanitizer available for purchase in time for the election, the WEC and DOA turned to local distilleries to obtain alcohol-based sanitizer products. This week the state will distribute 5,830 liters of multi-purpose sanitizer to clerks via six distribution centers established around the state. The shipment also includes 10,000 plastic spray bottles, adhesive labels for the bottles, and approximately 7,000 paper towel rolls. This quantity will be enough to supply all polling places with at least two liters of sanitizer.

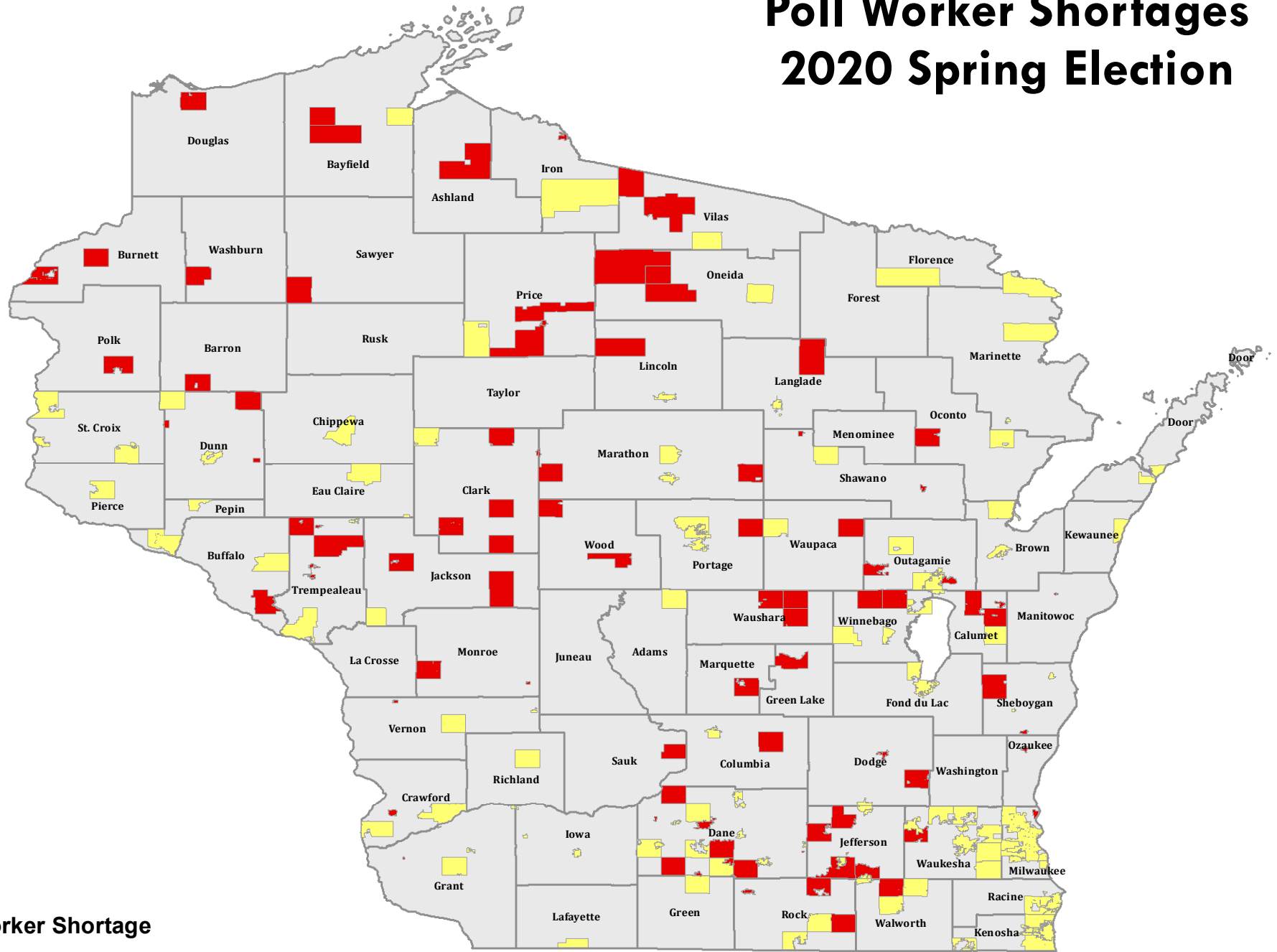
C. Personal Protective Equipment (PPE). Along with sanitizer, PPE remains an item in high demand across the state. Clerks have inquired about receiving Nitrile gloves and facemasks. This equipment is, however, limited to medical facilities and none has been made available to clerks through the state. Moreover, the Centers for Disease Control (CDC) has advised that this equipment may actually increase risk for untrained personnel and that hand washing should remain the focus of preventative efforts. Some clerks have procured their own equipment and expressed their intent to use it on election day.

D. Signage. WEC staff has placed an emergency print order of over 10,000 signs, checklists, and poll worker screeners approved by the Commission to distribute to each polling places. These signs will be distributed to all polling places through county clerks. Each polling place will receive one checklist, 2 screeners, 2 entrance signs, 4 social distancing signs, 2 poll book/photo ID signs, and 2 registration table signs.

E. Isopropyl Wipes. Staff submitted a request for 1.5 million disinfecting isopropyl wipes for polling places. To date, the state has procured 750,000 wipes. We expect to deliver these wipes this week and DOA procurement office continues to search for additional product.

F. Pens. Some clerks have asked for disposable pens that can be used at polling places, so voters and staff do not have to share pens. Staff submitted a request for 1.5 million pens and a supplier was located on March 30, 2020. The DOA procurement office believes these pens can be shipped to clerks this week. The pens can be used in all polling places to sign the poll book. In some jurisdictions they can also use the same pen to mark their ballot. There are some jurisdictions who will need to use their own ballot marking devices because pens may cause issues with the voting equipment.

Poll Worker Shortages 2020 Spring Election



Municipal Worker Shortage



Critical - No workers available 111



Serious - Some polling places unstaffed 126