

WDAA letter

Posted on Thursday, Apr 9, 2020

Wisconsin District Attorneys' Association Requests Election Commission Review Circulation of Fall Election Nomination Papers Due to Coronavirus Disease (Covid-19) and Governor's Orders Before April 15th Circulation

Members of the State Elections Commission and Attorney Michael Haas:

I spoke with Attorney Haas and he suggested I send the commission a formal request to review the fall general election circulation of nomination papers process. This email shall serve as that formal request in light of the need to get the Commission to take all appropriate action as soon as possible before the April 15th circulation process.

The Wisconsin District Attorneys' Association which represents all criminal prosecutors in Wisconsin, including all 71 elected District Attorneys, is seeking clarification and consideration of possible alternative ways to circulate nomination papers for the fall general elections due to the Governor's Executive Orders relating to staying at home and all orders relating to Coronavirus disease (Covid-19). Currently, District Attorneys and law enforcement are obligated to enforce the Governor's orders which are criminal misdemeanors when violated.

The inherent process of circulating nomination papers, beginning April 15th, is contrary to the health emergency orders and science of how the virus spreads. Currently, there is no web-based or telephonic option to circulate papers which could be created or email process by which the candidate could send papers electronically and the elector would certify the circulation process and/or the signature process electronically. Currently, the person circulating the papers must physically witness each and every signature of electors in person which is something that is very concerning considering how quick this virus can spread from person to person through the air and by physical objects.

Candidates circulate their papers door to door and person to person which is specifically contrary to the isolation orders issued by the Governor, the President, CDC and the WHO. Beginning April 15th, papers can be circulated and we ask that the State Elections Commission under its statutory and rule making authority issue

additional guidance for a possible web based / telephone circulation process and authentication / swearing process of circulators witnessing signatures and/or a delay / expansion of time frame to circulate or flexibility in the circulation process.

Clearly, the Commission must acknowledge that having candidates / circulators circulate papers that can carry and transmit the virus from person to person is a troubling factor in light of the virus's ability to be transmitted person to person where there is no cure. Furthermore, the Governor's Orders to stay home by all including the candidate and the persons who assist candidates in the circulation process is troubling from a law enforcement process. An officer witnessing a person going from person to person with a clip board is probable of a non-essential

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activity in violation of the Orders. Should circulators where a special badge or some identification to law enforcement and members of the public that it is okay for them to be circulating papers in the public and door to door because the election demands it? The process demands close personal interactions with candidates, circulators, electors, the pens the circulators use, the paper, the clip boards etc. - The process is a petri-dish of potential additional transmission of the virus at this most critical time. The US Surgeon General indicated the next two weeks will be like a "Pearl Harbor" and "911 moment."

Please provide me and the WDAA with a full plan / protocol of any commission action and consideration under this incredibly important concern during which the President and Governor have indicated will be the worse month for deaths related to the Coronavirus disease (Covid-19). I will transmit this protocol to all elected District Attorneys and Deputy District Attorneys. In the alternative, a Statewide notice to all candidates would also suffice with a carbon copy to the WDAA attention DA Louis J. Molepske, Jr.

I can be contacted as a point person on this request at this email address or by the physical address below.

Thank you for your prompt attention to this health related concern.

DA Louis J. Molepske, Jr.

WDAA, President



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