

Common Cause: Testimony in opposition to Senate Bill 207, Senate Bill 210, Senate Bill 213

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Common Cause in Wisconsin (CC/WI) is one of the state's largest non-partisan political reform advocacy organizations with more than 8,000 members and activists residing in every county of the state. We have been active in Wisconsin since our founding in 1970.

We oppose three of the measures being considered by this Senate Committee today and urge members of this committee to vote against their passage.

SB 207: This bill would regulate private grants for election administration and prohibit certain people from being poll workers. Specifically, the bill would

Prohibit municipalities or counties from receiving private grants for election administration but allow the Wisconsin Election Commission to accept them. The Commission would be required to distribute grants only as approved by the Joint Committee on Finance with additional stipulations.

Prohibit employees of the following from working as poll workers:

a candidate committee, legislative campaign committee, political action committee, independent expenditure committee, political party, recall committee, and referendum committee.

a political organization required to register with the federal elections commission.

an issue advocacy group

This legislation is aimed specifically at the so-called Facebook grants that were made nationwide last year by the Center for Tech and Civic Life (CTCL) to assist during the pandemic to provide much-needed funding for protection equipment and to help hire much-needed poll workers so that the November 2020 election could be conducted in a safe and sane manner. 221 counties, cities, towns and villages in every part of Wisconsin received welcome assistance to help conduct their elections - not just the five largest cities in Wisconsin that some would have you believe were the only recipients of this funding. The budgets of municipalities both large and small were strained to the maximum by the demands posed by COVID-19 and CTCL funding helped to alleviate that shortage and provide much needed assistance.

Lawsuits to block CTCL funding to Wisconsin were rejected last October by a U.S. District Judge, the Seventh Circuit Court of Appeals in Chicago and by the U.S. Supreme Court, specifically by conservative Justice and Trump appointment Brett Kavanaugh. The Wisconsin Supreme Court also rejected a lawsuit to block CTCL funding.

This legislation is based on a false premise that has already been adjudicated and rejected in the courts and should not be resurrected simply to "get back" at Facebook for making completely non-partisan and welcome resources available to assist in conducting elections throughout Wisconsin and the country during a time of national crisis.

This bill would also prohibit anyone who is an employee of a political organization or issue advocacy group from being a poll worker. This would reduce the current poll worker pool in communities across the state. Any employee of any political party or any employee of an advocacy organization like Common Cause WI, the NAACP, Right Wisconsin, the Wisconsin Conservation Voters, Tavern League of Wisconsin, the League of Women Voters, Disability Rights Wisconsin, AARP, etc. would not be able to serve as poll workers. We need more citizens participating and working as poll workers in our elections, not fewer. There is no evidence that poll workers who may have an association with a political or advocacy organization act improperly when carrying out their duties and there are already laws in place prohibiting electioneering at a polling location.

SB 210: This bill relates to rules on observing elections. Specifically, the bill would:

Expand the observation area required under current law so that it is not more than three feet from the table where voters announce their name and address and not more than three feet from the table where individuals are registered to vote. Existing law allows observers between three and eight feet away for such activity.

Require the municipal clerk, chief inspector, and board of canvassers to provide election observers uniform and nondiscriminatory access to all stages of the election process, including recounts.

Regulate the appearance and conduct of election observers. Specifically, an observer

must wear a badge with their name and the name of the organization they represent, if any.

must not wear any campaign material advocating voting for or against a candidate or for or against any issue on a ballot question, and if they do, may be expelled by the municipal clerk, chief inspector, or board of canvassers. must not interfere with a voter or hinder the duties of any election official. If an election observer does interfere, they can be fined up to \$500.

Observer rules are currently adequate and sufficient, and this looks like the current guidelines are simply being put into law, but that this bill takes away any space between voter/poll worker and observer is very misguided and wrong. Voters would no longer have any privacy if an observer is no more than three feet away. Senate Bill 210 should be rejected.

SB 213: This bill would allow anyone to skip a Wisconsin Elections Commission administrative process and go straight to court to test the validity of any decision, action or failure to act on the part of any election official 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. In addition, the bill would change where such suits could be filed by allowing them in any county within the area covered by any office on the ballot for the election.

The objective of this bill seems to be that anyone should be able to go directly to the courts and the WI Supreme Court to get their way on disputed election questions. They could also, for example, sue Milwaukee for alleged election violations in Pepin County court, which may be the real purpose of this bill. It would allow plaintiffs to "venue-shop" for a sympathetic judge who could then enjoin a city far outside of her/his usual jurisdiction from, for example, having ballot drop boxes or conducting "Democracy in the Park" events, such as those conducted in Madison last October.

The partisan intent of this measure is transparent on its face and it would attempt to weaken the authority of the Wisconsin Elections Commission which was already greatly diminished when it was created nearly six years ago and when the Wisconsin Legislature eviscerated and abolished the non-partisan and very effective and respected Wisconsin Government Accountability Board. This measure simply extends partisan political legislative control over state elections. It should be rejected.

