

Madison Mayor Rhodes-Conway: Statement re: Wisconsin Supreme Court decision locking ballot drop boxes for the spring election

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It is deeply disappointing that the majority on the Wisconsin Supreme Court decided to institute two sets of rules for the same election cycle, sowing confusion by allowing secure ballot drop boxes for the primary and locking them shut for the general election.

Worse, the court has not heard the facts of the case yet and gives absolutely no justification for this ruling.

Plaintiffs argue that ballot drop boxes are not mentioned in the law and so they are prohibited. This is a weak argument, since clerks across Wisconsin took a variety of measures to keep voters safe during the pandemic, including curbside voting, providing PPE and hand sanitizer at the polls, increasing the wage when poll workers were in short supply, and purchasing drop boxes to facilitate absentee voting when trouble at the post office threatened the right to vote.

None of these reasonable and necessary measures are mentioned in statutes; what will be prohibited next? Who is in a better position than local clerks to create solutions for voters who simply need to return their ballots safely and on time? We should not be turning every procedural step of voting into a new voter qualification, but that seems to be the desire of both the majority in this decision and the majority in the Legislature.

Clerks across the state will now be forced to lock drop boxes and scramble to

explain new rules to voters. The court's decision that, in the April election, only a voter, and not another person, must mail or deliver the voter's ballot, will not only cause confusion, but grievous harm to many disabled voters. Many, many people who are sick, elderly or disabled need help voting. Most have figured out a system that works for them, often relying on a trusted assistant, friend or neighbor who can return their ballot. With this action the court threatens the votes of thousands of Wisconsinites with zero justification or discussion.

This attack on voting was launched by the Wisconsin Institute for Law and Liberty, a right-wing law firm that is unhappy that the state's five largest cities worked hard during the pandemic to expand options for voters. These five cities represent 74% of all African-American voters, and 47% of all voters of color in the state. We must call this lawsuit what it is: racist voter suppression.

As Justice Bradley wisely stated in her dissent, the Court's majority has upended routine and reasonable measures and created more confusion, harm, and uncertainty to both voters and election administrators. I agree with her that the municipal clerks and all voters of this state deserve better.