

Sen. Spreitzer: Madison's failure to count ballots does not reduce voter rights

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MADISON – Today, Wisconsin State Senator Mark Spreitzer (D-Beloit) released the following statement regarding recent arguments from the City of Madison in *Ayodabo v. City of Madison*, which attempt to argue that the city had less responsibility to voters whose ballots were not counted because they were cast absentee:

“For the past 6 years, I have fought for the rights of Wisconsin voters across our state and combated conspiracy theories aimed at throwing out the ballots of millions of Wisconsinites who choose to vote absentee in-person, by mail, or using a drop box. During the hours of hearings and debates that occurred in the State Capitol, many anti-voting arguments centered on a phrase in state statute from 1985 that called voting by absentee ballot a privilege. Those arguments have repeatedly failed in court and that same section of statute from 1985 begins by affirming that voting is a constitutional right and must be strongly encouraged.

“On the other hand, the City of Madison’s past efforts to ensure that every vote was counted and that every eligible voter was able to vote have been praised by voting rights advocates and voters alike. Madison has historically been a leader in our state, with results reported accurately and quickly on election night. Unfortunately, in November of 2024, the City of Madison failed to count 193 ballots from eligible voters who voted absentee. Those voters sued because their rights were violated, and Madison is now trying to avoid consequences by arguing the voters had fewer rights because they voted absentee.

“Madison’s arguments in this lawsuit fall far short of its past standard. Once a voter

uses the legal processes established by their municipality and state statute to exercise their right to vote, they have put their trust in their local election officials that their constitutional rights will be protected. Whether a voter's ballot is cast on Election Day or through a secure absentee voting process, the right to have their ballot counted is a fundamental pillar of our democracy. The abject failure by former election officials in Madison to take that constitutional right seriously should not be the basis on which anyone attempts to erode the voting rights of Wisconsinites.

"I wholeheartedly agree with Governor Tony Evers and the bipartisan members of the Wisconsin Elections Commission, who have taken the extraordinary step of formally filing their objections to this argument in court. There are no second-class voters and there are no second-class ballots."