



Legislation Text

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File #: 220450, Version: 1

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IMMEDIATE ADOPTION

220450

SUBSTITUTE 1

ALD. PEREZ, COGGS, SPIKER, BAUMAN, ZAMARRIPA, DIMITRIJEVIC, RAINEY, DODD, MURPHY, LEWIS, STAMPER AND HAMILTON

Substitute resolution expressing the City's opposition to the Wisconsin Supreme Court ruling prohibiting early voting ballot drop boxes.

This resolution expresses the City's opposition to the Wisconsin Supreme Court ruling prohibiting early voting ballot drop boxes.

Whereas, On July 8, 2022, the Wisconsin Supreme Court ruled, in *Teigen v. Wisconsin Election Commission*, that the Wisconsin Election Commission had overstepped its authority when it issued guidance to local election clerks to allow the use of drop boxes to return absentee ballots in the 2020 election; and

Whereas, The Wisconsin Elections Commission is the state's authority for overseeing elections; and

Whereas, Ballot drop boxes had been provided to voters for several years prior to the 2020 election, and the 2020 COVID-19 pandemic increased the need for them due to the risk posed by in-person voting and the slow-down of postal service delivery at that time; and

Whereas, Drop boxes have grown in popularity, with more than 520 ballot drop boxes in the 2020 general election and 570 of them used in 2021 throughout 66 of the state's 72 counties; and

Whereas, The use of ballot drop boxes ensured that voters in the height of a global pandemic could cast a vote without risking infection or fearing their mailed-in ballots would arrive too late to count; and

Whereas, At the time of the 2020 election, United States Supreme Court Justices Kavanaugh and Gorsuch cited Wisconsin's use of ballot drop boxes as proof that voting was easy in Wisconsin; and

Whereas, Municipal clerks have broad authority to decide how to receive ballots, and the Elections Commission's guidance stating that clerks can set up secure drop boxes to receive ballots falls within that purview; and

Whereas, The Court's ruling that only a voter may return their own ballot to the clerk has no basis in law because State statute does not limit who can deliver the ballot, and there is no textual reason a voter cannot have a friend or family member do it for them; and

Whereas, A drop box is "set up by the municipal clerk, maintained by the municipal clerk, and

emptied by the municipal clerk," which means that placing a ballot in a drop box is, under any reasonable reading, delivering a ballot to the clerk; and

Whereas, The right for voters with disabilities to have assistance from a person of their choice is protected by federal law, and this ruling threatens that right; and

Whereas, This ruling further threatens disenfranchisement of voters who are elderly, hospitalized, house-bound, lack access to transportation, or face other impediments to personally delivering their ballots; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City of Milwaukee expresses its opposition to the Wisconsin Supreme Court ruling prohibiting early voting ballot drop boxes; and, be it

Further Resolved, That the City Clerk shall forward a copy of this resolution to the City's delegation to the State Legislature.

LRB 177491-1  
Tea B. Norfolk  
7/11/2022