

November 7, 2023

The Honorable Robin Vos  
Speaker  
Wisconsin State Assembly

The Honorable Devin LeMahieu  
Majority Leader  
Wisconsin State Senate

Representative Scott Krug  
Chair, Committee on Campaigns and  
Elections

Senator Dan Knodl  
Chair, Committee on Shared Revenue,  
Elections and Consumer Protection

Representative Paul Tittl  
Member  
Wisconsin State Assembly

Senator Romaine Robert Quinn  
Member  
Wisconsin State Senate

Dear Legislative Leaders and Committee Leadership:

[Senate Bill 560](#) and [Assembly Bill 543](#), recently introduced by Senator Romaine Robert Quinn and Representative Paul Tittl, would significantly alter Wisconsin's election observation rules. While the proposed changes seek to uphold uniformity and impartiality in election observation, they would have extensive unintended consequences, jeopardizing the security of voting equipment, voter privacy, and election worker safety.

Drawing from the Bipartisan Policy Center report [Policy to Advance Good Faith Election Observation](#), BPC Action respectfully urges Wisconsin legislative leadership to consider prioritizing policy recommendations that minimize administrative challenges and maximize trust and accountability:

**Wisconsin should specify which election activities observers are allowed to see and how that observation should take place, including in the pre-and post-election period, during ballot processing, and during in-person voting.**

The proposed language moves the current observation distance of "not less than three feet" to "not more than three feet" and applies uniformly to "*all stages of the election process*, including the certification of election technologies, absentee voting in person, canvassing, elector appeals, vote tabulation, and recount." This is a dramatic change that threatens the security of voting and tabulation equipment, voter privacy, and election worker safety. Rather than blanket rules, election observation policy should be tailored to the activity under observation. This approach ensures meaningful access for observers without creating untenable situations for election administrators.

While we commend efforts to uphold uniformity in observation, many election offices are small and ill-equipped to host large numbers of observers. As such, any distance requirements should apply only to in-person voting, with discretion offered to municipalities on how to conduct observation of tabulation and canvassing. Additionally, while [Wis. Stat. § 7.41\(1\)](#), left unchanged by the proposed bills, states that “The chief inspector or municipal clerk may reasonably limit the number of persons representing the same organization who are permitted to observe under this subsection at the same time,” this provision does not address instances where too many organizations are present. Chief inspectors and municipal clerks should be permitted to limit the total number of persons permitted to observe, regardless of organizational affiliation.

**Election officials should have discretion in determining whether an observer is violating standards for acceptable behavior.**

The proposed legislation makes an election official who restricts observers subject to imprisonment in the county jail for not more than 90 days, fined not more than \$1,000, or both. Election administrators should not face legal or [criminal penalties for unintentional administrative mistakes](#) when acting in good faith. Criminalizing good faith decisions by election officials may cause election administrators to hesitate in taking actions that protect voters and privacy. Additionally, criminalization of election administrators may accelerate turnover among Wisconsin’s election professionals and fuel the loss of [institutional knowledge](#).

**Wisconsin should provide resources to local election offices— including funding and adaptable training modules—to support the training of observers, election workers and voters.**

Significant alterations in observation rules will require new training for election workers and updates to documents and materials – all of which come at a cost to already under-resourced election offices. Observation policy reforms must coincide with the resources to carry changes out.

Election observers are essential to transparency, accountability, and [voter perceptions of election legitimacy](#). BPCA urges the Wisconsin legislature to consider these modifications that will promote transparency without sacrificing functionality or the privacy and safety of voters and election administrators.