



Winnebago County
The Wave of the Future

Agenda Item Report

DATE: 6/13/2022

FROM: Supervisors Floam and Dowling

RE: Advisory Referendum on Voting Equity

General Description:

This resolution would place an advisory referendum on the November ballot on voting equity and access. This referendum would advise the State Legislature to prepare a Constitutional Amendment to be placed on a future statewide ballot calling for the creation of an Election Uniformity Clause in the Wisconsin Constitution.

Action Requested:

A discussion on if such a measure should be placed on the November ballot.

Procedural Steps:

(Show each level of committee and board approval needed, with meeting dates.)

Committee of Jurisdiction JPS_(discussion)	Meeting date: 6/13
Action taken: _____	Vote: _____
Other Committee: _____	Meeting date: _____
Action taken: _____	Vote: _____
County Board	Meeting date: _____

Background:

This is a more formal discussion of an advisory referendum that was last brought up at the previous JPS meeting.

The COVID -19 pandemic introduced a wide variety of complications and challenges for local government. One of which was election administration. Polling stations could not be fully staffed, clerks and election officials had to respond with the resources they had, and the end result meant that the opportunities and access to polling locations and in-person absentee varied greatly from one locality to another.

The solution being discussed and authored today would put to the people of Winnebago County an opportunity decide if they want the State Legislature to begin the process of creating an Election Uniformity Clause in the Wisconsin Constitution. This would be in the form of an advisory referendum placed on the ballot in fall election in 2022. A draft copy of the referendum question is attached.

According to the County Clerk's office, advisory referendums typically cost around \$3,000. The cost incurred goes to additional programming of election equipment, databases, as well as printing the referendum on the ballot. Also, the printed type A and C notices for referendums are included in this cost figure. The funds themselves may not need to come from an additional appropriation/budget amendment. According to the County Executives office, since we did not have a countywide primary in November, this may be able to be paid for via a simple budget transfer. As of press time, I am awaiting a response from the Finance Department on whether or not this is possible.

Policy Discussion:

This advisory referendum allows for the people of Winnebago County to give a clear and concise message to Madison that they want their elections run predictably and equitably. A rural family in Rushford deserves the same in-person absentee voting hours as an urban family in Menasha or Appleton. Winnebago County is a very geographically diverse county which can create staffing and resource shortages for rural and underserved areas. All voters of all municipalities should be treated equitably when it comes to accessing the ballot. Furthermore, this advisory referendum goes above the toxic fighting in Madison. The lawmakers would see a clear choice by the voters on how they want their elections run.

Attachments:

Attachment 1: Draft resolution

Attachment 2: CS Wisconsin Policy Background Paper



The Time Is Now

for an election uniformity and integrity referendum and constitutional amendment

The Problem

It is undisputed that many of the core principles of election integrity were compromised in 2020:

- Individual jurisdictions used different standards to determine whether or not to count an absentee ballot.
- The opportunities and access to vote early varied greatly from one locale to another.
- Election rules were changed at the last moment to give advantage to one political party over the other.
- Private, out-of-state money was used to administer elections in select cities. Furthermore, official election duties were turned over to delegates of these wealthy donors.
- The Legislature has tried to act — **Governor Evers has vetoed each and every bill passed by the Legislature to address these issues and restore election integrity.**

The Practical Solution

A constitutional amendment cannot be vetoed by the Governor. Ballot referenda give power to the people.

A **Constitutional Election Uniformity Clause** is part of the solution, and in fact is the *only practical step* that can be taken until a Governor is elected that cares about election integrity. In the meantime, putting the issue on ballots as advisory referenda in November of 2022 keeps pressure on the Legislature and keeps the public engaged.

When the idea was announced, it received considerable positive reaction and attention, despite no budget to drive it. The ideas also poll incredibly strong and clearly would drive turn-out among voters concerned with election integrity.

The 4 Principles

The constitutional amendment would include four key provisions:

1. Election laws must be applied the same way across the state. Votes and voters should be treated the same way whether they are in Superior or Kenosha, Madison or Minocqua.
2. Election procedures must be predictable — last minute, confusing changes breed mis-trust and chaos.
3. Administration of elections must be carried out in a manner that does not favor one political party over another.
4. The funding and administration of elections cannot be turned over, all or in part, to private organizations.

RESOLUTION:

To provide for and add an advisory referendum on voting equity for the November 8, 2022 general election in Winnebago County.

TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:

WHEREAS - The right to vote is sacred in Wisconsin and guaranteed by Article III of the Wisconsin Constitution; and

WHEREAS, The Uniformity Clause of the Wisconsin Constitution guarantees rights and equalized values to all citizens of Wisconsin regardless of county or municipality; and

WHEREAS, The citizens of Wisconsin currently do not have equitable voting opportunities and access across its seventy-two counties; and

WHEREAS, Every citizen of Wisconsin is protected by the Uniformity Clause from unequal tax treatment, so should the Wisconsin Constitution provide for equitable and uniform voting access regardless of county or municipality.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby approves that the following question will be added to the November 8, 2022, ballot in Winnebago County as an advisory referendum: "Should the Wisconsin Legislature prepare and place on the statewide ballot a Constitutional Amendment requiring that election administration, access to ballots, and counting of ballots be nearly uniform as practicable?"