

TO: All Legislators  
FROM: Senators Stroebel, Roth, Darling; Representatives Neylon, Duchow  
DATE: February 22, 2021  
RE: LRB-1264, prohibiting private funding of election operations, requiring ballot tabulators to take an oath of office, prohibit political campaign staff from serving as poll workers.

**DEADLINE: March 1, 2021 @ 5PM.**

In February 2020, before the pandemic and before the presidential election, a [Gallup poll](#) found that *59% of Americans lacked confidence in the honesty of our elections*. By the end of the year, a significant number of Americans remained skeptical about the integrity of our elections.

Faith in elections is the foundation of our legitimacy as a government, and is a prerequisite for the peaceful transfer of power. Elections should be impartially administered, and that includes the funding and staffing of our election process. Last year, at least one private foundation backed by coastal billionaires [spent millions of dollars](#) funding election operations in Wisconsin.

LRB-1264 prohibits local clerks and elections boards from applying for or receiving private funds for the purpose of administering Wisconsin elections. If private funds are unsolicited and received by local election officials, they must be transferred to the Wisconsin Elections Commission. The commission is responsible for distributing the funds equally on a per-capita basis to all municipal clerks and boards of elections, ensuring fair and impartial access to the funding.

A federal judge in Wisconsin noted last year that current state law is silent on the matter of privately funded elections, but the legislature does have the ability to establish policy in this area.

Finally, LRB-1264 requires ballot tabulators to take an oath of office like every other election official and prohibits employees of political campaigns from serving as poll workers.

**Please contact Sen. Stroebel's office (6-7513) or Rep. Neylon's office (6-5120) by 5PM on March 1, 2021 to sign on to this bill.**

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#### **Analysis by the Legislative Reference Bureau**

Under this bill, no official or agent of a county, city, village, or town may apply for or accept any donation or grant of moneys, equipment, materials, or personnel from an individual or nongovernmental entity for purposes of election administration, except as expressly authorized under the statutes relating to elections. If the Elections Commission accepts a donation or grant of moneys from an individual or nongovernmental entity for purposes of election administration, the commission may not expend those moneys, except as follows:

1. The commission must distribute the moneys to each municipality in Wisconsin on a per capita basis, subject to an exception for distributions that would result in any municipality receiving less than \$25.

2. The commission may expend the moneys only as approved by the Joint Committee on Finance.

Under the bill, whoever violates one of the prohibitions described above is guilty of a Class I felony, the penalty for which is a fine not to exceed \$10,000 or imprisonment not to exceed three years and six months, or both.

The bill also makes it a Class I felony for any person to assist in counting or tabulating votes at an election unless the person is a resident of this state, is a tabulator or election official who is trained to the extent provided by law, and has signed the official oath and returned it to the municipal clerk with respect to that election.

Finally, the bill prohibits the appointment of any poll worker who is an employee of any of the following:

1. A candidate committee, legislative campaign committee, political action committee, independent expenditure committee, political party, recall committee, or referendum committee, as those terms are defined by law.

2. A political organization required to register with the federal elections commission.

3. An issue advocacy group.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.