

## **Election Observers**

### **GAB 4.01 Observers at the polling place**

- (1) In this section:
  - (a) “Board” means the Government Accountability Board.
  - (b) “Public aspects of the voting process” means the electors in line waiting to vote, the election day registration process, the recording of electors under s. 6.79 Stats., the elector’s receipt of a ballot, the deposit of the ballot into the ballot box, a challenge to an elector’s right to vote, the issuing of a provisional ballot, and the counting and reconciliation process.
  - (c) “Member of the public” means any individual excluding a candidate appearing on the ballot at that polling place. [Alternatively, “member of the public” means any individual excluding a candidate running for office at the current election.]
  - (d) “Communications media” has the meaning given in s. 11.01(5), Stats. [“‘Communications media’ means newspapers, periodicals, commercial billboards and radio and television stations, including community antenna television stations.”]
- (2) The Government Accountability Board is empowered by s. 7.41(5), Stats. to promulgate rules consistent with the supervisory authority of a chief inspector at any polling place on election day, regarding the proper conduct of individuals exercising the right under s. 7.41, Stats. to readily observe all public aspects of the voting process in an election.
- (3) Any member of the public, excluding candidates appearing on the ballot, intending to exercise the right to observe an election under s. 7.41, Stats. shall notify the chief inspector of that intent upon entering the voting area of a polling place. The observer shall give the inspector her full name, street address and municipality, and the name of the organization or candidate the observer represents, if any. The inspector shall enter that information into the Inspectors’ Statement, EB-104.
- (4) To ensure the orderly conduct of the election, the chief inspector may reasonably limit the number of observers representing a particular organization or candidate.
- (5) The chief inspector shall direct the observer to an area of the polling place designated by the chief inspector as an observation area.

- (6) The observation area shall be situated to enable all observers to observe all public aspects of the voting process during the election. When physically feasible within the polling place, the observation area shall be not less than 6 feet nor more than 12 feet from the table at which voters are announcing their name and address and being issued a voter number. Voters will be asked to announce their name and address loud enough for observers in the observation area to hear the name and address.
- (7) Observers must comply with the chief inspector's lawful commands or will be subject to removal from the polling place.
- (8) All of the observer's questions and challenges must be directed to the chief inspector or to the inspector designated by the chief inspector to receive questions and challenges in the chief inspector's absence or non-availability.
- (9) Upon receiving a challenge to a voter's ballot at the polling place, the chief inspector or the chief inspector's designee will follow the challenge procedure in Chapter GAB 9, Wis. Adm. Code. The challenge shall be recorded on the Challenge Documentation Form, EB 104c.
- (10) If any observer engages in any loud, boisterous, or otherwise disruptive behavior that, in the opinion of the chief inspector or the chief inspector's designee, threatens the orderly conduct of or otherwise interferes with the election, the chief inspector shall warn the offending observer(s) that such conduct must cease or the observer will have to leave the polling place.
- (11) If, after receiving the warning provided in sub. 10, the offending observer does not cease the offending conduct, the chief inspector shall order the offending observer to depart the polling place. If the offending observer declines or otherwise fails to comply with the chief inspector's order to depart, the chief inspector shall summon local law enforcement to remove the offending observer.
- (12) While in the polling place, observers shall keep conversation to a minimum and shall try to conduct whatever conversation is necessary at a low enough volume to minimize distraction to voters and to the election inspectors and any other election officials. Failure to adhere to this sub. will result in a warning under sub. 10 and, if the conduct continues, removal under sub. 11.
- (13) Observers shall be permitted to view the poll list and registration list, excluding the confidential portions of the lists maintained under ss. 6.79(6) and 6.35(4), Stats., so long as doing so does not interfere with or distract electors under s. 5.35(5) Stats. Observers shall not be permitted to make a photocopy or take photographs of the poll or registration lists on election day.

- (14) Observers shall not engage in electioneering as defined in s. 12.03, Stats. If an observer violates s. 12.03, Stats., the chief inspector or her designee shall issue a warning under sub. 10 and, if the conduct continues, removal under sub. 11.
- (15) Observers shall not use a cellular telephone or other wireless communication device inside the polling place or within 100 feet of the entrance to the polling place. Such use constitutes electioneering under s. 12.03, Stats., and will result in a warning under sub. 10 and, if the conduct continues, removal under sub. 11.
- (16) Observers shall not engage in any conversation with electors concerning a candidate, party, or question appearing on the ballot. Such conversation constitutes electioneering under s. 12.03, Stats., and will result in a warning under sub. 10 and, if the conduct continues, removal under sub. 11. Non-election related conversation between observers and electors shall be permitted, but the chief inspector may order that such conversation be minimized if it interferes with the orderly conduct of the election.
- (17) The restrictions on voter contact under sub. 16 shall not be construed to prevent any observer from assisting an elector under s. 6.82, Stats., provided that the elector requests the observer's assistance, and the observer meets the other requirements of s. 6.82, Stats.
- (18) Observers shall not wear any clothing or buttons having the name or likeness of a candidate, party, or referendum group appearing on the ballot or having text "which describes, or purports to describe, the rights or responsibilities of individuals voting or registering to vote at a polling place or voting an absentee ballot at the office of the municipal clerk or an alternate site." Wearing such apparel at the polling place constitutes a violation of ss. 12.03 and 12.035, Stats. and will result in a warning under sub. 10 and, if the observer refuses to comply with the chief inspector's order, removal under sub. 11.
- (19) Observers shall not use any video or still cameras inside the polling place. Failure to adhere to this sub. will result in a warning under sub. 10 and, if the conduct continues, removal under sub. 11.

#### **GAB 4.02 Observers at the municipal clerk's office**

- (1) Observers shall be permitted to be present at the municipal clerk's office or the alternate site for absentee voting designated under s. 6.855, Stats. on any day that absentee ballots may be cast in the office.
- (2) Observers shall conform their conduct to the requirements of s. GAB 4.01. The municipal clerk or the clerk's designee shall exercise the authority of the chief inspector under s. GAB 4.01 to regulate observer conduct.

#### **GAB 4.03 Observers at the central counting location**

- (1) In a municipality using a central counting location under s. 5.86, Stats., observers shall be permitted to be present at the central counting location
- (2) Observers shall conform their conduct to the requirements of s. GAB 4.01. The municipal clerk or the clerk's designee shall exercise the authority of the chief inspector under s. GAB 4.01 to regulate observer conduct.

#### **GAB 4.04 Observers at absentee canvass**

- (1) In a municipality using a central absentee ballot canvass location under s. 7.52, Stats., observers shall be permitted to be present at the canvass location.
- (2) Observers shall conform their conduct to the requirements of s. GAB 4.01. The board of absentee ballot canvassers shall exercise the authority of the chief inspector under s. GAB 4.01 to regulate observer conduct.

#### **GAB 4.05 Observers at nursing home voting**

- (1) One observer from each of the two political parties whose candidate for governor or president received the greatest number of votes in the municipality may accompany the special voting deputies to the nursing home.
- (2) Observers shall conform their conduct to the requirements of s. GAB 4.01. The special voting deputies shall exercise the authority of the chief inspector under s. GAB 4.01 to regulate observer conduct.

#### **GAB 4.06 Observers at recount**

- (1) The recount shall be open to any interested member of the public including candidates and their counsel.
- (2) The board of canvassers may limit observers to a designated area, but the observers should be positioned so that they can see the poll lists and each individual ballot as it is counted. If there is not room for all observers to view the ballots as they are being counted, preference shall be given to the candidates or their attorneys.
- (3) Observers shall conform their conduct to the requirements of s. GAB 4.01. The board of canvassers shall exercise the authority of the chief inspector under s. GAB 4.01 to regulate observer conduct.

#### **GAB 4.07 Communications media observers**

- (1) Observers from communications media organizations shall identify themselves and the organization they represent to the chief inspector upon arriving at the

polling place. The inspector shall enter that information into the Inspectors' Statement, EB-104.

- (2) Communications media observers shall be permitted to use video and still cameras provided there is no objection from the chief inspector or a voter who may be photographed and the cameras are not used in a manner that allows the observer to see or record how an elector has voted.