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Contact:

Rich Robinson, rrobinson@fairelectionscenter.org or 202.696.3406

Debra Cronmiller, dcronmiller@lwvwi.org or 920.213.3237

Lisa Cutler, lcutler@retiredamericans.org or 202.674.2052

Absentee Ballot Delivery Failures in Wisconsin Draw New Legal Challenges to Give Voters Fail-Safe Options

MADISON, Wisc. – Despite the heroic efforts of municipal clerks preparing and mailing out an unprecedented number of absentee ballots in Wisconsin’s April 7 election (more than 1.2 million ballot requests were made), the system experienced a catastrophic failure as numerous ballots were never delivered to voters who requested them or arrived too late for voters to cast them.

Today, Fair Elections Center filed new claims in an amended complaint with the United States District Court for the Western District of Wisconsin on behalf of 8 individual voters who were denied their right to vote or faced severe burdens in voting in the April primary election, as well as organizational plaintiffs League of Women Voters of Wisconsin and Wisconsin Alliance of Retired Americans. The new claims in the suit seek to put in place fail-safe options to ensure that all voters who request a mail-in, absentee ballot but do not receive one on time in the mail can still vote.

State election officials have said there could be as many as 1.8 million requests for absentee mail-in ballots for the November election, the “kind of volume [that] would present terrific challenges for Wisconsin election officials at all levels” and cause the same problems that arose during the primary election, but on a much larger scale.

This suit requests that the Court order fail-safe solutions that would safeguard against the disenfranchisement of many Wisconsin voters. If the lawsuit succeeds, then absentee voters who do not receive their ballot in the mail on time would be able to access and download a mail-in absentee ballot online at myvote.wi.gov, receive a mail-in absentee ballot via email, and/or be permitted to cast a downloadable Federal Write-in Absentee Ballot.

“Today this case evolves to take on the widespread absentee ballot delivery failures seen in Wisconsin and around the country, as the Covid-19 pandemic rages on,” said Jon Sherman,

senior counsel at Fair Elections Center. “Voters should never lose their right to vote because a ballot fails to arrive in the mail. Wisconsin election officials already electronically transmit ballots to voters in a variety of ways; these fail-safe options need to be made available to all voters who do not receive their ballot in the mail.”

“The League of Women Voters of Wisconsin gathered testimonials from over 700 voters who experienced issues casting a ballot in the April 7 election—these are only a subset of the thousands who were disenfranchised,” said Debra Cronmiller, executive director of the League of Women Voters of Wisconsin. “We cannot allow a disaster like our April primary to happen again. We must protect Wisconsin voters in our upcoming elections and restore their faith in our electoral system. Our democracy depends on it.”

“No one should have to risk their health to cast a ballot that will actually be counted, but during the primary election too many voters never even received the ballots they requested,” said Richard Fiesta, executive director of the Alliance for Retired Americans. “The COVID-19 pandemic is still with us and thousands of older Wisconsin voters need to vote by mail. The state must have a fail-safe way to ensure that older voters are not disenfranchised through no fault of their own.”

The First Amended Complaint filed today is [available here](#).

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Fair Elections Center is a national nonpartisan and non-profit voting rights and election reform organization based in Washington, DC whose mission is to use litigation, public education and advocacy to remove barriers to registration and voting, and to improve election administration.

The League of Women Voters of Wisconsin is a nonpartisan political organization that advocates for informed and active participation in government. There are 20 local Leagues throughout Wisconsin. More information at lwvwi.org.

The Wisconsin Alliance of Retired Americans is a state affiliate of the national Alliance of Retired Americans established in 2001 to promote the dignity, fulfillment and retirement security of all older Americans.