

STATE OF WISCONSIN CIRCUIT COURT WAUKESHA COUNTY  
BRANCH 1

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RICHARD TEIGEN AND  
RICHARD THOM,

Plaintiffs,

v.

Case No. 2021-CV-0958

Declaratory Judgment: 30701

WISCONSIN ELECTIONS  
COMMISSION,

Defendant, and

DSCC, DISABILITY RIGHTS  
WISCONSIN, WISCONSIN  
FAITH VOICES FOR JUSTICE,  
and LEAGUE OF WOMEN VOTERS,

Intervenors-Defendants.

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AFFIDAVIT OF MEAGAN WOLFE

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STATE OF WISCONSIN            )  
  ) SS  
DANE COUNTY                    )

I, Meagan Wolfe, being duly sworn, state as follows:

1. I serve as the appointed Administrator for defendant Wisconsin Elections Commission (the "Commission"), thus overseeing agency operations.
2. In my capacity as Administrator, I serve at the pleasure of the members of the Wisconsin Elections Commission and am tasked with operationalizing the actions taken and orders issued by the Commissioners.
3. I am best positioned to provide certain data regarding known absentee ballot drop box usage in the State of Wisconsin, to the extent that data has been reported to the Commission by the municipal clerks. Almost certainly, local clerks and governing bodies have approved the use of drop boxes in their municipalities and chosen not to report the use and location of the drop boxes to the Commission.
4. At the time of the 2020 General Election, the Commission was aware of 528 drop boxes in use across the State of Wisconsin. A portion of that figure represents cities using several drop boxes within the same municipal limits, but the Commission is aware of more than 430 independent municipalities using at least a single drop box. Many of the drop boxes are located at or within the municipal facilities.
5. By the Spring of 2021, local officials had reported 570 drop boxes to the Commission, spanning at least 66 of Wisconsin's 72 counties.
6. The use of absentee ballot drop boxes in Wisconsin at the local level, and elsewhere in the country, predates the Commission's August 19, 2020, memorandum on the topic. That memo was also published after careful consideration of the practice from a variety of sources. It was designed to detail certain best practice recommendations, as opposed to endorsing the use of ballot drop boxes.
7. The information in the August of 2020 Memo was adapted from a resource developed as part of the Cybersecurity and Infrastructure Security Agency ("CISA") Elections Infrastructure Government Coordinating Council and Sector Coordinating Council's Joint COVID Working Group. That resource provides clear standards by which the efficacy and security of absentee ballot drop boxes are increased. These processes were considered at the Commission due to increasing interest in drop box usage from both the voting public as well as elections officials, for reasons as varied as a distrust in the postal system to the need for unexpectedly returning an absentee ballot in a timely manner after normal clerk working hours.
8. In Wisconsin, additional interest in the purchase and use of absentee ballot drop boxes was generated by the distribution of federal funds and grants under the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") signed into law in March of 2020 by then President Donald J. Trump. Clerks recognized that the voting public would have an increased interest in securely and personally returning their absentee ballots in a manner that minimized potential exposure to COVID-19 and avoided public polling places. The distribution of these funds provided the budget necessary to explore

this new option. Based on the CISA working group's recommendations, and other resources, Commission staff felt it was feasible to provide a set of standards that local elections officials would want to consider if they were to proceed with, or expand the use of, absentee ballot drop boxes.

9. The use of absentee ballot drop boxes in the United States predates the pandemic. Some data even suggests that approximately 16% of nationwide voters in the 2016 General Election used drop boxes to return their ballots. By 2020, a significant majority of states had used or planned to use ballot drop boxes.
  
10. The Commission also considered the use of drop boxes at its April 18, 2020, meeting. This review included a staff memorandum detailing potential use and distribution of 2020 CARES Act grants, which specifically noticed the possible purchase of drop boxes by local elections officials using the grant funds. That discussion resulted in the unanimous passing of the following motion: "The Commission directs Commission staff to submit the CARES Act Certification letter to the U.S. EAC and to initiate the state process to accept the federal CARES Act grant funds. The Commission further directs Commission staff to begin development of the recommended improvements to the vote by mail process and preparedness for COVID-19 related issues for the 2020 election cycle using CARES Act grant funds."

  
Meagan Wolfe

Subscribed and sworn to before me  
this 15 day of November, 2021.



