

Misha Tseytlin

misha.tseytlin@troutman.com

VIA ELECTRONIC AND PAPER MAIL

Maribeth Witzel-Behl, City Clerk
City Clerk's Office
210 Martin Luther King Jr. Blvd
Room 103, City-County Building
Madison, WI 53703
clerk@cityofmadison.com

September 25, 2020

Re: The City Of Madison's "Democracy In The Park" Campaign's Illegal Collection Of Absentee Ballots

Dear City Clerk Witzel-Behl:

I write on behalf of Wisconsin State Assembly Speaker Robin Vos and Wisconsin State Senate Majority Leader Scott Fitzgerald, regarding the imminent, illegal collection of absentee ballots that your office intends to perform tomorrow through your so-called "Democracy in the Park" campaign.

Wisconsin law already provides for numerous, readily available methods for all voters to return their completed absentee ballots by the November 3, 2020, statutory deadline. See Wis. Stat. § 6.87(6). Voters may return their completed ballots through the mail, Wis. Stat. § 6.87(4)(b)1, deliver them in-person at the clerk's office, *id.*, submit them at an authorized in-person-absentee-voting location, Wis. Stat. § 6.855, or even bring them to their polling location on election day, Wis. Stat. § 6.87(4)(b)1, (6); see also Wis. Stat. § 6.80(2)(e). Further, voters may also deposit their completed absentee ballots in authorized "drop boxes," which "must be secured and locked at all times" to protect ballot integrity. See Wis. Elections Comm'n Administrator Meagan Wolfe, *Absentee Ballot Drop Box Information* at 3 (Aug. 19, 2020).^{*} We wholeheartedly support voters' use of any of these convenient, secure, and expressly authorized absentee-ballot-return methods.

Your "Democracy in the Park" campaign, however, appears to fall outside of these lawful categories. As your office describes the campaign, your poll workers will attempt to collect absentee ballots at over 200 unsecured, outdoor locations, and only deliver these ballots to the City Clerk's Office at the end of the six-hour campaign. The threat that this procedure poses to ballot integrity is manifestly obvious. Moreover, in light of these many convenient absentee-ballot-

^{*} Available at <https://elections.wi.gov/node/7036>.

return options described just above, there could be no justification for this *ad hoc*, unsecure, and unlawful approach that your campaign appears to be creating.

Given the apparent unlawfulness of the absentee-ballot-collection efforts of your “Democracy in the Park” campaign, there is a grave risk that all ballots you collect through this campaign will be challenged in court and ultimately invalidated. See Wis. Stat. § 6.93; see also Wis. Stat. § 6.87(6). We urge you in the strongest possible terms to abandon this unlawful effort immediately, in order to avoid the threat of invalidated ballots and needless litigation. At minimum, your office should keep any ballots collected during this illegal effort separate from all other ballots that your office receives.

Sincerely,

A handwritten signature in blue ink, appearing to read "Misha Tseytlin", with a stylized flourish at the end.

Misha Tseytlin