

Wisconsin Gov. Tony Evers calls special session to stop in-person voting, but Republican leaders say it should go forward

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MADISON - Gov. Tony Evers in a last-minute plea Friday asked state lawmakers to stop people from voting together on Tuesday to prevent thousands from being exposed to the coronavirus, but Republicans who control the Legislature said no.

The GOP leaders instead criticized Evers for also calling for the election to move to May 19 — a reversal from pushing to keep the election date in place — and not asking them to take action before Friday.

"Hundreds of thousands of workers are going to their jobs every day, serving in essential roles in our society. There's no question that an election is just as important as getting take-out food," Senate Majority Leader Scott Fitzgerald and Assembly Speaker Robin Vos said in a statement.

But Fitzgerald and Vos had no answer to how local election officials are supposed to keep people safe as a massive shortage of poll workers has resulted in the closure or reduction of polling locations, forcing more people to vote at a single site.

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RELATED: [Gov. Tony Evers comes under criticism from some Democrats for handling of Tuesday election \(/story/news/politics/elections/2020/04/03/gov-tony-evers-coming-under-fire-some-within-his-own-party-not-doing-more-postpone-tuesdays-election/5118254002/\)](/story/news/politics/elections/2020/04/03/gov-tony-evers-coming-under-fire-some-within-his-own-party-not-doing-more-postpone-tuesdays-election/5118254002/)

Milwaukee election officials said Friday they only had enough poll workers to open five voting locations for Tuesday's election, which could draw as many as 50,000 voters — putting thousands at risk of infection.

Evers called a special legislative session for 4 p.m. Saturday to extend the election date to May 19 and convert the contest entirely to a mail-in election.

"This is a significant concern and a very unnecessary public health risk," Evers told reporters Friday by phone before GOP leaders rejected his request. "I can't move this election or change it on my own. My hands are tied."

The request was the first time Evers has called for the date of the election to be changed, which GOP leaders criticized.

"If the governor had legitimate concerns, we could have come to a bipartisan solution weeks ago," Vos and Fitzgerald said.

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A week ago the governor asked lawmakers to provide all registered voters with absentee ballots, a task state elections officials said was too late to accomplish, and has asked lawmakers to make it easier to vote by mail. All along he said he did not want to move the election date.

"It's a stunning lack of leadership, vision and empathy that they can't imagine making changes as this public health crisis evolves," Evers' spokeswoman Melissa Baldauff said about the Republican legislative leaders' criticism.

Both GOP leaders of the state Legislature have repeatedly said they consider in-person voting to be safe despite national and state health officials warning to avoid contact with other people.

"If you are bored at home and sick of watching Netflix, volunteer to go and help at the polls," Vos, R-Rochester, said Wednesday.

The governor's move Friday came after [some from Evers' own Democratic Party](https://www.jsonline.com/story/news/politics/elections/2020/04/03/gov-tyony-evers-coming-under-fire-some-within-his-own-party-not-doing-more-postpone-tuesdays-election/5118254002/) have begun raising questions publicly about his handling of the timing of Tuesday's election.

Green Bay Mayor Eric Genrich, a former Democratic lawmaker, said this week that asking people to gather at polling locations is "incredibly irresponsible." State Sen. LaTonya Johnson, D-Milwaukee, said it was "asinine" that the governor and lawmakers didn't take action, as have more than a dozen other states.

Even the state Democratic Party broke with the governor this week by advocating that the next week's presidential primary be postponed.

Democratic Sen. Jon Erpenbach said regardless of what was said previously, Republican legislative leaders should address the problem facing them now.

"Let's talk about right now, today, there is time," he [tweeted](https://twitter.com/JonErpenbach/status/1246180137403629569). "This is a public safety issue and it's now YOUR call. There is time. But not a lot."

Evers said if GOP lawmakers won't take action to keep people from voting in person, he will explore other options but did not say what they were.

Milwaukee election officials announced Friday there would be just five polling locations for Tuesday's election — the city typically operates 180 or more sites — leaving the possibility of thousands of people deciding not to wait in line to vote, getting infected, or both.

"It's bound to be that someone who has the virus is going to show up," Democratic Rep. David Bowen of Milwaukee, who recently recovered from a coronavirus infection, said in an interview.

Fitzgerald and Vos did not answer what measures, if any, they'd take to prevent thousands of people from gathering at the polling locations or whether they were concerned about the risk the large groups posed.

A spokesman for the Wisconsin Army National Guard said soldiers were available to work at polling locations but Milwaukee Election Commission director Neil Albrecht said this week it's too late to integrate National Guard members into election day plans.

Milwaukee Health Commissioner Jeanette Kowalik late Friday wrote a letter to state officials urging them to find a way to not hold Tuesday's election.

She said she would close polling locations in Milwaukee but that her powers are limited.

"We have grave concerns about holding an election as we're just ramping up in dealing with 1,000 cases in Milwaukee County, let alone other areas in the state that may not have cases yet," she said in a virtual news conference. "But just by having people together congregating, it's going to be very difficult to maintain six feet distance."

Milwaukee Mayor Tom Barrett said there will be polling locations in areas of the city where there are relatively high numbers of people who have contracted the virus.

The virus outbreak has sickened nearly 2,000 people in Wisconsin, according to the latest data from the state Department of Health Services, and resulted in 50 deaths.

Milwaukee has been hit particularly hard, accounting for nearly half of the state's cases and deaths.

State Sen. Lena Taylor, a mayoral candidate challenging Barrett, community activist Tory Lowe and others are suing Milwaukee and state election officials in federal court to try to postpone the in-person election until Sept. 8.

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Early voting should continue, they say.

Citing the suspension of early voting, Taylor and Lowe, an aldermanic candidate, argue officials are attempting to disenfranchise voters, particularly African American voters in the 53206 ZIP code in Milwaukee's central city.

"Actions taken by the Milwaukee Election Commission amount to an abridgment of the right of African Americans to cast their vote, or to be registered to vote in the April 7, 2020 City of Milwaukee Election," they wrote.

"The closing of early voting and voter registration, creation of an internet vote, while at the same time all libraries are closed barring more than half of 6th District/53206 voters who have no internet access from voting," they argue. "Further 'drive-thru drop-off voting' is not an option for 6th District/53206 since most rely on public transportation."

Albrecht declined to comment.

In his Friday request, Evers asked lawmakers to take action to send absentee ballots to all registered voters and require the ballots be received by May 26. He also wanted polling locations to be open a total of eight hours between now and May 19 to allow voters with disabilities to cast ballots in person.

Evers also requested lawmakers suspend the state requirement for absentee ballots to have a witness signature and allow local officials whose terms expire in the meantime continue to fulfill their roles until the election is complete.

The move by Evers came after U.S. District Judge William Conley [ordered changes to Tuesday's election \(/story/news/politics/elections/2020/04/02/wisconsin-election-judge-extends-absentee-voting-but-keeps-vote-date/5112276002/\)](/story/news/politics/elections/2020/04/02/wisconsin-election-judge-extends-absentee-voting-but-keeps-vote-date/5112276002/) that makes it easier to vote by mail, including extending the deadline to request and return ballots. Clerks won't be allowed to count those votes until April 13 under Conley's orders.

Conley did not order polls be closed or change the date of the election as those bringing the lawsuit wanted. He said it was not his place to do so and criticized Evers and GOP lawmakers for ignoring the public's safety.

In an emergency order issued Friday, a three-judge appellate court panel in Chicago upheld the April 13 deadline to submit absentee votes, but said a witness will have to sign those ballots in order for them to be counted.

"This court is concerned with the overbreadth of the district court's order, which categorically eliminates the witness requirement applicable to absentee ballots and gives no effect to the state's substantial interest in combating voter fraud," the judges in the Seventh Circuit Court of Appeals wrote.

The judges noted that the Wisconsin Elections Commission last month came up with "five concrete alternative suggestions for how voters can comply with the state's witness and signature requirements in light of the extraordinary challenges presented by the COVID-19 crisis."

In addition, the judges said the extending the date to have ballots submitted to April 13 gives "voters have more time to take advantage of one or another of the commission's suggestions for obtaining a signature."

Immediately after the order was issued, the Wisconsin's top Republicans in the Legislature fired off a statement saying they will take the matter up with the U.S Supreme Court.

"We still have grave concerns about election security by allowing votes to be postmarked or submitted after Election Day, and plan to appeal that issue to the United States Supreme Court," Fitzgerald and Vos said in a joint statement.

The most high-profile race on the spring ballot is the state's Democratic presidential primary contest between former Vice President Joe Biden and Vermont Sen. Bernie Sanders.

A state Supreme Court contest between incumbent Justice Dan Kelly and Dane County Judge Jill Karofsky also is highly scrutinized by Republicans who want to keep the court's 5-2 majority, and Democrats who are looking to make inroads on the court.

President Donald Trump on Friday said it was his tweet proclaiming support for Kelly that prompted Evers to ask lawmakers to push the date of the election to May.

Democratic National Committee chairman Tom Perez in an interview on Friday criticized the "intransigence" of the Republican Party and said they should have agreed to having ballots mailed to everybody.

"Let's have the contest be fair," Perez said as he discussed the lack of polling places in Milwaukee and shortage of poll workers. "I don't understand for the life of me why Republicans want Wisconsinites to have to put themselves in harms way."

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