In matter of seconds, Republicans stall Gov. Tony Evers' move to postpone Tuesday election

Bill Glauber and Patrick Marley, **Milwaukee Journal Sentinel**   Published 4:47 p.m. CT April 4, 2020 | **Updated 8:55 p.m. CT April 4, 2020**

MADISON - Get ready for the pandemic election.

Republicans stalled Gov. Tony Evers' move to push back Tuesday's election, quickly adjourning a special legislative session to deal with voting issues because of the coronavirus pandemic.

During Saturday's proceedings, the state Assembly and state Senate each gaveled in and out within seconds and recessed until Monday.

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Daily Digest: What you need to know about coronavirus in Wisconsin (/story/news/health/2020/04/01/coronavirus-wisconsin-daily-digest/5103281002/)

The move came as pressure mounted on the Democratic governor to act on his own by using emergency powers to block the election. A source close to Evers said the governor was reluctant to do that over concerns that a postponement would quickly be blocked by conservatives who control the state Supreme Court.

With only a few lawmakers present, the Legislature did not take up Evers' effort to extend the election date to May 19 and convert entirely to mail-in voting.

As the Legislature made its move, the virus remained unabated.

The number of confirmed coronavirus cases in Wisconsin has more than doubled this week (/story/news/2020/04/04/coronavirus-wisconsin-confirmed-covid-19-cases-2-112/2947139001/), climbing to over 2,000 on Saturday. Milwaukee County accounts for around half the cases.

The state Department of Health Services reported 196 new cases Saturday afternoon, bringing the total number of confirmed cases to at least 2,112. At least 56 people have died from COVID-19, the department reported.

More than 23,859 tests for COVID-19 have come back negative, according to the state. Of those who tested positive, more than a quarter, or 588 people, have been hospitalized.

President Donald Trump issued a federal disaster declaration for Wisconsin.

According to Evers' office, the declaration "provides access to public assistance programs for all 72 Wisconsin counties and the state's federally

recognized tribes."

17 seconds in Assembly; less in Senate

The political action in Madison was brief.

In the Assembly, the session lasted for 17 seconds. In the Senate, it was even shorter.

Assembly Speaker Pro Tem Tyler August of Lake Geneva — the only Republican to show up in either house Saturday — refused to talk to reporters after gaveling the session to a close.

"No, not today. Gotta go," August told reporters as he hurried out of the Assembly chamber.

Wisconsin Sen. Tim Carpenter, left, talks to Senate Clerk Jeff Renk on Saturday just before the 5-second-long special session on delaying the election. The Senate — with just two of 33 members present — took no action but left open the option of returning Monday. *(Photo: Patrick Marley / Milwaukee Journal Sentinel)*

In the Senate, no Republicans made an appearance. Instead they had their appointed chief clerk, Jeff Renk, bring the Senate into session and immediately end it. Two Democrats — Jon Erpenbach of West Point and Tim Carpenter of Milwaukee, both wearing rubber gloves — watched from the Senate floor.

Erpenbach said the Republican majority should go along with Evers and push back the election over health concerns. People will get ill if they don't, he said.

"The math will tell you people will get sick. It doesn't matter if you're in a polling place or you're in a convenience store or you're doing pickup. It doesn't matter," he said. "It's around. I know they'll practice social distancing and do what they possibly can to keep people safe but I don't know how somebody won't get sick."

Erpenbach said he saw a glimmer of a chance that Republicans would eventually act because they did not completely shut down the special session, as they did last year when they dispensed with a special session on firearm background checks within seconds.

A growing chorus of Democrats and mayors are urging Evers to halt the election on his own using broader authority he has during emergencies. But the Evers source said he was unlikely to do that because it would be sure to face an immediate court challenge.

An adverse ruling by the state Supreme Court would limit his ability to act in the coming weeks, when the coronavirus crisis is expected to worsen in Wisconsin. Evers wants to make sure he has as much authority as possible to fight the pandemic and doesn't want to see it curbed early on over an election fight he believes he would lose, the source said.

In a statement, Evers accused legislative Republicans of "playing politics with public safety and ignoring the urgency of this public health crisis." He urged them to "do their jobs and take a vote on this common sense proposal to extend the election date so everyone can vote safely from home."

Republicans have said they believe clerks will be able to take enough steps to keep voters safe. They are stressing the importance of preserving a core democratic institution: the right to vote.

They also have accused the governor of trying to make changes at the last minute after he repeatedly said he wanted to keep in-person voting on schedule.

On Saturday, the Republican National Committee and state Republican Party asked the U.S. Supreme Court to block a judge's ruling that will allow absentee ballots to be counted in the days after Tuesday's election.

U.S. District Court Judge William Conley determined Thursday that absentee ballots should be counted if they are received by clerks by April 13 because tens of thousands of voters likely won't get their absentee ballots until after Tuesday. Voters who requested ballots by the legal deadline deserve to have their votes counted, he ruled.

Conley also extended online voter registration and allowed an extra day to request absentee ballots in a slew of legal challenges brought by the Democratic National Committee, Souls to the Polls and others. (In addition, Conley loosened the witness requirement for absentee ballots, but that part of his ruling was overturned by an appeals court on Friday.)

Voters with face masks come to drop off their ballots on Saturday, April 4, 2020, at the Washington Park Library. *(Photo: Zhihan Huang / Milwaukee Journal Sentinel)*

The Republican filing raises the possibility that voting rules will again change before Tuesday. But there's no guarantee the Supreme Court will take any action by then.

Dean Knudsen, a former Republican lawmaker and chairman of the state Elections Commission, said in a series of tweets that the election involves races for thousands of offices and that it is "critically important in our democracy that citizens choose their representatives especially during a crisis."

He noted that elections have taken place during wars and the 1918 influenza pandemic, and that voters have responded impressively during the present health crisis by asking for a record 1.2 million absentee ballots.

"Everything is in place for our elections to go forward," he tweeted. "Don't let fear and panic derail our democracy. Instead let's pull together to help ensure we minimize health risks in polling places while protecting the integrity of our elections."

Friday was the last day to request absentee ballots.

Vos dismisses Milwaukee concerns

Assembly Speaker Robin Vos, R-Rochester, said in a tweet (/story/news/2020/04/04/wisconsin-legislature-adjourns-special-session-monday-voting-track-tuesday-election/2948444001/)earlier Saturday that the city of Milwaukee wasn't doing enough ahead of the election.

He tweeted: "Milwaukee could easily use city staff to open polling places like many other municipalities are doing in addition to their poll workers. Gov. Evers has also offered the National Guard. It appears they want problems instead of an actual solution. "

Vos' tweet ignited a furious response from the city's top election official, Neil Albrecht, who said public health "will be compromised by the Legislature's reckless intent to move forward with this election."

Albrecht also invited Vos to work in one of the city's hot spots as a poll worker on election day. Vos plans to work the polls in Burlington.

Milwaukee Mayor Tom Barrett also leveled criticism at Vos.

"He wants to blame Milwaukee for a worldwide pandemic," Barrett said of Vos. "I don't think anybody, anybody is buying that for a second. If he knew how much work our Election Commission, how much work our Health Department, how much work others who are working for this city, this county, have done to try to control the spread of this pandemic and then to suggest we are trying to do something to create a problem?

"Mr. Speaker, it's a worldwide pandemic, the problem is here. We're not creating anything. We are responding to a worldwide pandemic."

Public health professionals also called for a postponement of Tuesday's election, citing safety concerns.

The Wisconsin Public Health Association and Wisconsin Association of Local Health Departments and Boards called on Evers and the Legislature "to delay the election and implement an alternative method for voting."

James Conway, an infectious diseases expert at the University of Wisconsin-Madison's Global Health Institute, said moving ahead with the election will put people at unnecessary risk.

"It just seems really irresponsible to make this one giant exception," Conway said in an interview. "I was a little naive a week or so ago in thinking, 'Oh, they've got to realize they've got to delay.' ... And then time has crept on and I'm like, really? I am very concerned."

Early in-person voting continued to be brisk in Milwaukee.

Police officers in neon vests, gloves and masks helped direct traffic for people who were doing curbside early voting at the Zeidler Municipal Building.

Poll workers, also wearing neon vests, gloves and masks, helped run ballots out to and from cars that waited in a lengthy line. Voters turned their hazard lights on to indicate to poll workers that they could retrieve ballots.
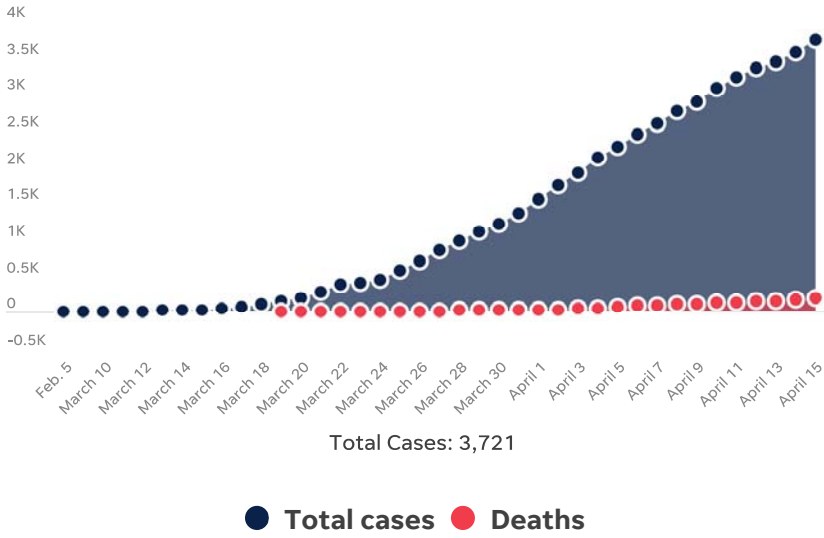
Separate from all the breaking news, many people on Saturday just tried to enjoy a day outside during what is in effect a lockdown. Even though Milwaukee County authorities closed the beaches there were a few people walking on the Bradford Beach sand. Others were sitting on the rocks looking out at Lake Michigan. Along the lakefront pedestrian walkways, many people ran, walked their dogs or pushed strollers.

Ricardo Torres and Molly Beck of the Journal Sentinel and Natalie Brophy of USA TODAY-Wisconsin network contributed to this report.

Positive cases of the coronavirus in Wisconsin

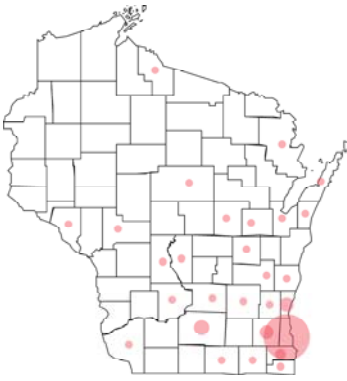Confirmed cases of COVID-19 as of the Department of Health's latest update.

NOTE: Counties may have announced additional cases between state updates.

Total Cases: 3,721

● **Total cases** ● **Deaths**

Confirmed cases and deaths in Wisconsin

Total confirmed cases: 3,721   Total confirmed deaths: 182

GRAPHICS: Jordan Tilkens/USA TODAY NETWORK-Wisconsin
SOURCE: Wisconsin Department of Health Services

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