



September 29, 2020

Claire Woodall-Vogg
Executive Director
City of Milwaukee Election Commission
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Dear Ms. Woodall-Vogg,

We write to inquire into your plans regarding the operation of early in-person absentee voting at Miller Park and Fiserv Forum (which were belatedly designated as alternate absentee ballot sites under Wis. Stat. § 6.855(1)). Along with all other Wisconsinites, we want to ensure that no one engages in electioneering or other improper activities at those sites.

This matter came to my attention as a consequence of the Voter Registration Drive-Thru event at Miller Park on September 22, 2020 (which prominently featured the Brewers Racing Sausages). Major League Baseball promoted this as an event it was jointly hosting with the Milwaukee Election Commission ("MEC").¹ Further, it indicated this was only the first of two events on which it is collaborating with the MEC. The second is early in-person absentee voting:

"This is the first of two Drive-Thru efforts taking place at Miller Park, part of Major League Baseball's efforts to support voting initiatives. Miller Park will also serve as a Drive-Thru location for the City of Milwaukee during Early Voting, Oct. 20-Nov. 1."²

MLB's efforts to promote voter registration are commendable. However, if players or mascots were to be present at Miller Park or Fiserv Forum between October 20 and November 1 while they are in use as alternate absentee ballot sites, we believe that would constitute electioneering within the meaning of Wis. Stat. § 12.03(2). That statute provides that "[n]o person may engage in electioneering in the municipal clerk's office or at an alternate site under s. 6.855 during the hours that absentee ballots may be cast." Wis. Stat. § 12.03(2)(a)2. The term "electioneering" means "any activity which is intended to influence voting at an election." Wis. Stat. § 12.03(4). This comprehends not

¹ See <https://www.mlb.com/brewers/news/miller-park-to-host-voter-registration-day> ("The city of Milwaukee Election Commission and Milwaukee Brewers will host the first statewide Voter Registration Drive-Thru at Miller Park on Tuesday, Sept. 22 from 2-7 p.m. in support of National Voter Registration Day.").

² *Id.*

just efforts to persuade an elector to favor one candidate over another, but also efforts to persuade an elector to cast a vote. *See, e.g., McConnell v. FEC*, 540 U.S. 93, 162, 124 S.

Ct. 619, 157 L. Ed. 2d 491 (2003) ("The term 'federal election activity' encompasses four distinct categories of electioneering: . . . (2) voter identification, *get-out-the-vote*, and generic campaign activity" (Emphasis supplied)).

All of the Bucks' and Brewers' athletes and mascots are, of course, beloved of their fans, so their presence at a venue is undoubtedly something of significant value. Consequently, it would be inappropriate for them to be at Miller Park or Fiserv Forum while those venues are in use as alternate absentee ballot sites:

"Any person who does any of the following violates this chapter:

(a) Offers, gives, lends or promises to give or lend, or endeavors to procure, anything of value, or any office or employment or any privilege or immunity to, or for, any elector, or to or for any other person, in order to induce any elector to:

1. Go to or refrain from going to the polls.
2. Vote or refrain from voting."

Wis. Stat. § 12.11(1m). This applies to any personalities or activities associated with the Milwaukee Brewers or the Milwaukee Bucks.

Our election code contemplates that no one at an alternate absentee ballot site will engage in any activity the effect of which is to encourage electors to come to the site, vote in a particular race, or favor one candidate over another. It also anticipates that no one will be present at an alternate absentee ballot election site other than electors, election officials, and election observers. And should there be any celebrities in any of those categories, we trust that their anticipated presence would not be advertised or promoted in any manner distinct from anyone else in those categories.

If your plans for Fiserv Forum or Miller Park between October 20, 2020, and November 1, 2020, include the presence of individuals or organizations other than electors, election officials, and election observers, please let us know as soon as possible. The Republican Party of Wisconsin looks forward to working with you closely to ensure that election activities at Fiserv Forum and Miller Park comply with all legal requirements so that our fellow Wisconsinites may confidently expect a free and fair election.

Sincerely,



Andrew Hitt
Chairman
Republican Party of Wisconsin

cc: Ms. Meagan Wolfe
Wisconsin Election Commission

Mr. Michael T. Sneathern
Milwaukee Bucks Inc.

Ms. Marti L. Wronski
Milwaukee Brewers Baseball Club

Birthplace of the Republican Party

Paid for by the Republican Party of Wisconsin, Brian Westrate, Treasurer