



Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984

DATE: 9/28/2022
TO: Congressional District 2 Municipal and County Clerks
FROM: Wisconsin Elections Commission
SUBJECT: Congressional District 2 Ballot Error – FREQUENTLY ASKED QUESTIONS

1. Purpose. This communication discusses questions that voters have asked, or may ask, about the CD2 ballot error.

2. FAQ

- a) **What was the mistake?** Behind each candidate’s name is their party in parenthesis, e.g. (Democratic), (Republican), (Independent). Most voters are used to this, but a provision in Wisconsin law allows independent candidates to instead list a “statement of principle” with five words or less. Instead of (Independent), the words behind Candidate Alexander’s name should have read (Term Limits on Congress). All other candidate information for Congressional District 2 is correct. Printed correctly, it would look like this:

Representative In Congress District 2

Vote For One

- Mark Pocan (Democratic)
- Erik Olsen (Republican)
- Douglas Alexander (Term Limits on Congress)
- Write In

- b) **What is the law that allows this?** Wisconsin Statutes Sections 5.64(1)(e)1. and 5.64(1)(es)

- c) **Who made the mistake?** The Wisconsin Elections Commission made the omission when entering the candidate’s information from the paper form into the electronic system. “Independent” was entered, but the statement of principle was not keyed in. County and municipal clerks could not have known there was an error, because the term Independent is very common on ballots, whereas a statement of principle is much less common. Based on the statute cited above, when a candidate has a statement of principle, that statement should display rather than “Independent.” When there is no statement of principle, then “Independent” is printed on the ballot. County and municipal officials had no way of knowing that Candidate Alexander submitted a statement of principle on his nomination papers.

Wisconsin Elections Commissioners

Don M. Millis, chair | Marge Bostelmann | Julie M. Glancey | Ann S. Jacobs | Robert Spindell | Mark L. Thomsen

Administrator
Meagan Wolfe

- d) **What is the remedy?** A notice of the mistake is being sent to all voters who receive a Congressional District 2 ballot during absentee voting. The notice will also be posted at in-person polling locations. Voters do not need to do anything differently as a result of this error.
- e) **Why aren't you reprinting ballots?** Unfortunately, the error was not identified until after ballots were printed and after some ballots had been sent to absentee voters. The Wisconsin Elections Commission, in consultation with the affected counties, determined that reprinting ballots would create costs, complexities, and uncertainties that significantly outweighed the harm of an independent candidate having the word "Independent" on the ballot instead of the candidate's chosen statement of principle. Reprinting ballots after ballots were already mailed means there would have been two different ballot designs in circulation across five counties and many dozens of municipalities, which could create confusion. In addition, the five counties affected by this error are densely populated and contain hundreds of thousands of voters. As a result, reprinting would have cost taxpayers over \$700,000 and created thousands of hours of extra work for local election officials. Finally, it was not apparent that the various printing companies involved could produce the required volume of ballots in a timely fashion, particularly since they had no advance notice of the requirement, meaning that an attempt to reprint all the ballots in time may not have succeeded.
- f) **What is being done about this mistake?** The Wisconsin Elections Commission has reviewed how this error occurred and will be presenting the Commission with a corrective action plan to ensure that this mistake is not repeated in the future.
- g) **Are there other mistakes on the ballots?** No.
- h) **What if I already voted my ballot in CD2 and would now like to make a change?** Contact your municipal clerk, who can cancel your returned absentee ballot and issue you a new absentee ballot. You may also choose to cancel your absentee ballot and instead vote during the in-person absentee period or at the polls on Election Day. Contact your municipal clerk for more information.
- i) **What if I already received a ballot in the mail?** You will receive the error notice separately in the mail.
- j) **What if I did not yet receive a ballot?** You will receive the error notice with your ballot, unless the ballot was in the mail system before the notices were printed, in which case the notice will arrive separately.
- k) **How will the notice be provided to in-person voters?** The notice will be posted at CD2 polling sites along with other election-related notices. Large font versions should be made available for voters with visual impairments.

3. What if I have more questions?

If you have any questions, please email or call the WEC helpdesk at elections@wi.gov or 608-266-8005.