

# Election Observers 101

New Wis. Admin. Code Chapter EL 4

# Big Picture: Force of Law

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- Wis. Admin. Code Chapter EL 4
- Took effect August 1, 2025
- Uniform Statewide
- Affects all clerks, poll workers, SVDs, Voters, and Observers

# Question 1: Who Gets to Obs

Answer:

Everyone (except a candidate on the ballot) who

# What is the Same as Past Guidance?




- Wis. Stat. s. 7.41 governs
- Same locations
- Must complete sign in procedure and follow official instructions
- No disrupting voting
- No photo and video recording at poll, IPAV, or SVD sites

# Differences from Past Guidance



- Force of Law
- Emphasis on accessibility
- Clarifies observer areas
- Details warnings and removals
- Voting in a private room is private
- Media regulations
- Enforceable in 5.06 complaints

## EL 4: Section by Section Overview

- EL 4.01 – Right to Vote
  - EL 4.02 – Definitions
  - EL 4.03 – Procedures for Election Officials
  - EL 4.04 – Conduct of Observers
  - EL 4.05 – Location Specific Requirements
  - EL 4.06 – Post-Observation Practices
  - EL 4.07 – Communications Media
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## EL 4.01 Right to Vote

- “Nothing in this chapter shall be construed to distract, disrupt, obstruct, slow, or prevent a qualified voter from casting a lawful ballot or registering to vote.”
- Guiding principle for carrying out all election observation procedures.

# EL 4.02 Definitions

## Key Definitions

- “Communications media member”
- “Confidential information”
- “Designated election official”
- Accessibility reviewers are not observers
- “Representing the same organization”
- “Voting area”

## EL 4.03 Procedures for Election Officials

- Establish at least one accessible observation area that:
  - Minimizes contact between observers, voters, and election officials
  - Is 3 to 8 feet from
    1. check in table
    2. registration table
    3. ballot remake areas

## EL 4.03 Procedures for Election Officials

- Check-in process
- May reasonably limit observers from the same organization
- Observation of rejected certificate envelopes and poll lists
- Warn observers to cease a violation, and if the conduct continues, remove an observer from the location

## Question 2: Will There be Observer Resou

Answer:

Yes, there will be an online training and a chapter manual with a handout

## EL 4.04 Conduct of Observers

### Observers Must:

- Present photo ID, and provide name, address, and organization, if any, on observer log
- Obey election official directions
- Minimize conversation, and speak at a low volume

## EL 4.04 Conduct of Observers

### Observers May:

- Move between different observer areas
- Ask questions
- Challenge voters for cause
- Assist a voter if requested
- Text and email

## EL 4.04 Conduct of Observers

### Observers May Not:

- Electioneer
- Distribute election-related material
- Disrupt Voters or Election Officials
- Make audio or visual communications
- Initiate a conversation with a voter

## EL 4.05 Location Specific Requirements

### Photo and video:


- Allowed at board of absentee ballot canvasser meeting, recount, and central count
- Prohibited at polling places and IPAV locations, and SVD facilities

## EL 4.05 Location Specific Requirements

- At Polls, observation begins with zeroing of machines (or 7 a.m.) and ends with final voter leaving (or 8 p.m.)
- Other locations are observable when open for voting processes
- SVD observers must comply with facility requirements and cannot enter a voter's private room or open a closed door

## EL 4.06 Post-observation Practices

- After voting activity concludes, candidates may be present and photo, video, and audio recordings are allowed



## Question 3: What about Media?

Answer:

Still allowed and supported, but the rules and procedures are now defined.

## EL 4.07 Communications Media

- Must identify themselves
- May use video and still cameras *outside* the voting area
- Officials may uniformly limit video and camera use
- To be in the voting area, media must follow observer rules

# Litigation Update

- Other New Rules
- Ongoing Litigation
- Questions?