



PAUL TITTL

STATE REPRESENTATIVE • 25TH ASSEMBLY DISTRICT

Assembly Committee on Campaigns and Elections

Assembly Bill 543

October 31, 2023

First of all, I would like to thank you, Chairman Krug and committee members, for allowing me to testify before you today concerning Assembly Bill 543 relating to election observers.

This bill provides election observers uniform and nondiscriminatory access to all stages of the election process.

In particular, it changes the distance of observation areas for elections and recounts to no more than three feet from the ballots, applications, and other election-related materials. The current distance requirement is no less than three feet and no more than eight feet.

Three feet or closer is a distance from which the average person can readily observe all public aspects of the voting process, including the voter's address and signature. Eight or more feet is quite far, even for those with perfect vision.

The amendment clarifies that the bill applies for recounts as well as election days.

An important aspect of the bill is that it establishes uniform standards for observers. The 2020 recount in Milwaukee and Madison had two different sets of standards or procedures. Uniform standards provide voters throughout the state greater assurance that our elections are uniformly run, particularly with respect to observers.

Finally, the bill provides a consequence for those who do not abide by Wisconsin law. It creates a penalty, not exceeding \$1,000 per occurrence for those violating or purposefully obstructing an observer's ability to observe.

In conclusion, AB 543 ensures future elections and recounts will provide both parties the opportunity to observe in a fair and productive manner.

Thank you for the opportunity to testify. I would be happy to address any questions you might have.

Capitol Office: Post Office Box 8953 • Madison, WI 53708-8953

(608) 266-0315 • Toll-Free: (888) 529-0025 • Fax: (608) 282-3625 • **Email:** Rep.Tittl@legis.wi.gov

multiple

Statement of Lorena (Lori) Stottler, Clerk-Treasurer, City of Janesville WI

To the Assembly Committee on Campaigns and Elections

For use at the public hearing
October 31, 2023

Assembly Bill 543

Relating to: election observers and providing a penalty.

This bill may not take in to account several factors. The first factor is that of a confidential voter, whose safety and confidentiality is already threatened in public areas. Being within three feet of the voter will assuredly greatly reduce the confidentiality of that voter, forcing them to vote by absentee ballot if they wish to secure their safety.

The second factor is allowing observers to be within three feet of an election worker, which is not a very big personal space. Social distancing during the pandemic held a suggested six-foot distance and as a front-line worker who stayed in service the entire pandemic, I can testify that the six-foot spacing did not make it hard to hear, see or transact with customers. **Please consider changing this bill to 6-feet, not 3.**

The final factor is that this bill will undoubtedly scare off election workers. After all, would you sign up to be accused and potentially charged with a crime holding this type of penalty that seems nearly impossible to defend? Over an arms length? What is the purpose of this bill and such a tight distance? If you want to be that close to voters, sign up to work the election! **Please define in this bill what qualifies as “any person who violates the provisions under this bill” means and what will the tests of evidence be?** This is a mighty big penalty to be left up to he said, she said testimony.

Assembly Bill 567

Relating to: transmitting and canvassing absentee ballots, use of central counting locations, election night reporting, whistleblower protection for municipal clerks, notifications and verifications concerning citizenship status, court determinations of incompetency and ineligibility to vote, and providing a penalty.

EARLY CANVASSING OF ABSENTEE BALLOTS

PLEASE DON'T make Monday counting (in central count or otherwise!) a requirement for Clerks/Municipalities. **MAKE IT PERMISSIVE, NOT REQUIRED.** Preparing for elections on Monday by setting up 10 polling places and a central count on Monday, only to clean up and Clerk a City Council meeting the night before an 18-hour election day is tough enough on a clerk without the requirement to process absentee ballots when it may not be

necessary. This bill has always been vetted as an OPTION to communities who would normally struggle to complete their count of absentee ballots in a reasonable time frame. Making it a requirement places unnecessary burdens on an already understaffed and financially strapped election team.

Also, **PLEASE** don't require a start time that is before regular business hours. Opening early when not necessary places additional burdens on the entire agency – and if the workload doesn't require it, is simply an unnecessary mandate.

The reporting requirement feels excessive given the number of duties already required during the regular course of an election. Perhaps you'll consider amending to posting a count at the start time and end time of Monday as that seems reasonable for accountability purposes. The election day reported start number is the same as the end time of Monday so it's redundant. An election day posting time of 3 or 4pm will give the interested parties an idea of the finish time, which appears to be the purpose of the bill. Reporting to the County for the public is certainly not a security process, so making the report times more logical to understanding the municipalities timeline to completion seems appropriate, if really needed at all.

ELECTION NIGHT REPORTING

This bill is asking for the impossible. Anyone who has worked a busy election knows that at 9pm (and every hour thereafter) things are in PROCESS. Process means, ballots are sorted, counted, verified, Then they're secured and transported to the City Clerk for secure storage, or the County Clerk for secure storage. Generally speaking, by 9pm the DS-200's have tabulated and are ready to modem so unless there is an issue, the County Clerk can take the DS-200 numbers as the final product. Where Central Count is used, this may be possible but still not sure of the purpose. Where there are many polling places, this isn't a reasonable bill. Instead, consider an earlier reporting time like 7pm for a baseline and then 10pm for an idea of how reporting will work out. This bill appears to be about making things easy for candidates and the media and not as much about election integrity. Please don't add more steps to an already busy process.

A & B BALLOTS

This is a good bill and will reduce, if not eliminate the confusion of a vote receiving a "partial ballot" followed up by an "Official complete ballot". Tracking these and explaining to voters why they got two ballots and how it's not fraud has always been difficult. Aligning with federal timelines can also provide some consistency.

WHISTLEBLOWER PROTECTION

I respectfully wonder how serious the authors of this bill are when there is no penalty provided – likely because in an at will environment, it's nearly impossible to prove. It is the ethical and moral responsibility of a clerk to report fraud regardless of any employment protections afforded. It's not my employer I worry about in this current political environment.

What clerks and election officials need are criminal penalties for the threats, actions and abuse that occur while following the election laws! What clerks and Election Officials really need are protections for those who intentionally harass, stalk, threaten and make repeated accusations that attack the clerk's character and reputation (and sometimes personal safety). The bill has been

reduced to employment protection (already covered under federal law – See DHS/OIGs Whistleblower Protection Act 2023 and Wisconsin State Statute 230.80(3)) but does little to deal with the true threats mentioned earlier. **Please consider making protections to election officials that will provide a penalty for behavior that threatens the safety and well being of any election official.**

ADJUDICATED INCOMPETENT

Adjudicated incompetence means inability or unfitness to manage one's affairs because of mental condition determined in a court proceeding. Being adjudicated incompetent should not be a public record or easily available to access. Doing so could make these individuals easy prey to those seeking to exploit a more vulnerable population. This is not the same as being a felon as they haven't violated any laws and don't deserve to be called out in society. As long as this information is protected within WisVote as it currently is, the process is fine. But once reports and lists are created, the HIPPA confidentiality of a person's well being and safety is placed at risk and all actions to protect the public consumption of that information should be carefully restricted. We are all one accident or DNA gene away from needing someone to keep us safe!

Assembly Bill 572

Relating to: absentee voting in certain residential care facilities and retirement homes and court determinations of incompetency and ineligibility to vote.

SVDs in a polling place. The Clerk is already required to publish in their regular paper a NOTICE that election officials will be visiting qualified care facilities. Rather than requiring the facility to email all designated contacts, can they be required to post that NOTICE in a conspicuous place in the facility? This seems like an excessive requirement that could place a barrier between the Clerk and the Administrator because of the additional work it will cause already overburdened facility staff.

My biggest concern with this bill is the "registration list" that is produced out of WisVote. If it's only utilized by the Clerk, that's one thing. But if it's intended for the poll like the ineligible voter list, that feels like a violation of someone's privacy. Felons are public on CCAP and can reasonably be found by public with the right tools. Being adjudicated incompetent is sealed and not public – this could violate someone's right to privacy, incompetent or not.

July 14, 2023

Wisconsin Election Commission Advisory Committee

Dear Brandon,

Please accept this letter, and the accompanying proposal, as the public comments of True the Vote, Inc. with respect to the proposed rules governing Conduct, Regulation, and Accommodation of Election Observers (“Rule 4”), currently under consideration by the Wisconsin Elections Commission Advisory Committee. This document is being submitted within the July 14, 2023 time frame allowed by the Commission. Kindly confirm receipt.

We wish to offer the following specific comments on the proposed Rule 4, which would, if adopted in current form, be contrary both to Wisconsin’s Constitution and to relevant statutes, as well as internally inconsistent, viz.:

- Violation of both the United States and Wisconsin Constitutions: The rule, as proposed, creates due process concerns by committing, to the unchecked discretion of election officials, the ability to impose potentially criminal penalties, on observers. In addition, EL 4.04(11) places an undue burden on free speech.
- Contrary to Wisconsin Statutes: The proposed language in EL 4.03(17) goes beyond the statutory authority of Wisconsin Stats. 7.41(3) and 7.41(5) regarding which officials have the authority to remove an observer. In addition, Wisconsin Stat. 7.41(5) grants authority to regulate *conduct at*, but not *access to*, polling places, whereas the proposed rule purports to control access not only to the election location, but also to information, to which observers should have access under the law.
- Novel definitions: the definitions of “Confidential information” under proposed EL 4.01(6) and “Public aspects of the voting process” under proposed EL 4.01(17) are circular and improperly create new categories of information that may be hidden from public view, contrary to Wisconsin Stat. 7.41(2).

In light of the foregoing problems with the proposed Rule 4, we offer, as a workable alternative, the attached substitute proposal, which we believe does not conflict with statutes or individual constitutional rights. It also meets the objectives set forth nearly 10 years ago by the Government Accountability Board (“GAB”) when, on July 21, 2014, it approved guidance governing election observers—which procedures have actually been referenced, including in elections training materials, across Wisconsin since that time. Indeed, such guidance is still included on the WEC website as of today’s date. If the substitute proposal looks familiar, that is because it is virtually identical to the Rule 4 procedures that have been used by municipal clerks and election officials for the past decade. We believe that to be a good base to work from.

Accordingly, we offer the accompanying substitute proposal, and urge that it be adopted in lieu of the constitutionally-, statutorily-, and logically problematic proposal currently under consideration.

Please contact me with any questions or comment.

Best,

Kenneth Dragotta
True the Vote

CHAPTER EL 4

ELECTION OBSERVERS

SECTION 1. EL 4 is created to read:

EL 4.01 Definitions.

(1) In this chapter:

(a) “Commission” means the Wisconsin Elections Commission.

(b) “Chief inspector” means the chief inspector at a polling place, under s. 7.30(6)(b), Stats., or the election official that the chief inspector designates to carry out the responsibilities of the chief inspector under this chapter.

(c) “Clerk” means the municipal or county clerk, the executive director of the board of election commissioners, or the official designated by the clerk or director to carry out the election responsibilities under this chapter.

(d) “Communications media” has the meaning given in s. 13.62(5r), Stats.

(e) “Electioneering” has the meaning given in s. 12.03(4), Stats.

(f) “Inspector” or “election inspector” means any individual appointed pursuant to s. 7.30, Stats., to conduct an election at a polling place.

(g) “Member of the public” means any individual, excluding a candidate appearing on the ballot at that polling place or a registered write-in candidate for an office voted on at that polling place or other location.

(h) “Observer” means any member of the public who is present at any polling place, or in the office of any municipal clerk whose office is located in a public building on any day that absentee ballots may be cast in that office, or at an alternate site under s. 6.855, Stats., on any day that absentee ballots may be cast at that site, for the purpose of observation of an election or the absentee ballot voting process.

(i) “Public aspects of the voting process” means the election activities that take place at a polling place, or other observation location, that include the opening of a polling place prior to the commencement of voting, waiting in line to vote by electors, the election day registration process, the recording of electors under s. 6.79, Stats., the elector’s receipt of a ballot, the deposit of the ballot into the ballot box, a challenge to an elector’s right to vote, the issuing of a provisional ballot, and the counting and reconciliation process.

EL 4.02 Observers at the polling place.

(1) Any member of the public intending to exercise the right to observe an election under s. 7.41, Stats., shall notify the chief inspector of that intent upon entering the voting area of a polling place. An observer shall sign the election observer log. An observer shall present photo identification to an election inspector and also legibly list the observer's full name, street address and municipality, and the name of the organization or candidate the observer represents, if any, on the log. The chief inspector shall make available to each inspector a summary of the rules governing election observers. The inspector shall verify by marking on the log that the observer's name listed on the log matches the photo identification, and shall attach the log to the Inspectors' Statement, GAB 104. The observer log shall not be available for public inspection at the polling place but shall be made available after Election Day through a public records request of the clerk or board of election commissioners. The chief inspector shall provide the observer with a tag or badge which reads "Election Observer." An observer shall wear this tag or badge at all times when inside the polling place.

(2) If necessary due to physical limitations, the chief inspector may reasonably limit the number of observers representing the same organization or candidate.

(3) The chief inspector shall direct the observer to an area of the polling place designated by the chief inspector as an observation area.

(4) The observation area shall be situated to enable observers to readily observe all public aspects of the voting process during the election without disrupting the voting process. The observation area shall be reasonably sized and shall be not less than 3 feet nor more than 8 feet from the table at which electors are announcing their name and address to be issued a voter number, and not less than 3 feet nor more than 8 feet from the table at which a person may register to vote. If observers are unable to hear the electors stating their name and address, the poll workers shall repeat the name and address. If space constraints prevent the polling place from accommodating an observation area within the 3 – 8 feet distance, the municipal clerk and chief inspector shall record on the Inspectors' Statement the actual location of the observation area and the reasons why it could not be located within the 3 – 8 feet distance. The municipal clerk shall, within seven days of the election, provide to the board, the portion of the Inspectors' Statement which documents the reasons why the observation area could not be located within the 3 – 8 feet distance.

(5) Before remaking any ballot, election inspectors shall announce to observers that the ballot is being remade and the reason for doing so. Election inspectors shall also inform observers at the time that absentee ballots are inserted into ballot boxes or tabulating equipment.

(6) Observers should comply with the chief inspector's lawful commands or may be subject to removal from the polling place pursuant to s. 7.41(3), Stats.

(7) All observer questions and challenges should be directed to the chief inspector or to the chief inspector's designee.

(8) Upon receiving a challenge to a voter's ballot at the polling place, the chief inspector shall follow the challenge procedure in ch. EL 9. The challenge shall be recorded on the Challenge Documentation Form, EL-104c or EL-104cs.

(9) No observer may engage in any loud, boisterous, or other overtly disruptive behavior that disrupts the orderly conduct of the election or interferes with voting.

(10) While in the polling place, observers should keep conversation to a minimum and shall try to conduct whatever conversation is necessary at a low enough volume to minimize distraction to electors and to the election inspectors and any other election officials.

(11) Observers shall be permitted to view the poll lists, excluding the confidential portions of the lists maintained under ss. 6.36(4) and 6.79(6), Stats., as long as doing so does not interfere with or distract electors under s. 5.35(5), Stats.

(12) No observer may be permitted to handle an original version of any official election document.

(13) No observer may engage in electioneering as defined in s.12.03, Stats.

(14) No observer may use a cellular telephone or other wireless communication device inside the voting area to make a voice call. Text messaging and other non-audible uses of such a device are permissible.

(15) The chief inspector may order that conversation be minimized if it is disruptive or interferes with the orderly conduct of the election.

(16) Nothing in this subchapter shall be construed to prevent any observer from assisting an elector under s. 6.82, Stats., provided that the elector requests the observer's assistance, and the assistance meets the other requirements of s. 6.82, Stats., and the observer qualifies to provide assistance under that statute.

(17) No observer may wear any clothing or buttons having the name or likeness of, or text related to, a candidate, party, or referendum group appearing on the ballot, or that is intended to influence voting at an election, or having text which describes, states, or implies that the observer is a governmental official or has any authority related to the voting process.

(18) No observer may use any video or still camera inside the polling place while the polls are open for voting.

(19) After the polls close, candidates are allowed to be present and the prohibition of video and still cameras does not apply unless it is disruptive or interferes with the administration of the election.

(20) The chief inspector shall:

(a) Warn an observer to cease offending conduct when:

1. The observer commits an overt act that violates a provision of this section which actually disrupts the operation of the polling place.

2. The observer violates s. 12.03(2) or 12.035, Stats.

(b) Order an observer to depart the polling place when an observer does not cease offending conduct following a warning under sub. (a). If the offending observer declines or otherwise fails to comply with the chief inspector's order to depart, the chief inspector shall take lawful action to implement the order, including summoning local law enforcement to remove the offending observer. In the event that a chief inspector orders an observer to leave the polling place, the chief inspector shall contemporaneously provide a written explanation to the observer which includes the reason for the order and the signatures of the chief inspector as well as another inspector representing the opposite political party of the chief inspector, if available. The chief inspector shall have sole authority to order the removal of an observer, but the other inspector may note his or her concurrence or disagreement with the decision on the Inspectors' Statement.

(21) If an observer is removed from a polling place pursuant to subsection (20) above, the municipal clerk shall, within seven days of the incident, provide to the commission a copy of the portion of the Inspectors' Statement which documents the incident. Board staff shall submit a summary to the board of all reported incidents in which observers were removed from the polling place or other locations pursuant to this chapter.

EL 4.03 Observers at the municipal clerk's office.

(1) Observers shall be permitted to be present at the municipal clerk's office, provided the clerk's office is located in a public building, or an alternate site for absentee voting designated under s. 6.855, Stats., on any day that absentee ballots may be cast in the office.

(2) Observers shall conform their conduct to the requirements of s. EL 4.02. The municipal clerk shall exercise the authority of the chief inspector under s. EL 4.02 to regulate observer conduct.

(3) The clerk shall establish observation areas to allow observers to readily view all public aspects of the absentee voting process without disrupting the voting process. The observation area shall be reasonably-sized and shall be not less than 3 feet nor more than 8 feet from the table at which electors are announcing their name and address to be issued a voter number, and not less than 3 feet nor more than 8 feet from the table or counter at which a person may register to vote. If space constraints prevent the municipal clerk's office from accommodating an observation area within that distance, the municipal clerk shall document the actual location of the observation area and the reasons why it could not be located within the 3 – 8 feet distance. No observer is allowed behind the counter in the clerk's office. The municipal clerk shall, within seven days of the election, provide to the board, the portion of the Inspectors' Statement which documents the reasons why an observation area could not be located in compliance with the 3 – 8 feet distance requirement.

(4) All observer questions should be directed to the clerk or to the clerk's designee.

(5) If any observer engages in any loud, boisterous, or other overtly disruptive behavior that actually disrupts the orderly conduct of the election or interferes with voting, the clerk shall issue a warning as set forth in s. EL 4.02(20)(a) and, if the observer does not cease the offending conduct, order the observer's removal as set forth in s. GAB 4.02(20)(b).

(6) No observer may use any video or still camera inside the clerk's office while voting is in progress.

EL 4.04 Observers at the central counting location.

(1) In a municipality using a central counting location under s. 5.86, Stats., observers shall be permitted to be present at the central counting location.

(2) Observers shall conform their conduct to the requirements of s. EL 4.02. The municipal clerk shall exercise the authority of the chief inspector under s. EL 4.02 to regulate observer conduct.

(3) The clerk shall establish observation areas to allow observers to readily view all public aspects of the counting process. The observation area reasonably-sized and shall be not less than 3 feet nor more than 8 feet from the table at which the counting is taking place without disrupting that process. If space constraints prevent the location from accommodating an observation area within that distance, the municipal clerk shall document the actual location of the observation area and the reasons why it could not be located within the 3 – 8 feet distance. The municipal clerk shall, within seven days of the election, provide to the board, the portion of the Inspectors' Statement which documents the reasons why the observation area could not be located within the 3 – 8 feet distance.

(4) Before remaking any ballot, election inspectors shall announce to observers that the ballot is being remade and the reason for doing so.

(5) If any observer engages in any loud, boisterous, or other overtly disruptive behavior that actually disrupts the orderly conduct of the count, the clerk shall issue a warning as set forth in s. EL 4.02(20)(a) and, if the observer does not cease the offending conduct, order the observer's removal as set forth in s. GAB 4.02(20)(b).

(6) Observers shall be permitted to use a video or still camera inside the central count location unless in doing so it actually disrupts the administration of the election.

(7) All observer questions and challenges should be directed to the clerk or the clerk's designee.

EL 4.05 Observers at absentee ballot canvass.

(1) In a municipality using a central absentee ballot canvass location under s. 7.52, Stats., observers shall be permitted to be present at the canvass location.

(2) Observers shall conform their conduct to the requirements of s. EL 4.02. The board of absentee ballot canvassers shall exercise the authority of the chief inspector under s. EL 4.02 to regulate observer conduct.

(3) The board of absentee ballot canvassers shall establish observation areas to allow observers to readily view all public aspects of the canvassing process. The observation area shall be reasonably-sized and not less than 3 feet nor more than 8 feet from the table at which the canvassing is taking place. If space constraints prevent the location from accommodating an observation area within that distance, the municipal clerk shall document the actual location of the observation area and the reasons why it could not be located within the 3 – 8 feet distance. The municipal clerk shall, within seven days of the election, provide to the board, the portion of the Inspectors' Statement which documents the reasons why the observation area could not be located within the 3 – 8 feet distance.

(4) Before remaking any ballot, election inspectors shall announce to observers that the ballot is being remade and the reason for doing so.

(5) If any observer engages in any loud, boisterous, or other overtly disruptive behavior that actually disrupts the orderly conduct of the count, the board of absentee ballot canvassers shall issue a warning as set forth in s. GAB 4.02(20)(a) and, if the observer does not cease the offending conduct, order the observer's removal as set forth in s. GAB 4.02(20)(b).

(6) Observers shall be permitted to use a video or still camera inside the absentee canvass location unless it actually disrupts the administration of the absentee ballot canvass.

(7) All observer questions and challenges should be directed to the member of the board of absentee ballot canvassers designated to receive questions and challenges.

EL 4.06 Observers at absentee voting in certain homes, facilities, and complexes.

(1) One observer from each of the 2 political parties whose candidate for governor or president received the greatest number of votes in the municipality, in the last general election, may accompany the special voting deputies to absentee voting locations described in s. 6.875, Stats. Each party wishing to have an observer present shall submit the name of the observer to the clerk or board of election commissioners no later than the close of business on the last business day prior to the visit to the facility.

(2) The conduct of any observer shall conform to the requirements of s. GAB 4.02. The special voting deputies shall exercise the authority of the chief inspector under s. GAB 4.02 to regulate observer conduct.

(3) The special voting deputies shall establish observation areas to allow observers to readily view all public aspects of the absentee voting process without disrupting the voting process. The observation area shall reasonably-sized and be not less than 3 feet nor more than 8 feet from the location at which electors are marking their ballots. If space constraints prevent the facility from

accommodating an observation area within that distance, the special voting deputies shall document the actual location of the observation area and the reasons why it could not be located within the 3 – 8 feet distance. Notwithstanding the 3 – 8 feet distance requirement, the observation area shall not be situated to permit observers to hear any conversation between the elector and an individual who is assisting the elector in marking the ballot.

(4) If any observer engages in any loud, boisterous, or other overtly disruptive behavior that actually disrupts the orderly conduct of the absentee voting process, the special voting deputies shall issue a warning under s. EL 4.02(20)(a) and, if the observer does not cease the offending conduct, order the observer's removal under s. EL 4.02(20)(b).

(5) No observer may be permitted to use a video or still camera inside the voting location.

(6) All observer questions should be directed to the special voting deputies.

EL 4.07 Observers at a recount.

(1) Pursuant to s. 9.01(1)(b)11., Stats., the recount of any election shall be open to any interested member of the public, including candidates and their counsel.

(2) Observers shall conform their conduct to the requirements of s. EL 4.02. The board of canvassers shall exercise the authority of the chief inspector under s. EL 4.02 to regulate observer conduct.

(3) The board of canvassers may limit observers to a designated area, but the observers shall be positioned so that they can see the poll lists and each individual ballot as it is counted. If there is not enough room for all observers to view the ballots as they are being counted, visual preference shall be given to the candidates or their representatives.

(4) If any observer engages in any loud, boisterous, or other overtly disruptive behavior that actually disrupts the orderly conduct of the count, the board of canvassers shall issue a warning as set forth in s. EL 4.02(20)(a) and, if the observer does not cease the offending conduct, order the observer's removal as set forth in s. EL 4.02(20)(b).

(5) Observers shall be permitted to use a video or still camera inside the recount location unless it actually disrupts the administration of the election.

(6) All observer questions and challenges should be directed to the member of the board of canvassers designated to receive questions and challenges.

(7) The observation area and conduct of observers at a recount may be more specifically governed by a recount plan adopted by the board of canvassers consistent with the public's right to observe the recount process and the ability of election officials to conduct the recount.

EL 4.08 Communications media observers.

(1) Observers from communications media organizations shall identify themselves and the organization they represent to the chief inspector upon arriving at the polling place. The inspector shall record that information on the Inspectors' Statement, EL-104.

(2) Communications media observers shall be permitted to use video and still cameras provided the cameras are not used in a manner that allows the observer to see or record how an elector has voted and provided the cameras do not disrupt or interfere with voting or disrupt the orderly conduct of the election. The Board may also use video and still cameras at polling places, municipal clerks' offices, central counting locations, or absentee ballot canvass locations, or authorize others to do so for purposes authorized by the Board.

EL 4.09 Polling place accessibility assessments.

(1) This section applies to disability advocates and other individuals authorized by the board to assess the compliance of a polling place with s. 5.25(4)(a), Stats.

(2) When practical, groups and individuals observing under this section shall notify the clerk at least 24 hours in advance of their intent to assess polling place accessibility.

(3) Disability advocate observers shall be allowed out of the designated observation area to take accessibility measurements to ensure compliance with polling place accessibility requirements unless it is disruptive or interferes with the administration of the election.

(4) Disability advocate observers shall be allowed to take photos and video to document compliance with the accessibility requirements unless it is disruptive or interferes with the administration of the election.

(5) Disability advocate observers shall be allowed to wear shirts or name tags identifying themselves as disability advocate observers.

(6) Election officials, including poll workers, shall facilitate the work of disability advocate observers in making accessibility assessments.