



# DAVE MAXEY

STATE REPRESENTATIVE • 83<sup>RD</sup> ASSEMBLY DISTRICT

## Testimony on Clearinghouse Rule 24-043

Joint Committee for Review of Administrative Rules

April 21, 2025

Thank you, Chairman Nass and Chairman Neylon, for the opportunity to submit testimony on Clearinghouse Rule 24-043.

The Wisconsin Elections Commission (WEC) has broad authority to promulgate rules regarding municipal clerk training and certification under Chapter 7 of the statutes. Specifically, s. 7.315(2) reads:

*"The commission shall, by rule, prescribe requirements for, and the content of, training required of municipal clerks under s. 7.15 (1m). The commission may provide such training directly or arrange for such training to be provided by other organizations. The rules shall provide a method for notifying the relevant municipal governing body if a municipal clerk fails to attend required training."*

In my review of this authority-granting statute, it is clear the legislative branch grants WEC the necessary authority to determine how and when municipal clerks receive training, including how WEC notifies local elected officials or county clerks about a municipal clerk's lack of training.

Yes, WEC has the authority to promulgate rules on clerk training and they've moved things in the right direction here, but training for election clerks must take place prior to them administering an election. The timing of training is not a procedural detail but is fundamental to the integrity of election administration.

My question, then, is: Why wouldn't WEC require clerks to receive training before elections take place? And if clerks fail to complete the required training beforehand, why wouldn't WEC want to notify "top local elected officials" prior to the election? This seems like a very straightforward chain of events—clerks should be trained on how to administer an election before the election, and if they are not, WEC should notify the appropriate local officials of this deficiency before the election occurs.

Thank you for your consideration.

TO: Chairman Nass, Chairman Neylan, and Committee Members  
Joint Committee for Review of Administrative Rule

DATE: April 21, 2025

Good afternoon,

Chairman Nass, Chairman Neylan, and Committee Members – thank you for the opportunity to speak before you today.

My name is Lorri Pickens, and I am here representing myself as an elector residing in Wisconsin as well as an active participant in the WI Election Integrity Network Coalition, a group whose sole focus is on ensuring our elections are conducted in accordance with state and federal statutes.

I respectfully request that you oppose the adoption of both the proposed Clearinghouse Rule 24-032 Relating to the conduct, regulation, and accommodation of election observers and Clearinghouse Rule 24-043 Relating to the certification and training of municipal clerks.

**Clearinghouse Rule 24-032 - Observer Rules:**

There are no Federal laws on election observers, yet Wisconsin Elections Commission is proposing 14 pages of rules not laws, for observers who only have the power to object or call an attorney in the event they witness a process, a ballot, or election operation that they believe may not be lawfully executed.

Multiple WEC meetings were held on observer rules that really only dealt with how close observers can get and did not address transparency concerns that have been raised.

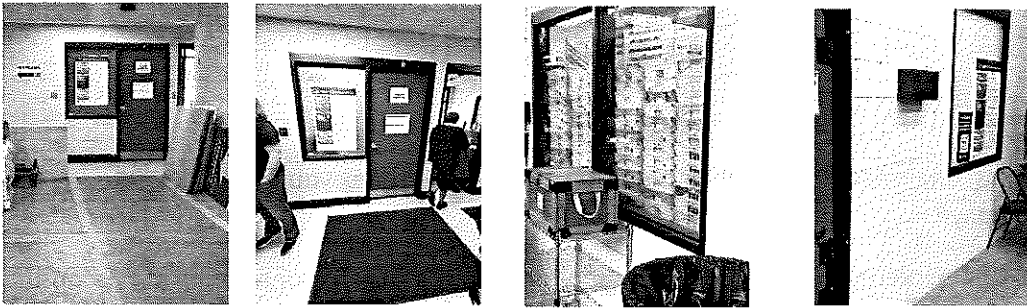
And despite the multiple meetings held, WEC did not provide any protection for observers in the event clerks act inappropriately. Clerks are being given superpowers which can lead to the arrest of election observers and potential criminal charges without the observers having any ability to defend themselves – they do not even have the ability to record how clerks interact with observers or conduct their election duties.

And none of these rules deal with guaranteeing full access to observe, especially when observers were kept from viewing specific locations and processes at MKE central count.

I went to Milwaukee Central Count on February 18, 2025, for the spring primary election where I witnessed the window to the room in the front of the building where absentee ballots are delivered was covered with a blue tarp. When I inquired about it, I was told that the receiving of incoming absentee ballots was an administrative process, and that the public was not entitled to observe.

I went back to Milwaukee Central Count on April 1, 2025, for the spring general election, and this time the tarp was removed, but replaced with a frosted window and a poster over it. And this time, the room where absentee ballots are sorted by districts was not observable as one of the windows was obstructed by stacked postal bins and the other window was frosted over with paint.

An increasing number of Americans distrust the outcome of our elections – it doesn't matter whether or not that distrust is based on perception or reality. There is no legitimate reason that Milwaukee Central Count would obstruct the view of incoming absentee ballots nor the sorting process of those ballots. It only adds to the distrust of our election process.



Pictures left to right: MKE Central Count 2/18/25 Absentee Ballot receiving room window; MKE Central Count 4/1/25 Absentee Ballot receiving room window; MKE Central Count 4/1/25 Absentee Ballot sorting room windows.

### **Clearinghouse Rule 24-043 Clerk training**

WEC missed so many opportunities to determine what training is needed, how to handle interim clerks, and vacancy questions.

The way the proposed rule reads is that WEC will notify clerks of training deficiencies. After the election is over? WEC will tell (someone) not sure who, AFTER the election that they aren't certified. WEC will notify the top elected official.

- Who's the top elected official – municipal clerks run the local elections and are appointed by a town board, a mayor, or a city manager. Does WEC mean the county clerk, county board, common council?
- Who is accountable and what does accountability look like?

Elections are the hallmark of our great Republic, and as such should be held to the highest standard of integrity. The public is owed that much, yet we find instances which lack transparency, accountability, and adequate training in our Wisconsin elections.

Our municipal clerks bear a great burden and are put on an island without adequate support and resources to do a job that on paper represents maybe 20% of their responsibilities but requires 80% of their attention.

We can and must do better!

Thank you for your time and consideration.

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