

## **Wisconsin: Protections Against Intimidation of Voters and Election Workers**

*This resource details state laws and policies protecting against the intimidation of voters and election workers and the disruption of the voting process.*

### **Voters in Wisconsin have the right to vote free from intimidation under federal and state law.<sup>1</sup>**

Federal law broadly prohibits intimidation, threats, or coercion throughout every stage of the election process;<sup>2</sup> more information on the federal protections that apply to all states can be found [here](#). In addition, the following actions are specifically prohibited by Wisconsin law:

- Making use of or threatening to make use of force, violence, or restraint to induce or compel any person to vote or refrain from voting.<sup>3</sup>
- Impeding or preventing the free exercise of the franchise at an election by abduction, duress, or any fraudulent device or contrivance.<sup>4</sup>
- Compelling, inducing, or prevailing upon a voter to vote or refrain from voting for or against a particular candidate or referendum.<sup>5</sup>

The below addresses the laws and policies that serve as guardrails against specific threats of intimidation.

### **Voter Challenges**

Although Wisconsin permits properly registered voters and election officials to challenge another voter's eligibility,<sup>6</sup> state law also provides for some guardrails. For example, challenges must be "for cause."<sup>7</sup> Individuals who abuse the challenge process may be subject to sanctions, including removal from the voting area.<sup>8</sup> Frivolous challenges are also subject to fines. In April 2022, the Wisconsin Elections Commission [fined a man \\$2,400](#) for filing repeated frivolous complaints of voter fraud. A challenged voter who answers the poll worker's questions, swears to the required affirmation, and is determined by the poll worker to meet the voting requirements can vote a regular ballot.<sup>9</sup>

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<sup>1</sup> See, e.g., 18 U.S.C. §§ 241, 594; 52 U.S.C. § 10101(b); Wis. Stat. § 12.09.

<sup>2</sup> See U.S. Department of Justice, *Voting Rights Fact Sheet* (Sept. 2024), <https://www.justice.gov/crt/media/1366636/dl> (summarizing federal laws that protect against intimidation).

<sup>3</sup> Wis. Stat. § 12.09(1).

<sup>4</sup> Wis. Stat. § 12.09(2).

<sup>5</sup> Wis. Stat. § 12.09(3).

<sup>6</sup> Wis. Stat. § 6.925.

<sup>7</sup> Wis. Stat. § 6.925.

<sup>8</sup> Wis. Admin. Code § EL 9.02.

<sup>9</sup> Wis. Stat. § 6.94.

The National Voter Registration Act (NVRA) provides additional safeguards to protect voters from mass challenges before an election:

- The NVRA expressly recognizes that National Change of Address information is not sufficient on its own to serve as the basis for canceling a voter's registration.<sup>10</sup>
- The NVRA prohibits the systematic removal of voters from the rolls within 90 days of a federal election.<sup>11</sup>

More information about the limitations and process for voter challenges in Wisconsin can be found [here](#).

### **Intimidation of Poll Workers and Election Officials**

In addition to federal protections against the intimidation of election workers, Wisconsin law prohibits any person from impeding or preventing the free exercise of the franchise at an election, engaging in disorderly behavior at or near a polling place, or interrupting or disturbing the voting or canvassing proceedings.<sup>12</sup> It is also a felony to physically harm a public officer either to influence their actions or as a result of some official action taken.<sup>13</sup>

### **Voter Intimidation by Poll Workers**

The Brennan Center and All Voting is Local published a detailed resource on the rules and constraints for Wisconsin poll workers [here](#).

### **Intimidation by Poll Watchers**

In addition to Wisconsin's voter intimidation laws detailed above, state law places limits on who may serve as an observer and what they may and may not do:<sup>14</sup>

- Any member of the public, except for a candidate on the ballot, may be an observer, subject to the limitations imposed by the lead election worker.<sup>15</sup>
- Municipal clerks can limit the number of observers representing the same organization who are allowed to serve at a time and may also limit the areas that observers are allowed to access within a polling place.<sup>16</sup>
- Observers must present photo identification to the head poll worker upon arrival and sign in with their full name in the election observer log.<sup>17</sup>

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<sup>10</sup> 52 U.S.C. § 20507(c)(1)(B).

<sup>11</sup> 52 U.S.C. § 20507(c)(2)(A).

<sup>12</sup> Wis. Stat. §§ 12.09(2); 12.13(3)(x).

<sup>13</sup> Wis. Stat. § 940.20(4).

<sup>14</sup> Note that poll watchers in Wisconsin are called "observers."

<sup>15</sup> Wis. Stat. § 7.41(1).

<sup>16</sup> Wis. Stat. § 7.41(1)–(2).

<sup>17</sup> Wis. Stat. § 7.41(1).

- Observers must wear a badge or tag identifying themselves as an “election observer” when inside a polling place.<sup>18</sup>
- Observers may not interact directly with voters unless requested.<sup>19</sup>
- Observers must remain within the area designated for observation by the main poll worker.<sup>20</sup>
- Observers are prohibited from engaging in any form of electioneering, including wearing any materials that may influence an election.<sup>21</sup>
- Observers are prohibited from handling any official documents or viewing confidential information on the poll list.<sup>22</sup>
- Observers are prohibited from using video or still cameras during voting hours.<sup>23</sup>

Election officials and poll workers may remove any observer who disrupts the operation of a polling place or clerk’s office.<sup>24</sup>

### **State and Local Law Enforcement**

The chief of police is required to station a police officer at any polling place designated by the municipal board of election commissioners.<sup>25</sup>

### **Guns at Polling Places**

Wisconsin law prohibits firearms in certain buildings often used as polling places and drop box locations, including schools and courthouses.<sup>26</sup>

Even at locations where firearms are not expressly prohibited, firearm carry may constitute unlawful intimidation. Such conduct may consist of carrying a visible firearm near a polling location or at a drop box or vote-counting site, displaying a concealed firearm during a discussion or argument with a voter or election worker, or approaching a voter or election worker while displaying a firearm.

### **Door-to-door Intimidation**

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<sup>18</sup> Wisconsin Elections Commission, Wisconsin Election Observers: Rules-at-a-Glance, updated March 2022, <https://elections.wi.gov/sites/default/files/legacy/2022-03/Election%2520Observer%2520Rules%2520at-a-Glance%2520March%25202022.pdf>.

<sup>19</sup> Wisconsin Elections Commission, Wisconsin Election Observers: Rules-at-a-Glance, updated March 2022.

<sup>20</sup> Wis. Stat. § 7.41(2).

<sup>21</sup> Wisconsin Elections Commission, Wisconsin Election Observers: Rules-at-a-Glance, updated March 2022.

<sup>22</sup> Wisconsin Elections Commission, Wisconsin Election Observers: Rules-at-a-Glance, updated March 2022.

<sup>23</sup> Wisconsin Elections Commission, Wisconsin Election Observers: Rules-at-a-Glance, updated March 2022.

<sup>24</sup> Wis. Stat. §§ 7.37(2), 7.41(3).

<sup>25</sup> Wis. Stat. § 7.22(5).

<sup>26</sup> Wis. Stat. §§ 941.235, 948.605, 175.60(16)(a)(6)–(7).

Wisconsin and federal law prohibit canvassing efforts that are used to intimidate voters.<sup>27</sup> Any voter who receives a visit from a privately organized canvassing group does not have to answer any questions and should report any incidents of intimidation to their local officials.

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<sup>27</sup> 18 U.S.C. §§ 594, 241; Wis. Stat. § 12.09.