

# Despite lawsuit, county ballots won't be modified

By Amy Smith Union staff writer | Posted: Tuesday, September 23, 2014 9:54 am

JEFFERSON — Election ballots in Jefferson County will not be modified unless a GOP lawsuit aimed at forcing a reprinting of ballots requires changes, a county official said Monday.

Jefferson County Clerk Barbara Frank said that ballots, which will be used in the county for the Nov. 4 election, were modeled as the Government Accountability Board, which designed the ballot, dictated the staff in the county clerk office do.

However, several election clerks around Wisconsin, including a Democrat in Dane County, have decided not to use a model ballot for the November election, as it is being challenged by Republicans who say the ballot is confusing and benefiting Democrats.

Dane County Clerk Scott McDonell told the Associated Press Friday that he decided to use a ballot with shading to differentiate the offices and candidates, as has been done for years. The new model ballot offered by GAB no longer has

the shading or a line after the title of the office and the name of the first candidate.

A lawsuit filed last week by Republican legislative leaders contends the elections board has the power to reject ballots that deviate from that model, and it should redraft the model to make it less confusing.

McDonell said board staff advised him to make changes to his ballot, some of which he did. But he rejected advice to remove the shading from the boxes indicating which office was being elected because he thought the ballot was more confusing without the shading.

“The point is you want to be able to know when you’re leaving one category and going to the next,” McDonell said. “I thought the shading made it easier.”

Ballots posted on the GAB website show other counties that have deviated from the mode include Brown, La Crosse and Racine.

In Jefferson County, Frank said that she and her staff’s main concern was not designing a ballot form, but ensuring that the correct candidates are represented on the ballot.

“They look at format, and we try to make sure we have the right candidates in the right candidate style,” she added.

Absentee ballots for the county using the GAB-modeled ballots were mailed last Thursday

“I think the voters will be able to understand them,” Frank said. “It’s difficult for me to look at them because I am so familiar with the candidates, but I can see their (the lawsuit organizers’) point of view.”

However, Frank said she was more concerned with meeting the GAB’s format guidelines than redesigning the ballot, as the GAB must approve the ballot before it is mailed to voters.

McDonnell said GAB staffers don't have the authority to tell him what ballot to use.

Frank did note that the GAB slightly redesigned the ballot that the county sent out to absentee voters by moving new candidates' names to the left, which originally were centered.

To avoid any confusion, the county clerk suggested that voters visit the county website, on which they may view a sample ballot before casting their vote during the Nov. 4 election.

The lawsuit, filed by Wisconsin Assembly Speaker Robin Vos and Senate Majority Leader Scott Fitzgerald, asks a judge to force the GAB to redraft the model ballot and not block counties from doing what they want.

Joe Fadness, executive director of the state Republican Party, did not address the question of whether the lawsuit was moot, given that counties already are issuing ballots designed the way they want.

"It's good to know that even Democrats agree that this ballot, designed without approval of the board or input from the Legislature, has deeply inherent flaws and must be corrected," Fadness told the Associated Press.

A hearing on the lawsuit is scheduled for Wednesday in Waukesha County Circuit Court.