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Wisconsin's Pandemic Primary Will Put Voters' Lives in Danger

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Despite the clear public health risk to voters, and despite the sensible delays enacted by fifteen other states across the country, Wisconsin is going ahead with its in-person primary election Tuesday. The coronavirus pandemic will almost certainly worsen — and state Democratic leaders aren't stopping it.

With less than a week to go before a primary election that could jeopardize the health and civil rights of thousands of voters, Wisconsin's Democratic leaders dithered.

Despite [warnings](#) from public health officials, and in contradiction with his own "[Safer at Home](#)" order, Governor Tony Evers is poised to allow in-person voting in next week's elections to proceed in the midst of the COVID-19 pandemic. Just one day after a federal judge chastised state leaders for holding the election, Joe Biden [repeated](#) his support for in-person voting and, in line with Wisconsin Republicans, refused to support an all-mail election in the state.

Wisconsin's decision departs from the [example](#) set by fifteen politically diverse states — from deep-blue Rhode Island and New York to solid-red Georgia and Wyoming — which have delayed their primaries. Political leaders appear to have deliberately ignored evidence from Wisconsin's southern

neighbor Illinois, whose March 17 primary was an unmitigated disaster for public health and electoral democracy alike. Why?

Clearly, COVID-19 has not spared Wisconsinites. Statewide, there are 30 [confirmed cases](#) of COVID-19 per 100,000 residents. That rate is more than [300 percent higher](#) in Milwaukee, host of the now-delayed Democratic National Convention. Yet despite restricting public gatherings and penalizing violators of his “Safer at Home” order with 30 days of imprisonment or a \$250 fine, the state’s Democratic governor claims to lack the authority to delay the April 7 elections, which will be the largest public gatherings in the state. On Friday, he issued an executive order that merely invited the state legislature to meet in special session to take up an emergency election bill. Republican leaders quickly [declined](#).

Wisconsinites are also no less risk-averse than voters in other parts of the country. According to a Marquette Law School poll, a [majority](#) of registered voters in the Badger State think the spring elections should be delayed.

Nor does Wisconsin’s decision reflect the wishes of local officials, or the preparedness of election administrators. Mayors from around the state have called for a delay. As Green Bay mayor Eric Genrich, a Democrat, put it: “We’re in the position of asking people to choose either their health or their right to vote, and in our opinion that’s unjust, it’s unlawful, it’s unsafe.” Numerous civil rights groups [filed](#) suits in federal court to delay the elections, citing Voting Rights Act and Fourteenth Amendment violations. Rather than jumping in to take control of the situation, the governor allowed the election to continue.

The reality on the ground — of which Joe Biden is blissfully unaware — is stark. Seventy-one percent of poll workers in the City of Milwaukee will [not be present](#) on election day. As a result, the city is opening only [5](#) of its 180 polling locations on Tuesday. Hundreds of municipalities [statewide](#) are facing the same situation; in some cases, voters will have to drive to a different town to cast their ballot in person. Not only will overcrowding of polling places act as a deterrent to voters, but it will also simultaneously increase the risk of community spread in the small number of polling places that remain open.

What is happening is by now a familiar four-part story. First, a disaster — be it a financial crisis or a pandemic — occurs, jeopardizing public welfare. Second, Republicans stake out the most extreme position they can imagine. There can be no all-mail election, nor can we under any circumstances relax racist voter-identification requirements. Third, a pair of magic handcuffs appears; Democrats claim that apparent legal, economic, or political realities prevent them from bold actions (nationalizing the banks, enacting a national health program, eliminating student debt). In the case of the Wisconsin primary, the governor has claimed that he lacks clear authority to change election dates, even though there is [no provision](#) in the law that prevents him from doing so.

Finally, once Democrats have indemnified themselves, a counter-majoritarian judiciary — perhaps to no one’s surprise — fails to defend democracy. On Thursday, after chastising the state’s political leaders for holding the election, Judge William Conley found that he [lacked](#) the authority to mandate a delay.

In whatever arena this story plays out, the losers are the same: the black and brown working-class voters Democrats claim to represent. As Neil Albrecht, director of the Milwaukee Election Commission, has [pointed out](#) in a court filing, a disproportionate number of the city's same-day election registrants and in-person voters are African American or Hispanic. Insisting on a pandemic primary jeopardizes not only their health but also their most basic political rights.

If you want to see how a pandemic kills electoral democracy, you need not travel to Hungary — go no further than the streets of Milwaukee.

ABOUT THE AUTHOR

Philip Rocco is an assistant professor of political science at Marquette University and the coauthor of *Obamacare Wars*.