



## **Milwaukee District Attorney Refused 354 Referrals for Potential Illegal Voting Since 2020**

### ***When Same-Day Voter Registrants are Suspected of Fraud, Votes Still Count***

**December 2023** – Since November 2020, the Milwaukee County District Attorney John Chisholm has refused to review at least 354 referrals for potentially unlawful same-day voter registrations, according to the Milwaukee Election Commission.

These referrals represent 354 potential illegal votes that cannot be reversed. District Attorney Chisholm has a reputation of a progressive who is part of the nationwide effort to elect progressive district attorneys who exercise “prosecutorial discretion” by not pursuing criminals in some contexts.<sup>1</sup> Finally, recent polling data show Wisconsin will help determine the 2024 Election, with both Joe Biden and Donald Trump nearly deadlocked.<sup>2</sup>

Is it good for Wisconsin to have a district attorney who refuses to investigate criminal referrals from election officials?

PILF visited the Milwaukee Election Commission offices to see if the local referral reports matched statewide data published about same-day registrations.<sup>3</sup> Executive Director Claire Woodall showed PILF researchers the cardboard box filled with referrals to the district attorney from the past three years and provided copies of its contents. The problem was the box wasn’t at the district attorney’s office. It was never picked up.

### **Wisconsin’s Same-Day Registration to District Attorney Referral Process**

For decades, Wisconsin residents have been able to register and vote on the same day. While this may seem like a convenience for the unprepared, the trade-off is a system that allows a person to vote *now* but confirm their eligibility *later*.

When *later* comes, Wisconsin law requires<sup>4</sup> election officials to “audit” the addresses given at the polling place by sending a confirmation postcard in the mail. Any postcards returning to officials as USPS undeliverable shall trigger an inactivation of the new voter record and generate a case referral to the local district attorney.

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<sup>1</sup> WISN; He’s the ‘godfather’ of the Soros DA’s who are destroying our nation (August 11, 2023), <https://newstalk1130.iheart.com/featured/the-jay-weber-show/content/2023-08-11-hes-the-godfather-of-the-soros-das-who-are-destroying-our-nation/>

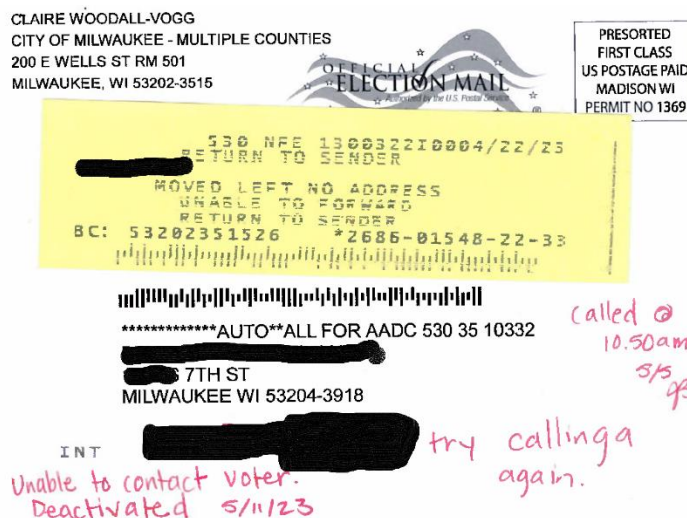
<sup>2</sup> *The New York Times*; Trump Leads in 5 Critical States as Voters Blast Biden (November 5, 2023), <https://www.nytimes.com/2023/11/05/us/politics/biden-trump-2024-poll.html>

<sup>3</sup> WEC; Voting Statistics (accessed November 2023, <https://elections.wi.gov/statistics-data/voting-statistics>)

<sup>4</sup> Wis. Stat. Ann. § 6.56(3)

For a sense of scale, during the 2020 General Election, more than 178,000 Wisconsinites utilized same-day registration and nearly 5,400 of those voter addresses failed initial audits. Statewide, 359 referrals were generated for district attorneys. Milwaukee County accounted for 355 of those referrals.

Undeliverable mail is not a sure sign of fraud. Local clerks must identify distinctions between postal service errors leading to bounced mail and voters moving after an election, as opposed to questionable claims to an address. In essence, when a same-day registrant gives a bad address and they become impossible to reach in the weeks following an election, their records are cancelled, and the district attorney is alerted—but the vote is counted.



### **Milwaukee's 2020 General Election Referrals to District Attorney Chisholm: 349**

Same-day registration in Milwaukee during the 2020 Presidential Election generated 21,083 new registrants at the polls.<sup>5</sup> Of those, 1,247 provided addresses which would later fail initial mailing tests as undeliverable. Ultimately 349 of those voters were inactivated and set aside for district attorney referral. The box containing the records is still sitting in the elections office. District Attorney Chisholm has not expressed interest.

During PILF's office visit, Milwaukee officials provided an internal processing memo outlining an eight-point system for handling each type of undeliverable mail as defined by United States Postal Service. Staff are instructed to catch previous clerical and data errors that lead to an undeliverable mailing as opposed to evidence of another, out-of-jurisdiction address.

### **Milwaukee's 2023 General Election Referrals to District Attorney Chisholm: 5**

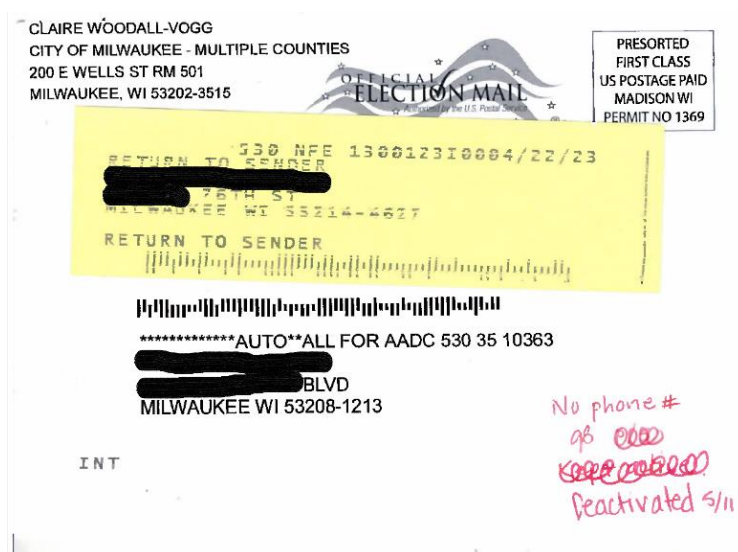
The Spring 2023 Election in Wisconsin brought national attention thanks to a high-profile contest for a state supreme court seat which would decide ideological control of the body. Milwaukee's results went as expected with roughly 40 percent voter turnout and a victory for Democrat Party candidate Janet Protasiewicz.<sup>6</sup> Among the nearly 113,000 voters casting their

<sup>5</sup> See note 3.

<sup>6</sup> City of Milwaukee; Results for Spring 2023 Election (accessed November 2023), <https://city.milwaukee.gov/election/ElectionInformation/ElectionResults>

ballots in the city, 3,636 were voters utilizing same-day registrations. Wisconsin Elections Commission statistics later showed that 164 of the same day registration voters failed the initial postcard audit.

City election officials shared additional records and insights with PILF regarding same-day voters. As of this report, 11 of the 164 undeliverable postcards were inactivated from the voter roll because the voters moved following the election. However, another five same-day voters fell completely out of contact with the office after their address audits failed. Their records were packaged and set aside for District Attorney Chisholm — who to this day refuses to pick up the files.



### **About Milwaukee County DA John Chisholm...**

Chisholm has held office since 2007. He was promoting catch-and-release law enforcement before the nationwide effort to elect progressive prosecutors. His campaign website still claims credit for guiding now-recalled San Francisco District Attorney Chesa Boudin’s career.<sup>7</sup> Chisholm’s prosecutorial discretion drew national outrage in 2021 when Darrell E. Brooks plowed into a holiday parade crowd in Waukesha, killing six and wounding 60 more, days after posting \$1,000 bail for allegedly running over his girlfriend and child in Milwaukee. In the aftermath, Chisholm’s office admitted to seeking an “inappropriately low” amount for bail.<sup>8</sup>

Milwaukee County has other troubling crime trends. Arrests are down across the board, fewer charges are being brought, and courts are heavily backlogged with felony cases. The number of

<sup>7</sup> Chisholm for DA; Meet John Chisholm (accessed November 2023), [https://www.johnchisholm.org/meet\\_john](https://www.johnchisholm.org/meet_john) SEE ALSO: <https://twitter.com/DAJohnChisholm/status/1193597241761681414>

<sup>8</sup> CNN; Behind the prosecutor who acknowledged suspect’s ‘inappropriately low’ bail before Waukesha parade tragedy (November 26, 2021), <https://www.cnn.com/2021/11/26/us/waukesha-car-parade-prosecutor-bail-reform/index.html> AND <https://www.fox6now.com/news/darrell-brooks-trial-waukesha-christmas-parade-criminal-history>

police officers serving has fallen 17 percent.<sup>9</sup> In 2021, only 40 percent of sexual assault referrals to the Milwaukee District Attorney led to criminal charges.<sup>10</sup>

### **This Is Not the First Time Referrals from Clerks Hit the DA Dead-End**

In 2021, PILF uncovered more than 150 examples of election law violation referrals from nine Florida County Supervisors of Elections since the 2020 cycle, which essentially hit dead-ends in prosecutors' offices. Following the release of PILF's research report, *Safe Harbor*,<sup>11</sup> the Florida Legislature sent Senate Bill 524 to Governor Ron DeSantis' desk<sup>12</sup> and led to the creation of the Office of Election Crimes and Security.<sup>13</sup>

### **PILF President, J. Christian Adams**

*"Election officials are best situated to notice and investigate potential violations of election law. Wisconsin requires election officials to investigate same-day registrations and refer individuals who appear to have used bad addresses to prosecuting authorities. When a DA refuses to even look at the evidence, that harms Wisconsin elections."*

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<sup>9</sup> Urban Milwaukee; New Report Finds Milwaukee's Criminal Justice System is in Peril (August 3, 2023), <https://urbanmilwaukee.com/2023/08/03/new-report-finds-milwaukees-criminal-justice-system-in-peril/>

<sup>10</sup> *Milwaukee Journal-Sentinel*; Sex assault victims rarely get justice from juries... (June 6, 2022), <https://www.jsonline.com/story/news/crime/2022/06/06/milwaukee-prosecutors-charging-sexual-assault-cases-lower-rate/9859409002/>

<sup>11</sup> PILF; *Safe Harbor* (November 10, 2021), <https://publicinterestlegal.org/reports/safe-harbor-how-many-potential-election-crimes-languish-in-florida-prosecutors-offices/>

<sup>12</sup> Office of Florida Governor; Accomplishments During First Year of Election Integrity Office (July 14, 2023), <https://www.flgov.com/2023/07/14/governor-ron-desantis-highlights-accomplishments-during-first-year-of-election-integrity-office/>

<sup>13</sup> FL Division of Elections; Election Integrity (accessed November 2023), <https://dos.fl.gov/elections/integrity>