

Common Cause WI: Opposes these anti-voter measures being fast-tracked through the legislature

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Testimony of Jay Heck, Executive Director, Common Cause Wisconsin

Wisconsin Assembly Committee on Campaigns and Elections

April 27, 2021

In Opposition to Assembly Bill 178, Assembly Bill 179,
Assembly Bill 198, Assembly Bill 201

Common Cause in Wisconsin (CC/WI) is one of the state's largest non-partisan political reform advocacy organizations with more than 8,000 members and activists residing in every county of the state. We have been active in Wisconsin since our founding in 1970.

We oppose four of the measures being considered by this Assembly Committee today and urge members of this committee to vote against their passage.

All four of these measures would make it more difficult and burdensome for Wisconsinites to be able to cast a ballot during an election. All are extremely partisan and were devised exclusively by members of one political party to gain partisan advantage in elections and without any consultation with members of other political parties or with nonpartisan election advocacy organizations such as Common Cause Wisconsin.

Specifically, we oppose:

Assembly Bill 178: This measure would require the Wisconsin Election

Commission to create a standard absentee ballot application that must contain certain questions specified by the bill, and must be completed by all absentee voters, including in-person absentee (early) voters. The only people exempt from the new application would be those being served by special voting deputies at certain retirement or residential care homes. The standard application the bill would require all other absentee voters, whether requesting the ballot by mail or in person, to complete must include: the voter's municipality and county of residence; the voter's name, date of birth, and contact information, including as applicable their telephone number, fax number, and electronic mail address; the street address of the voter's legal voting residence; the election at which the voter intends to vote absentee; whether the voter is a military or overseas elector; the voter's confidential identification serial number if the elector has obtained a confidential registration; the lawful method by which the voter prefers to receive the absentee ballot; and whether the elector is hospitalized.

- While making election administration processes standardized is generally a good idea, this one is not. It makes in-person absentee voters fill out an application for an absentee ballot even though they are present to vote by absentee ballot to verify that they want to indeed vote with an absentee ballot. It is burdensome work for the clerks and does nothing to improve elections. This measure is a response to some who unreasonably claim the envelope where in-person absentee voters place their ballots (and then seal and sign) cannot "double" as a request or application for a ballot. This current system is incredibly streamlined and secure.

Assembly Bill 179: This measure would limit voting rights of nursing home and group home residents. It may conflict with federal law which requires that nursing homes support the right of residents to vote. Under this measure, if staff offered to provide a resident with assistance, this would be a felony crime. This bill would require the administrator of the facility to notify relatives of the residents as to when the special voting deputies will be coming to the facility to assist in the casting of absentee ballots.

- Most people in these homes and facilities make decisions for themselves every day of the week. They do not need a relative next to them when they are voting and fulfilling their duty in our democracy. They should not have their right to the privacy of their vote violated. This bill goes so far as to make it

illegal for employees of a retirement home or residential care facility to even encourage a resident to vote.

Assembly Bill 198: This measure would require the clerk to mail the defective ballot envelope back to the voter, require the clerk to put a notice of the defect on the voter's voter information page in MyVote, and prohibit a municipal clerk from correcting a defect on the completed absentee ballot certificate envelope. Specifically, the bill would create new felonies in the list of election frauds to punish election officials.

- This bill addresses how clerks should act when a voter returns a completed absentee ballot with a defect in the ballot certificate. If a certificate envelope has a defect, the clerk must return the ballot to the elector and post a notification of the defect on the elector's voter information page on MyVote website. However, not all voters can access MyVote and they would be unaware of the problem to make corrections. Additionally, the bill does not make clear if the voter will know the notice has been put in their voter information page on MyVote unless they happen to check the page. Existing law does not require notice of defects; however, the Wisconsin Election Commission guidance encourages clerks to contact the voter directly.
- Mailing a ballot back to the voter within only a few days until Election Day will guarantee the ballot envelope is not returned corrected in time for the vote to be counted. The mail can be slow. There may not be time to return the ballot to the voter and for the voter to send it back, so the vote may not be counted.
- Currently the clerk may look up the address or contact the voter for information. Existing law allows the clerk to mail the ballot back if there is time for the voter to correct the defect. This is a bad bill in that it will result in many ballots being tossed for information missing on the envelope. AND the bill does not allow for correction of the envelope except by the voter when the ballot and envelope is returned by mail. It does not seem to allow the clerk alternate ways for corrections, like a phone call and a visit to the clerk's office by the voter. While a correction or cure process for absentee ballot envelopes is something that the legislature should take up, it should not be in the form of this bill. It should give clear instructions so that clerks and voters are able to correct mistakes to ensure all ballots cast are counted.

Assembly Bill 201: This measure would no longer allow voters who are indefinitely confined or overseas to receive absentee ballots automatically. Instead, they would need to fill out an absentee ballot request for every election and they would need to show a proscribed photo ID. In addition, this bill would prohibit the Wisconsin Elections Commission (as well as municipal or county clerk or local elections board) from sending absentee ballot applications *en masse*, as it did in 2020 to 2.7 million Wisconsin voters.

- Forcing indefinitely confined voters to fill out an absentee ballot request for every election is extremely burdensome. Wisconsin has multiple elections every year. The mass mailing of absentee ballot applications gives the voters the choice about how and when they vote. Election administrators should have the authority and flexibility to make voting easier by being able to mail absentee ballot applications.

In sum, Common Cause Wisconsin urges a vote in opposition to all four of these measures in the Committee and beyond. Thank you for your respectful consideration of our views.