

To: Senate Committee on Shared Revenue, Elections, and Consumer Protection
From: Disability Rights Wisconsin (Contact: Lisa Hassenstab, Public Policy Manager, lisah@drwi.org)
Date: February 14, 2024
Re: SB 966 - relating to: witness address requirements on absentee ballot certificates, curing defects on absentee ballot certificates, and providing a penalty

Disability Rights Wisconsin (DRW) is the federally mandated Protection and Advocacy system for the State of Wisconsin, charged with protecting the rights of individuals with disabilities and keeping them free from abuse and neglect. DRW is charged with protecting the voting rights of people with disabilities and mandated to help ensure full participation in the electoral process for individuals with disabilities (Help America Vote Act, 42 U.S.C. § 15461 (2002)). With this responsibility, DRW offers the following comments in opposition to SB 966.

Having long supported having standard practices to allow municipal clerks to correct or add missing witness information to absentee ballot certificates, DRW is concerned about the potential impact of SB 966 on voters with disabilities; of primary concern is that a restriction on curing by anyone but the voter or the witness proposed in this bill would disenfranchise voters and disproportionately affect voters with disabilities. Current statute states that when a certificate envelope has missing information the clerk may return the ballot to the elector; the time and effort required to receive, correct, and return a ballot could very well make it impossible for a voter to ensure timely return of their ballot. This may particularly impact voters with disabilities who may have limited transportation options, limited mobility to be able to retrieve and return their ballot, or limited access to the individual who served as their witness. Through contacts with voters with disabilities via our voter hotline, DRW has heard from and assisted many voters for whom it has been very helpful for clerks to correct a defect on the absentee ballot certificate envelope, such as completing the witness address, to honor the voter's intent. A more inclusive approach would be development of standard practices to allow municipal clerks to correct or add missing witness address information to absentee ballot certificates. This would provide a uniform approach in which clerks are allowed to correct errors or complete missing components of the witness address based on reliable information. Guidance should also be in place for all clerks to monitor returned absentee ballots and notify voters of deficiencies in a timely manner to ensure there is time for the voter to cure the deficiency if a clerk is unable to do so.

In addition, what information is required for a complete witness address on an absentee ballot certificate is of concern to DRW. The inclusion of multiple fields of information on a document with limited print space may lead to an increase of missed fields; this could result in an increase in rejected ballots due to the inability of voters, particularly voters with disabilities, to be able to correct that information. If a witness signature and address is to be required, it should consist of only the minimum amount of information that would allow contact to occur with the witness; the substitute amendment offered on this bill is a welcome improvement in this regard.

Thank you for your consideration of these comments, and please don't hesitate to reach out with any questions.