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Election Commission

City of Milwaukee Testimony on AB 198

April 14, 2021

Assembly Committee on Campaigns and Elections

Thank you to Representative Brandtjen and to the committee members for the opportunity to provide written testimony on AB 198, relating to defects on absentee ballot certificates, certain kinds of election fraud, and providing a penalty.

The City of Milwaukee opposes AB 198, specifically as it relates to the guidance on curing absentee ballot certificate envelopes. This bill does not address the specific procedural issues that clerks are facing when deciding whether an absentee certificate envelope's certification is deemed "sufficient." Under Wis. Stat. 6.87(6d), "[i]f a certificate is missing the address of a witness, the ballot may not be counted." Witness address is not defined in this section of state statute. However, the Wisconsin Election Commission in October of 2016 determined that a witness address needed to include the witness' house number, street name, municipality and state in order to be sufficient. In this very same guidance, they instructed clerks to provide missing information around the witness address if they were able to reasonably determine such information using their professional judgement.

The overwhelming majority of incomplete certificate envelopes that the City of Milwaukee receives contain a voter's signature, witness signature, **and** a witness address. The witness often lives at the **exact** same address as the voter or is a direct neighbor of the voter. They will provide their street number and street name, but fail to rewrite "Milwaukee, WI" on the witness address line. If they live at the same address as the voter, that complete address appears on the certificate envelope with the voter's residency information. To prevent a clerk from curing an otherwise perfectly valid certificate envelope by forbidding us to write the **obvious** municipality and state, which appears elsewhere on the ballot, is as ridiculously trivial and mean-spirited as the literacy tests issued in the South in the 1950s to disenfranchise voters of color.

The City of Milwaukee encourages the state legislature to create clear, consistent, and also common sense guidelines on what information a clerk can and cannot cure. Furthermore, we would encourage the legislature to go a step further than it has done and provide voters with an alternative option for curing the ballot. Rather than requiring that clerks mail ballots back to voters, we would suggest that an affidavit to complete the missing information be made available on the online voter portal currently known as MyVote. This affidavit would take into consideration the tight timelines that absentee voters are often facing when having to mail ballots through the United States Postal Service and would allow them to more quickly cure their own errors by eliminating one half of the mailing time and associated costs.

The City of Milwaukee urges you to oppose AB 198 because rather than creating a common sense solution to assist voters in the voting process, the bill makes the voting process unnecessarily cumbersome for voters and election administrators.



For additional information and questions, please contact:

Brenda Wood, Intergovernmental Policy Manager

City of Milwaukee

bwood@milwaukee.gov

414-339-9054