



MEMORANDUM

TO: Senate Committee on Elections, Election Process Reform and Ethics
FROM: Wisconsin Towns Association, League of Wisconsin Municipalities
DATE: 05/24/2021
RE: SB 204, SB 205, SB 206

Wisconsin's municipal clerks and local election officials are dedicated to providing safe and secure elections. These local officials understand the details and practical application of election laws in Wisconsin better than anyone because of the hands on role they play in conducting elections. After analyzing these bills through this perspective of election administration, the Wisconsin Towns Association and the League of Wisconsin Municipalities have the following technical and practical concerns with various provisions of SB 204, SB 205, and SB 206:

SB 204 and Senate Amendment 1 to SB 204:

1. The hourly posting requirements in SB 204 of absentee ballot canvassing data present numerous practical challenges that will, in some cases, be unable to be overcome. First, municipalities with multiple polling locations would need to coordinate and post hourly data from each of the various locations, taking clerk resources away from other election administration duties. Second, this bill requires that hourly data be posted by the municipal clerk or his or her designee "at his or her office and on the Internet." Absentee ballot canvassing is often not conducted at the office of the municipal clerk, but rather at polling locations throughout the community. Posting at the clerk's office is therefore not efficient for the clerk or for the election observers that seek this information. Further, many town clerks have no dedicated office space, working instead from their homes. There may be no way for town clerks in these situations to comply with this requirement other than to coordinate hourly posting of the information at their home.

Because hourly posting requirements require diversion of limited resources, this requirement will delay election results.

2. The creation of new felony charges for local clerks opens the door for prosecution of devoted local officials who make an honest mistake after being caught up in the complexities of Wisconsin's frequently changing election administration. Creating felony punishments for local officials, many of whom are effectively volunteers, acting in good faith conveys a lack of support that will exacerbate the already difficult task of recruiting and retaining individuals willing to serve.

3. Restricting the ability of individuals to request automatic receipt of absentee ballots while allowing requests for automatic receipt of absentee ballot applications creates additional steps for municipal clerks in an already complex absentee ballot process.
4. Requiring local clerks to investigate the veracity of indefinitely confined qualifications creates an undue burden on clerks. Clerks are not well suited to make those determinations.

SB 205 and Senate Substitute Amendment 1 to SB 205:

1. Requiring the examination of a least 10% of the absentee ballot envelopes and attached certificates from residential care facilities creates an unnecessary burden on municipal clerks. Special voting deputies must already supervise the absentee voting procedure by occupants of residential care facilities. The absentee voting assistants created in this bill would similarly supervise the absentee voting procedure. These individuals are, therefore, already examining every absentee vote cast in a residential care facility. Requiring examination after the fact would be duplicative and less effective than the examination that occurs at the time of voting.
2. Contacting voters in residential care facilities after the fact about their absentee voting procedure would further duplicate the efforts of special voting deputies and absentee ballot assistants. Additionally, the accuracy of information provided by occupants of residential care facilities after the fact will be limited to the memory of individual voter.

SB 206:

1. The requirement that indefinitely confined voters file an oath or affirmation as to their indefinitely confined status is impracticable. Oaths and affirmations require execution in front of an individual who is qualified to administer oaths, such as a municipal clerk. It is not possible for municipal clerks to visit every indefinitely confined voter who presumably cannot come to a municipal hall due to their status, to administer this oath or affirmation.

The Wisconsin Towns Association and the League of Wisconsin Municipalities appreciate the devotion of local and state officials to ensure the integrity of our elections. We endeavor to ensure that any reforms to our local election process can be administered in a practical and effective way. We encourage you to consider the specific concerns detailed above, and amend these bills accordingly to avoid unnecessary complication in the administration of elections.