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Testimony before the Senate Committee on Government Operations, Elections and Consumer Protection

Senator André Jacque

March 16, 2023

Chair Stroebel and Members of the Senate Committee on Government Operations, Elections and Consumer Protection:

Thank you for holding this public hearing on Senate Bill 26, which will help instill confidence in our elections by removing ineligible voters from the official state voter registration list.

Wisconsin has operated a statewide voter registration database (WisVote) since 2006. The database system is provided and maintained by the Wisconsin Elections Commission, and includes approximately 7.1 million people, including about 3.6 million inactive voters.

Voter records can be accessed by the state's 1,849 municipal clerks. Individuals can be made inactive once they become ineligible, which can include when they die, move and register in another state, are convicted of a felony, are found to be fraudulently registered/lacking citizenship, are adjudicated incompetent to vote by a court, or are made inactive through statutory voter list maintenance processes ("purging" after a prolonged period of non-voting).

Unfortunately, lack of maintenance and list vulnerability can open the door for fraud. While current state law requires the voter registration database to be updated regularly and clearly gives the elections commission responsibility to maintain the list, the State Supreme Court has ruled that the job of removing voters from the rolls is solely up to local municipal elections officials, not the state commission, leaving likely ineligible voters active within the database.

Additionally, investigations have found a yet-to-be-fully-quantified number of Wisconsinites whom a court has deemed incompetent to vote are still listed as active voters — and actually cast ballots in past elections. Courts currently report to WEC when individuals have lost the right to vote (adjudicated incompetent for voting purposes), and courts also report to WEC when individuals have their right to vote restored by the courts, but these changes are not automatically reflected by WEC within WisVote.

We agree with the Wisconsin Disability Vote Coalition that, "Voters found by a court to be incompetent to vote should not be on the voter rolls."

The WisVote database currently has both eligible and ineligible voters in the same database. This legislation would change that by requiring WEC to remove ineligible voters from the list and requiring permanent documentation of those actions, including the date of and reason for the removal to create a chain of custody that can be followed to show when a voter is moved from active to inactive. Consistent with current law, this proposal provides that an individual who is removed from the registration list may reregister to vote as provided by law should they subsequently become eligible to register to vote in Wisconsin.

Thank you, and I'm happy to answer any questions you may have.



Ty BODDEN

STATE REPRESENTATIVE • 59TH ASSEMBLY DISTRICT

Testimony on Senate Bill 26

Senate Committee on Government Operations, Elections and Consumer Protection
Thursday March 16th, 2023

Thank you, Chairman Stroebel, Vice-Chairman Bradley, and members of the Government Operations, Elections and Consumer Protection Committee for the opportunity to testify in favor of Senate Bill 26. I would also like to thank Senator André Jacque for authoring this legislation with me.

This issue was brought to my attention by my constituents who have grave concern with our election process. Since 2006, Wisconsin has operated a statewide voter registration database. The database system is provided and maintained by the Wisconsin Elections Commission, and includes approximately 7.1 million people, including about 3.6 million inactive voters. Voter records can be accessed by the state's municipal clerks, and individuals can be made inactive once they become ineligible, which can include when they die, move and register in another state, are convicted of a felony, are found to be fraudulently registered/lacking citizenship, are adjudicated incompetent to vote by a court, or are made inactive through statutory voter list maintenance processes.

In addition, lack of maintenance and list vulnerability has left our elections susceptible to fraud. While current state law requires the voter registration database to be updated regularly and gives the elections commission responsibility to maintain the list, municipal elections officials are tasked with removing voters from rolls. This has left likely ineligible voters active within the database.

Further election integrity must be implemented in our state to ensure that our elections are fair and without fraud. I understand that our system is far from perfect, however, it is up to the elected officials of this state to make certain to the public that our elections are not stolen.

Under this bill, if a voter appearing on the registration list becomes ineligible to vote for any reason, he or she must be removed from the list and the Elections Commission must keep a permanent record of the removal, including the date of and reason for the removal. Consistent with current law, an individual who is removed from the registration list and subsequently becomes eligible to register to vote in Wisconsin may reregister as provided by law. Passing this legislation will help prevent fraud, restore faith, and inject trust in our elections.

Again, thank you for your time and consideration of this bill. I respectfully ask for your support.



Sheboygan County Department of County Clerk

Jon Dolson— County Clerk
508 New York Avenue – Administration Building, Rm. 129
Sheboygan WI 53081-4126

3/15/2023

Wisconsin Senate - Committee on Government Operations, Elections and Consumer Protection

Re: SB-26 Relating to removing ineligible voters from the official voter registration list

Good morning committee members:

In my humble opinion, the basic intent of SB-26 is to find a way to clean up our voter rolls, and address the perception some have on the accuracy and/or possible misuse of this data. That being said, is SB-26 in its current form actually needed?

Is there a concern that every name in the current database is being listed in the poll book used in elections? If so, it is unfounded and any clerk could explain why.

I'd like to share briefly how our current WisVote system actually works:

- Currently, only electors who are eligible to vote and properly registered to vote, appear in the poll book.
- Currently, if an elector becomes ineligible to vote, their status is changed, the date and reason for the change is recorded, and they are not registered to vote (NOT in poll book).
- Currently, any elector who later becomes eligible, and is not properly registered to vote, must re-register in order to vote (back in poll book).
- Currently, it is also possible for absolutely anyone to independently verify eligible and ineligible records, noting any changes to the status that may occur.

I believe all of these items mentioned are the intent of the bill. All of these items already occur.

Our WisVote system pulls data from a database, which contains over 15 years of voter history. If we remove all ineligible records, there would be no voting history, and no records of deceased or adjudicated incompetent voters in the system. That's worrisome to say the least. For example, will we have any method of comparison to see if someone is trying to register as a voter who is deceased? Wouldn't it be prudent to retain historical

data to help safeguard our elections against fraud or abuse of the system? I don't see how SB-26 addresses that. SD-26 does fail to answer some questions.

- Is this bill trying to create two databases? If so, that seems extremely cumbersome.
- If we have two databases, will clerks lose the ability to see valuable voter history? If so, that doesn't seem helpful.
- Is "removal" defined? Could moving a record to a separate tab within Excel qualify? Switching a voter from Active to Inactive already accomplishes this.
- What constitutes a "permanent record" ("...the commission shall keep a permanent record...")?
- Would the goal of removal, separation, or segregation of data be obtained more easily with simply adding more strict screening criteria in the current system?

Finally, is it also possible that, perhaps when most, if not all, of the questions can be answered, and understanding of the current system is achieved, SB-26 in its current form may not be needed? My opinion, it is not.

Thank you for your time and service.

Sincerely,



Jon Dolson

Date: March 15, 2023

To: Senator Stroebel, Chair, and members of the Senate Committee on Government Operations, Elections, and Consumers Protection

Re: Public Comments on SB-26 – Ineligible Voters

From: Barbara Beckert, Director of External Advocacy Disability Rights Wisconsin barbarab@drwi.org

Disability Rights Wisconsin (DRW) is the federally mandated Protection and Advocacy agency for Wisconsin, charged with protecting the voting rights of people with disabilities and mandated to help “ensure the full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote, and accessing polling places.” (Help America Vote Act, 42 U.S.C. § 15461 (2002)).

DRW staff are on the frontline supporting voters with disabilities. We staff a voter hotline year round, and provide training and education about voting to people with disabilities and those who may support them – family members, service providers, and in some cases election workers. We coordinate the Wisconsin Disability Vote Coalition in partnership with the Wisconsin Board for People with Developmental Disabilities.

As stated by the Legislative Reference Bureau, “under current law, if a voter who appears on the official voter registration list maintained by the Elections Commission becomes ineligible to vote for any reason, his or her status is changed from eligible to ineligible on the registration list. Under this bill, if a voter appearing on the registration list becomes ineligible to vote for any reason, he or she must be removed from the list and the Elections Commission must keep a permanent record of the removal, including the date of and reason for the removal.”

DRW agrees it is important to have clear and accurate information in Wisconsin’s voter rolls about whether voters are eligible or ineligible to vote. The current system of maintaining one list with appropriate designations of “eligible” and “ineligible” accomplishes this goal. The

creation of a second list – which is what SB 26 requires – is unnecessary. The current system allows clerks and other elections officials to easily determine the status and eligibility of a voter. Having ineligible voters on the list with their status clearly indicated provides sufficient security that prevents deceased or otherwise ineligible people from registering and voting. In addition, having one list makes it easier to correct mistakes or, if appropriate, change the status of the voter.

Having one list makes it easier for a voter and the clerk to check their eligibility. For example, we often find that people who have a guardian are unsure whether they have the right to vote, or whether the court removed that right as part of the guardianship process. Having the option to check with their clerk and determine whether they are coded “eligible” or “ineligible” is the most expedient way to determine the status of their voting rights. If there are two lists the clerk will have to check both. Having two lists – one a list of eligible voters and the second a list of ineligible voters – is cumbersome, inefficient and makes it harder to correct errors.

In addition, removing voters from the list rather than changing their status to ineligible is likely to cause confusion for voters who have had a change of address and simply need to re-register. A listing on the “ineligible” list implies that the status is permanent, and that the person cannot vote again.

As noted above, the voter registration list includes information about citizens who are ineligible to vote because the court has removed that right as part of the guardianship process. We would note that the confidentiality of guardianship information is protected by state law and it is important that our courts and election officials ensure that the confidentiality requirements of secs. 19.35 (1) (a), 19.36 (1), and 54.75, stats, are met to prevent release of confidential information to requesters or the public.

For these reasons, DRW is opposed to SB 26.

ROCK COUNTY, WISCONSIN

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March 16, 2023

RE: SB-26 Relating to: removing ineligible voters from the official voter registration list.

Chair and Committee Members:

Testimony for the Committee on Government Operations, Elections and Consumer Protection

Thank you for the opportunity to provide testimony on Senate Bill 26. Unfortunately, today's public hearing conflicts with the election inspector trainings I am teaching today, so I am unable to attend in person.

At first glance when reading this bill, it looks like it is going to solve all kinds of problems by removing ineligible voters from the registration list. Until you look at the definition of the "registration list".

5.02(17) "Registration list" means the list of electors who are properly registered to vote.

If an elector's status is changed from eligible to ineligible, then the voter is no longer considered properly registered to vote. In turn this means the voter is no long on the registration list. So, changing the terminology in the bill does not actually change what happens, which is that only properly registered voters are on the poll books.

Unless the goal of the bill is to hide the history of those ineligible voters from the clerks. By hiding the history of ineligible voters from the clerks, our election system becomes more vulnerable. Clerks would lose the ability to review and compare elector information to find fraud.

The real problem may be the understanding of what a database is. Databases, like WisVote, are a depository of information. At Badgervoters.wi.gov, anyone can request voter information. Many request the entire list of information, containing all the history with voters that currently appear on the poll books and those that do not. One misconception of this list is that all the individuals appearing on this list appear on the poll books. This is a lack of understanding that they are not looking at the registration list, what they are looking at is all the history at the point in time that the information is requested. This history shows the transparency of our system.

Please consider what you are losing verses gaining with this bill.

Thank you for your time,

Lisa Tollefson
Rock County Clerk

From: Diane Coenen <dcoenen@oconomowoc-wi.gov>

Sent: Thursday, March 16, 2023 8:57 AM

To: Sen.Stroebele <Sen.Stroebele@legis.wisconsin.gov>; Sen.Bradley <Sen.Bradley@legis.wisconsin.gov>; Sen.Feyen <Sen.Feyen@legis.wisconsin.gov>; Sen.Spreitzer <Sen.Spreitzer@legis.wisconsin.gov>; Sen.Roys <Sen.Roys@legis.wisconsin.gov>

Subject: 3/16/23 Public Hearing - SB 26

To the Honorable Senate Committee on Government Operations, Elections and Consumer Protection:

Please accept this email regarding the Public Hearing being held today on SB 26 from the Wisconsin Municipal Clerks Association (WMCA) Legislative Communications and Advocacy Committee (LCAC.) As Chairman of the LCAC, who represents the findings of the Committee on behalf of the Clerk membership of the WMCA, I respectfully register our non-support of SB 26. Our findings for the non-support is that it is useful to have inactive voters in WisVote so we can look up the history. For example, when a voter who may have been deactivated calls and wants to know why they were removed; Clerks can at least have the information of their record easily available to answer questions. The system has already flagged the voter as inactive, so we do not see the benefit of removing the record.

Thank you for your consideration of our position.

Respectfully submitted by Diane Coenen.

Diane Coenen, CMC, WCMC
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Testimony on SB-26 from All Voting Is Local Action

My name is Joe Waldman and I am the Wisconsin Campaign Manager for All Voting Is Local Action, a nonpartisan nonprofit organization that works to remove discriminatory barriers to the ballot before Election Day to build a democracy that works for us all. I wish to express our opposition to SB-26.

All Voting Is Local Action agrees that it is important for Wisconsin's voter rolls to have clear and accurate information on each voter's status. But Wisconsin's current system of list maintenance, in which inactive voters have their status changed from eligible or ineligible, already accomplishes this goal. SB-26 would needlessly remove ineligible voters from the rolls altogether, and in doing so, risks making our elections less secure.

Right now, municipal clerks across the state are cross-referencing the voter rolls to ensure only eligible voters cast a ballot, using the state's Badger Voters system. Keeping inactive and ineligible voters on the rolls with their status clearly indicated allows election officials to easily flag ineligible voters. SB-26 makes this task more difficult by instead requiring the WEC to maintain a separate list of removed voters, rather than just using the existing Badger Votes system used by clerks to quickly request voter data.

Maintaining a new list of removed voters will considerably add to the Election Commission's already heavy workload. In addition, SB-26 is vague on how clerks would maintain easy access to this new list, even though municipal clerks need access to that information perhaps more than anyone. Before moving forward on this legislation, we urge proponents of SB-26 to consult with the clerks responsible for administering elections in their communities, as well as the members and staff of the Election Commission. This bill would make all of their lives harder, without any benefit for voters in Wisconsin.

We urge you to reject SB-26 and instead consider ways Wisconsin can improve the efficiency of our elections, expand ballot access, and aid election officials in their critically important work.