

STATE OF WISCONSIN

Senate Journal

One-Hundred and Fifth Regular Session

TUESDAY, August 10, 2021

The Chief Clerk made the following entries under the above date.

PETITIONS AND COMMUNICATIONS

State of Wisconsin Wisconsin Ethics Commission

August 10, 2021

The Honorable, the Senate:

Pursuant to Wis. Stats. §13.685 (7), we are providing the enclosed information. Please visit the Wisconsin Ethics Commission's *Eye on Lobbying* website, <https://lobbying.wi.gov>, for more detailed information about lobbyists, lobbying principals (organizations), and state agency liaisons.

Early, Annie.....Jack L Marcus

Shepherd, Jeremy.....Jack L Marcus

Torres, Primitivo.....Voces de la Frontera Action, Inc.

Sincerely,
DANIEL A. CARLTON, JR.
Administrator

State of Wisconsin Office of the Governor

August 10, 2021

The Honorable, the Senate:

I am vetoing **Senate Bill 203** in its entirety.

This bill would create new requirements for how a municipality can conduct an election event where people return completed ballots and also would restrict who could deliver an absentee ballot on behalf of another voter.

I am vetoing this bill because I object to the limitations it places on municipalities that conduct absentee ballot collection events. In 2020, these innovative events allowed poll workers to answer questions about voting and registration, and to help registered voters return their ballots properly during the coronavirus pandemic. These events were helpful to our local governments and our voters, ensuring people had the opportunity to verify that their absentee ballots were completed properly before returning. While I appreciate

that the bill attempts to codify a procedure for holding such an event, I do not approve of the way this bill would prevent municipalities from offering other important voter services and restrict the timeline during which the events could be held.

I also object to the additional restrictions regarding who may return a ballot on behalf of a voter. This bill would require that a person who cannot return their absentee ballot on their own either use one of a short list of approved relatives or guardians or designate another person in writing. Any person helping to return ballots would be limited to returning only two ballots, and they would have to be a registered voter in Wisconsin. These unnecessary restrictions would significantly reduce the circle of people who a confined voter could turn to for help with absentee voting. For example, the bill would not allow a 16-year-old grandchild to help their grandmother return her ballot simply because the grandchild is not old enough to vote. A trusted neighbor would be limited to helping only two elderly or infirm neighbors return their ballots, but not a third. Furthermore, requiring a voter to write a letter designating a non-family member to return their absentee ballot is an unfair and unnecessary burden on what is likely an already vulnerable voter.

Our state laws already prohibit a person from receiving and then failing to deliver official ballots, preventing their delivery in time, and destroying or concealing the ballots. This bill adds no additional security or fraud prevention beyond what our state laws already provide. One can easily imagine the ways that the measures proposed in this bill would result in voters being deprived of their fundamental right to vote. The right to vote is the cornerstone of our democracy and to restrict that right is undemocratic.

Respectfully submitted,
TONY EVERS
Governor

State of Wisconsin Office of the Governor

August 10, 2021

The Honorable, the Senate:

I am vetoing **Senate Bill 204** in its entirety.

This bill would make a series of changes to the proves of applying for and receiving an absentee ballot, including new signature requirements for applications, restrictions on

automatically receiving absentee ballots, and prohibitions on sending absentee ballots or applications before they are requested by voters, among others.

I am vetoing this bill because I object to the significant and unnecessary changes this bill would implement that would make absentee voting more difficult and result in the disenfranchisement of voters across Wisconsin. Current law requires proof of identification when you first apply to vote absentee (and thereafter only if the information changes), and the signature requirement is met when a voter signs the ballot envelope to confirm they wanted to vote absentee. This bill would complicate this process in several ways. The bill requires the Elections Commission to create a new form for applying to vote absentee, would require copies of voter identification each time, regardless of changes, and would require a signature separate from the ballot envelope for each application. Further, eligible electors could no longer apply to receive absentee ballots for all elections in a calendar year but rather would need to apply to have absentee ballots sent for each individual primary and its associated election. And clerks could not send an absentee ballot application prospectively. Under this bill, most individuals interested in voting absentee in multiple election cycles would need to repeatedly send in an application and copies of their voter identification throughout the year, even if their information and identification had not changed. This proposed burdensome process is clearly designed to make it more difficult to vote absentee.

The bill also would pose significant new burdens to voters who are indefinitely confined because of age, physical illness, infirmity, or disability—in fact it removes all indefinitely confined voters who applied for absentee ballots between March 12, 2020 and November 3, 2020. While indefinitely confined voters would be able to apply and receive absentee ballots automatically for the entire year, the bill layers on new requirements for the absentee ballot application process, requiring proof of identity or a statement from a U.S. adult citizen affirming identity, and adds another separate form and annual application process for people to qualify as indefinitely confined. The bill also directs a clerk to end such a voter’s receipt of absentee ballots if the voter chooses to not vote in an election or primary or if the clerk receives “reliable information” that the voter is not actually indefinitely confined. Requiring people who are disabled, elderly, or infirm to fill out separate applications every year to either obtain identification or find people to attest to their identity is overly burdensome to both voters and clerks. This bill would only greatly complicate absentee voting for those who need absentee voting the most.

Finally, the bill contains a series of other objectionable, unnecessary changes which would result in more work for already overextended local election officials. For example, it requires clerks on election day to post hourly updates on the number of absentee ballots transmitted, returned, and counted. It also would not allow a clerk’s initials on the absentee ballot to be preprinted or stamped. These changes create more work for officials but provide no benefit for ensuring our elections are free and fair.

The bill fails to provide meaningful additional security for elections, is likely to disenfranchise numerous voters, particularly in our most vulnerable populations, and makes the whole absentee voting process less efficient and less user-friendly, and all but guarantee the need for additional staff during elections.

Respectfully submitted,
TONY EVERS
 Governor

**State of Wisconsin
 Office of the Governor**

August 10, 2021

The Honorable, the Senate:

I am vetoing **Senate Bill 205** in its entirety.

This bill would modify voting at a qualifying nursing home residential care facility, shorten the time a voter in that type of facility could cast their ballot, and require the administrator of the facility to contact family members of the resident voter so that those family members supervise the voter while they cast their vote.

I am vetoing this bill because I object to shortening the time allowed to administer voting at a nursing home or assisted living facility. Current law requires special voting deputies to administer voting at a qualifying by 5 p.m. on the Monday before an election, ensuring flexibility to schedule voting in these locations. This bill would shorten the window so that they must be done by 5 p.m. on the sixth working day preceding the election. The bill provides no justification for this change to the voting window for this vulnerable population.

Among other provisions, the bill would also require the administrator of the facility to contact every family member of a resident voter for whom the facility has contact information so that those family members might supervise the voter while they cast their vote. The law already allows the administrator of a facility to contact family members for this purpose at the resident voter’s request. This bill deprives resident voters of their right to a private and independent vote by removing voter’s ability to choose whether family is contacted or not.

Respectfully submitted,
TONY EVERS
 Governor

**State of Wisconsin
 Office of the Governor**

August 10, 2021

The Honorable, the Senate:

I am vetoing **Senate Bill 210** in its entirety.

This bill would modify certain election procedures by requiring the distance between election observers and tables

where recount activities are occurring to be no more than three feet, would require all observers to wear certain badgers, would specify that it is an offense to interfere with a voter in preparing or casting their ballot or hinder an election official, and would specify that it is an offense to intentionally obstruct an observer's access to observe election procedures.

I am vetoing this bill because I object to the reduction of distance between election observers and tables where election activities are occurring. Under current law, election procedures specify that the distance is a minimum of three feet and a maximum of eight feet, which allows observers sufficient proximity to ensure election procedures are being followed correctly and for the local officials to ensure they can provide appropriate viewing areas given the space available without observers getting in the way. Aside from being unnecessary, mandating that election observers be no more than three feet away creates a greater potential for observers to interfere with or intimidate election officials performing their duties, and a practical concern that observers could intrude upon election officials and possibly prevent them from effectively and efficiently carrying out their duties, both of which could degrade the quality of our elections.

Respectfully submitted,
TONY EVERS
Governor

**State of Wisconsin
Office of the Governor**

August 10, 2021

The Honorable, the Senate:

I am vetoing **Senate Bill 212** in its entirety.

This bill explicitly prohibits any person other than a voter or a witness from correcting an error on an absentee ballot and creates a method of notifying a voter via a website that their ballot will be discarded if not corrected.

I am vetoing this bill because I object to its prohibition on the current, long-standing practice of clerks in this state correcting minor errors and believe that this bill will almost certainly result in valid ballots never being counted. The bill would create severe penalties for a clerk making the most minor of corrections to an otherwise properly completed absentee ballot certificate, such as fixing the zip code. There is a clear difference between a ballot where the witness simply missed the zip code portion of the address, though the rest was complete, and a ballot that had no witness at all. This bill would treat all errors the same, requiring all ballots with even the most inconsequential typo to either be discarded or sent back to the voter if the clerk has time.

Additionally, because the bill would prevent any person but the voter or witness from correcting their respective mistakes, and because ballots will be discarded if not corrected, the method of notifying voters of an error become critically important. The bill only requires that notification of an error be posted via the MyVote Wisconsin website. Other means of contact are allowed but not required. While it may be practical for a clerk to call a small number of voters who have made an error, it is unrealistic for clerks to call large numbers of voters to warn them that their ballot is being discarded if they do not correct it. A person in a community with fewer people, and therefore fewer absentee voters, may be likely to receive such a warning call, but a person in a more populated area is unlikely to be called and warned. Furthermore, by only requiring voters to be warned via a website that their vote will not be counted, this bill would also disadvantage populations throughout the state who may have difficulty using or accessing the internet.

Respectfully submitted,
TONY EVERS
Governor

**State of Wisconsin
Office of the Governor**

August 10, 2021

The Honorable, the Senate:

I am vetoing **Senate Bill 292** in its entirety.

This bill would require a municipality that chooses to broadcast or live stream election night canvassing proceedings to store a recording of those proceedings for 22 months.

I am vetoing this bill because I object to creating an unnecessary and unequal burden for certain municipalities. This bill purports to be about transparency, but if that were the case, the bill would have required all municipalities to broadcast or live stream canvassing proceedings and store the recordings of such proceedings. Instead, this bill saddles communities that have, in the interest of transparency, chosen to broadcast their canvassing with the additional requirement to then store a recording of it. By placing an unequal burden on municipalities that choose to broadcast or live stream these proceedings, the bill acts as both a disincentive for municipalities to continue those efforts, and moreover, ultimately disincentives other municipalities from joining and starting this practice.

Respectfully submitted,
TONY EVERS
Governor