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February 21, 2022

To: Assembly Committee on State Affairs

From: Debra Cronmiller, Executive Director, dcronmiller@lwwwi.org

Re: OPPOSE AJR 133, AJR 134, AB 996, AB 998, AB 999, AB 1000, AB 1004, AB 1006

The League of Women Voters of Wisconsin opposes several of the bills you are considering in today's hearing.

The League believes that good government depends on the informed and active participation of its citizens, and that voting is a fundamental citizen right which must be guaranteed. Wisconsin election laws should provide citizens with maximum opportunity for registration, voting at the polls and absentee voting. Further, election administration should be adequately coordinated and funded to achieve statewide standards uniformly applied, verifiable results and local municipal effectiveness.

Since its founding in 1920 the League has studied many of the issues addressed in the bills before you in today's public hearing. Our members have agreed and affirmed the positions and principles stated above.

We oppose AJR 133. This legislation would write into the state constitution the current requirement to present a voter photo ID in order to cast a regular ballot and have it counted. Such a requirement has been shown to place a heavier burden on certain groups of citizens, including those who are disabled, elderly or low-income.

We oppose AJR 134. While it would be reasonable to have some regulation for the use of private funds, the practice should not be banned. A constitutional amendment to ban private resources is uncalled for and utterly inappropriate.

We oppose AB 996. This bill imposes requirements on the Wisconsin Elections Commission (WEC) that are not required for any other state agency. It would allow inappropriate legislative

oversight of an agency tasked with overseeing the electoral activities that impact all Wisconsin voters. Voters have the right to expect electoral agency functions to be monitored and not micromanaged.

We oppose AB 998. While it is appropriate to maintain an accurate list of electors, this bill is deeply flawed. It would disenfranchise many of the same groups of electors who are already burdened by voter photo ID and restrictive proof of residence requirements. It requires that WEC's voter registration database be coordinated with databases in various federal and state agencies. In particular, the Systematic Alien Verification for Entitlements (SAVE) database is limited to a select group of non-citizens and is not a comprehensive list. Updates are not frequent. The result would be false positives that could disenfranchise qualified citizens.

We oppose AB 999. Rather than improve the voter experience this bill complicates it for no apparent reason. Absentee voters should not have to provide ID for every election, when the Clerk can keep a copy of the ID on file. This bill requires voters to submit an application (with ID) in addition to completing the certificate envelope.

We oppose AB 1000. This very punitive bill singles out the Wisconsin Elections Commission for an unreasonable level of legislative control. Threatening to reduce staff in a key state agency does not consider what is best for voters, and it certainly will not improve elections.

We oppose AB 1004. This bill would compel the rejection of an absentee ballot where the voter or witness fails to fill in any of twelve separate fields on the certificate envelope. These are new and needless requirements for the absentee ballot certificate envelope. They would make it much more difficult for voters, especially those who are elderly or have disabilities, to cast a ballot. There are other restrictive measures which overlap with other bills in today's hearing.

We oppose AB 1006. This bill singles out the WEC for an unreasonable level of legislative control over elections. This potentially harmful oversight would only add confusion for local election officials and certainly will not improve elections.

Remarks before the Assembly State Affairs Committee

21 February 2022

Deborah Patel, River Hills, WI

“I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.”

Thank you for letting me speak today. My name is Deborah Patel. I live in River Hills, Wisconsin. My background is law and nonprofit management, but I am now retired and active in my community, including involvement in civic organizations that recite the Pledge of Allegiance at every meeting. There is no better way to remind ourselves of the duty we owe our country and each other.

Whether we live on farms, in small towns, manufacturing hubs, or large cities, as Americans we believe in democracy; for without democracy the republic for which our flags stand will die. We are all in this together, a nation indivisible. And regardless of our names or the color of our skin, we believe in liberty. And justice. For all. Not just for those who think like we do – but for ALL of us. And I believe that God – however we define that which is greater than ourselves – watches us, and over us.

We say the pledge, but do we live it?

I do not know who sat down and created this collection of bills—who is really behind them. But I do know these bills are not the work of someone who lives the Pledge of Allegiance. These bills are un-American. They come to you cloaked in the phrase “election integrity” but that is not their intent. Their intent is to first, suppress voting; and second, set our elections officials up for failure. That is wrong.

How exactly do these bills suppress votes? They are crafted to confuse voters. And to scare them. They are meant to make voting harder for no good reason. I only had time to read through the bills once, and to keep my remarks short I provide a couple of hypothetical cases.

Imagine Ben, an elderly widower, now homebound and alone on the family farm. He has a nephew who helps him with things, getting his mail, making sure his bills get paid on time, delivering groceries, the things we do for one another. Ben and his nephew live in rural Wisconsin, and everyone knows them. With his nephew’s help, Ben gets the forms he needs to ask for an absentee ballot for the primary and general election, AND the form that lets the nephew take Ben’s ballot from the house out to the mailbox at the end of a very long drive. Yes, Ben’s uncle has to sign something that gives his nephew permission to put the ballot in Ben’s mailbox. (AB 999)

Ben gets his primary election ballot, but the rules look so complicated and Ben knows that any simple mistake will mean his ballot won’t count. Ben is afraid he will make a mistake. So Ben opts out absentee voting in the primary, the nephew manages to get Ben to the car and to the polls, where Ben votes in person.

But now, because Ben has voted in person in the primary – so did not return his absentee ballot -- now Ben will NOT automatically get an absentee ballot for the general election, even though he asked for it. He won’t even get notice that he will not get a ballot. (AB 999) Why are they making voting so hard?

Let's assume Ben filled in his ballot, and his nephew fills in the witness form. But both of them – or maybe just one of them – makes a mistake with the street address. The city clerk sees this. But she cannot cure this defect. (AB 999/1004) Even though everyone in town knows Ben and his nephew and knows where they live, the two of them have to jump through additional hoops to get the ballot filed on time. Why are they making voting so hard?

What if, instead, the clerk decides to fix the mistake? Such a small and simple thing to do, efficient AND kind. I say it's petty to stop the clerk from fixing the street address. These bills say if the clerk fixes the mistake she's committed a felony. (AB 1004)

Let's say one of the clerk's co-workers sees her, and wouldn't mind getting promoted to her job, so reports her. What happens next? The clerk who fixed the address as an act of kindness goes to prison for committing a felony, while the worker who wants the promotion is protected under a special whistleblower provision in the bills. (AB 1008) And by the way, the clerk who was trying to be helpful doesn't get to vote while she's in prison and will forever be known as a felon with all the disabilities that go with it.

These are simple, harmless mistakes, why are we making these people suffer? I know why. Someone wants to make life hard for not just voters but the people who work hard to make voting easy. Confuse. Intimidate. Frighten. Suppress.

These bills also suffer from slap dash drafting that leaves lots of ambiguities. Here is just one example:

Ann's mother died when she was young and her father remarried and has recently passed away. Her stepmother just broke her leg so she asks Ann to take her ballot to the end of the driveway and put it in the mail. Ann does so. That's ok, because Ann is her child, and children can do this for their parents. (AB 999) But does Ann really qualify? Who exactly are children? Is it a blood thing, like the lineage I had to prove to get into the Daughters of the American Revolution? Or is it a legal thing? What if Ann was never adopted by her step-mother? By the way, the only reference to "child" I found in the statutes is to minors... does Ann's age matter? And before you say that the Wisconsin Elections Commission can work out these details, it would be vulnerable to Monday morning quarterbacking unless partisan lawyers agree to terms. (AB 996/1000)

These bills contain ambiguities that are like time bombs that could go off without notice, before or after an election, putting the procedure and even the results in question. Is it simply poor drafting, or is it intentional?

Turning back now to our poor municipal election officials. The bills burden officials with new and sometimes onerous duties, but provide no financial or other support for those duties. (AB 999) This is a recipe for failure. And with every incremental failure that comes along, people and resources can be taken AWAY from the election officials, leading to more failure. (AB 1000) And with each failure, partisan politicians gain more control. It is a carefully crafted doom loop, where independent election officials lose more and more control to partisan politicians.

What is going on here? It's an insidious power grab. And it is evil.

Why is this happening here, and why now? I know why. Everyone in this room knows there are members of this Legislature who STILL want to overturn the 2020 election. 2020 was a remarkable

election year. Voters and election officials who served them worked together and people voted in record numbers, in the midst of a global pandemic. After the election the results were tested, over and over again, by recounts and court cases and more. The only people who don't accept that the election was an amazing *procedural* success are those who disliked *the results*. The poor losers, and the people who drink their Kool-Aid.

Now, since they cannot seem to overturn the 2020 election, they hope to use the language of election integrity to destroy election integrity.

Bullies and sore losers are behind these bills, which carry the stench of a certain twice impeached un-American loser now living in Florida.

Think of the good that could be done in this Capitol building if we moved on from 2020, and sought to do good. Indeed, some of the provisions in these bills are good. Our election procedures ^{can} be improved. But not with these bills as written.

When I practiced law, I was a transactions lawyer – a deal maker. Our job was to work with our client and the others involved in the deal so they could either get to yes or they could decide to walk away from the deal. And if the deal was good and we made it to closing, we all had to get along at the closing dinner that followed! We had to work together, for a common purpose.

When I ran nonprofits, I had to work with many constituents. A board of directors, customers, staff, donors large and small, volunteers, and community leaders. Although we disagreed about things, we knew we had to work together to get anything accomplished.

American voters want easy, fair, and secure elections. If you think our election procedures need to change, sit down and have a civil conversation with the people who administer them. Break bread together. Discuss what worked well and what didn't. Then come up with bills that improve the process. Real election integrity bills rather than ones promulgated as part of the Big Lie. People who work outside this building gather together for good purpose all the time. You can too.

A recent Harvard Poll revealed that one-third of young Americans think they will see a civil war in their lifetimes. They are discouraged and frightened. And yes, these are dangerous bills presented in dangerous times. But we have been tested before. One of the greatest tests was our last civil war, when America's first Republican president asked us to be resolved "that government of the people, by the people, for the people, shall not perish from the earth."

I am a moderate voter who has voted for Democrats and Republicans. I am inflamed by the injustice I see in these bills and others like them. And I am but one of many who have joined a growing moral movement. The pro-Democracy movement, people intent on making our republic stronger, not weaker. We know the difference between right and wrong. We will not be silenced. And we will not be defeated.

There are two types of people in America, and your vote on these bills will tell the world which type you are. You are for this republic, or against it. You want our republic to long endure, or you don't. You live your Pledge of Allegiance, or you don't. You decide.



KEVIN PETERSEN

STATE REPRESENTATIVE

Good morning Chair Swearingen and fellow members of the Assembly Committee on State Affairs.

The nonpartisan Legislative Audit Bureau Report 21-19 of October 2021 on Elections Administration shows certain laws were not followed or enforced because the entity or entities in charge did not perform their duties.

Specifically:

Department of Transportation compliance of s. 85.61 (1).

Department of Corrections compliance of s. 301.03 (20m)

Department of Health Services or State Registrar compliance with s 69.03 (16)

These statutes are used by Wisconsin Elections Commission to maintain WisVote and municipal clerks to verify the accuracy of information provided by individuals registering to vote. Additionally, clerks use this information to inactivate the voter registration records of individuals ineligible to vote because of death or felony convictions.

AB 1000 requires the Wisconsin Elections Commission (WEC) to produce a report and the Department of Administration (DOA) to commence a passive review request relating to the state agencies who engage in any aspect of elections administration. The passive review request commences shortly after each April election and automatically expires after 45 days. This process would allow the Joint Finance Committee to reduce funding or FTE positions for said agencies for any violation of the law.

Hopefully, this enforcement power is never needed, but the Legislature should be equipped, as a co-equal branch of government, to defend the law.



DUEY STROEBEL

STATE SENATOR • 20TH DISTRICT

Testimony on AB 1000

February 21, 2022

Thank you Chairman Swearingen for holding a public hearing on AB 1000, a bill I authored with Representative Petersen to hold state agencies accountable for enforcing election law. As the results of the nonpartisan Legislative Audit Bureau (“LAB”) and Wisconsin Institute for Law and Liberty (“WILL”) audits came out, there was one particularly difficult question to answer that I received from constituents. It wasn’t a question about a particular problem or weakness in the system. It wasn’t a question about internet rumors we could debunk. It wasn’t even a question about where to draw a tricky line when the audits identified an issue where clarification was prudent. The question I had the hardest time answering was this one, “if the nonpartisan audits of the 2020 election showed various officials voluntarily not following the letter of the law because they thought they had a good reason, how will any new election bills you pass matter because they could just do the same thing again?”

That question was difficult for me. How does the legislative branch keep the executive branch from deviating from the law? The answer, I believe, is the power of the purse. AB 1000 creates a method by which the Joint Finance Committee could hold state agencies with any electoral responsibilities, including WEC, accountable. The power for the Finance Committee to make tweaks to budget and position authority is well established in our statutes and in practice.

AB 1000 would create a 45-day window every year, shortly after the April general election, when the Finance Committee could reduce appropriations or position authority for ignoring election law or issuing erroneous guidance. AB 1000 requires WEC to issue a report on election administration after the April election. Upon receipt of this report, DOA is required to submit a passive review request to the Finance Committee recommending either no change or a reduction in money or positions for WEC and three agencies with some election administration responsibilities: Corrections, Health and Transportation. If not acted upon, this request automatically expires after 45 days.

It is my sincere hope that, after all we have learned from the analysis and unique circumstances surrounding the 2020 election, there will never be cause for the Finance Committee to utilize the provisions of AB 1000. However, I am not prepared to leave the legislative branch ill-equipped should we, regrettably, find ourselves in a similar situation in the future. Thank you for your consideration.