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# RON TUSLER

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STATE REPRESENTATIVE • 3<sup>rd</sup> ASSEMBLY DISTRICT

## Assembly Bill 567

### Committee on Campaigns & Elections

Public Hearing

October 31, 2023

Chairman Krug, Vice-Chair Maxey, Ranking Member Snodgrass – thank you for having a public hearing on my bill, Assembly bill 567 (AB 567), regarding the Monday Processing of absentee ballots.

In 2018, voters in Wisconsin went to bed with one gubernatorial candidate in the lead. After the processing of all ballots was completed, the lead flipped to another candidate. In 2020, the same event took place. In 2022, some states much larger than Wisconsin reported results more rapidly. The events of the 2018, 2020, and 2022 elections in Wisconsin, where initial results changed after the processing of all ballots, underscore the need for reform. Voters deserve timely and accurate results to maintain trust in our electoral system. The proposed bill, which allows clerks to process absentee ballots the day before the election, is a significant step toward achieving this goal. Early processing of absentee ballots not only expedites the vote-counting process but also ensures that results are available in a timely manner, reducing uncertainty among candidates and voters alike.

This introduced bill has important safeguards for early processing of absentee ballots:

- **Safe-Storage Requirements:** The legislation mandates specific safe-storage requirements for election materials used during "Monday Processing." This ensures the security and integrity of the process.
- **Reporting of Absentees Processed:** The bill requires reporting the total number of absentee ballots processed on Monday, further promoting transparency.
- **Tallying Result Rules:** It maintains rules that prohibit anyone from accessing election results before 8:00 PM on Election Day. This helps prevent leaks and ensures a fair and transparent election process.

Additionally, AB 567 allows various agencies, including the Department of Transportation (DOT), the Wisconsin Elections Commission (WEC), and local clerks to collaborate in monitoring voter eligibility. This coordination is essential in maintaining the accuracy and integrity of the voter rolls. As well as, the bill streamlines the process across the state in which court determinations for ineligibility to vote by order of incompetency are handled by clarifying who is told what, when, and how to take action

Finally, the legislation eliminates processes that are not in use by any municipality, reducing confusion and improving clarity in election procedures.

AB 567 addresses key issues that have affected recent elections in Wisconsin, providing solutions that enhance the efficiency, transparency, and security of our electoral system. By permitting the early processing of absentee ballots, improving collaboration among state agencies, and reducing confusion, this legislation is a crucial step toward ensuring that Wisconsin voters have the elections they deserve.

Wisconsin voters deserve elections that can be as efficiently as possible. I strongly encourage support and advancement of AB 567, as it reflects a commitment to the principles of fairness, accuracy, and accessibility in our democratic process. I welcome any insights and dialogue to help improve this bill and get it over the finish line. Thank you for taking my testimony.



# DAVE MAXEY

STATE REPRESENTATIVE • 15<sup>TH</sup> ASSEMBLY DISTRICT

*Testimony before the Assembly Committee on Campaigns and Elections*

*Representative Dave Maxey*

*October 31, 2023*

Chairman Krug and members of the Committee on Campaigns and Elections,

Thank you for the opportunity to provide testimony in support of Assembly Bill 567, a crucial step towards enhancing the efficiency of Wisconsin's elections while upholding their safety and security.

In 2018, Wisconsin voters went to bed with one gubernatorial candidate leading; however, after absentee ballots were processed, the other candidate had prevailed. The same phenomenon occurred in the 2020 election. Due to the widespread coverage of a presidential election and the greatly increased use of absentee ballots, the issue of late returns was greatly amplified and created a sense of distrust in our electoral process. While the 2022 election was decided earlier than in 2018 and 2020, the issue still remained that states much larger than Wisconsin reported election results faster than Wisconsin.

Across the nation, only four states require that absentee ballots can only be processed on Election Day: Maryland, Michigan, Pennsylvania, and Wisconsin. As you may remember, Michigan, Pennsylvania, and Wisconsin were at the forefront of the 2020 election's criticisms towards absentee ballot returns. However, one other state comes to mind when looking back at the 2020 Election, and that state is Georgia. Prior to 2021, Georgia also began processing absentee ballots on Election Day. However, due to the events that occurred in 2020, Georgia decided that it was time to make their elections more efficient by processing ballots before Election Day, resulting in election reporting coming more rapidly than it had in 2020.

Assembly Bill 567 aims to give our clerks more time to process absentee ballots, along with restoring faith in our electoral process by attempting to stop 2 A.M. ballot dumps. I would like to make it clear that processing absentee ballots doesn't include the tabulation or counting of absentee ballots. Under Assembly Bill 567, absentee ballots canvassed early may not be tallied until after the polls close on Election Day. Assembly Bill 567 also provides that no one can act in a manner that would provide them with any information on tallied election results from absentee ballots that were canvassed early before the close of polls on Election Day. If an individual does violate this prohibition, they will be guilty of a Class I felony, which could result in a significant fine or imprisonment.

I hope you can all join me in supporting Assembly Bill 567. This legislation offers the opportunity to restore faith in our electoral process by enhancing efficiency while maintaining safety and security. Thank you for your time and consideration.



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# RACHAEL A. CABRAL-GUEVARA

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STATE SENATOR • 19<sup>TH</sup> SENATE DISTRICT

*Testimony before the Assembly Committee on Campaigns and Elections*

*Senator Rachael Cabral-Guevara*

*October 31, 2023*

Hello, Chairman Krug and members of the Assembly Committee on Campaigns and Elections. Thank you for allowing me to provide testimony on Assembly Bill 567, a bill that will dramatically improve the efficiency of processing absentee ballots and clean up critical components of election law.

First, I would like to clarify an important difference between “processing” and “counting” ballots. “Processing” absentee ballots means that inspectors review the certificate envelope for sufficiency, verify the voter is eligible, announce the voter’s name and address, and input the absent voter’s ballot into the tabulator—all of which currently happens after 7:00 A.M. on Election Day. This bill would simply allow processing to start a day earlier. “Counting” ballots means the inspectors press “close polls” on the tabulator, results are tallied, and the results report is printed. This bill does not change anything on the timeline for “counting” ballots.

According to the National Conference of State Legislatures, 38 states allow the processing of absentee ballots prior to Election Day—including a bi-partisan makeup of states such as Florida and Washington. Wisconsin is in the minority of states that do not allow processing until the polls open. This has resulted in states much larger than Wisconsin, such as Florida, reporting results hours earlier on election night.

The delay in getting results has often been met with skepticism on both sides of the aisle and has resulted in early morning calls after most went to bed. It has also extended the hours election inspectors and observers need to be present at polling places and boards of absentee ballot canvassers. This bill intends to change that.

Allowing municipalities to process absentee ballots the Monday prior to Election Day will accomplish three important goals: boost confidence in the process, improve efficiency, and deliver election results for candidates and voters alike hours earlier.

I would like to address some of the security concerns around processing absentee ballots prior to Election Day. This bill specifies safe storage requirements for all materials used during Monday processing, including actionable language on audits or recounts if inspectors discover any tampering of the materials or tabulators. Additionally, for those concerned about someone getting their hands on results before the polls close on Election Day, this bill makes it a felony.

This proposal also cleans up language on incompetency adjudications for voting purposes. Currently, there is little actionable language in statute for action on these determinations. This bill clarifies that the court shall notify the elections commission on the adjudication, the commission shall deactivate the registration, and the commission shall include the individual on the ineligible elector list.

There are other provisions of the bill which clean up processes not in use by any municipality according to the elections commission and adds reporting requirements for the status of processing absentee ballots—both of which clear up confusion and increase transparency.

I am hopeful we can pass this bill on a bi-partisan vote in both houses of the legislature. This is a process taking place in both red and blue states alike, and there is no reason Wisconsin should be reporting results later than a state with nearly four times our population merely due to restrictive statutes. Let's get this done.

**ROCK COUNTY, WISCONSIN**

Office of the Rock County Clerk  
51 South Main Street  
Janesville, WI 53545

Lisa Tollefson, Rock County Clerk



Office (608) 757-5660  
Fax (608) 757-5662  
[www.co.rock.wi.us](http://www.co.rock.wi.us)  
[Lisa.Tollefson@co.rock.wi.us](mailto:Lisa.Tollefson@co.rock.wi.us)

October 31, 2023

Assembly Committee on Campaigns and Elections:

Testimony for Public Hearing

Chair Krug and Committee Members:

Thank you for allowing testimony today.

**Assembly Bill 567 – relating to: transmitting and canvassing absentee ballots, use of central counting locations, election night reporting, whistleblower protection for municipal clerks, notifications and verifications concerning citizenship status, court determinations of incompetency and ineligibility to vote, and providing a penalty.**

**SUPPORT of Early Canvassing an Absentee Ballots portion of bill**

**OPPOSE - Assembly Amendment 1**

**INFORMATIONAL – Remaining portion of bill**

As many of you have heard numerous times, it takes longer to process an absentee ballot than it does for a voter to cast a ballot at the polls. As Wisconsinites continue to choose to vote absentee, the time it takes to process absentee ballots will also continue. Currently, absentee ballots ~~can~~ be processed prior to 7:00 a.m. on Election Day. If the goal is to have results as soon after the polls close at 8:00 p.m., then moving the start time is the most viable option.

This bill is a good starting point. Now let's make it better.

1. Do not approve Assembly Amendment 1 – This amendment defeats the purpose of the bill. It does not allow the ballots to be inserted into a tabulator. Depending on the type of equipment used, the longest part of counting absentee ballots is running them through the machine. I would rather have the ballots run through a machine, where that machine has captured an image of the ballot. Now you have a backup.
2. Allow municipalities to set their start times for central count. This bill appears to be directed at the largest municipalities. But with Wisconsin having a decentralized election system, flexibility is a must. Municipalities that use central count are already posting when they will start processing. The busiest time of the day for a clerk is opening the polls and closing the polls. Give the clerks a chance to get the polls open, then start central count. Municipal clerks are the primary official in charge of election administration in Wisconsin. Let them run their elections.



## Wisconsin County Clerk Association

October 31, 2023

Assembly Committee on Campaigns and Elections:

Chair Krug and Committee Members:

**Wisconsin County Clerks Association (WCCA) REGISTERING IN**

**SUPPORT: of Early Processing of Absentee Ballot portion of AB 567**

**Lisa Tollefson, Rock County Clerk, Co-Chair WCCA Legislative Committee**

**Meg Wartman, Waukesha County Clerk, Co-Chair WCCA Legislative Committee**



## MEMORANDUM

**TO:** Honorable Members of the Assembly Committee on Campaigns and Elections

**FROM:** Marcie Rainbolt, Government Affairs Associate

**DATE:** October 31, 2023

**SUBJECT:** Support Assembly Bill 567: Early Canvassing of Absentee Ballots

Wisconsin has seen a significant increase in the utilization of absentee voting over the past several elections. According to the Wisconsin Elections Commission, any qualified elector who is registered to vote may request an absentee ballot. No reason or excuse is required to receive an absentee ballot.

During the global pandemic that began in 2020, Wisconsin's held two significant elections which both saw an unprecedented number of requests for absentee ballots. The 2020 General and Presidential Election, clerks from across Wisconsin sent over two million absentee ballots to registered voters. Of those, 1,957,514 absentee ballots were returned, setting a new record for absentee ballots in Wisconsin. The previous record was set in the 2020 Spring Election and Presidential Preference Primary. Clerks sent out 1,282,097 absentee ballots with 1,138,491 ballots returned.

For many municipal clerks, this growing number of absentee ballots is becoming overwhelming and burdensome causing an impact on the completion of the election canvassing process. Ultimately, with the absentee ballot increasing in popularity, election results will be delayed without changes to the canvassing process.

Currently, in Wisconsin absentee ballots cannot be counted until the day of the election. AB 567 would give municipalities the option to canvass absentee ballots between 7 a.m. and 10 p.m. on the day prior to the election. AB 567 has several requirements that must be met including: equipment where the absentee ballots are housed must be secure and kept in a double-locked location; the municipality must use automatic tabulating equipment; if any evidence of tampering is discovered certain steps must be taken before canvassing continues; absentee ballots canvassed may not be tallied until after the polls close on election day; and no person may tally absentee ballots or report results before the canvass is complete or the person could be guilty of a class I felony.



Overall, AB 567 is a viable option for municipalities that will allow election results to be returned in a timely manner while keeping elections safe and secure. The Wisconsin Counties Association, on behalf of its county members, respectfully requests your support of AB 567.

**Assembly Committee on Campaign and Elections**

**Tuesday, October 31, 2023, 10:01am, 300 NE**

**Testimony for AB 567**

Relating to: transmitting and canvassing absentee ballots, use of central counting locations, election night reporting, whistleblower protection for municipal clerks, notifications and verifications concerning citizenship status, court determinations of incompetency and ineligibility to vote, and providing a penalty.

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Good Morning Chairperson Krug and committee members. Thank you for this opportunity to provide testimony regarding AB 567. The City of Milwaukee has registered for information only on this bill, and we are here to provide general background on the impact of this bill and the recently introduced amendment to our central count operations. Specifically related to the amendment, we are concerned that as written, it will undo any intention to increase efficiency and shorten the processing time on Election Night for absentee results in the City of Milwaukee.

As I'm sure you are aware, the City of Milwaukee is the largest jurisdiction that utilizes central count to process absentee ballots on election day. AB567 provides the authority to allow municipalities to add the Monday preceding an election to the allowable timeline for clerks to process absentee ballots. The ability to process ballots just one day early significantly increases the City's capacity to efficiently and accurately meet practical and statutory deadlines for processing absentee ballots, especially in high turn-out elections.

As a staff member of the Election Commission and former manager of our Central Count operations from 2013-2022, I have experienced first-hand the overwhelming improvements in efficiency and accuracy of absentee ballot counting through the utilization of Central Count. At the same time that our operations continue to run more efficiently, we have seen steady growth in the use of in-person absentee voting and absentee by mail, especially since 2020 due to the COVID19 pandemic. The convenience of voting absentee by mail or in-person remains at higher levels than before the pandemic and we believe this trend will continue to remain consistent. The data below provides an approximate number of absentee ballots the City of Milwaukee processed on Election Day during the last three general elections:

*2016: 52,500*

*2020: 170,000*

*2022: 61,000*

Under current state statutes, no part of canvassing absentee ballots can begin before 7:00am on Election Day. On Election Day, each absentee ballot is reviewed for sufficiency, opened, assigned a voter number in the absentee log and then prepared for processing through the tabulators. Tabulators process ballots in batches by ward. This meticulous process occurs for every ward to ensure every eligible ballot is counted. Even with a significant investment of staff and resources, in 2016 for example, the City of Milwaukee was unable to complete all processing of absentee ballots until 1:30 a.m. In the 2018 midterm, the processing of absentee ballots was not complete until after midnight. In 2020, which saw unprecedented volume but also unprecedented staffing and machine resources, we finished at 3:30am.

Our dedicated central count staff work well over 14 hours on Election Day. This is an extreme commitment for many who work full-time and more than likely will have to go back to work the next day on only a few hours of sleep. Allowing communities that utilize a central count to process absentee ballots

prior to election day will help reduce strain on staff, increase efficiency and allow for results reporting earlier than the current practice.

While it is difficult to do an “apples-to-apples” comparison of election administration with other states, there are over forty (40) states that allow the processing of mail ballots to begin before Election Day. Expanding local capacity with an additional day of processing allows election administrators to increase efficiency without sacrificing security and quality. For example, voted ballots are folded 3 to 4 times in an envelope. When we can process and open those ballots earlier than Election Day, we are able to lay ballots flat and it allows the paper to “rest.” This, interestingly, reduces curls and bends in the paper which therefore reduces the number of jams and the subsequent need to reconstruct ballots that occur during tabulation.

While we are grateful for a solution to be offered for the reasons I just listed, I do want to note that we are concerned that the recently introduced Assembly Amendment 1 will significantly increase the processing time late into the night with the language in several parts of the amendment which is noted below:

*“Absentee ballots canvassed under this subsection may not be processed through automatic tabulating equipment and votes may not be tallied until after the polls close on election day.”*

As written, this language seems to insinuate that we would not be able to process any ballots through the tabulators until after 8pm on election night. We are currently able to begin canvassing, including processing ballots through the tabulators, beginning at 7:00am. It is only the tallying of those results that is held until after the close of the polls. While fast and efficient, processing ballots through the tabulators takes time and attention to detail. If the intention is to not allow municipalities to begin feeding ballots into the tabulators until after 8pm, we have significant concerns as our result return times would undoubtedly lengthen well into the day after each election. All efficiencies gained by the Monday pre-processing is lost if tabulation may not begin until 8:00pm.

Just like at the polls, the tabulators used in Central Count processing do not display results. An election official would have to go through two screens, including one that is password protected, in order to access results. These actions would appear in the audit log of the machine, should someone access them prior to the closing of the polls. To date, we have never had any incident that called into question the security of the election results, including in 2020 when there was an 8-day delay in releasing results due to the COVID19 pandemic.

We appreciate the work that has been done with this complex bill, and anticipate that continued changes will be made as the legislation moves forward. Addressing the issue of early absentee ballot processing is important for not only the City of Milwaukee, but to ensure we proceed in a way that works for communities throughout the State of Wisconsin. Thank you for your consideration of my testimony.

Sincerely,

Claire Woodall  
Executive Director  
City of Milwaukee Election Commission

**Reinemann, John**

567  
and  
543

**From:** Kim Trueblood <Kim.Trueblood@co.marathon.wi.us>  
**Sent:** Tuesday, October 31, 2023 8:22 AM  
**To:** Reinemann, John; Rep.Krug; Rep.Rozar  
**Subject:** Hearings Today

Good Morning Everyone,

I headed out to Madison early this morning and turned around and headed back to Wausau. The roads were just too bad and there were too many cars in the ditch. I am not a fan of winter driving!

I sent my comments yesterday regarding AB567 and fully support everything that Lisa and Meg and the other clerks will comment.

I would like to note my opposition to AB543 as it is written. A 3-foot maximum for an observer area is just too close. A person can't function to do their job with someone standing 3 feet over their shoulder. That also creates an issue with confidential voters – an observer standing 3 feet away can easily see the poll book with that confidential voter's information. How would a polling place function if there were 10 observers and 3 poll workers – you wouldn't be able to turn around.

A 4-6 foot area would be much more workable for poll workers and would still allow observers access to what is going on.

Thanks for your consideration and for all you're doing to help get this important legislation passed! I'll be tuning in to Wisconsin Eye 😊

*Kim Trueblood*  
Marathon County Clerk  
[kim.trueblood@co.marathon.wi.us](mailto:kim.trueblood@co.marathon.wi.us)  
715-261-1501



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**ROCK COUNTY, WISCONSIN**

Office of the Rock County Clerk  
51 South Main Street  
Janesville, WI 53545



Office (608) 757-5660  
Fax (608) 757-5662  
[www.co.rock.wi.us](http://www.co.rock.wi.us)  
[Lisa.Tollefson@co.rock.wi.us](mailto:Lisa.Tollefson@co.rock.wi.us)

Lisa Tollefson, Rock County Clerk

October 31, 2023

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3. Move the starting time for election night reporting to at least 10:00 p.m. or later. If you have never worked at the polls on election night during a heavy turnout election, then you have not seen the amount of detailed work it takes to verify and confirm everything that was done during the election. Municipal clerks have two hours to report unofficial results to their county clerk after they have finished tabulating. Give the clerks and their teams time to complete their work. Most municipalities will be done by 10:00 p.m.

Other concerns:

The portion on the bill concerning court determination of incompetency and ineligibility to vote has aspects of it that are handled better in AB572.

- Electors that regain their right to vote should register (AB572). This bill states the elections commission will make the elector active on the registration list. Anyone else not active or even on the registration list would need to register to vote.
- The elections commission has two business days to update the voter record (AB572). In this bill the elections commission has one business day.
- Having the ineligible list more readily available concerns me. These individuals are more vulnerable. Does having this list more available to someone taking advantage of those who may need extra protection?