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Testimony before the Senate Committee on Shared Revenue, Elections and Consumer Protection

Senator André Jacque

December 19, 2023

Chairman Knodl and Committee Members,

Thank you for holding this hearing and the opportunity to testify before you in support of Senate Bill 631/Assembly Bill 570 as the Senate author.

It is the responsibility of the Legislature to establish clear, uniform election procedures to ensure equity in our election process so that the vote of one citizen in Wisconsin is as powerful as any other, regardless of where they live in the state. This bill is an attempt to codify election administration recommendations arising from review of voting procedures conducted by the nonpartisan Legislative Audit Bureau.

Questions about the integrity of our elections have resulted from confusion over interpretation of state election law, including those governing special voting deputies' access to citizens who lived in residential care settings during the pandemic. This bill guarantees access for these officials, protecting the right to vote for our most vulnerable individuals, whose votes are just as important as any of our citizens. It also provides consistent information standards for absentee ballot certificates, as well as consistent procedures and definitions for the process of "curing" them.

Importantly, under SB 631, only trained and sworn election officials will be allowed to assist in counting votes or other election administration responsibilities. No individual working for a candidate or legislative campaign committee, political action committee, independent expenditure committee, political party, recall committee, or referendum committee may work as a poll worker under this legislation. Any individual may, of course, still be election observers for their respective organizations, but by not being placed in a position of acting in an official capacity as a public election official, we can help ensure that there will not be a real or perceived appearance of impropriety or conflict of interest in their actions. These provisions will help restore faith in our elections by preventing government operations themselves from being dominated by political groups, removing doubts about the integrity of the results.

I am proud to help bring this legislation forward after the events of the past few years. Free, fair and honest elections are the bedrock of representative government. Voters who participate in our elections have a right to expect their vote to not be diluted due to inconsistent administration of government functions applied to different groups of voters, or by official actions made or dictated by special interests.

Thank you for your consideration of Senate Bill 631/Assembly Bill 570. I'd be happy to answer any questions.



DAVE MAXEY

STATE REPRESENTATIVE • 15TH ASSEMBLY DISTRICT

Testimony before the Senate Committee on Revenue, Elections and Consumer Protections

Representative Dave Maxey

December 19, 2023

Chairman Knodl and Members of the Senate Committee on Revenue, Elections and Consumer Protections.

I appreciate your consideration of Assembly Bill 570. This bill is designed to provide protection for the votes of individuals in assisted living and nursing facilities while also establishing a statutory definition of a witness address. Furthermore, it emphasizes that only the voter or witness should have the authority to make corrections to absentee ballot certificates.

The 2020 Election raised concerns among our voters. Assisted living and nursing facilities turned away special voting deputies due to COVID-19, confusion surrounding the absentee ballot process, and concerns about clerks making corrections to ballots.

In the aftermath of the 2020 Election, the nonpartisan Legislative Audit Bureau (LAB) and the Wisconsin Institute for Law and Liberty (WILL) conducted comprehensive audits of the 2020 Election that identified critical issues. Assembly Bill 570 considered the LAB's items for legislative consideration to address key issues, while using recommendations from the WILL.

One of the most pressing issues that AB 570 addresses is the access to residential care facilities and retirement homes by special voting deputies during public health emergencies and infectious disease outbreaks. This bill allows municipal clerks to appoint personal care voting assistants from within these facilities. These personal care voting assistants would undergo rigorous training prescribed by the Elections Commission and would be obligated to take the same oath of office as special voting deputies.

AB 570 also ensures that the residents of these facilities, who often have limited options for casting their votes, can do so with greater ease and dignity. It mandates that residential care facilities and retirement homes cannot deny entry to special voting deputies. Ensuring that votes in these facilities are protected.

This bill finally provides clarity to what defines a witness address, it requires that absentee ballots must include specific information on the voters and witness's printed names, addresses, and signatures.



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Another significant aspect of the bill is its focus on absentee ballot certificate corrections. In 2020, the use of absentee ballots nearly doubled revealing the need to clarify who can make corrections. Under AB 570, only the voter can make corrections to their ballot certificate. The bill also requires that the clerk post a notification of the defect on MyVote Wisconsin, along with allowing the clerk to contact the voter by other means. This bill aims to prevent any unauthorized changes to absentee ballot certificates. Violating this provision would result in penalties, emphasizing the importance of maintaining the integrity of our elections.

Furthermore, the bill addresses election fraud by holding election officials accountable. It prohibits election officials from intentionally assisting or causing the casting or counting of invalid votes or rejecting valid ones. Failure to promptly report election fraud would be punishable as a Class I felony.

Thank you for hearing my testimony, I hope you all can join me in supporting Assembly Bill 570, as it provides clarity to Wisconsin Statutes and aims to restore trust in our elections. I look forward to your support and the Governor's swift enactment of this bill.