

STATE OF WISCONSIN
Senate Journal

One-Hundred and Fifth Regular Session

MONDAY, April 11, 2022

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

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Office of the Governor**

April 11, 2022

The Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
Senate Bill 259.....	251	April 8, 2022
Senate Bill 520.....	252	April 8, 2022

Sincerely,
TONY EVERS
Governor

Pursuant to s. 35.095 (1)(b), Wisconsin Statutes, the following 2021 Act(s) have been published:

<u>Act Number</u>	<u>Bill Number</u>	<u>Publication Date</u>
Wisconsin Act 251.....	259	April 9, 2022
Wisconsin Act 252.....	520	April 9, 2022

**State of Wisconsin
Office of the Governor**

April 8, 2022

The Honorable, the Senate:

I am vetoing **Senate Bill 935** in its entirety.

This bill would make a series of changes to election administration, including banning the use of private grant funds, creating a personal care voting assistant in a nursing home facility during a pandemic, and disallowing clerks from curing errors on an absentee ballot.

The right to vote is fundamental to our democracy; it should not be subject to the whim of politicians who do not like the outcome of an election. Elected officials should not be able to abuse their power to cheat or control the outcomes of our elections or to prevent eligible voters from casting their ballots. This legislation is among many that have been sent to my desk during this legislative session, each passed under the

guise of needing to reform our election system because elected officials in this state have enabled disinformation about our elections and election processes. I have and will object to each and every effort by this Legislature and its members to undermine our democracy, to erode confidence in our elections, and to demean and harass dedicated clerks, election administrators, and poll workers.

I am objecting to this bill in its entirety because I object to the ban on governments using private grant funds for election administration. Despite the COVID-19 pandemic, our state and local election officials performed admirably to ensure that in each of our communities, the 2020 elections were conducted as safely as possible. To assist with this unprecedented effort, many counties, towns, villages, and cities — both big and small, urban and rural — received nongovernmental grants, designed to help them offset new and unanticipated costs. In the past, local governments have used private grants for other projects, such as making voting spaces accessible to those with disabilities. Regardless of the source of additional funding for election administration, election administrators must always run elections according to state and federal law. By prohibiting donations or grants to election agencies, this bill unnecessarily restricts the use of resources that may be needed to ensure elections are administered effectively.

I also object to the prohibition on the current, long-standing practice of clerks correcting minor ballot defects, and believe that this bill will almost certainly result in valid ballots not being counted. The bill also creates 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 has no witness at all. This bill would treat all errors the same, requiring all ballots with even the most inconsequential mistake to either be discarded or sent back to the voter if the clerk has time. For example, a witness could fill out their entire name, street name, signature, and municipality, but forget to include their house number. This inadvertent omission by the witness would invalidate the voter's ballot.

Because the bill prevents 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 becomes critically important. The bill establishes a method of notifying voters via the

MyVote Wisconsin website and gives clerks the option to contact voters as well. 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 disadvantages populations throughout the state that may have difficulty using or accessing the Internet.

While this bill allows for the possibility that a voter could correct an error, the correction process requires multiple steps under a difficult timeframe, and it is an unnecessarily burdensome process for voters who did not commit fraud, but merely made a minor error in filling out their certificate. Surely disqualifying a ballot based on such trivial technicalities is contrary to the spirit of democracy and I cannot support this type of legislation.

Respectfully submitted,
TONY EVERS
Governor

**State of Wisconsin
Office of the Governor**

April 8, 2022

The Honorable, the Senate:

I am vetoing **Senate Bill 937** in its entirety.

The bill would narrow the definition of indefinitely confined status for purposes of voting and create an unnecessary application for claiming indefinitely confined status separate from the absentee ballot application.

The right to vote is fundamental to our democracy; it should not be subject to the whim of politicians who do not like the outcome of an election. Elected officials should not be able to abuse their power to cheat or control the outcomes of our elections or to prevent eligible voters from casting their ballots. This legislation is among many that have been sent to my desk during this legislative session, each passed under the guise of needing to reform our election system because elected officials in this state have enabled disinformation about our elections and election processes. I have and will object to each and every effort by this Legislature and its members to undermine our democracy, to erode confidence in our elections, and to demean and harass dedicated clerks, election administrators, and poll workers.

I am vetoing this bill in its entirety because I object to the manner in which it targets the most vulnerable voters. Indefinitely confined voter status was developed to help sick and disabled voters continue to exercise their constitutional right to vote. While disability rights advocacy groups have supported the need to clarify statutory language regarding indefinitely confined voter status, this bill goes too far by narrowing the definition such that a voter can only be

considered indefinitely confined if they cannot travel independently without significant burden due to frailty, physical illness, or a disability that lasts longer than one year. There is no legal or medical justification for the inclusion of “longer than one year” in the definition, and it is also confusingly drafted. Those seeking to further disenfranchise vulnerable voters may seek to argue that the “longer than one year” applies to frailty and physical illness, as well as to disabilities. Rather than provide clarity to the law, this bill would create more confusion. If a circumstance or condition prevents a voter from traveling to the polls on Election Day, it is irrelevant how long the qualifying condition is expected to last.

The bill also requires individuals to fill out a new form that is separate from the regular absentee ballot form to claim indefinitely confined status. This creates another administrative hurdle and may cause confusion for the vulnerable people who need this option the most.

This bill makes it more difficult for elderly, disabled, or otherwise homebound citizens to vote absentee while doing little to improve the security of elections.

Respectfully submitted,
TONY EVERS
Governor

**State of Wisconsin
Office of the Governor**

April 8, 2022

The Honorable, the Senate:

I am vetoing **Senate Bill 938** in its entirety.

This bill would require the Department of Transportation to facilitate searches in the Systematic Alien Verification for Entitlements (SAVE) system and to mark identification cards such as driver’s licenses with a statement warning that the card is not valid for voting purposes.

The right to vote is fundamental to our democracy; it should not be subject to the whim of politicians who do not like the outcome of an election. Elected officials should not be able to abuse their power to cheat or control the outcomes of our elections or to prevent eligible voters from casting their ballots. This legislation is among many that have been sent to my desk during this legislative session, each passed under the guise of needing to reform our election system because elected officials in this state have enabled disinformation about our elections and election processes. I have and will object to each and every effort by this Legislature and its members to undermine our democracy, to erode confidence in our elections, and to demean and harass dedicated clerks, election administrators, and poll workers.

I am vetoing this bill in its entirety because I object to the manner by which it requires the Elections Commission to attempt to validate registered voters' citizenship status. There is no evidence of non-citizens voting in this state. There are current mechanisms in place to ensure that only citizens

register to vote, and this bill creates procedures that not only fail to enhance those mechanisms but may inadvertently deprive qualified citizens of their right to vote.

Specifically, the bill directs the Elections Commission to use the SAVE system to verify citizenship for those who register to vote. According to a fact-finding report completed by the Governmental Accountability Board, the SAVE system is essentially a search engine that examines other federal government databases to help determine whether a person is eligible for government benefits. The system is limited to a select group of non-citizens, is not a comprehensive registry, and was not created for determining citizenship status for voting. For example, citizens are sometimes erroneously listed as permanent residents. Because updates are not frequent, it can also contain out-of-date information as to a person's current citizenship status, making it an impractical method of confirming citizenship.

The cumbersome bureaucratic process created in this bill does little to improve the integrity of the election system and increases the risk of disenfranchising a qualified citizen because of inaccurate or outdated federal information that was not collected for this purpose.

Respectfully submitted,
 TONY EVERS
 Governor

**State of Wisconsin
 Office of the Governor**

April 8, 2022

The Honorable, the Senate:

I am vetoing **Senate Bill 939** in its entirety.

This bill would make a series of changes to the process 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.

The right to vote is fundamental to our democracy; it should not be subject to the whim of politicians who do not like the outcome of an election. Elected officials should not be able to abuse their power to cheat or control the outcomes of our elections or to prevent eligible voters from casting their ballots. This legislation is among many that have been sent to my desk during this legislative session, each passed under the guise of needing to reform our election system because elected officials in this state have enabled disinformation about our elections and election processes. I have and will object to each and every effort by this Legislature and its members to undermine our democracy, to erode confidence in our elections, and to demean and harass dedicated clerks, election administrators, and poll workers.

I am vetoing this bill in its entirety because I object to making absentee voting more difficult. The significant and unnecessary changes that this bill would impose would do

nothing more than complicate an already working process and would result in the potential disenfranchisement of voters across Wisconsin.

Current law requires proof of identification when an individual first applies to vote absentee and thereafter requires the voter to resubmit proof only if the information changes. This bill would eliminate that common-sense exemption. The bill would also eliminate a voter's ability to request automatic receipt of absentee ballots for all elections occurring in the voter's municipality during the year of the application, instead requiring separate applications for each primary and associated election. As a result, under this bill, most individuals interested in voting absentee in multiple election cycles every year would need to repeatedly send in an application and a copy of their voter identification throughout the year, even if their information and identification had not changed. This proposed process lacks common sense, is unnecessarily burdensome, and is a ploy to make it more difficult to vote absentee.

Second, this bill would prohibit election officials from sending an absentee ballot application prospectively. This is an unnecessary limitation on the process, and would not apply to political actors, who would be allowed to send out absentee ballot applications prospectively—an inconsistency that illustrates the ugly political underpinnings of this bill.

Third, the bill imposes additional restrictions regarding who may return a ballot on behalf of a voter. This bill would require that if a person does not return their own ballot, they must enlist the assistance of a registered voter in Wisconsin who is either an immediate family member, legal guardian, or another designated person in writing and that individual is limited to returning only two ballots for any election for persons who are not family members. These needless restrictions could significantly reduce the circle of people who an indefinitely 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. Instead of improving the election system, this bill would complicate our current absentee voting requirements for those who need absentee voting the most.

In addition, 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 election officials to repeatedly process absentee ballot applications for every election, even though they will already have previously entered information from those voters. It would also not allow a clerk's initials on the absentee ballot to be preprinted or stamped. These changes do nothing to contribute to our already free and fair elections and are designed only to create more work for our election officials.

This bill fails to provide meaningful additional security for elections, is likely to disenfranchise numerous voters, and

makes the absentee voting process less efficient and less user-friendly. For these reasons, I must veto it.

Respectfully submitted,
 TONY EVERS
 Governor

**State of Wisconsin
 Office of the Governor**

April 8, 2022

The Honorable, the Senate:

I am vetoing **Senate Bill 940** in its entirety.

This bill would modify the process by which the Elections Commission compares voter data against Department of Transportation (DOT) data. If a person has discrepancies between their DOT motor vehicle registration and their voter registration information, the Elections Commission could make only one small change to the individual's voter registration. If there are two or more small discrepancies, the Commission would have to notify the voter that their voter registration would be deactivated within 30 days if the voter did not make edits.

The right to vote is fundamental to our democracy; it should not be subject to the whim of politicians who do not like the outcome of an election. Elected officials should not be able to abuse their power to cheat or control the outcomes of our elections or to prevent eligible voters from casting their ballots. This legislation is among many that have been sent to my desk during this legislative session, each passed under the guise of needing to reform our election system because elected officials in this state have enabled disinformation about our elections and election processes. I have and will object to each and every effort by this Legislature and its members to undermine our democracy, to erode confidence in our elections, and demean and harass dedicated clerks, election administrators, and poll workers.

I am vetoing this bill in its entirety because I object to the cumbersome and unfair process by which minor differences in a person's voter registration record and their Department of Transportation record would result in the denial of the constitutional right to vote.

The Department of Transportation and the Election Commission databases were not constructed to capture identical information in every field. Innocuous and innocent discrepancies are common. For example, someone may put their full name "Robert" in one system and their more commonly used "Rob" in another. There is nothing unlawful or inaccurate about this; however, common discrepancies like this would nonetheless be flagged under this bill as grounds for the person to potentially have their voter registration deactivated and thus lose their ability to exercise their right to vote. This is not fraud, and yet the voter could have their constitutional rights impacted. The individual's only recourse is to hopefully see a piece of mail warning them of a difference between their DOT and voter registry records and take action to address the discrepancies before deactivation.

Some states have automatic voter registration where DOT data is used as the basis of their registry. This is not the case in Wisconsin. I've proposed creating an automatic voter registration system in Wisconsin that would use DOT data as the basis for Wisconsin's voter registry, which would have allowed this bill to function correctly, but the Republican-led Legislature eliminated this proposal. Until that system is in place, all this bill would do is disenfranchise Wisconsinites not based on their actual qualification to vote, but rather on how two separate state agencies record their personal information.

Respectfully submitted,
 TONY EVERS
 Governor

**State of Wisconsin
 Office of the Governor**

April 8, 2022

The Honorable, the Senate:

I am vetoing **Senate Bill 941** in its entirety.

This bill would create legislative oversight over the application of federal election guidance, prohibit the Elections Commission from acting pursuant to federal guidance without legislative approval, would require partisan legal representation at the Elections Commission, and would exempt legal counsel from the standard requirement that staff does not contribute to partisan candidates.

The right to vote is fundamental to our democracy; it should not be subject to the whim of politicians who do not like the outcome of an election. Elected officials should not be able to abuse their power to cheat or control the outcomes of our elections or to prevent eligible voters from casting their ballots. This legislation is among many that have been sent to my desk during this legislative session, each passed under the guise of needing to reform our election system because elected officials in this state have enabled disinformation about our elections and election processes. I have and will object to each and every effort by this Legislature and its members to undermine our democracy, to erode confidence in our elections, and to demean and harass dedicated clerks, election administrators, and poll workers.

I am vetoing this bill in its entirety because I object to the Legislature's attempt to grant itself unchecked, potentially unconstitutional interference in federal guidance regarding elections. Lower units of government must adhere to federal law and guidance when implanting federal laws. This bill creates a system by which a single legislative committee could decide whether or not to accept federal guidance. It is absurd to think a single legislative committee should have a role in deciding whether or not to implement federal rules or guidance.

I also object to the creation of the requirement that legal counsel for the Elections Commission be partisan and exempt from political contribution prohibitions. Rather than increasing the partisanship at the Elections Commission, it is

wise to continue to require staff to be nonpartisan so that they can focus on effective administration and not take into account what legal interpretation might be more beneficial for their respective political parties.

The bill provides the legislative branch with inappropriate influence over election administration and injects more partisanship into the Elections Commission, which has tried to administer elections as fairly and in as nonpartisan a way as possible.

Respectfully submitted,
TONY EVERS
Governor

**State of Wisconsin
Office of the Governor**

April 8, 2022

The Honorable, the Senate:

I am vetoing **Senate Bill 942** in its entirety.

This bill would require the Elections Commission to submit an annual report to the Joint Committee on Finance and the Department of Administration regarding any failures by the Commission and the Departments of Transportation, Corrections, and Health Services to comply with election laws. The Department of Administration must then submit a plan to abolish positions and reduce funding from these state agencies as punishment.

The right to vote is fundamental to our democracy; it should not be subject to the whims of politicians who do not like the outcome of an election. Elected officials should not be able to abuse their power to cheat or control the outcomes of our elections or to prevent eligible voters from casting their ballots. This legislation is among many that have been sent to my desk during this legislative session, each passed under the guise of needing to reform our election system because elected officials in this state have enabled disinformation about our elections and election processes. I have and will continue to object to each and every effort by this Legislature and its members to undermine our democracy, to erode confidence in our elections, and to demean and harass dedicated clerks, election administrators, and poll workers.

I am vetoing this bill in its entirety because I object to this flagrant violation of the separation of powers, which is a bedrock principle of democracy, and because of the significant threat this bill poses to independent elections. This bill would give a legislative body the authority to punish state agencies for “failures” to comply with certain provisions, or the nonpartisan Commission if it decides the Commission issued erroneous guidance. This bill gives the legislature the power to bypass the judicial system for any perceived legal misstep and to render its own judgements and punishments.

This bill fails to provide any meaningful improvement to our democratic voting system. Instead of strengthening our elections, it uses threats to eliminate funding and positions that are needed to help administer our elections while

unconstitutionally giving the Legislature a role in election administration and taking power away from the executive and judicial branches of government.

Respectfully submitted,
TONY EVERS
Governor

**State of Wisconsin
Office of the Governor**

April 8, 2022

The Honorable, the Senate:

I am vetoing 2021 **Senate Bill 943** in its entirety.

This bill would require the Elections Commission to submit copies of documents and communications that it provides to local election officials that would qualify as guidance documents and submit this collection to the Joint Committee for Review of Administrative Rules weekly. It extends this same obligation to certain guidance documents previously issued. The committee would then determine if any of the documents constituted a rule as defined in statute and if so, require the commission to retract its guidance and promulgate an administrative rule instead.

The right to vote is fundamental to our democracy; it should not be subject to the whim of politicians who do not like the outcome of an election. Elected officials should not be able to abuse their power to cheat or control the outcomes of our elections or to prevent eligible voters from casting their ballots. This legislation is among many that have been sent to my desk during this legislative session, each passed under the guise of needing to reform our election system because elected officials in this state have enabled disinformation about our elections and election processes. I have and will object to each and every effort by this Legislature and its members to undermine our democracy, to erode confidence in our elections, and to demean and harass dedicated clerks, election administrators, and poll workers.

I am vetoing this bill in its entirety because I object to giving a single legislative body the authority to hinder the normal day-to-day operations of the Elections Commission. The risk that this could be used by partisan politicians to interfere in elections administration is significant. This bill would require the Commission to be under constant monitoring and second-guessing by a partisan legislative committee, which could force the Commission to retract guidance, even accurate guidance, that it did not like.

To try and micromanage elections policy through the administrative rules process is an attempt at avoiding the checks and balances between the legislative and the Elections Commission and is inherently undemocratic, which is why the Wisconsin Supreme Court found a similar guidance document provision in 2017 Act 369 unconstitutional. This is yet another political bill that fails to improve our elections systems and instead tries to assert more partisan control over nonpartisan elections administration. For these reasons, I must veto this bill.

Respectfully submitted,
TONY EVERS
Governor

**State of Wisconsin
Office of the Governor**

April 8, 2022

The Honorable, the Senate:

I am vetoing **Senate Bill 945** in its entirety.

This bill would require each clerk of a circuit court to notify appropriate county clerks and the Elections Commission of any prospective juror whose returned juror qualification form includes information that indicates the individual lives outside the relevant circuit or is not a citizen. The commission would then deactivate the person's voter registration and send notice to the appropriate district attorney if that person is registered to vote or had voted without the necessary elector qualifications or without satisfying residency requirements.

The right to vote is fundamental to our democracy; it should not be subject to the whim of politicians who do not like the outcome of an election. Elected officials should not be able to abuse their power to cheat or control the outcomes of our elections or to prevent eligible voters from casting their ballots. This legislation is among many that have been sent to my desk during this legislative session, each passed under the guise of needing to reform our election system because elected officials in this state have enabled disinformation about our elections and election processes. I have and will object to each and every effort by this Legislature and its members to undermine our democracy, erode confidence in our elections, and to demean and harass dedicated clerks, election administrators, and poll workers.

I am vetoing this bill in its entirety because I object to the use of a self-reported document unrelated to election registration being used as a method to deny a person their right to vote. This bill would use a process that relies on a questionnaire used for jury pool selection to help establish whether either of these things is true about an individual. People do not analyze and respond to jury questionnaires in the same way that they do when registering to vote. A person does not provide proof of residence when responding to the jury questionnaire. It is entirely possible that if a person does not fully understand what is being asked in a jury questionnaire, they may pay little attention and assume that if they spend regular time outside of their primary residence — such as being away for college — that this does not qualify them as a resident for the purposes of a jury pool.

Respectfully submitted,
TONY EVERS
Governor

**REFERRALS AND RECEIPT OF
COMMITTEE REPORTS CONCERNING
PROPOSED ADMINISTRATIVE RULES**

The committee on **Human Services, Children and Families** reported and recommended:

Senate Clearinghouse Rule 21-090

Relating to asset restrictions for Wisconsin Works and Emergency Assistance.

No action taken on April 11, 2022.

Referred to the joint committee for review of **Administrative Rules**, April 11, 2022.

Senate Clearinghouse Rule 21-091

Relating to technical corrections to Wisconsin Works rules.

No action taken on April 11, 2022.

Referred to the joint committee for review of **Administrative Rules**, April 11, 2022.

Senate Clearinghouse Rule 21-092

Relating to Wisconsin Works filing a good cause claim for noncooperation with child support.

No action taken on April 11, 2022.

Referred to the joint committee for review of **Administrative Rules**, April 11, 2022.

Senate Clearinghouse Rule 21-100

Relating to school-age child care programs and other child care licensing updates.

No action taken on April 11, 2022.

Referred to the joint committee for review of **Administrative Rules**, April 11, 2022.

Senate Clearinghouse Rule 21-107

Relating to technical corrections and minor updates to child welfare rules.

No action taken on April 11, 2022.

Referred to the joint committee for review of **Administrative Rules**, April 11, 2022.

ANDRÉ JACQUE
Chairperson

The committee on **Insurance, Licensing and Forestry** reported and recommended:

Senate Clearinghouse Rule 21-094

Relating to professional counselor training license renewals.

No action taken on April 11, 2022.

Referred to the joint committee for review of **Administrative Rules**, April 11, 2022.

Senate Clearinghouse Rule 22-007

Relating to compounding pharmaceuticals.

No action taken on April 11, 2022.

Referred to the joint committee for review of **Administrative Rules**, April 11, 2022.

MARY FELZKOWSKI

Chairperson

The committee on **Natural Resources and Energy** reported and recommended:

Senate Clearinghouse Rule 21-103

Relating to amending the list of date-regulated wild rice harvesting waters in NR 19.09 (4).

No action taken on April 11, 2022.

Referred to the joint committee for review of **Administrative Rules**, April 11, 2022.

ROBERT COWLES

Chairperson