



ROB STAFSHOLT

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TO: Senate Committee on Elections, Election Process Reform and Ethics
FROM: Senator Rob Stafsholt
DATE: May 19, 2021
SUBJECT: Testimony in Favor of Senate Bill 214

Thank you, Chairwoman Bernier and members of the Senate Committee on Elections, Election Process Reform and Ethics for allowing me to testify in favor of Senate Bill 214.

Voting by absentee ballot has increased dramatically over the last few years. According to the Wisconsin Elections Commission, about 1.9 million people in Wisconsin voted by absentee in the 2020 General Election. That is more than double the number of absentee ballots cast in 2016 General Election. The large number of absentee ballots can be overwhelming for some communities. As we experienced last November, counting thousands of ballots on Election Day delays election results into the next day.

Current law requires all absentee ballots to be counted on Election Day. This legislation allows municipality to adopt an ordinance to authorize canvassing of absentee ballots on the day before an election if they meet certain requirements. This will ensure that the public has access to the location where absentee ballots are canvassed, provides safeguards and security measures for storing ballots, requires a progress report to be posted publicly, and includes criminal penalties for anyone who intentionally provides results before the polls close on election day. Ballots that are canvassed early will not be tabulated until the polls are closed.

In addition, this legislation does the following:

- Prohibits ballots used for voting for the offices of president and vice president only, unless the elector is a new or former resident of the state and applies and qualifies for the presidential ballot as provided by law.
- Authorizes any city, village, or town with a population of less than 35,000 to enter into an agreement to share a polling place with an adjacent city.
- Adjusts the timeline to transmit absentee ballots to military and overseas electors, so it is consistent with federal law.
- Adjust the timeline for circulating and filing nomination papers for independent candidates running for president and vice-president so it is consistent with other independent candidates.

Thank you, members. I ask for your support and would be happy to answer any questions.

MEMORANDUM

TO: Honorable Members of the Senate Committee on Elections, Election Process Reform and Ethics

FROM: Marcie Rainbolt, Government Affairs Associate

DATE: May 19, 2021

SUBJECT: Support Senate Bill 214: 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 voter. 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. Senate Bill (SB) 214 would give municipalities the option to canvass absentee ballots between 7 a.m. and 10 p.m. on the day prior to the election. SB 214 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 after 10 p.m.; the municipality must use automatic tabulating equipment; if any evidence of tampering is discovered a recount must be completed; absentee ballots canvassed may not be tallied

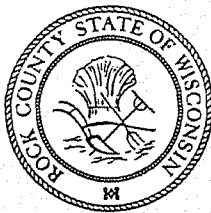
Senate Bill 214
Page 2
May 19, 2021

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, SB 214 is a viable option for municipalities that will allow election results to be returned in a timely manner while still keeping elections safe and secure. The Wisconsin Counties Association, on behalf of its county members, respectfully requests your support of SB 214.

ROCK COUNTY, WISCONSIN

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Lisa Tollefson, Rock County Clerk

Testimony of Lisa Tollefson in **SUPPORT of Senate Bill 214**

Chair and Committee Members,

Thank you for considering testimony on SB214:

Senate Bill 214

Relating to: early canvassing of absentee ballots, issuance of presidential ballots, combined polling places, timeline for sending or transmitting absentee ballots, nomination papers for certain independent candidates, and providing a penalty.

EARLY CANVASSING OF ABSENTEE BALLOTS

- Allow municipalities with central count locations to begin processing absentee ballots the day prior to an election.
- Ballots can only be canvassed between 7 am – 10 pm the day prior to Election Day and must reconvene no earlier than 7 am on Election Day.
- Post on internet site at least daily, the number absentee ballots canvassed and the number remaining.
- Security procedures and protocols.
- Votes cannot be tallied until after polls close or canvassing is complete, whichever is later.
- Class I felony for person to provide tallies prior to the close of polls on Election Day.
- Class I felony for willfully neglect or refuse to perform any duties with respect to canvassing of absentee ballot.
 - Advantage – This bill allows for municipalities to build on a process that is already in place for Central Count. With the additional day to process absentee ballots, municipalities will be able to complete processing absentee ballots and post results in a timely manner on Election Night.

ISSUANCE OF PRESIDENTIAL BALLOTS

- This part of the bill ensures that, if someone is qualified to receive a ballot with the entire slate of contests, they receive a ballot with all the contests, not just a ballot with only the presidential race.

COMBINED POLLING PLACES

- This bill will allow a city, village, or town with a population of less than 35,000 to enter into an agreement to share a polling place with an adjacent city, village, or town also having a population of less than 35,000.
 - This would be helpful for smaller municipalities with limited locations to hold elections and help in the development of contingency plans for elections.

TIMELINE FOR SENDING OR TRANSMITTING ABSENTEE BALLOTS

- Currently law requires municipal clerks to send absentee ballots 47 days prior to any federal election to ANY voter who has requested a ballot. In non-federal elections absentee ballots are sent no later the 21 days prior to a primary or election.
- This bill changes that requirement to send requested ballots to ONLY military and overseas no later than 45 days before the federal election. (45 days is the federal requirement.) All other absentee ballots would be sent no later than 21 days.

- Advantages to the change:

- **Sending absentee ballots for the Presidential Preference Prior to the Spring Primary**

The way current law is written, ballots for the presidential preference should be sent to ALL voters requesting an absentee ballot 47 days prior to the election. In 2024, that means municipal clerks should be sending the April Presidential Preference ballots by February 15th. February 15th happens to be the last day for voters to request an absentee ballot by mail for the February 20, 2024 Spring Primary. Once the Spring Primary is certified, the clerks will need to send a second ballot to all the voters who have already received just the presidential ballot. So they will have the opportunity to vote on all the races. Consider the amount of voter confusion of receiving two ballots and the cost of postage. This wrinkle in our statutes came to light in 2020, when the Election Commission ruled to allow clerks to wait to send the ballots to non-military and non-overseas voters using the same practices that were followed in the past. This bill correct that wrinkle.

- **Eliminates voter confusion.** Currently if a voter has an absentee ballot request on file for the Partisan Primary, the absentee ballot is sent in June to the voter for the August election. I regularly hear from voters the day after the election, wondering why they had not received their absentee ballots. When I check the WisVote system, I see that the voter received their absentee ballot and returned it in June. They had forgotten they voted. Or the voter receives their ballot, they see that the election isn't until August and set it aside often misplacing the ballot.

- **Allows time for ballot access litigation before printing ballots.** Last year was a prime example for why extra time is needed for litigation. County Clerks received the certification of candidates for the November ballots, but there was still litigation in progress to add Kayne West to the ballot. Clerks had to make choice to print ballots to meet the deadline to have ballots to their municipal clerks or wait to see if Kayne West would be added. I waited as long as I could and then printed absentee ballots to meet the deadline. If Kayne West had been added the ballot, it would have cost my county \$19,000 to reprint those ballots.

NOMINATION PAPERS FOR CERTAIN INDEPENDENT CANDIDATES

- This bill changes the timeframe for independent candidates for president and vice president to circulate nomination papers to the same timeframe as other independent candidates for offices on the general election ballot. Consistent timeframes allow for less confusion for candidates and those circulating nomination papers.

I am in support of this bill. It allows for earlier returns on election night, possible savings for municipalities, less confusion for voters and consistent timelines for independent candidates.

Thank you for allowing me to speak today. Please feel free to contact me with any questions.

Lisa Tollefson
Rock County Clerk



Wisconsin Coalition of Independent Living Centers

3810 Milwaukee Avenue Madison, WI 53714

608-444-3842 v/text moryan@charter.net

To: Members of the Committee on Elections, Election Process Reform and Ethics

Re: SB214 and SB 284

Date: May 19th, 2021

Thank you for the opportunity to submit our testimony outlining our concerns with two of the bills under consideration today in the public hearing. We believe that those bills, and others under consideration in the Assembly and the Senate, will affect people with disabilities negatively and diminish their ability to vote without additional barriers.

The Wisconsin Coalition of Independent Living Centers (WCILC) is the not for profit statewide association of the eight ILCs in Wisconsin. WCILC facilitates and promotes the collective work of the Wisconsin ILCs through a unified statewide voice. This collaborative effort strives to enhance the opportunities for people with disabilities to live independently and be active participants in their community. Because of the unique federal requirement for Independent Living Centers to have at least half of their boards and at least half of their staff be persons with disabilities, we are acutely conscious of how federal and state regulations can impact people with disabilities.

SB 214, on the face of it, has some provisions that WCILC could support, such as early canvassing of absentee ballots prior to the election. However, we are concerned about the language that allows for the combining of polling place between adjacent cities, villages, or towns with a population of less than 35,000 each. This would increase the difficulties of travelling to the polling site for people who are elderly and people with disabilities, particularly in rural areas with few transportation options.

SB 284 would move the presidential primary to March, creating three statewide elections within a three-month period, which will create difficulties for people who are elderly and people with disabilities who face transportation difficulties. The move will also impact the clerks who will bear the significant additional burden and cost of

administering a third election in a three month period. It is not clear to WCILC what the benefit of changing the election date would be for the state.

The right to vote is critical for people with disabilities and any barriers that impact the ability of people to vote is very concerning to us.

Sincerely,



Maureen Ryan, Executive Director
Wisconsin Coalition of Independent Living Centers



WISCONSIN BOARD FOR PEOPLE
WITH DEVELOPMENTAL DISABILITIES

May 19, 2021

Senator Bernier
Chair, Senate Committee on Elections, Election Process, Reform and Ethics
Wisconsin State Capitol, Rm 319 S
Madison, WI 53707

Dear Senator Bernier and Committee members:

The Wisconsin Board for People with Developmental Disabilities (BPDD) supports some provisions in SB 214, but is concerned that other changes proposed in SB 214 may negatively and disproportionately impact people with disabilities.

We support the provision that allows municipal clerks to start canvassing the absentee ballots the day before the election. This will be helpful for clerks.

We question the provision in the bill that appears to authorize any city, village, or town with a population of less than 35,000 to enter into an agreement to share a polling place with an adjacent community having a population of less than 35,000.

Many voters with disabilities are non-drivers with limited access to transportation that may require weeks in advance to schedule. The number of available polling places and accessibility issues may limit their ability to vote in person.

This appears to dramatically consolidate polling places and could result in large geographic areas having few polling places. Especially in rural areas there may be many local governments that would meet the criteria to consolidate and could result in very few polling locations. Transportation is a significant barrier for many voters, especially non-driving voters. Combining polling sites would only increase this challenge, especially in rural areas.

BPDD is charged under the federal Developmental Disabilities Assistance and Bill of Rights Act with advocacy, capacity building, and systems change to improve self-determination, independence, productivity, and integration and inclusion in all facets of community life for people with developmental disabilities¹.

Thank you for your consideration,

A handwritten signature in cursive script that reads "Beth Swedeon".

Beth Swedeon, Executive Director,
Wisconsin Board for People with Developmental Disabilities

¹ More about BPDD https://wi-bpdd.org/wp-content/uploads/2018/08/Legislative_Overview_BPDD.pdf.

To: Senator Bernier, Chair, and members of the Senate Committee on Elections, Election Process Reform, and Ethics

From: Barbara Beckert, Director of External Advocacy and Milwaukee Office Director

Date: May 19, 2021

Re: Information Only: Testimony re SB 214. Relating to: early canvassing of absentee ballots, issuance of presidential ballots, combined polling places, timeline for sending or transmitting absentee ballots, nomination papers for certain independent candidates, and providing a penalty

Disability Rights Wisconsin (DRW) is the designated Protection and Advocacy system for Wisconsinites with disabilities. DRW is charged with protecting and enforcing the legal rights of individuals with disabilities, investigating systemic abuse and neglect, and ensuring access to supports and services. DRW provides education and assistance to individuals with disabilities to promote their full participation in the electoral process, including registering to vote, casting a vote, and accessing polling places; DRW also staffs a Voter Hotline. DRW, in partnership with BPDD, coordinates the Wisconsin Disability Vote Coalition. Our testimony is grounded in the experience of assisting thousands of voters over the years.

Chair Bernier and members of the Committee, thank you for the opportunity to share these informational comments with you regarding SB 214.

Our concern regarding SB 214 are specific to the provision that would authorize any city, village, or town with a population of less than 35,000 to enter into an agreement to share a polling place with an adjacent city, village, or town also having a population of less than 35,000.

A high percentage of people with disabilities and older adults are non-drivers, and many experience difficulties getting transportation to their polling place. We are concerned that consolidation of polling places will increase the distance non-driving voters must travel to vote in person, especially in rural areas where transportation options are specially limited. Consolidating polling places could have the unintended consequence of making it harder for non-drivers to vote.

Thank you for considering our concerns regarding SB 214. We welcome the opportunity to work with you to protect the voting rights of people with disabilities and ensure our elections are accessible and inclusive.

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May 19, 2021

To: Senate Committee on Elections, Election Process Reform and Ethics
Re: Statement for public hearing on SB 214

The League of Women Voters of Wisconsin believes that election administration should be adequately coordinated and funded to achieve both statewide standards uniformly applied and local municipal effectiveness. To that end, we support SB 214 in general, while recommending that some measures be dropped or amended.

The bill authorizes municipalities to begin canvassing absentee ballots on the day before an election, subject to the certain requirements. Given that there is no in-person voting the day before the election, this seems a good way for local officials to get a headstart on processing absentee ballots while not giving advantage to residents of the municipalities that opt in. Unlike previous bills, SB 214 requires municipalities that opt in to use the process consistently for all elections and to notify the public and the WEC that they are using it. The bill properly stipulates that the chain of custody of the ballots will be secure and that the absentee ballots may not be tallied until after the canvass is complete or after the polls close on election day, whichever is later.

We oppose the measure that would change the timeline by which clerks must send an absentee ballot to voters before an election. Under current law, that deadline is the 47th day for all voters, including military and overseas voters, before a partisan primary, presidential preference primary, or general election. This is consistent with federal law for military and overseas voters. For all other primaries and elections, the current deadline is the 21st day before the election for all voters. This bill would create different deadlines for military and overseas voters versus other voters for some elections. Having multiple deadlines for different categories of voters is confusing for everyone.

We understand that allowing smaller municipalities to combine some polling places may be a practical approach, but we are concerned that it will result in some voters needing to travel further to vote. This would be burdensome for many older voters or those with disabilities. We support the measure making the deadline for filing nomination papers consistent for all candidates for President and Vice President.

We urge you to **support SB 214.**



Date: May 19, 2021

To: Senator Bernier, Senator Darling, and members of the Senate Committee on Elections, Election Process Reform and Ethics

From: Janet L. Zander, Advocacy & Public Policy Coordinator

Re: **Information Only SB 214** relating to: early canvassing of absentee ballots, issuance of presidential ballots, **combined polling places**, timeline for sending or transmitting absentee ballots, nomination papers for certain independent candidates, and providing a penalty.

The Greater Wisconsin Agency on Aging Resources, Inc. (GWAAR) is a nonprofit agency committed to supporting the successful delivery of aging programs and services in our service area consisting of 70 counties (all but Dane and Milwaukee) and 11 tribes in Wisconsin. We are one of three Area Agencies on Aging in Wisconsin. Our mission is to deliver innovative support to lead aging agencies as we work together to promote, protect, and enhance the well-being of older people in Wisconsin. There are over one million adults age 60 and older residing in our service area.

Thank you for this opportunity to share testimony for information only on SB 214. In 2020, nearly 25% of the electorate were age 65 and older¹. Voting is a high priority for many older adults, resulting in older voters forming a much larger share of all voters than their share in the electorate (64% in the 2018 election)². Despite a strong desire to vote, as people age, there are often barriers standing between their desire to vote and being able to vote.

Older adults are the fastest growing demographic of our state's population³. Within the older population, a large and growing percentage of people are age 85 and older. With advanced age people are more likely to have multiple chronic illnesses which can make it harder to get around. Additionally, many older adults no longer drive. Some parts of Wisconsin, particularly in the sparsely populated north, many people have a long way to go to vote and many of these smaller communities do not have public transportation options widely available.

SB 214

There are many different elections proposals included in SB 214, the one section of this bill we wish to comment on pertains to the combining of polling places. SB 214 authorizes any city, village, or

¹ Cilluffo, A. & Fry, R, Pew Research Center, An Early Look at the 2020 Electorate (Jan 2019). Retrieved April 14, 2021 from <https://www.pewresearch.org/social-trends/2019/01/30/an-early-look-at-the-2020-electorate-2/>.

² Brandon, E., U.S. News, Why Older Citizens are More Likely to Vote (Oct. 2020). Retrieved April 14, 2021 from <https://money.usnews.com/money/retirement/aging/articles/why-older-citizens-are-more-likely-to-vote>.

³ U.S. Census Bureau (2020, June 25). 65 and Older Population Grows Rapidly as Baby Boomers Age. Retrieved March 16, 2021, from <https://www.census.gov/newsroom/pressreleases/2020/65-older-population-grows.html>.

town with a population of less than 35,000 to enter into an agreement to share a polling place with an adjacent city, village, or town also having a population of less than 35,000.

While the combining of polling places might first appear to make good use of limited resources (staff/volunteers, equipment and supplies, and expenses), it could also make it more difficult for older adults and other non-driving adults to vote. Transportation to the polls is a significant barrier for many voters. Combining polling sites, which could increase the distance electors need to travel to vote, would only further increase this challenge. Large disparities exist in in-person voting rates (as much as 16-30 percentage points) between those who have access to a personal vehicle and those who do not. The disparities are even greater for those non-drivers who live farther from the polls or do not have access to fast and reliable public transportation.⁴ One in five Wisconsin residents age 65 and older does not drive and needs to seek out other transportation options. Adults with disabilities are twice as likely as those without disabilities to have inadequate transportation (31% vs. 13%).⁵ **SB 214 could make it especially difficult for older adults and people with disabilities to vote by increasing the distance these non-driving voters may need to travel to get to their polling sites.**

GWAAR supports voting processes that ensure every eligible older adult who wants to vote, can vote, no matter where they live or how they choose to vote. Thank you for your consideration of these comments providing additional information on SB 214. We appreciate the interest in and efforts of policy makers to preserve, protect, and enhance the voting rights of older adults and people with disabilities. We look forward to continuing to work with you on policies that improve the quality of life of older people in Wisconsin.

**Working together to promote, protect, and enhance
the well-being of older people in Wisconsin.**

Contact:

Janet Zander

Advocacy & Public Policy Coordinator, MPA, CSW

Greater Wisconsin Agency on Aging Resources

janet.zander@gwaar.org

(715) 677-6723 or (608) 228-7253 (cell)

⁴ Benedictis-Kessner, J. D., & Palmer, M. (2020). Driving Turnout: The Effect of Car Ownership on Electoral Participation. *SSRN Electronic Journal*. doi:10.2139/ssrn.3714420.

⁵ Diamond, Carrie. (Jan. 2014). White Paper - Specialized Transportation in Wisconsin (State Statute 85.21). Retrieved May 18, 2021 from <https://gwaar.org/api/cms/viewFile/id/2004033>.

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From: Barbara Beckert, Director of External Advocacy and Milwaukee Office Director

Date: May 19, 2021

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A high percentage of people with disabilities and older adults are non-drivers, and many experience difficulties getting transportation to their polling place. We are concerned that consolidation of polling places will increase the distance non-driving voters must travel to vote in person, especially in rural areas where transportation options are specially limited. Consolidating polling places could have the unintended consequence of making it harder for non-drivers to vote.

Thank you for considering our concerns regarding SB 214. We welcome the opportunity to work with you to protect the voting rights of people with disabilities and ensure our elections are accessible and inclusive.

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Greater Wisconsin
Agency on Aging Resources, Inc.

Date: May 19, 2021

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Election Process Reform and Ethics

From: Janet L. Zander, Advocacy & Public Policy Coordinator

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Older adults are the fastest growing demographic of our state's population³. Within the older population, a large and growing percentage of people are age 85 and older. With advanced age people are more likely to have multiple chronic illnesses which can make it harder to get around. Additionally, many older adults no longer drive. Some parts of Wisconsin, particularly in the sparsely populated north, many people have a long way to go to vote and many of these smaller communities do not have public transportation options widely available.

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the well-being of older people in Wisconsin.

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