



State Senator Sheila Harsdorf

Date: April 9th, 2015
To: Senate Committee on Elections and Local Government
Fr: Senator Sheila Harsdorf
Re: Senate Bill 47— clarifying the timeline for processing absentee ballot requests

Dear Chair LeMahieu and Committee Members,

Thank you for holding a public hearing on Senate Bill 47 (SB 47), which seeks to allow municipal clerks who receive a request for an absentee ballot by mail, electronic mail, or facsimile transmission to respond no later than one business day after receiving the request.

Under current law, municipal clerks are required to respond to a request for an absentee ballot within 24 hours of receiving the request. I have drafted and introduced this legislation at the request of clerks in my district who have shared with me the challenges they face in complying with this law when requests are received on weekends. Based upon the law's current language, some are interpreting the statutes to require that clerks check for requests on Saturday and then send mail ballots out on Sunday, even though there is no mail service on Sundays.

SB 47 is an effort to alleviate the burden this requirement places on municipal clerks, particularly those in smaller municipalities who serve in a part-time capacity and do not have support staff. This bill presents a common sense solution that will change the current language of the state statute from within 24 hours to "one business day" with regards to responding to an absentee ballot request. This will ensure that requests are responded to in a timely manner while removing an undue burden on local clerks.

In working with the Government Accountability Board (GAB) on this legislation, it was recommended that the term "business day" be defined in this statute in order to remove any potential ambiguities and that this change be reflected in both Chapters 6 and 7 of the statutes. These adjustments are reflected in the substitute amendment to SB 47.

I urge your support of SB 47. I would welcome any questions you may have. Thank you again for holding a public hearing and for your consideration.



CODY HORLACHER

STATE REPRESENTATIVE • 33RD ASSEMBLY DISTRICT

(608) 266-5715
Toll-Free: (888) 529-0033
Rep.Horlacher@legis.wi.gov

P.O. Box 8952
Madison, WI 53708-8952

April 9th, 2015

Senate Committee on Elections and Local Government:

I would like to register my support for SB 47 the Absentee Ballot bill authored by my esteemed colleague Sen. Harsdorf.

This is a common sense piece of legislation created to assist local clerks in processing absentee ballot requests.

I spoke with the clerks from every municipality in my district and they were all supportive of this effort.

I ask you to join with me and many of our colleagues in supporting this bill.

Thank you for allowing me to share my thoughts with you today.



WMCA ELECTION COMMUNICATION COMMITTEE

Pertaining to Senate Committee on Elections and Local Government

Public Hearing – Thursday, April 9, 2015

Senate Bill 47 – responding to a request for an absentee ballot

The WMCA Election Communication Committee would like to submit testimony pertaining to Senate Bill 47 relating to responding to a request for an absentee ballot. Because this is a busy week for the municipal clerks across state administering the Spring Election we won't be able to have clerks present at the Public Hearing.

This proposed bill would be of benefit and provide needed assistance and clarification in sending absentee ballots. The current law requires the clerk to send the absentee ballot within 24 hours of receipt of the voter's request. This is a burden and many time of no benefit to the voter or municipality. It can be additional expense if the municipality would need to pay their staff overtime to process ballots on the weekend.

When a voter sends in their request at 7:00pm on a Friday or Saturday the clerk must go into the office to process the request and mail the ballot. While the clerks go to great lengths to do this to meet the 24 hour requirement, it is to no avail because in most municipalities, no matter their size, there is no longer mail service/pickup on the weekends. So the clerk makes the attempt to meet the 24 hour requirement but the ballot won't be picked up from the post office or mailbox until Monday afternoon. So the clerk altered their personnel life, family events, and schedules only to have the ballot sitting in a mailbox for 24-48 hours. The mail pickup would be the same whether it was processed on a Saturday or a Monday.

In the November 2014 election, many clerks went into the office on a Saturday and a Sunday to process a few ballots knowing those ballots would sit in the mailbox at the post office to await pickup by the postal service until Monday afternoon. There would have been the same effect if the ballots were processed Monday morning during normal business hours. Many clerks across the state had this issue and concern. Municipalities incurred additional expenses where overtime had to be paid to staff members to process these requests.

By changing the requirement to one business day after receiving the request it makes the process reasonable and practicable to administer while saving unnecessary staffing expenses.

Please let us know if you have any questions or need additional information.

Diane Hermann-Brown WCPC/CMC/CPM
Co-Chair City of Sun Prairie

Sandi Wesolowski, CO-Chair, City of Franklin
Co-Chair City of Franklin

WMCA Election Communication Committee

Diane Hermann-Brown WCPC/CMC/CPM Co-Chair	City of Sun Prairie
Sandi Wesolowski Co-Chair	City of Franklin
Chris Astrella WCMC	City of Waterloo
Sandra Boetcher	City of Altoona
Barbara Goeckner WCPC/MMC	Village of Germantown
Melissa Hongisto	Village of Suamico
Carla Ledesma, CMC	City of Wauwatosa
Sara Ludtke WCMC	Town of Middleton
Sue Peck	Village of Marshall
Brenda Walker	Village of Coloma
Maribeth Witzel-Behl WCMC	City of Madison
Nancy Zastrow WCMC/CMC	Village of Pewaukee

State Election Communication Committee

The State Election Communication Committee shall be focused on communicating and serving as a liaison between WMCA members, Government Accountability Board and State Legislators on election related issues. The Committee will have a presence at GAB Board meetings, focus groups, Legislative Hearings and provide input that represents the WMCA membership needs and concerns in general.



COUNTY OF MANITOWOC

COUNTY CLERK

1010 South 8th St., Ste. 115
Manitowoc, WI 54220

Jamie J. Aulik
Manitowoc County Clerk

Telephone: (920) 683-4004
Email: jamieaulik@co.manitowoc.wi.us

Date: April 9, 2015

To: Members of the Senate Committee on Elections and Local Government

From: Jamie J. Aulik, Manitowoc County Clerk

Re: Testimony supporting SB-47, SB-73/AB-82, SB-71, and SB-96

Dear members of the Senate Committee on Elections and Local Government:

As a local government official charged with carrying out election laws, I am frequently faced with an amalgamation of confusing, conflicting, and sometimes unworkable statutes. Ensuring election laws make sense is in the interest of voters, election officials, and the election administration system as a whole. A number of bills at today's hearing bring much needed common sense reforms to our election administration system, and I wanted to ask for your support for the following items:

Senate Bill 47

Relating to: responding to a request for an absentee ballot

Since the last legislative session, in-person absentee voting has not been conducted on weekends or holidays, so it makes too much sense to give our municipal clerks a break from having to deal with by-mail absentee voting on the same days. In Manitowoc County, all of our town clerks and half of our village clerks are part time, so please support these dedicated public servants by giving them a breather during an otherwise very busy time preceding each election.

Senate Bill 73/Assembly Bill 82

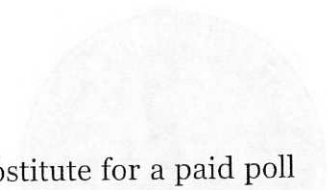
Relating to: instruments filed or recorded with, and fees charged by, the register of deeds

We're all fans of modernizing government and making it more efficient. This bill helps my fellow Register of Deeds do just that, and it mirrors many modernizing provisions that affected the county clerk's office, which were passed last session in 2013 Act 373. This bill allows for electronic storage of records, updates a number of statutes affecting their office which are desperately in need of updating, and generally helps the Register of Deeds office operate in the 21st century. If enacted, the result is a more efficient and effective Register of Deeds office, and better served constituents.

Senate Bill 71

Relating to: allowing municipal clerks to register voters on Election Day

Municipal Clerks are authorized to register voters every day of the year except the three days preceding each election, and Election Day. On the three days preceding each election, it makes sense for them to take a break because they are busy preparing for Election Day. But having a barrier on Election Day makes absolutely no sense. Municipal Clerks are Wisconsin's voter registration experts, and in order to ensure that voter registration laws are followed and quality voter registration forms are produced, we need encourage them to do it as much as possible.



Cost savings to local government will also result. A municipal clerk could substitute for a paid poll worker on Election Day, thereby saving the cost of a paid position. Also, correcting errors on voter registration applications can be time consuming and costly; where entering a correct voter registration form into the Statewide Voter Registration System takes only a couple of minutes, incorrect forms can sometimes take up to an hour or longer because the voter has to be contacted and the information needs to be tracked down and corrected.

Senate Bill 96

Relating to: fees for election recounts

For local governments, recounts are usually unbudgeted items. I support this bill because it simplifies the fee structure while discouraging the sometimes frivolous recount requests that clerks sometimes encounter (e.g. recounts where there is a very wide margin between the winning and losing candidates, but the losing candidate doesn't trust the voting equipment, or the election officials, or both). This bill also accounts for a loophole in the current structure where it is virtually impossible for election officials to recoup costs when less than 1,000 votes are being recounted.

Members of the Senate Elections and Local Government Committee and co-sponsors of the Amendment 1 to SB 47

My concerns are related to SB 47 and Amendment 1 and I ask you to revise the bill to clarify that it will not make changes to the absentee voting process conducted by poll workers designated as Special Voting Deputies (SVDs). SVDs are charged by their municipality with the responsibility to deliver absentee ballots to requesting registered voters who live in nursing homes and other qualified residential facilities.

Wisc. Stat. 6.875 was written by you, the legislators, to offer to these voters the protections that the Legislature warned of in its Legislative Policy, under Wisc. Stat. 6.84: the need to protect the privilege of absentee voting from fraud and abuse. Wisc. Stat. 6.875 details the process of offering absentee voting within nursing homes and other qualified residential facilities where voters may lack transportation to the polls; may need assistance to vote their ballot; are over the age of 60 and may be indefinitely confined. Wisc. Stat. 6.875 (2) (a) specifically states that "the procedures prescribed in this section are the exclusive means of absentee voting in person inside that facility or home for electors who are occupants of the facility or home".

The two SVDs, ideally one from each of the two majority parties, are trained and take an oath of office to conduct the voting in facilities identified by the municipal clerk as meeting the criteria to receive that absentee voting service. The two SVDs are required to make two scheduled visits to each facility served. If a registered voter has not previously requested an absentee ballot, the deputies can during either visit, offer to them an absentee ballot application and once filled out and signed by the voter, a ballot can be offered right then and there to the voter.

This is a statutorily organized process that offers the registered voter two opportunities to receive and vote their absentee ballot. The ballots are brought to the voter by two election officials who can legally assist the voter to read and /or mark their ballot if that is necessary and it often is with SVD voters. Both the statutes and the Government Accountability Board administrative rules governing SVD voting detail an orderly process that seeks to protect the voter, and the rights of that voter, to legally cast their ballot without "fraud or abuse", "overzealous solicitation" to participate, or "undue influence" to vote for or against someone or a referendum. The two SVDs are required sign the Certificate Envelope as witnesses to verify that the voter voted their ballot.

I would ask that SB 47 be amended to exclude those voters who receive their absentee ballot via the Special Voting Deputies. The law as already written allows that if a voter misses the two scheduled opportunities provided by the SVD process, the clerk may mail the ballot to that voter. When that ballot is mailed, however, the protections of the SVD process are not available to that voter.

Mary Ann Hanson
3740 Mountain Drive
Brookfield, Wisconsin 53045

**Testimony of Kevin J. Kennedy
Director and General Counsel
Wisconsin Government Accountability Board**

Senate Committee on Elections and Local Government

April 9, 2015

**Room 201 Southeast, State Capitol
Public Hearing**

**Senate Bill 47/Assembly Bill 58
Senate Bill 71/Assembly Bill 79
Senate Bill 96/Assembly Bill 124**

Chairperson LeMahieu and Committee Members:

Thank you for the opportunity to comment on the bills before you today. I am appearing here for information purposes and to answer any questions you or Committee members may have. The Government Accountability Board has not taken a position on this legislation.

2015 Senate Bill 47/2015 Assembly Bill 58

In its original form this legislation directed municipal clerks to respond to an absentee ballot request no later than one business day after receiving the request. The substitute amendment reflects changes to provide more practical direction on responding to absentee ballot requests. Instead of general directive to “respond” municipal clerks are directed to send or transmit no later than the statutory deadlines and within one business of receiving the request. The substitute amendment also provides a clear definition of business day. We appreciate the authors’ willingness to address the practical issues raised in the initial legislation.

2015 Senate Bill 71/2015 Assembly Bill 79

This legislation permits a municipal clerk who is not a candidate on the ballot to assist poll workers with Election Day registration activities. It does not require the governing body to adopt a resolution authorizing the clerk to perform the duties. Municipalities will find this flexibility very helpful when facing last minute staffing changes or a surge in voter turnout.

Senate Bill 96/Assembly Bill 124

This legislation makes significant changes in the calculation of fees for recounts. Wisconsin law does not provide for an automatic recount. It has to be requested. Only a candidate, usually a losing candidate, may request a recount for that particular contest. Any elector who voted in an election may request a recount of a referendum question.

The legislation reduces the threshold for a free recount from one half of one percent (.5%) to one quarter of one percent (.25%). We are not aware of any recount changing the initial outcome when the difference was half that amount (.125%) or more. The legislation also provides that no fee is required in a contest where 4,000 votes or fewer were cast and the difference is less than 10 votes.

The legislation also removes the \$5 per ward partial reimbursement for the petitioner if the difference is greater than the free recount threshold but less than 2%. A petitioner will have to pay a fee equal to the estimated costs for conducting the recount if the difference in the votes exceeds the .25% threshold.

The legislation permits the petitioner to receive a refund of the fee the outcome changes as a result of the recount.

Conclusion

Thank you for the opportunity to share my thoughts with you. I hope this testimony will help inform the Legislature's consideration of these bills. As always, we are available to answer questions and work with you in developing proposed legislation.

Respectfully submitted,



Kevin J. Kennedy
Director and General Counsel
Wisconsin Government Accountability Board

608-266-8005

Kevin.Kennedy@wi.gov