DEVIN LEMAHIEU

STATE SENATOR

Chair Bernier and Committee Members,

Thank you for taking the time to hear Senate Bill 574.

Senator Miller and I crafted this legislation to provide an alternative tool for municipalities to process absentee ballots. Early voting has increased dramatically over the last few years. In the 2018 General Election, over 565,000 absentee ballots were returned to municipal clerks across the state. This broke the record set in 2014 for a midterm election.

Under current law, absentee ballots may not be canvassed until Election Day. For some communities, processing the volume of absentee ballots for each election can be overwhelming. Processing thousands of absentee ballots during breaks or after 8:00 PM can delay election results and create a burden on poll workers and clerks.

Senate Bill 574 gives municipalities the option to adopt an ordinance allowing them to process absentee ballots the day before an election. Municipalities have the flexibility to choose which elections they would like to utilize the early ballot canvassing process.

Protecting the integrity of our elections is of utmost importance. This proposal applies the procedures under current law for canvassing absentee ballots on Election Day to the early ballot canvassing process. Absentee ballots will not be tallied until after the polls are closed on Election Day. Additionally, members of the public will still have access to the location where absentee ballots are canvassed as provided by current law.

Following discussions with stakeholders, I have introduced a substitute amendment which makes a number of important changes including:

- Establishes that the early ballot canvassing process will occur the day before an election, instead of specifying the Monday before an election.
- Provides clerks an additional day to publicly test their voting equipment if they are utilizing the early ballot canvassing process.
- Heightens the security requirements by requiring tamper-evident security seals on memory devices, voting machines and processed ballots as well as requiring them to be housed in a double-locked location.
- Requires municipalities to receive approval of the Wisconsin Elections Commission before implementing an early ballot canvassing process.

This proposal has a strong bi-partisan list of co-sponsors in both houses. Thank you for your consideration.

TYLER VORPAGEL

STATE REPRESENTATIVE · 27TH ASSEMBLY DISTRICT

Senate Bill 574: relating to canvassing absentee ballots on the Monday before an election and
providing a penalty.
Testimony of State Representative Tyler Vorpagel
Committee on Elections, Ethics and Rural Issues
January 15, 2020

Thank you, Chairwoman Bernier, and committee members, for your time listening to testimony
on Senate Bill 574. Over the past few years absentee ballot voting has increased dramatically
across our state, and especially in many of our smaller communities that do not have the
resources of our larger municipalities to hire as many additional staff to help process absentee
ballots on Election Day. This presents an even more burdensome Election Day that includes
working through lunches and past 8 PM to continue to count absentee ballots.

While working on this bill we heard from many clerks that being able to canvass absentee ballots
on the day before an election could help ease the burden they currently face on Election Day.
This bill would simply **allow** them to canvass for absentee ballots on the day before an election
but would still require the same process that clerks and election staff follow on Election Day.
This bill does not alter the ballot security measures in current law regarding the chain of custody
of ballots from the clerk's offices to the polling location on Election Day.

The most important portion of this bill is that it is an **OPTION** to municipalities. It authorizes a
municipality, if it so chooses, to adopt an ordinance providing for the canvassing of ballots on
the day before an election. If a municipality chooses to adopt this ordinance, it is at the clerk's
discretion if they choose to use it on any given election. For example, if a municipality adopts
this ordinance they are not required to use it at every subsequent election. Because it is an
option, clerks must weigh the additional rental costs that may be incurred to have it at location
for an additional day.

This proposal helps ease the burden on poll workers and clerks on Election Day and in no way
changes the safety and integrity of our elections, but instead helps ensure that election results do
not go long into the night. I hope that you can join Senator LeMahieu and I in supporting this
common sense election reform. If you have any questions either Senator LeMahieu or myself
would be happy to answer them.

MARK MILLER
WISCONSIN STATE SENATOR
P.O. Box 7882   Madison, WI 53707-7882

January 15, 2020

Testimony by Senator Mark Miller

Senate Bill 574

Madam Chair and members of the committee,

Thank you for providing an opportunity to provide testimony today on Senate Bill 574, a bill that will help local municipalities across the state during the busy election seasons.

As early in-person and absentee ballot voting grows in popularity, adjustments must be made to accommodate the increasing numbers. In the 2018 General Election, over 565,000 absentee ballots were returned to municipal clerks across the state. According to the Wisconsin Elections Commission, this broke the record set in 2014 for a midterm election. In the 2016 General Election, 819,000 of the 2.99 million ballots were absentee ballots.

While current law requires all absentee ballots to be counted on Election Day, due to high turnout and time constraints, this can put a very heavy burden on poll workers and clerks. Senate Bill 574 authorizes municipalities to adopt an ordinance providing for the canvassing of absentee ballots on the day before an election. This will allow clerks and poll workers the flexibility they need to count the ballots. Attempting to count in between voters or after 8pm adds stress to an already stressful day for these hard working clerks and poll workers.

Because this bill is permissive, no municipality is required to adopt this procedure. It is an option. With the ever increasing use of in-person absentee voting, this bill provides a workable solution to a growing issue facing local election officials; giving clerks and poll workers more time to count votes, and ensure poll books and tabulator counts are reconciled efficiently.

Election integrity is of the utmost importance and this bill maintains that standard. In fact, it is actually a benefit in that respect as the poll workers and clerks will not be as rushed in their counts. Additionally, this bill has safeguards included that ensure ballots are tallied accurately and stored safely as well as ensuring public access to the location where the ballots will be counted. Local clerks have informed me that there will actually be more space for public viewing should this become law.

Thank you again for holding this public hearing, I would be happy to answer any questions you may have.

Senate Committee on Elections, Ethics and Rural Issues
Chair, Senator Kathleen Bernier
Testimony by Representative Mark Spreitzer
January 15, 2020

Chair Bernier & committee members:

Thank you for the opportunity to testify in favor of Senate Bill 574 which allows for early canvassing of absentee ballots. SB 574 is a bipartisan bill that came directly out of requests from clerks looking for the flexibility to canvass absentee ballots ahead of the crunch time of Election Day. Along with SB 193, which allows for the use of electronic voting machines to cast a vote with an in-person absentee ballot, SB 574 will help to modernize Wisconsin's absentee ballot processing by allowing clerks to choose the approach that is the most useful for their operation.

This is a permissive bill designed to give local clerks one more tool to ensure that ballots are canvassed in a timely manner while maintaining public access and election security. SB 574 has been carefully crafted to ensure that clerks are empowered to make the final decisions on how to conduct elections in the most efficient and logical way. If a clerk in a municipality is given the option to canvass ballots early under SB 574, that clerk is allowed to exercise their judgement to decide which elections will utilize early canvassing of absentee ballots and which elections will not. By crafting SB 574 in this way, we have ensured that no clerk will be forced to use this mechanism if they do not believe it is in the best interest of their community.

For members of the public wishing to observe the canvassing process, SB 574 ensures that their rights are preserved. In addition to requiring that members of the public have the same rights to observe the early canvass process as in the normal canvassing process, SB 574 also requires that election inspection procedures and ballot challenge procedures are executed in early processing locations. Keeping public access, security, and verification procedures consistent between Wisconsin's current Election Day processing procedures and the proposed early canvassing procedures is a priority under SB 574.

As you can see by the authors on this bill, SB 574 has already received bipartisan support from members of both houses of the legislature. As elected officials, I am sure that we are all keenly aware of the uptick in the use of absentee ballots by Wisconsin voters, and the need for new ways to ensure that clerks are able to process them in a timely way. I truly appreciate the work that Senator LeMahieu, Senator Miller, and Representative Vorpagel did to help make this concept a reality, and I thank the committee for its consideration of SB 574.

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WMCA
Wisconsin Municipal Clerks Association

Legislative Communications and Advocacy Committee Report

The LCAC Committee of WMCA opposes SB-574 and expresses the following concerns or questions in their position to oppose.

1. Monday processing does not address voter confidence. There will still be too many balloting errors in which poll workers are determining voter intent, a certain number of which, will be remade inaccurately as history has proven.

2. Monday processing is an added expense for municipalities to obtain additional equipment either by lease or purchase as existing equipment is already being transported to polling locations on Monday for Election Day set up.

3. Monday processing does not solve the ever increasing budget woes for communities as they must continue spending thousands of dollars on an outdated envelope process and staffing to manage it.

4. Monday processing requires the municipality to find enough workers to serve two days. Municipalities are already struggling with finding enough workers for a one day process.

5. Many Municipal Clerks are simply not available for processing on Monday as "day before preparation activities are already a significant undertaking.

6. (Page 3 lines 13-14): Concerns about the provision for County Clerks directing a Central Count include that they are a Partisan Office and election activities have traditionally been under the direction Municipal Clerks, a Non-Partisan Office. Additionally, Municipal Clerks are required by law to take a 3 hour core election training and then an additional 6 hours minimum during each two year period thereafter (noted below). The bill doesn't address any election related training requirements for the County Clerk and lacks specific details as to the designation provision and whether the official designated is partisan or non-partisan and what level of election training would be required for that individual under this bill.

   a. The training term for municipal clerks is established by state law and begins on January 1 of an even numbered year and runs through December

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31 of an odd-numbered year. All election officials operate in the same training term.

  b. New Municipal Clerks must take the 3-hour municipal clerk core training class in their current term in office, regardless if there are any scheduled elections for the remainder of the training term.

  c. Clerks must take and report a minimum of six hours of election training each 2-year term. MCT Core counts for three of the six hours.

  d. Clerks must report their election training to the Commission either using the prescribed reporting form linked below or by entering the training into the WisVote system for staff review and approval.

2. Page 3 lines 14-18: The bill lacks specific details as to the expense mechanism of the County Clerk process and whose fiscal responsibility it would be for staffing, equipment, supplies, needed. It seems to divide the responsibilities whereby preparation for the central count process at the County remains under the direction of the Municipal Clerk but the Monday process would be under the direction of the County Clerk. On Line 17, the language indicates "the County Clerk shall begin the proceedings for that municipality", which sounds like the County Clerk is in the role of being a service provider, but yet the municipality has no authority or command over the service being provided and vice versa. What happens when there are problems or differing opinions between the two? There are an infinite number of issues that come up with Elections. The bill lacks specific details as to the service provider relationship and how conflicting matters would be resolved. It may also be in conflict with local control. Municipal Clerks answer to the elected officials of their respective municipalities. County Clerks are elected officials who answer to the people who collectively voted for them so there are no quick answers if a remedy is needed. There would certainly be no local control for a process the municipality is most certainly responsible for under this provision of the bill. There were many questions on how that would work specifically.

Respectfully,
Wisconsin Municipal Clerks Association
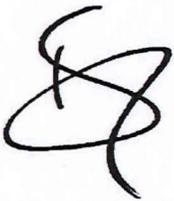
Kelly Michaels, Chair
Legislative Communications and Advocacy Committee

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January 15, 2020

Testimony from Lisa Tollefson in SUPPORT of SB 574 relating to: early canvassing of absentee ballots.

Good Afternoon Chair Bernier and committee members. Thank you for holding this public hearing on the SB-574 allowing for the processing absentee ballots the day prior to Election Day. I am speaking in support of Senate Substitute Amendment 1 to SB574.

My name is Lisa Tollefson. I'm the Rock County Clerk, the deputy town clerk for the Town of Harmony, a Wisconsin Certified Municipal Clerk and a Certified State Election Trainer.

As you have heard over the past few years from numerous clerks, the popularity of absentee voting continues to increase and in turn the processing of those absentee ballots has become a burden to complete in a timely manner on Election Day, especially at high turnout elections.

This legislation gives municipalities another option to help them handle that ever increasing number of absentee ballots. A municipality would need to pass an ordinance and receive approval from the elections commission in order to process absentee ballots the day prior to an election.

This is an optional process. Not a requirement to be used by every municipality. An unlike a central count processing site, this option is not required to be used at every election. Only at the elections where it is needed.

Since many of you are only at the polling locations for a short period of time on election day, especially at those high turnout elections where you may be a candidate on the ballot, let me paint a picture of what is happening at the polling location. So you have a better understanding of where the problem lies.

You're at your polling location. It's Election Day. The polls open at 7:00 a.m. You already have a line out the door waiting to vote. In your polling location there is a spot to register to vote and tables set up for each ward. Let's say you have four wards. And those tables may be divided down even further, possibly A-L and M-Z. The voters enter the polling location and head to their ward. They state their name and address, show their photo ids and then goes to the next station to receive their ballot. The voters then heads to the voting booth to vote their ballot. Each and every one of those voters is then heading to the tabulator in the room to insert their ballot. This is usually where a bottle neck starts. Now you have another set of poll workers acting as the absentee voter. Stating the absentee voters name and address, opening the envelope, and heading for the same tabulator. If the polling location is busy, you are going to take care of the voters who can in-person to vote on Election Day first. You are not going to hold up the line at the tabulator to enter in an absentee ballot.

In April of 2016 in the City of Janesville, the polling locations were so busy, as least three polling location did not even start to process any absentees until after 8:00 p.m.

Currently there two ways to elevate the pressure of processing the absentee ballots.

1. Add an additional tabulator to your polling location. A tabulator can cost between $6,500 and $9,000 each depending on the vendor.

2. Use a Central Count location to handle processing all of your absentee ballots on Election Day. None of your absentee ballots go to the polls.

In this bill you will notice municipalities that use Central Count absentee processing locations can also start to process absentees the day prior to election day. In August of 2016 the City of Janesville started using central count to process

absentee ballots. Everything went very smoothly. November was a different story. The City of Janesville had over 9,500 absentee ballots to process. As the day progressed they knew they were not processing at a fast enough to rate to complete the ballots by the time the polls closed and started pulling poll workers from the polling location to central count to finish in time. In their rush to process as quickly as possible a large number of ballots were sliced in half opening envelopes and had to be remade slowing the process more. Their results do not come into the county until after 11:00 p.m. that night.

I suspect the City of Janesville will jump at the chance to processing absentees at their central count location the day prior to the election at high turnout elections.

Now I have used the City of Janesville as an example a lot, but let's break down the numbers. The City of Janesville is expecting over 10,000 absentee ballots in November 2020. They have 10 polling locations. Divide that out and you would expect 800-1200 ballots per polling location. We have other cities, villages and towns in my county dealing with the same volume of absentee ballots at their polling locations. Their next option is to purchase another tabulator. A $6,500 tabulator for one election every two years.

But if they were able to process their absentee ballots the day prior to the election, they would could use the same tabulator for both days and not need to purchase another machine.

The poll workers used to process the absentee ballots, would then be free to work at the polls on election day helping the voters coming in person to vote.

In August the Wisconsin Municipal Clerks Association held their annual conference in Middleton. This conference is attended by municipal clerks from across Wisconsin. During the conference I helped the Wisconsin Election Commission staff run a new Election Day Scenario training. I was the moderator at one of the tables and during a lull the group of clerks at my table asked me for advice on how to handle all the absentee ballots they were going to receive in 2020. I gave them hints to help with the process, but I could still see the hopeless anxiety in their faces about what they will be up against this year.

This is a simple solution that could help a large number of municipalities. In fact over 1000 municipalities have the equipment needed to use this process and do not need to make any additional purchases.

Most clerks have minimal last minutes items to take care of the day before an Election. Since the poll workers would be the ones processing the absentee ballots, the clerk could easily be available for any questions.

As I stated before I'm also a deputy town clerk. Between September 2017 and June 2018, my town clerk became too ill to work. For a nine month period I was the acting town clerk and county clerk. We had three elections during that timeframe. As a town clerk the only things I needed to do the day before the election was touch base with the chief inspector, log any returned absentee ballots and change the message on the town phone. I could have easily had my team of poll workers process absentee ballots the day prior to the election.

Please support this legislation so municipalities have an option to help them deal with the massive number of absent ballots they will be receiving this year. Let the municipalities decide what solution will work best for them.

If you would like a better understanding of what clerks and election inspectors are dealing with on Election Day, I invite you to attend one of four the Baseline Chief Inspector trainings I will be teaching over the next week and half. I'm always happy help others understand the incredible election process we have in our state and the dedication of our teams of clerks and election inspectors.

Thank you for taking the time to listen, and I would gladly answer any questions you may have.

Lisa Tollefson
Rock County Clerk

Kelly Michaels, MMC, WCPC
Master Municipal Clerk
Wisconsin Certified Professional Clerk
City of Brookfield, WI

A 30-year career in municipal government, including appointment as the Professional Municipal Clerk for the City of Brookfield 2011-present; Clerk/Personnel Director for the City of Stoughton (2010-2011) and Clerk for the City of Wausau (1989-2010, appointed to the position of Clerk in 2001). Also served as an elected official in the capacity of County Board Supervisor for District 13 in Marathon County (2004-2009). Board of Directors for the Wisconsin Municipal Clerk's Association for past five years, most recently as its President (2018-2019). Appointed to Chair of WMCA's Legislative Communications and Advocacy Committee. Education includes a Bachelor of Science in Business Administration/Human Resources from Upper Iowa University, International certification as Master Municipal Clerk and WMCA's highest credential of Wisconsin Certified Professional Clerk.

January 15, 2020

Thank you for this opportunity to testify against SB-574 on behalf of the City of Brookfield and Mayor Steven Ponto who served on the state Elections Board in 2000 and 2001, and was the Chair of the Board in 2001. Mayor Ponto and I have had many discussions regarding ballot integrity as it relates to our current election processes and the growing number of absentee ballots. Besides not having equipment or time capacity for a Monday process, I'd like to address two main concerns.

1. Ballot Integrity: We have seen tremendous growth in the numbers of absentee ballots being cast. The 2016 presidential elections returned 817,549 absentee ballots in Wisconsin. Almost 80% of those ballots were cast in-person. Current processes involve poll worker activity in between the voter marking their ballot and the machine counting it, which significantly increases the risk of ballot tampering opportunities. Absentee voting represented 28% of all ballots cast in 2016. Absentee records were broken in the 2018 mid-term elections and they are already on pace to be even higher in 2020. Without question, we know it is impossible to process that many ballots in the 13 hour Election Day. However, we need to consider how attractive our current processes are to unscrupulous or bad actors out there, who are looking for ways to gain a winning edge for their candidate. Ballot tampering is certainly much easier to accomplish than the cyber-attacks on voting equipment that we often read about with sensational journalism.

    a. Current law provides for party poll workers and if practical, a worker from each of the opposing parties are paired. The reality is that most communities, either, don't have any party workers or the numbers are very low. It is very common for one party to be more dominate than the other depending on the area of the state. Most often, unaffiliated workers are utilized, so it is not uncommon for poll worker teams to be of like mind. (*Brookfield has 29 Republicans, 19 Democrats and 126 Unaffiliated poll workers*)
    b. While we don't want to believe our poll workers are anything but honest, it is a fact that poll workers have marking devices in hand and it takes less than a second to make a mark on a ballot to either vote for a candidate or cast an over-vote to eliminate a vote for an opposing candidate. The ratio of canvassing teams to supervisors and observers is not effective when you consider how quickly you can make a mark in an oval.
    c. Additionally, it is very difficult to detect ballot tampering whether absentee ballots are canvassed at polls or central count because it is not unusual to witness the marking of ballots during the processing. Determining whether the marking activity you've just witnessed is a legitimate activity or a tampering event is very difficult.

Current Central Count laws require the poll worker to write the voter number on the ballot and while there is a clean up bill (AB-247) out there that will hopefully eliminate that terrible practice, it hasn't been adopted so while you are observing from across the room, are they recording a voter number or tampering on the ballot?

d. Additionally ballot integrity is affected a second time when ballots are being searched for write in votes and sorted back into individual ward order for bagging after polls close. There is a write in report whereby the machine detects hand-writing and snaps a picture of it to print a report in order to tally write in votes without touching voted ballots. Equipment vendors developed it years ago as there are other states that have ballot integrity laws preventing the official ballot record from processes that offer any opportunity for tampering.

e. The paper ballot is the official document used to determine questions of the vote in both audit and recount activities, so a tampered ballot could ultimately be the record of fact.

f. Tampering does not go through any rigors of a remake processes. However, following the Stein recount, the state reported over 11,000 errors in the legitimate activity of remaking ballots. While this is a small percentage of over-all ballots the number seems high to me. Was this human error or something else? When do we address a better process so we can eliminate 80% of the middle-man process for absentee voters?

2. The bill includes a criminal penalty for providing information on the accumulating results, however it is going to be incredibly difficult to prevent widespread leaks of how the election is tracking. The process is open to the public and with the numbers of poll workers, observers and media who will have access to view voted ballots on Monday, they are, absolutely, going to get a clear sense of how the election is tracking. Prosecution will be very difficult with the whisper campaign that is sure to follow.

The City of Brookfield opposes SB-574 and we ask committee members to adopt legislation that solves the issues involved with processing the ever growing numbers of absentee ballots being mindful of processes that protect ballot integrity, secrecy, and security while holding down tax-payer expense and giving the voters in Wisconsin confidence of an open and fair Election process. I am happy to answer any questions.

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City of Milwaukee

Election Commission

January 15, 2020

TO: Chairperson Bernier and Committee Members
       Senate Committee on Elections, Ethics and Rural Issues

FROM: Neil Albrecht, Executive Director, City of Milwaukee Election Commission

RE: SB 574/AB 636

Thank you for this opportunity to provide written testimony in support of SB 574. The City of Milwaukee has registered in support of this bill.

By adding the Monday preceding an election to the allowable timeline for clerks to processs absentee ballots, this proposed bill would increase the capacity of many Wisconsin Municipal Clerks, including Milwaukee, to meet practical and statutory deadlines for processing absentee ballots related to high turn-out elections. I believe this change to state law is important to the continued capacity of clerks to effectively manage all aspects of election administration, particularly during high turnout General Elections.

As an election administrator in this state for the past 15 years, including three Presidential Elections and four Mid-Terms, I have experienced first-hand the overwhelming public interest in in-person absentee voting on both a local and national level. Nationally, the exponential growth of "early voting" in Presidential Elections is estimated to have increased from 7% in 1992 to 36.6% in 2016.   In the city of Milwaukee, substantial growth in numbers can be seen beginning with the 2000 Presidential Election:

2000: 5,000 IPAV (In-Person Absentee Voting) voters
2004: 10,000
2008: 32,000
2012: 37,500
2016: 52,500
2020: 70,000 (projection)

There are several noteworthy considerations related to this growth. <u>First, no matter the size of the municipality or the availability of hours for IPAV voting, most municipalities have experienced comparable and *substantial* growth in IPAV voters.</u> This issue is in no way unique to the City of Milwaukee, but is instead reflective of the state as a whole. Second, this increase can be attributed to a wide array of factors that include voter interest in avoiding Election Day wait times, as well as

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MILWAUKEE

candidate, political party and media promotion of the availability of "early voting" opportunities. In fact, as an election administrator, I have very little control over this growth, but have instead witnessed a significant media push, driven by the political parties, to encourage people to vote early before the high turnout elections.

Even with a significant investment of staff and resources, in 2016 the City of Milwaukee was unable to complete all processing of absentee ballots until 1:30 a.m., which greatly slowed Milwaukee County's release of comprehensive election results. In the 2018 midterm, the processing of absentee ballots was not complete until midnight, which also delayed the availability of complete election results.

I have very little control over what has been a near 500% increase in in-person absentee voting activity. Where we, collectively, do have control is in setting the process. I am hopeful that clerks, in partnership with the Wisconsin Elections Commission and the Wisconsin Legislature, can agree on modifications to state law that proactively address this emerging administrative crisis, are cost-efficient, and ensure the integrity of election results. Allowing the City of Milwaukee and other municipal clerks to begin the processing of absentee ballots moves Wisconsin closer to addressing challenges related to absentee ballot volume.

I would also like to note that while the City of Milwaukee fully supports SB 574, the city remains enthusiastically behind SB 193 which would allow the use of electronic voting equipment during in-person absentee ballots. This model maintains additional benefits that include the increase in capacity presented by SB 574, but would also dramatically reduce absentee ballot processing costs for clerks. The cost of processing an in-person absentee ballot is significantly higher than that of a ballot fed directly into a tabulator by the voter. Costs include staff time organizing and preparing a high volume of absentee ballots, additional election worker pay to process absentee ballots, and absentee voting printed materials. Further, use of equipment during in-person absentee voting would reduce the possibility of voter error when submitting an absentee ballot (at in-person, by-mail and at residential care facilities) and increases public confidence in the privacy of voting.

Thank you for your consideration of my testimony,

Sincerely,

Neil Albrecht
Executive Director
City of Milwaukee Election Commission

COUNTY CLERK

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Committee on Elections, Ethics and Rural Issues
Public Hearing January 15, 2020

<u>Senate Bill 574</u> - *Relating to canvassing absentee ballots on the Monday before an election and providing a penalty*

Although, I agree with the intent of having a more efficient method of processing absentee ballots, I don't believe SB-574 addresses numerous issues and potential security risks that we have with our current process (*refer to Attachment A*). This bill merely allows municipalities to use our current process the Monday prior to Election Day rather than on Election Day itself. Hence, by processing ballots the day before Election Day it actually adds to the security risks and opportunities for fraud.

Absentee ballots are handled numerous times by various people and may need to be reorganized and secured up to 6 weeks prior to an election. Municipalities hire numerous part-time staff and election inspectors to assist with the process prior to and on Election Day. Absentee Ballots frequently are voted incorrectly, damaged in transit, ripped when opening the envelope, or have ballot read errors. The remedy for these issues is to have election inspectors remake ballots. We trust that they are executed to reflect voter intent; however, due to the extraordinary high volumes of absentee ballots, mistakes are made where voter intent is not accurately reflected. It doesn't matter if an innocent mistake is made or fraudulent marks are intentionally made to the ballot because once the ballot is inserted into the tabulator that ballot becomes the official record (*refer to Attachment B*).

Polling locations or central count set-ups frequently don't provide the best viewing or audio for election observers during processing of absentee ballots. Likewise, appropriate oversight and supervision of the process is difficult because of staff inexperience, ratio of poll workers to supervisors, and the ability to secure qualified staff. The process we follow was designed for minimal volumes of absentee ballots, not the thousands we are currently processing. Before we begin a Monday processing, we really need to have an analysis and revision of absentee ballot laws, rules, and practices. We need to ensure we have a secure system that minimizes a poll worker's ability to make marks on ballots that could change voter intent and possibly the outcome of an election (*refer to Attachment C*).

I am a firm believer that AB-203 and SB-193 is the best method of fraud prevention because during early voting the elector would be able to correct his/her ballot; the elector would insert the ballot directly into the tabulator; and the ballot is secured on a daily basis preserving the voter intent reflecting the data scanned when the elector placed the ballot into the tabulator. Hence, the voter intent is documented, secured, and there is no opportunity for ballot fraud.

Early voters make up an estimated 70% of the absentee ballots cast. By allowing early voters to insert their ballot directly into the tabulator, the number of absentee voters using the envelope method will decrease. This results in a reduced work load for election inspectors for processing absentee ballots using the current method. Likewise, the overall process is more manageable, allows greater oversight by election observers; and improves the ratio for supervision. Thus, this lowers security risks, possibilities for ballot tampering, and opportunities for election fraud.

We do not support SB-574.

Sandy Juno, Brown County Clerk and Brown County City, Village, and Town Clerks

COUNTY CLERK

Brown County

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SANDRA L. JUNO
COUNTY CLERK

PHONE (920) 448-4021   FAX (920) 448-4498   juno_sl@co.brown.wi.us

DATE: Dec. 18, 2019

RE: Absentee Ballots Casting and Processing

Cause of Problem:

- Wisconsin Statutes were changed around the year 2000 removing restrictions from electors regarding eligibility for casting absentee ballots; thus, current law now allows all eligible voters the ability to cast an absentee ballot.
- Likewise, in recent years the period for casting absentee ballots changed from absentee voting being available 2 weeks prior to the election to allowing voting as soon as the clerk receives the ballots. In some cases, this allows electors' to vote absentee up to 6 weeks prior to the election. In addition, municipalities can have multiple off site absentee voting locations where previously electors were limited to voting by mail or at the clerk's office.
- Political parties, candidates, special interest groups, social media and the media encourage electors to vote early.
- Legislation did not address absentee ballot processing, when the law was changed to give electors the ability to vote absentee. Henceforth, the high volumes of absentee ballots cast today follow the original and outdated laws for processing and scanning absentee ballots, which currently take place on Election Day from 7am until the closing of the polls. (Polls cannot close until all absentee ballots are processed and scanned).

Impact of Problem:

- In the 2000 Presidential election, 6,770 absentee ballots were cast in Brown County. In the 2016 Presidential election, 43,033 absentee ballots were cast in Brown County. That is an increase of 636% electors casting absentee ballots. The enormous increase in absentee ballots cast is not unique to Brown County, but rather is experienced statewide. *(Refer to Absentee ballot attachments.)*
  - ✓ Populous municipalities are heavily impacted by increased absentee voting and need efficiency options for processing them.
  - ✓ There are no reasonable accommodations for processing absentee ballots based on population. A community that has 100,000 absentee ballots has the same amount of time to process ballots as a community that has 100 absentee ballots.
  - ✓ Electors prefer to vote when it is convenient to their schedule; thus, we have more early voters.
  - ✓ High costs to mail absentee ballots and additional staff are required for absentee ballot management prior to Election Day.
  - ✓ Election inspectors, not municipal clerks, are directing the processing of absentee ballots on Election Day. This leads to potential errors or varying methods for making ballot decisions.
  - ✓ Poll workers have the ability to know how an elector voted when reviewing the envelope and voted ballot.
  - ✓ Poll workers have the ability to share information regarding electors voting choices. This information is required to remain confidential; however, it is very difficult to prove violations after the fact.
  - ✓ High volume of absentee ballots require additional poll workers and equipment to process them on Election Day. There are no laws that set ratios or standards dictating the number of staff to process a specific number of absentee ballots. Ratios vary from community to community.
  - ✓ We are using the poll workers (public) to handle voted ballots and make vital decisions on ballots' status even though poll workers have limited election training and experience.
  - ✓ There are no standards for ratios of supervisors assigned to poll workers. Ratios vary greatly from one community to the next.
  - ✓ There are no requirements for continuous monitoring or oversite of poll workers handling absentee ballots. Therefore, if fraud was committed it is difficult to prosecute without electronic monitoring or other security checks that can substantiate proof.
  - ✓ A Dem and Rep poll worker pair should make decisions when remaking ballots (erroneous or damaged); however, if poll workers do not declare a party affiliation this rule does not prevail. Hence, you could have two individuals with the same political persuasion remaking ballots.

Attachment A

- ✓ Observers viewing the processing of absentee ballots may have limited access to scrutinize and hear poll workers based on absentee ballot processing locations and set ups.
- ✓ Frequently, absentee ballots have voting errors or are damaged. This results in ballots needing to be individually reviewed, logged, remade, and reprocessed by poll workers.
- ✓ Errors require additional time to remake absentee ballots; thus, this slows down overall absentee ballot processing and causes delays in closing the polls.
- ✓ Folded absentee ballots create scanning feed errors and jam the tabulators. To fix the tabulator, manual intervention is required, which interrupts the election process.
- ✓ Poll workers make critical decisions on behalf of the electors when remaking absentee ballots.
- ✓ The City of Milwaukee has 92 teams of poll workers processing absentee ballots. They only have 10 supervisors to manage the process. This means one supervisor must manage and oversee ten teams simultaneously.
- ✓ Poll workers have marking tools that could allow fraudulent votes to be cast for undervoted contests on absentee ballots. *(Refer to article on Clackamas County, Oregon)*.

- AB-363 and SB-574 processing absentee ballots the Monday before Election Day
  - ✓ Legislation does not change the issues listed under "Impact of Problem".
  - ✓ Supervision is critically compromised because municipal clerks would not be available to supervise poll workers due to other pre-election duties and responsibilities.
  - ✓ The Municipal Clerks Association oppose Monday absentee ballot processing because of the negative impact it will have on their ability to perform pre-election activities and responsibilities.
  - ✓ Some County Clerks support this legislation but they have no statutory duties and responsibilities for absentee voting and processing of ballots. Likewise, they have no authority over a municipality to require them to use the Monday before election scanning process.

Action Needed to Resolve Problem: Pass AB-203 and SB-193 (AVEO, efficiency process)
  - ✓ These bills have been in process and under review for the past three years; and they have been vetted by various entities. Last legislative cycle it passed the Assembly but the Senate did not vote on it.
  - ✓ Municipal clerks issue and process absentee ballots. AVEO bills provide for the highest level of voter secrecy, security, and protection of cast ballots.
  - ✓ Gives electors the choice to place their voted ballot in a security envelope for processing on Election Day or insert it into the scanner at the time they vote.
  - ✓ Improves election integrity by allowing early voters who are inserting ballots into the scanner to make corrections if necessary. This method improves ballot accuracy and protects secrecy in how electors vote.
  - ✓ Reduces the number of electors casting erroneous ballots thus requiring less poll worker intervention and interpretation for remaking ballots.
  - ✓ Reduces the number of ballots damaged in the mail or during envelope opening; this reduces the number of absentee ballots needed to be remade by poll workers on Election Day.
  - ✓ Reduces the number of poll workers needed to process absentee ballots on Election Day. This creates cost savings, enhances timeliness of closing the polling locations, and most importantly provides for efficient reporting of the election results to the public.
  - ✓ Substantially decreases the number of poll workers processing absentee ballots and allows for closer supervision of staff.
  - ✓ Lowers costs for mailing postage and supplies for absentee ballot related materials.
  - ✓ The legislation gives a municipality the opportunity to choose whether they want to use the AVEO efficiency process because it is not a mandated for all municipalities.

Please pass these bills to give clerks the tools needed to improve absentee balloting management and processing.

Clackamas County Clerk Sherry Hall said a criminal violation of election law was uncovered by her office Wednesday and reported to the secretary of state's Elections Division,

Hall declined to identify the worker or describe the specific nature of the violation.

Ballot tampering reported in Clackamas County

By Steven Dubois / The Associated Press Nov 2, 2012

Authorities said Friday they were investigating suspected ballot tampering by an election worker in one of Oregon's most populous counties.

Oregon was the first state to conduct elections exclusively by mail, and this is the fourth presidential election in which the system has been used. Despite initial fears that the method would lead to fraud, allegations have been rare.

Because it's a criminal matter, the Elections Division referred the case to the state Department of Justice.

[1][2] We can confirm we are currently investigating criminal felony violations of Oregon's election laws, which allegedly took place in Clackamas County and allegedly involved a temporary county elections employee tampering with cast ballots," said Jeff Manning, a department spokesman.

He said the agency realizes the timing of the allegation is concerning, and it hopes to resolve it quickly.

The Secretary of State's Office sent an observer Friday to monitor ballot counting in the county, said Andrea Cantu-Schomus, a spokeswoman for the secretary of state.

The monitor, Fred Neal, will observe the process and report any irregularities but won't have direct authority, Cantu-Schomus said. That power will stay with the county clerk, she added.

Officials wouldn't say how extensive they suspect the tampering might have been, About 95,500 of the county's 228,000 registered voters had returned their ballots as of Thursday.

Clackamas County is home to 10 percent of Oregon's registered voters, and is almost evenly split between Republicans and Democrats, It's considered a swing county that is pivotal in deciding close statewide races. Three neck-and-neck legislative races could be decisive in determining which palty controls the state House,

The Willamette Week newspaper reported the election worker filled in Republican bubbles on ballots where preferences had been left empty by voters in the county, which primarily comprises Portland suburbs.

A person with knowledge of the investigation said Willamette Week accurately described the incident. The person was not authorized to discuss the matter and spoke to The Associated Press on the condition of anonymity.

Democrats were angry about the reports of potential manipulation benefiting Republicans, saying even a small number of affected ballots could have widespread implications.

"This isn't just a Clackamas County issue, this is a statewide issue because this could determine who has the majority in the Oregon House for the next two years," said Rep. Tina Kotek, the House Democratic leader in charge of her partys effort to win House races.

The House is currently tied 30-30 between Republicans and Democrats, so each party would need to swing just one district to grab the majority and dictate the agenda in the Legislature for the next two years. And legislative races are sometimes close _ a Clackamas County Senate race was decided by 227 votes in 2010, and another in southern Oregon by 275 votes.

A Republican effort to stop Portland liberalism from creeping into Clackamas County has emerged as a dominant theme in its recent elections.

Chris Edmonds, campaign manager for county Chairwoman Charlotte Lehan, a Democrat, said the campaign would be talking to attorneys as it explores possible legal action.

"We don't know whether this was an individual acting alone or if this was part of a coordinated effort," he said.

Lehan's opponent, Republican John Ludlow, emphasized that an allegation is not proof of guilt, but "if they did it, it was dead wrong. "

Edmonds noted that up to 30 percent of voters focus solely on the major races, such as U.S. president, and skip county commission and other local races, meaning tens of thousands of voters may not have participated in the Lehan-Ludlow race, Given that the race is expected to be tight, even a few illegal markings could decide it, he said.

"We may not be able to know the full extent of the fraud, and that's what we're trying to know," Edmonds said. "When someone's just filling in a bubble, how can we go back and know the true intent of the voter?"

Associated Press writer Jonathan J. Cooper contributed from Salem, Ore.

WhKCA

Wisconsin Municipal Clerks Association

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Kathy A Nickolaus, Chairman - Legislative Communications & Advocacy Committee 262-542-5030 or

LEGISLATIVE COMMUNICATIONS AND ADVOCACY COMMITTEE OF THE WISCONSIN MUNICIPAL CLERKS ASSOCIATION

OPPOSE I-RB 2970/2 Canvassing absentee ballots the Monday before an election!

Wisconsin's Professional Municipal Clerks are responsible for the administration of Election activities Including absentee balloting. LRB 2970/2 was drafted without consulting Professional Municipal Clerks who actually do the work. The truth is that LRB 2970/2 is not a solution and results in a process that not only increases election costs but lacks important security details and processes that are included in a true viable solution; AB203. Following are main concerns Wisconsin Professional Municipal Clerks identified with I-RB 2970/2:

- I-RB 2970/2 lacks specific security and processing details as to how challenges to ballots; remaking ballots; public notice; observers; ballot security; and reporting of canvassing activity will specifically be handled.

- LRB 2970/2 increases the municipal costs of elections as yet another day of processing will need to be supplied, secured and staffed. The fiscal impact could be significant considering it would likely involve the leasing of additional equipment and another day of poll worker staffing,

- Already owned equipment needed to process absentees on a Monday prior to Election Day is already being transported to polling locations as Professional Municipal Clerks are setting up multiple polling locations in preparation for use on Tuesday's Election Day. Leasing additional equipment is expensive and essentially cost prohibitive.

- Municipal Clerks are already busy with a long fist of "day before" duties on Monday such as making sure equipment gets delivered, set up and secured at the polis; forms are supplied; voting tickets; signage is placed; tables, chairs, and poll booths, etc. are all being placed in preparation for the next days' voting.

- Manpower can be a significant job for Mondays as flu/cold season hits poll workers hard. Those calling in sick the day before an election need replacing before Tuesday.

- Most importantly, the voter does not gain anything with LBR 2970/2 because if they make a mistake on their ballot, it will be up to the Po[l]workers to remake it using their perspective of voter intent.

Wisconsin Professional Municipal Clerks OPPOSE I-RB 2970/2 and we encourage you to oppose it as well. With the growing number of individuals that choose to vote an in-person absentee ballot LRB 2970/2 is not the solution, The experts who do handle the administration of absentee ballots have already offered a win-win solution in AB-203 and ask that you contact your local Professional Municipal Clerk to learn why it is a solution worth considering.
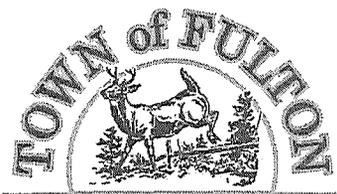
Kind Regards:

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January 13, 2020

Good Afternoon Chairwoman Bernier and committee members. Thank you for taking the time to read my written testimony in support of Senate Substitute Amendment 1, to Senate Bill 574.

My name is Connie Zimmerman, I'm the Clerk/Treasurer for the Town of Fulton, located in Rock County. I work for a town with a population of 3,409. I am the only person in our office, while administering elections is one of many important parts of my job, it's not the only part of my job. I also prepare the town budgets, water utility billing, attend board meetings and take minutes, accounts payable and receivables, tax settlements, and many other tasks.

I pride myself in being a very organized, self-motivated employee who cares for the citizens of the community I work for. I am continually looking for ways to improve and be more efficient to better serve our community.

This bill would allow me to do just that! We are a community that has a larger than average voter turnout. Currently for an election we can have anywhere from 50 to 600 absentee ballots. On an election day, I have a couple of election workers take one absentee ballot at a time and get in the voter line to process the absentee ballot. The election worker essentially goes through the same process as a voter does by obtaining a voter number, and verifying the address for the absentee voter, then going to the DS200 tabulating machine and inserting the absentee ballot. The only difference is the absentee voter will not have their signature in the poll book. This process is done for each absentee ballot, and the election worker is continually getting in line, thus taking up a place where an in person voter could be, and the in person voter will wait in line a bit longer.

If there is a large number of absentee ballots, this process takes quite some time, because the election worker waits until the line gets smaller, so not to inconvenience the in-person voter. There are elections when absentee ballots don't get processed and placed into the DS200 until later into the evening. There have been times when processing absentee ballots would go past 8 pm, after the close of the polls.

The presidential election generally has the most absentee voters. For elections with a large amount of absentee ballots we have a written procedure for pre-numbering the absentee ballots prior to processing them on Election Day. This entails having three election workers come in on the Monday before the election, and go through the poll book and assigning each absentee envelope (EL-122) a voter number. We DO NOT process the ballot, this is simply assigning a voter number to it. By doing this the day prior to the election, we eliminate one small step in processing the absentee ballots. The election worker still has to wait in line for the DS200 to announce processing the ballot, and insert it into the

machine. Again, this process can take quite some time because the election worker is waiting for the in person voters, as not to inconvenience or interrupt them from placing their ballot in the machine.

I cannot have more than one or two elections workers process the absentee ballots because I do not have an abundance of workers.

I have been told the WMCA has written a letter against this bill as did the Towns Association. Let me assure you they do not speak for all of us. I know there are more clerks in favor of this bill.

As I mentioned earlier, I pride myself in being as efficient as possible in my job. State law ends absentee voting on the Friday before the election; that gives clerks the Monday before the election to complete set up and preparation for the election. By Monday, my polling place is already set up, the only thing that needs to be done is bring the voting machines into the polling place early Tuesday morning, and getting them ready for in person voting.

My election workers would welcome the idea of being able to canvass the absentees on Monday. This would relieve the stress of trying to get the processed in between voters, and after polls close if there are many of them.

This bill has been well thought out and encompasses regulations to ensure the procedures are consistent, and the absentee ballots are not actually tabulated until the close of the polls on election night.

This bill is workable for any size town, village or city. Towns generally have more limitations because of employing only one clerk, and not having additional staff. By allowing this, the clerk can enlist the help of their election officials (or staff if they have them) and do this on Monday.

This bill also gives the municipality the option to adopt an ordinance to do this. If it isn't right for certain municipalities, they don't have to do it.

Please support and pass this bill so a municipality can decide if it is right for them, and let clerks ease the tasks on Election Day for the election workers, and allow for in person voters to continue through the lines in the polling place with out election workers being in front of them processing absentee ballots.

Thank you again for your time, if you have any questions, please feel free to contact me. I also invite you to come visit the Town of Fulton and see how Elections are run here, we're always happy to have guests.

Thank you,

Connie Zimmerman, WCMC, CMTW
Clerk/Treasurer