



JOHN SPIROS

State Representative • 86th Assembly District

Assembly Bill 1006

February 21, 2022

Testimony from Rep. Spiros

Hello, and thank you Chairman Swearingen and members of the Assembly Committee on State Affairs for allowing me to testify on Assembly Bill 1006 relating to the Wisconsin Elections Commission (WEC) sending guidance documents to the Joint Committee for Review of Administrative Rules (JCRAR).

This bill comes after multiple years of WEC sending guidance documents to local clerks to guide election administration. These are supposed to just be guidance documents, but we can see from the Legislative Audit Bureau's (LAB) audit of the 2020 election, some of this guidance should have actually been submitted as rules to JCRAR. LAB identified various situations where WEC sent guidance that should have been promulgated as rules to have the full effect of law behind them. Examples of this include contents of training that municipal clerks provide to special voting deputies (SVDs) and election inspectors, establishment of drop boxes where individuals could return absentee ballots, ballot counting procedures, curing of ballots, and relocation of polling places.

AB 1006 is an accountability bill that requires WEC to provide a weekly update to JCRAR of any guidance documents sent to municipal clerks. By giving JCRAR the ability to review these documents as they come out, they can determine if any of the guidance meets the definition of a rule. JCRAR must then inform WEC that they must go through the rule-making process in order to promulgate the rule, which would have the effect of law. WEC must then inform the municipalities that the documents are no longer applicable and are withdrawn.

Changes were made in the 2020 elections only through guidance documents, not laws or rules. AB 1006 will ensure that this guidance is reviewed to help restore confidence in the election process.

Again, thank you again for allowing me the opportunity to testify in support of this bill.



Alberta Darling

Wisconsin State Senator | District 8

**TESTIMONY BEFORE THE ASSEMBLY COMMITTEE ON
ELECTIONS, ELECTION PROCESS REFORM AND ETHICS
Assembly Bill 1006
Senator Alberta Darling
February 21, 2022**

Thank you, Senator Swearingen and committee members, for hearing Assembly Bill 1006.

During the 2020 election, the Wisconsin Elections Commission (WEC) made several changes to the way the state handles elections without approval from the Legislature. Those changes were made through guidance documents rather than through the rule-making process.

This committee is working on and has already passed several bills based on the decisions made by WEC. For example, Senate Bill 209, which Senator Darling authored, created a safe and secure process for using drop boxes in an election. That bill was approved by this committee and the issue is now in front of the Wisconsin Supreme Court.

While WEC outlined that drop boxes should be monitored and secured in their guidance document, there were drop boxes in city parks and outside of grocery stores that did not seem to satisfy this requirement. Since guidance documents do not carry the force of law, there was no penalty for communities that didn't monitor their drop boxes.

Assembly Bill 1006 will make WEC more accountable by requiring weekly reports to the Joint Committee on Administrative Rules (JCRAR) of guidance given to clerks. JCRAR will be able to review that guidance and decide whether or not it must be promulgated as a rule and go through the already established rule-making process.

The bill also states that any guidance documents sent to clerks must contain a disclaimer that includes the definition of a “guidance document” and that the guidance documents, unlike administrative rules, do not have the force of law.

We hope that Assembly Bill 1006 will help restore confidence in our electoral process and provide better oversight of WEC while promoting transparency in their decisions.

Thank you for the opportunity to testify.

LWW LEAGUE OF WOMEN VOTERS' OF WISCONSIN

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February 21, 2022

To: Assembly Committee on State Affairs

From: Debra Cronmiller, Executive Director, dcronmiller@lwwwi.org

Re: OPPOSE AJR 133, AJR 134, AB 996, AB 998, AB 999, AB 1000, AB 1004, AB 1006

The League of Women Voters of Wisconsin opposes several of the bills you are considering in today's hearing.

The League believes that good government depends on the informed and active participation of its citizens, and that voting is a fundamental citizen right which must be guaranteed. Wisconsin election laws should provide citizens with maximum opportunity for registration, voting at the polls and absentee voting. Further, election administration should be adequately coordinated and funded to achieve statewide standards uniformly applied, verifiable results and local municipal effectiveness.

Since its founding in 1920 the League has studied many of the issues addressed in the bills before you in today's public hearing. Our members have agreed and affirmed the positions and principles stated above.

We oppose AJR 133. This legislation would write into the state constitution the current requirement to present a voter photo ID in order to cast a regular ballot and have it counted. Such a requirement has been shown to place a heavier burden on certain groups of citizens, including those who are disabled, elderly or low-income.

We oppose AJR 134. While it would be reasonable to have some regulation for the use of private funds, the practice should not be banned. A constitutional amendment to ban private resources is uncalled for and utterly inappropriate.

We oppose AB 996. This bill imposes requirements on the Wisconsin Elections Commission (WEC) that are not required for any other state agency. It would allow inappropriate legislative

oversight of an agency tasked with overseeing the electoral activities that impact all Wisconsin voters. Voters have the right to expect electoral agency functions to be monitored and not micromanaged.

We oppose AB 998. While it is appropriate to maintain an accurate list of electors, this bill is deeply flawed. It would disenfranchise many of the same groups of electors who are already burdened by voter photo ID and restrictive proof of residence requirements. It requires that WEC's voter registration database be coordinated with databases in various federal and state agencies. In particular, the Systematic Alien Verification for Entitlements (SAVE) database is limited to a select group of non-citizens and is not a comprehensive list. Updates are not frequent. The result would be false positives that could disenfranchise qualified citizens.

We oppose AB 999. Rather than improve the voter experience this bill complicates it for no apparent reason. Absentee voters should not have to provide ID for every election, when the Clerk can keep a copy of the ID on file. This bill requires voters to submit an application (with ID) in addition to completing the certificate envelope.

We oppose AB 1000. This very punitive bill singles out the Wisconsin Elections Commission for an unreasonable level of legislative control. Threatening to reduce staff in a key state agency does not consider what is best for voters, and it certainly will not improve elections.

We oppose AB 1004. This bill would compel the rejection of an absentee ballot where the voter or witness fails to fill in any of twelve separate fields on the certificate envelope. These are new and needless requirements for the absentee ballot certificate envelope. They would make it much more difficult for voters, especially those who are elderly or have disabilities, to cast a ballot. There are other restrictive measures which overlap with other bills in today's hearing.

We oppose AB 1006. This bill singles out the WEC for an unreasonable level of legislative control over elections. This potentially harmful oversight would only add confusion for local election officials and certainly will not improve elections.