



DUEY STROEBEL

STATE SENATOR • 20TH DISTRICT

Testimony on Assembly Bill 192

June 15, 2021

Thank you Chair Brandtjen and members of the Assembly Committee on Campaigns and Elections for scheduling a public hearing on Assembly Bill 192 (AB 192). Representative August and I introduced AB 192 in response to the robust public debate on the ballot collection events held outside of the in-person absentee voting period last year, as well as the absence of clear and specific parameters on returning completed absentee ballots under current law. State law specifically outlines requirements for alternate absentee voting locations during the period of in-person absentee voting (s. 6.855, Stats.), however, the law is far less clear when it comes to events where completed absentee ballots are collected, but blank ballots not distributed, by municipal clerk employees.

AB 192 seeks to remedy this confusion. First, the bill makes the existing standards for alternate absentee voting locations applicable to all locations where completed absentee ballots are collected by municipal clerk staff or election workers. In keeping with the precedent and principles of fairness and uniformity in our election law, the bill requires that ballot collection events be held only during the period of in-person absentee voting.

AB 192 also strengthens the integrity of our election system by regulating who may return another person's completed absentee ballot. While many states regulate the in-person return of another voter's absentee ballot, Wisconsin law is silent on the matter.¹ As amended in the Senate (via Senate Amendment 2 to SB 203), the bill authorizes a voter's immediate family member (defined as a spouse, parent, child, grandparent or grandchild) to return a completed absentee ballot on his or her behalf. If an immediate family member is not available, the bill allows a voter to designate in-writing another registered voter who may return the voter's absentee ballot on his or her behalf. Any person designated by another voter may return up to two completed absentee ballots per election on behalf of non-family members. This service cannot involve compensation, and a violation of the process constitutes a Class I felony.

Finally, AB 192 provides additional options for voters to return completed absentee ballots by mail. Current law broadly allows for completed absentee ballots to be returned by mail. This has generally been interpreted as applying only to the U.S. Postal Service. Last year's elections featured plenty of discussion and concern regarding the timely delivery and return of absentee ballots by USPS, with some absentee ballots ultimately getting lost in the labyrinth of the Postal Service. AB 192 broadens the definition of "mail" to allow voters to select a commercial delivery service (e.g., UPS, FedEx, DHL) to return their completed absentee ballot to the municipal clerk's office. The bill does not mandate the use of these services, but simply provides them as an option for voters.

¹ <https://www.ncsl.org/research/elections-and-campaigns/vopp-table-10-who-can-collect-and-return-an-absentee-ballot-other-than-the-voter.aspx>



Greater Wisconsin
Agency on Aging Resources, Inc.

Date: June 15, 2021

To: Chair Brandtjen, Vice-Chair Sanfelippo, and members of the Assembly Committee on Campaigns and Elections

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

Re: **Against AB 192** relating to: the secure delivery of absentee ballots 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 in opposition to AB 192. 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. And the older people get, the more likely they are 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 communities do not have public transportation options widely available. For these reasons, it is not surprising that absentee voting is generally more heavily utilized by older voters.⁴

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 1. 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>.

⁴ Stewart, C., III. (2020, March 20). Some Demographics on Voting by Mail. Retrieved April 13, 2021, from <https://electionupdates.caltech.edu/2020/03/20/some-demographics-on-voting-by-mail/>.

AB 192

AB 192 will make it more difficult for some older adults to vote by limiting who can return the absentee ballot to the voters themselves, a member of their immediate family, or a legal guardian (with some very limited exceptions). While some older voters can return their own ballots (by mail, in-person, or at a designated drop box), others are unable to do so and have expressed concerns about mailing their ballot especially when time is limited, and ballots may not be received in time (as happened in recent elections). Most older adults (or voters of any age) do not have legal guardians, and some do not have any immediate family members in the state (or elsewhere), much less immediate family residing within close proximity to them. It is unreasonable to expect one's family member to travel across the state to return an absentee ballot on their behalf. For voters unable to return their own absentee ballot and with no legal guardian or immediate family in the state (it is unclear how this would be demonstrated), AB 192 would permit the voter to designate, in writing (it is unclear when or where this designation takes place), one person who is a registered Wisconsin voter to deliver the ballot (provided the designated person is not a candidate on the ballot or being compensated to do so). It is unclear if the designated person must be identified in advance of returning the ballot, which would not accommodate any last-minute changes needed. AB 192 also does not acknowledge the support systems put in place by many older adults where friends help one another, as the bill prohibits any person designated to deliver an absentee ballot from delivering more than one ballot for any election for a person who is not a member of their immediate family. If a tenant in a senior apartment building offers to return the absentee ballots of more than one of his/her neighboring tenants, this would be prohibited under AB 192. Restricting who can return absentee ballots will result in confusion and will negatively impact older voters and make it more difficult for some older adults to vote. For these reasons, we ask you to oppose AB 192.

Thank you for your consideration of our testimony opposing AB 192. GWAAR supports voting processes that ensure every eligible older adult who wants to vote, can vote, no matter where they live or the means by which they choose to vote. 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)



Election Commission

Commissioners
Stephanie Findley, Chair
Carmen C. Cabrera
Jess Ripp

Executive Director
Claire Woodall-Vogg

City of Milwaukee Testimony on AB 192

June 15, 2021

Assembly Committee on Campaigns and Elections

The City of Milwaukee opposes AB 192, as it creates extreme restrictions on the absentee voting process, which is already a secure, accurate, and convenient voting option for the residents in our state.

AB-192 unnecessarily and unfairly restricts voters in their method to return absentee ballots. Ballots are mailed using the United States Post Office directly to the voter and that individual should have the autonomy to designate anyone they wish to return their ballot via mail, drop box, or in-person to the clerk's office. Many homebound voters rely on neighbors, friends or family to return their ballot. Requiring clerks to staff alternative return locations is archaic and costly. Our current drop boxes are more secure with a more detailed chain of custody log than a United States Postal Service mailbox. They are monitored by video surveillance 24 hours a day, emptied in pairs of two, and have far fewer people and/or machines handling the ballots than if they were returned by mail. The Wisconsin Election Commission could and should create uniform chain of custody paperwork for drop boxes, but no further restrictions should be placed on them.

The City of Milwaukee urges you to oppose AB 192. Thank you for the consideration of these concerns.

For additional information and questions, please contact:

Brenda Wood, Intergovernmental Policy Manager, City of Milwaukee
bwood@milwaukee.gov; 414-339-9054



To: Representative Brandtjen, Chair, and members of the Assembly
 Committee on Campaigns and Elections
 From: Barbara Beckert, Director of External Advocacy/ Milwaukee Office Director
 Date: June 15, 2021
 Re: Testimony regarding AB 192

Chair Brandtjen and members of the Committee, thank you for the opportunity to share these comments with you regarding AB 192. Disability Rights Wisconsin (DRW) is the. 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, training, 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. This includes staffing a Voter Hotline. DRW, in partnership with BPDD, coordinates the Wisconsin Disability Vote Coalition. The Coalition is a non-partisan effort to help ensure full participation in the entire electoral process of voters with disabilities. In 2020, we assisted hundreds of voters through the Voter Hotline, and provided resource materials and training to thousands of individuals including voter with disabilities and older adults, service providers, family members, and community volunteers.

Based on that experience, a significant number of Wisconsinites with disabilities experience barriers to voting such as limited access to transportation, lack of photo ID, or inaccessible polling places. We would welcome the chance to be a resource for you and to work with you to address these barriers and to make our elections more accessible.

About the Disability Vote

A significant number of Wisconsin voters have a disability. According to the American Association of People with Disabilities (AAPD), approximately 23% of the electorate in November election were individuals with some type of disability, including disabilities acquired through aging. This is a diverse group of voters. It includes people who are blind and low vision, deaf and hard of hearing, with intellectual and developmental disabilities, physical disabilities, mental health disabilities, complex medical needs, and chronic health conditions. Many older adults have disabilities acquired through aging, although they may not formally identify as a person with a disability.

MADISON	MILWAUKEE	RICE LAKE	
131 W. Wilson St. Suite 700 Madison, WI 53703	6737 West Washington St. Suite 3230 Milwaukee, WI 53214	217 West Knapp St. Rice Lake, WI 54868	disabilityrightswi.org
608 267-0214 608 267-0368 FAX	414 773-4646 414 773-4647 FAX	715 736-1232 715 736-1252 FAX	800 928-8778 consumers & family

AB 192/ SB 203: Secure delivery of absentee ballots

AB 192 would significantly restrict who can return absentee ballots and introduce restrictions that will be very confusing for voters and highly problematic for clerks to administer. As noted by the Wisconsin Municipal Clerks Association: "Voter restrictions included in the bill would be excessively difficult to manage or enforce by Clerks. AB 192 will make it more difficult for many people with disabilities and older adults to vote. For those reasons, we ask you to oppose AB 192.

AB 192 would limit options for returning absentee ballots to the voter, a member of their immediate family or a legal guardian. "Immediate family" is defined as a spouse, sibling, parent or child. With one limited exception, anyone else returning a marked absentee ballot for another voter would be guilty of a Class I felony. Only if a voter is unable to deliver their absentee ballot and has no legal guardian or immediate family residing in this state, may the voter designate, in writing, another person to return their completed ballot. That designated individual must also be a registered voter in the state, may not be a candidate on the ballot, and may not be paid for their assistance. A designated individual may deliver only one ballot per election for someone other than their immediate family.

AB 192 would create new barriers for many voters with disabilities and older adults who rely on absentee voting. They take their right to vote seriously and are anxious to make sure their ballot is returned on time and their vote will be counted. Unreliable mail delivery has increased the number of people who do not trust the mail. Many rely on others to return their absentee ballot – this may be a friend, a neighbor, a care provider, a roommate, a community volunteer – or in some cases a family member. This bill would prohibit a roommate helping a roommate, neighbors helping neighbors unless the voter had no immediate family residing in the Wisconsin.

Limiting who can return the ballot to legal guardians or immediate family residing in the state is very problematic. The majority of people with disability do not have a guardian and many do not have family nearby. It would be a very significant burden for family members to travel across state to return their relative's absentee ballot. In addition, some people do not have a close or trusting relationship with their family members. In our work as the Protection and Advocacy agency, we see it is often a family member who is the perpetrator of abuse. We also hear from voters who do not trust a family member to assist them with completing their ballot. Voters should have the freedom to choose the person they trust to return their absentee ballot – not have it dictated by government.

For voters who are not able to return their own absentee ballot and have no legal guardian or immediate family in the state (AB 192 does not indicate how

this would be demonstrated), AB 192 would allow the voter to designate, in writing (it is unclear when or where this designation takes place), one person who is a registered Wisconsin voter to deliver the ballot (provided the designated person is not a candidate on the ballot or being compensated to do so). There is no indication as to when this person would be identified and how any last minute changes would be accommodated. Finally, a designated individual may deliver only one ballot per election for someone other than their immediate family. A neighbor would not be able to return the ballots for an elderly husband and wife. A care provider could not return the ballots for two roommates.

The complexity of these restrictions will guarantee voter confusion. In addition, many people with disabilities rely on an informal network that may include a roommate, care providers, neighbors, and others to assist them with voting. Since violation of this law would be a Class 1 felony, we anticipate that voters with disabilities will have difficulty obtaining the help they need, as people will be confused and afraid of violating the law.

Thank you for considering our concerns regarding AB 192. As you consider changes to Wisconsin law, we ask you consider the barriers to voting experienced by many voters with disabilities and older adults, and come together to advance policies that support accessible and inclusive elections.

To whom it may concern:

I'm writing to express my concern about several proposed laws — **AB 179**, **AB 201** and **AB 192** — that would make voting in Wisconsin harder, not easier; laws that would discriminate against people of color and also against poor people, old people, people with disabilities, people confined to nursing facilities, rural residents and anyone without internet access, an acceptable Voter ID or access to transportation.

Last year Wisconsin voters turned out in record numbers to participate in FOUR elections during a pandemic that was killing hundreds if not thousands of people daily. Many stood in line for hours in inclement weather because polling places had been eliminated or were sorely understaffed. Many more voted absentee by mail despite the fact that the USPS service was delaying mail delivery, or voted early in-person absentee because of those same mail delays. Wisconsin election officials worked miracles to conduct all four elections fairly, competently and relatively error-free, even when their regular poll workers were unavailable. This commitment to the act of voting, by both voters and election officials, should be celebrated!

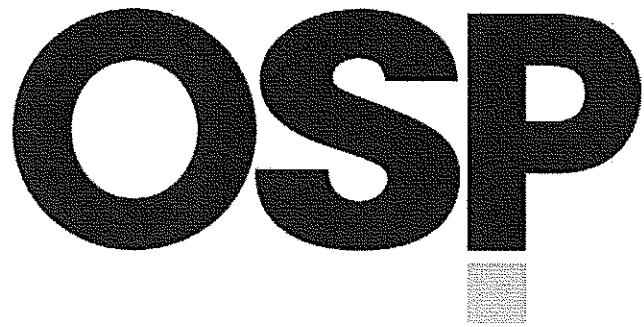
Instead, some legislators have chosen to penalize voters by further restricting our access to a safe, simple voting process and to criminalize election officials FOR DOING THEIR JOBS WELL. This is not only absurd, it's highly suspect. Apparently those legislators are willing to resort to still more extreme voting restrictions in order to stay in office, regardless of the risk of lawsuits (at taxpayers' expense, I might add), simply to appease a base that still believes the Big Lie: that the 2021 presidential election was fraudulent. That Big Lie is just that — a big lie — and one that they refuse to rebut. The proposed election "reforms" for the most part do nothing to reassure us voters that our elections will be free and fair. They already were free and fair. It's the outcome that they oppose (except, of course, their own re-elections — hmmm...). These proposed laws (and some others not listed here) seem guaranteed to rig future elections in those legislators' favor, regardless of the will of the people.

To summarize, I OPPOSE **AB 179**, **AB 201** and **AB 192** because they will make voting harder, will criminalize actions that aren't really crimes and will intimidate election officials who're just trying to do their jobs well. Perhaps this was the intention all along. If the honest officials and poll workers all quit, they can be replaced with more conspiracy believers who will keep certain legislators in office for life. This is NOT my idea of fairness, not my idea of justice, not my idea of democracy. Don't do it!

Please include my comment in the public record for the Executive Sessions of June 15 and June 16, 2021 and for the Public Hearing for **AB 192** on June 15, 2021.

Sincerely,

Kate Houston
PO Box 495 [required because Ephraim does NOT have home mail delivery or pickup]
10241 S. Orchard Rd. [my fire number]
Ephraim, WI 54211
(920) 854-9484



AB 192

**Wisconsin State Assembly
Committee on Campaigns and Elections**

June 15, 2021

Madeline Malisa
Visiting Fellow, Opportunity Solutions Project

Chairwoman Brandtjen, Vice-Chairman Sanfelippo, and members of the committee, my name is Madeline Malisa, and I'm submitting this testimony today in support of AB 192 on behalf of the Opportunity Solutions Project. OSP is a non-partisan, non-profit public policy organization that works on election integrity issues in states across the country.

Secure and fair elections are necessary for preserving the American way of life. America stands for the idea that anyone can create their own success and shape the future—and that starts with being able to cast a ballot that counts. This bill will strengthen election integrity in Wisconsin by providing important safeguards for absentee voting that increase integrity and help to restore voter confidence in the election process.

I'd like to highlight a few key provisions in this bill.

First, a voter will have multiple options for returning their absentee ballot—by mail, in person, by an immediate family member, by a legal guardian, or by another voter that they designate in writing. Second, the designee may not be a candidate on the ballot, may not receive compensation, and may not deliver more than one ballot for a person who is not a member of their immediate family during each election. Finally, a person who violates this prohibition is guilty of a Class I felony.

With these provisions in AB 192, voters can have confidence that absentee ballots will be securely returned and counted. This bill prevents bad actors from harvesting ballots in Wisconsin. Political campaigns, candidates, and third parties will all be prohibited from collecting, handling, and returning large numbers of absentee ballots. This is a commonsense reform.

Laws prohibiting ballot harvesting have been widely enacted across the country. There are 12 states that specify that only household or family members and caregivers may return an absentee ballot.¹ These states include Michigan, Ohio, Arizona, and North Carolina. This session, an additional four states have enacted legislation to prevent ballot harvesting, including Iowa, Kentucky, Florida, and Kansas.

In closing, there is much at stake in the details of carrying out elections, and AB 192 will increase election integrity by providing important security safeguards for absentee voting and by restoring voter confidence in the election process.

Thank you for the opportunity to submit testimony in support of AB 192.

¹ "VOPP: Table 10: Who Can Collect and Return an Absentee Ballot Other Than the Voter," National Conference of State Legislatures (2021), <https://www.ncsl.org/research/elections-and-campaigns/vopp-table-10-who-can-collect-and-return-an-absentee-ballot-other-than-the-voter.aspx>.