

## Record of Committee Proceedings

### Joint Committee for Review of Administrative Rules

#### Wisconsin Elections Commission

Agency guidance regarding completeness of addresses and correction of errors and omissions on absentee ballots.

January 10, 2022      **Executive Session Held by Paper Ballot**

Present:      (10)    Senator Nass; Representative Neylon; Senators Stroebl, Bradley, Roys and Larson; Representatives August, Spiros, Subeck and Hebl.

Absent:      (0)      None.

Excused:    (0)      None.

Moved, that the Joint Committee for Review of Administrative Rules, pursuant to s. 227.26 (2) (b), Stats., determines that the written guidance of the Wisconsin Elections Commission relating to the completeness of addresses and correction of errors and omissions on absentee ballots, as described by the Legislative Audit Bureau, below, meets the definition of a rule under s. 227.01 (13), Stats., and directs the agency to promulgate the guidance as an emergency rule within 30 days.

*In October 2016, WEC approved written guidance indicating that municipal clerks must take action to correct errors in the witness addresses on certificates. This guidance indicated that clerks were not required to contact the individuals who cast the ballots but were required to include their initials next to any corrections they made to witness addresses. This guidance also indicated that a complete address must include at least a street name and number as well as a municipality. In October 2020, WEC's staff updated this guidance to indicate that clerks should attempt to resolve any missing witness address information before Election Day, and this can be done by using reliable information, such as personal knowledge, voter registration information, or a telephone call with a voter or witness. The guidance indicates that a witness does not need to appear in person to add a missing address. If certificates did not have signatures or contained other errors, the updated guidance indicated that clerks must require the individuals who cast the ballots or the witnesses to resolve these issues.*

[Legislative Audit Bureau, Elections Administration, Report 21-19, pp. 40-41 (October 2021)]

As required by s. 227.26 (2) (b), Stats., the Wisconsin Elections Commission has 30 days to comply with the Joint Committee for Review of Administrative Rules' directive and must complete promulgation of the emergency rule by publishing it no later than February 9, 2022 or cease issuance of its guidance relating to completeness of addresses and correction of errors and omissions on absentee ballots.

Ayes: (6) Senator Nass; Representative Neylon;  
Senators Stroebel and Bradley;  
Representatives August and Spiros.

Noes: (4) Senators Roys and Larson; Representatives  
Subeck and Hebl.

MOTION PASSED, Ayes 6, Noes 4

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Adam Field  
Committee Clerk