



Tony Evers

Office of the Governor | State of Wisconsin

March 21, 2024

TO THE HONORABLE MEMBERS OF THE SENATE:

I am vetoing Senate Bill 736 in its entirety.

This bill would require the Legislative Audit Bureau to conduct a performance audit of election processes following a general election. The bill would also require the Elections Commission to assist counties and municipalities with the audit. The commission would randomly select four counties and one city and one village from each of those counties for the bureau to audit. One of the selected counties must be one of the ten most populous counties in the state. The bill would grant the bureau the authority to physically handle and examine all original election materials, such as ballots and absentee ballot certificates, although municipal clerks would maintain custody and management authority over the retention and security of the election records. The public would be allowed to observe the audit in observation areas consistent with current law. Under the bill, any person may commence an action in circuit court to compel compliance with the audit procedures, and if a court finds that an election official or the commission is noncompliant, the official or commission could be subject to a forfeiture of \$500 for each day of noncompliance. In addition, the bureau would be required to report any noncompliance to the Legislature. Finally, the bill would require the bureau to submit a report of its findings and recommendations to the Legislature no later than June 30 of the odd-numbered year following the election.

I am vetoing this bill in its entirety because I object to the Wisconsin State Legislature's ongoing efforts to interfere with and usurp control over election administration and undermine Wisconsin's election administration system the Legislature itself installed mere years ago. Wisconsin state law already provides robust protections to ensure our elections are safe, fair, and secure, including requiring post-election audits overseen by the bipartisan Wisconsin Elections Commission that are more comprehensive and expansive than the process created and overseen by the Legislature under this bill.

The Elections Commission already audits the performance of voting systems to determine the error rate of the system in counting ballots after every general election. If the error rate exceeds the rate permitted under federal standards, the commission must take remedial action or order remedial action to be taken to ensure compliance with the standards.

Further, where this bill would require an audit of a few municipalities in four counties, the current audit process reaches all 72 counties. As of 2022, the Wisconsin Elections Commission audits 10 percent (approximately 368) of all reporting units following a general election. After every election, the commission randomly selects units from within the municipalities to audit. For each approved voting system in the state, at least five reporting units of that voting system

must be audited. If not, additional reporting units are randomly selected from underrepresented voting equipment groups until at least five of each type are represented. Additionally, at least one reporting unit in every county must be randomly selected.

Existing post-election audits required and conducted under current state law ensure Wisconsin's elections are safe, fair, and secure; no need exists for the Legislature to create and oversee a separate, duplicative, and less effective process.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tony Evers", with a long horizontal flourish extending to the right.

TONY EVERS
Governor