



DAVID CRAIG

STATE SENATOR

Senate Committee on Campaigns and Elections
Public Hearing, February 1, 2017
Senate Bill 524
Senator David Craig, 28th Senate District

Chairman LeMahieu and Committee Members,

Thank you for taking testimony on Senate Bill 524 regarding the use of an electronic voting machine to cast a vote with an in-person absentee ballot.

Several of the municipal, town and village clerks I represent in the 28th Senate District requested the legislation before you. They see the increasing demand by citizens wanting to vote in-person absentee. In addition, voters feel reassured that their vote is counted when they physically feed their ballot into the voting machine.

Currently, in-person absentee votes are sealed in an envelope and only opened and counted after voting has occurred on Election Day. The current process can be cumbersome if there are several thousand absentee ballots and even worse if those ballots have errors that need to be corrected by poll workers to confirm the voter's intent. Much of this work is being done late into the night and early morning with some poll workers working longer than ten hour shifts, thus increasing the risk of errors and/or miscounted ballots.

SB 524 also has a significant cost savings mechanism for many of the large municipalities in the state. In recent history, additional poll workers have to be hired the day of the election to count more and more absentee votes. SB 524 allows absentee votes to be counted prior to Election Day and does not leave this work to be done at the last minute.

I want to thank to Representatives Brandtjen and Bernier for their diligent work on this matter and I look forward to this election reform becoming law. Thank you for allowing my testimony on this election reform.



JANEL BRANDTJEN

STATE REPRESENTATIVE • 22ND ASSEMBLY DISTRICT

Thank you Chairman LeMahieu and committee members for holding a hearing on SB 524. I will be brief with my comments as I know there are many municipal clerks here to testify who will be able to provide a more detailed step by step description of how this bill will help to provide an efficient and effective ballot process moving Wisconsin forward.

Over the past several months, I have worked with several county, city, and village clerks, as well as the Elections Commission, in an effort to increase voter integrity and implement cost-saving measures for local governments across the state.

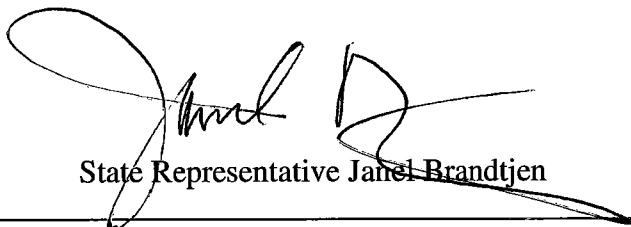
The final product is an **optional** direct voting process that allows voters to cast their in-person absentee ballot directly into the voting machine. This will reduce the need for municipal clerks to hire additional poll workers to feed voting machines with absentee ballots on Election Day.

The amount of people engaging in in-person absentee voting has doubled, or even tripled, in the past few years. On Election Day, many local municipalities hire dozens of additional poll workers to submit absentee ballots into the voting machine to meet their deadline. Many ballots are rejected by electronic voting machines because they are made out incorrectly and poll workers have to remake ballots for voters who are not there to confirm their intent.

The result of this is an increasing cost to hire more poll workers. In addition, these poll workers usually work longer schedules on Election Day to deal with the ever-increasing absentee ballots. For municipalities who wish to implement this process, there is the potential for large cost savings.

Second, under the current system, if you vote in-person absentee, your ballot is sealed in an envelope and stored away until Election Day. This bill allows municipalities to adopt a policy that allows the ballot to be put directly into the voting machine by the voter, thus increasing voter integrity. Voters feel comfortable feeding their own ballot into the machine and know it will be counted. Additional measures to ensure ballot bags are tagged and initialed, as well providing number of votes online, is provided in the bill. With these measures, both security and transparency will be increased.

This bill has several measures in place that ensure all ballots are treated equally, ensuring every Wisconsinite has an equal vote. The total number of absentee ballots are counted each day but the vote count is not tabulated and reported until the polls close on Election Day.



State Representative Janel Brandtjen

**Testimony of Michael Haas
Wisconsin Elections Commission**

**Senate Committee on Elections and Utilities
February 1, 2018**

**Room 201 Southeast, State Capitol
Public Hearing**

Senate Bill 524 – Senate Substitute Amendment 1

Chairperson LeMahieu and Committee Members:

Thank you for the opportunity to provide testimony on Senate Bill 524. The Elections Commission has not taken a position on this bill but has requested that staff continue to work with its authors and supporters. This testimony summarizes our staff's input related to the Substitute Amendment. We appreciate that the Substitute Amendment addresses some of the issues we had identified in previous versions of the bill, and we appreciate the continued effort to make the bill more specific and clear.

While there is broad agreement that it is a challenge for some municipalities to process all absentee ballots on Election Day for high turnout elections, permitting municipalities to use voting equipment in the clerk's office before Election Day has a ripple effect on other processes and is not as simple of a solution as it might first appear. Because it is easy to get lost in the details of the absentee voting process, it is our responsibility to identify significant policy and administrative changes contained in the bill as well as issues which our staff believes have not been fully resolved in the Substitute Amendment.

I should also note that the Elections Commission directed staff to submit a request for a Legislative Council Study Committee to consider a long list of potential legislative changes to clarify and update provisions related to election procedures. Because we recognize that processing the increasing volume of absentee ballots on Election Day is a significant challenge in some municipalities, we have recommended that a Study Committee take a more comprehensive approach to the issue and consider all possible options.

Uniformity

In my testimony before the Assembly elections committee last November, I noted a general issue which may be worth some legal research in advance. That is the question of whether the proposed alternative process for casting an absentee ballot might create inconsistencies in the treatment of ballots and voters in different municipalities to such an extent that it might invite legal challenges as to its constitutionality.

Statutes are presumed to be constitutional, of course, and the Legislature has wide latitude in making policy decisions. But the bill creates several significant differences in the treatment of ballots and voters, and those differences would be due to the discretion of a municipal governing body rather than the voter's choice of voting method. In some instances, even absentee ballots voted in the clerk's office in the same municipality could be treated differently. Seeing or hearing about those differences, or about differences in a neighboring municipality that uses voting equipment when voting in the clerk's office may not only create some voter confusion, but some of the changes in the process described below may also prompt legal concerns regarding the uniformity of the voting process throughout the State.

Pointing this out does not win us friends amongst supporters of the bill, but it is our obligation to highlight this issue. If we failed to do so, the Legislature could rightfully ask why we did not identify the potential issue if the legislation is eventually passed and either voter confusion or legal challenges develop.

Significant Policy and Procedural Changes

Under current law all absentee ballots are returned by the voter in a certificate envelope signed by the voter and a witness. When the ballot is voted in the clerk's office, the clerk signs as the witness. If either signature is missing, the ballot is sent to the polling place with instructions for the election inspectors to reject the ballot. At the polling place, inspectors separate properly completed envelopes from their ballots, issue voter numbers and announce the voter's name before depositing the ballot into the voting equipment or ballot box. Any challenge to the ballot is made at the polling place when the voter's name is read.

The certificate envelope process can be unwieldy and lead to errors due to the specific requirements regarding completing the voter certificate and the number of staff and election inspectors who must handle the envelope before the ballot is cast on Election Day. The envelope procedures are in place, however, to ensure both security and privacy of the ballot. While eliminating the certificate envelope would simplify the process, using voting equipment ahead of Election Day instead should offer equivalent security and privacy protections.

In municipalities which adopt the alternative process of SB 524, absentee ballots submitted by mail would still follow the process of being returned in a certificate envelope. Most absentee ballots completed in the clerk's office would be deposited immediately into the voting equipment as they are at the polls on Election Day, without the use of a certificate envelope. But certificate envelopes would still be used when either the clerk or the voter "determines that such use is necessary."

When using voting equipment in the clerk's office, in-person absentee voters would be able to immediately see whether the voting equipment detected errors such as overvotes

or crossover votes, and to cast a corrected ballot if an error was made. Those voters would not be permitted to spoil their ballot and request a new one after the voting equipment has accepted their ballot. In contrast, voters submitting an absentee ballot by mail or using the certificate envelope in the clerk's office in the same community, and all absentee voters in communities not adopting the SB 524 process, would still have the option to spoil their ballot and request a new one in a timely manner, but would not have the same assurance that their ballot was able to be counted by the voting equipment prior to Election Day.

While the voter using voting equipment in the clerk's office would benefit from knowing immediately whether the ballot will be counted, that benefit will be restricted to specific municipalities that qualify for and also choose the alternative process. The in-person absentee voting process used, and the associated rights and consequences, would be determined by the majority vote of individual municipal governing bodies. In addition, the bill would also restrict the opportunity to use the alternative process to municipalities which have purchased newer voting equipment that includes the functionality to tabulate write-in votes, and that the Elections Commission determines to be prepared to implement the new procedures.

Elections Commission staff has identified several other significant policy and procedural changes to current law which the Legislature should be aware of, including the following:

1. The bill shifts the responsibility of processing in-person absentee ballots from election inspectors to municipal clerks and their staffs. This would involve new training and procedures for both clerks and for inspectors. In addition, because the major political parties have a statutory right to nominate individuals to serve as election inspectors, this seems to represent a policy change related to the respective roles of local election officials as much as an administrative change.
2. For county clerks that program voting equipment, Section 5.84(1)(b) would require the county clerk to schedule the programming at an earlier date as determined by municipalities which choose to conduct the alternate process. This may force counties to program voting equipment on an expedited schedule for all municipalities regardless of how many use the alternate process. It would also lengthen the time period between equipment programming and Election Day during which the programmed voting equipment memory devices need to be secured. The substitute amendment addresses an issue in the previous version related to the allowable period of alternative absentee voting by permitting it during the time that in-person absentee voting takes place.
3. Currently, all absentee ballots are secured by municipal clerks and transported to the polling place for processing on Election Day. This permits observers to see the processing of all absentee ballots and to hear the names of voters when they are announced. Wis. Stat. Section 6.982(5) would require clerks to retain the

absentee ballots cast using the alternative process and transmit all other absentee ballots to the polling place for processing. This change may affect perceptions related to the transparency of the process, particularly regarding the counting of write-in votes, and also requires different processes for different absentee ballots.

4. Similarly, the challenge process would be modified under Section 6.982(7). Challenges related to in-person absentee voters would be initiated at the clerk's office, meaning that potential challengers would need to attend voting hours for up to two weeks rather than only on Election Day. Any challenges made at the clerk's office would require the clerk to send the ballot to the polling place where the challenge would be resolved. Challenges to absentee ballots submitted by mail or through Special Voting Deputies would still be initiated at the polling place. The bill also requires voters in municipalities using the alternative process to state their name and address when requesting a ballot in the clerk's office, which is not currently required. In order to inform potential election observers, the clerk must send a notice of the voting hours to the two major political parties, but the bill does not specify if the notice is sent to party representatives at the state, county, or municipal level.
5. There are several issues related to the bill's provisions regarding the use of a write-in report to tabulate write-in votes. The bill adds a new requirement for voting equipment to be approved for use in Wisconsin, specifically that it include a write-in report functionality. The bill does not specify that the write-in report functionality is required in order for a municipality to adopt the alternative absentee process, but it does require the functionality on new voting equipment, even for municipalities that do not adopt the alternate absentee voting process. This could also potentially limit the variety of voting systems approved for use in Wisconsin if the equipment does not include the write-in report functionality or it does not comply with the statutory sections governing the tallying of write-in votes.

Currently, Wis. Stat. Section 5.85(2)(a) requires election officials to examine ballots for write-in votes and to count and tabulate the write-in votes. SB 524 does not alter this provision, meaning either there would be a conflict in the statutes related to tallying write-in votes using the alternate process, or write-in votes would be processed differently depending upon the method that the ballot is cast and the municipality of the voter.

6. The provision related to use of a write-in report functionality of voting equipment is problematic for another reason. Section 5.91(19) seems to make a distinction between newly approved voting equipment and equipment already in use. For the latter, the write-in report must comply with the existing statutory rules for determining elector intent of a write-in vote, after the Elections Commission has

tested that functionality. For newly approved equipment, the bill does not specify that the write-in report functionality must comply with the same statutory rules for determining elector intent.

7. Finally, it is unclear whether the Substitute Amendment requires that municipalities using the alternative process must have voting equipment which includes the write-in report functionality. That is not included as a requirement of the Commission approving a municipality to use the alternative process. But the bill also seems to prohibit handling ballots that have been deposited into the voting equipment, except for purposes of an audit, recount or storage, which means write-in votes could not be tallied through the handling of ballots by clerks or election officials. The bill creates a new Class I felony for any person who acts to ascertain the accumulating or final results from ballots cast under the alternative process before the close of the polls on Election Day, which would preclude the tallying of write-in votes on ballots cast during the alternative process until Election Day.

If the intent is to require the use of the write-in report functionality for the alternative process, one option would be to include that as part of the approval process rather than in the section related to approval of voting equipment that affects all municipalities. If the write-in report functionality is a requirement of using the alternative process, however, our initial assessment is that a small number of municipalities would qualify based upon the equipment currently in use.

8. Under current law, if a clerk becomes aware that a voter has died after submitting an absentee ballot, the ballot is identified using the certificate envelope and is rejected. In some cases, the fact of the voter's death does not become known until after the official canvass, but the rule is the same for all ballots. Under the Substitute Amendment, because in-person absentee voters would immediately insert their ballots into the voting equipment, it would be impossible to identify the ballot of such a voter who subsequently dies before Election Day. If the municipal clerk becomes aware that a voter using the alternative process has died, the clerk directs two election inspectors to randomly pull a ballot from the bag containing ballots of the deceased elector's ward from the day on which that elector cast the ballot, and that ballot is removed from the tabulated results. As with any drawdown procedures, it is more likely than not that the randomly selected ballot will not be the ballot of the disqualified elector.

This process involves some policy considerations as well as practical considerations. The current rule would remain for other absentee voters in the same municipality, and for all absentee voters in municipalities which do not adopt the alternate voting process. Also, the bill states that the clerk shall not sort

absentee ballots by ward when multiple wards are processed with a single memory device and tabulator. But in the case of removing a ballot due to a deceased elector, it appears that ballots in a bag containing multiple wards would need to be sorted.

Outstanding Administrative Issues

Elections Commission staff has also identified several administrative and technical issues that should be considered or remain unresolved in the Substitute Amendment, including the following:

1. The provisions related to the daily reconciliation to ensure that the number of ballots cast equal the number of ballots issued have been significantly clarified. However, if the numbers do not match, the clerk would deliver all ballot bags that are not reconciled and associated paperwork to the polling place to be reconciled after the polls close. We would want to keep an eye on that process as it may create complications.
2. The Substitute Amendment would also lessen the immediate impact on the Elections Commission regarding programming the statewide voter registration system. The bill requires the Commission to create a separate classification in the WisVote system for ballots issued during the alternative absentee voting process, which would be manageable. The bill also directs the Commission to work towards creating a way to sequentially number those ballots using WisVote, but does not require that task to be completed in order for the alternative process to be used. That upgrade poses more of a challenge, especially in avoiding confusion for other clerks using the system whose municipalities do not adopt the alternative process.
3. Wis. Stat. Section 6.982(5) requires the daily ballot bags to be kept in the clerk's possession and to remain sealed and secured unless needed for an audit, recount, or storage. Ballot bags may also need to be opened for reconciliation of ballots issued or due to deceased electors, and therefore it may be necessary to add "reconciliation" to the list of reasons that ballot bags may be opened.
4. We also appreciate that the Substitute Amendment establishes much clearer and more objective standards for the Elections Commission to certify that municipalities are qualified to implement the alternative absentee voting process. In Section 6.982(8)(a), we would recommend adjusting the timelines so that a municipality's implementation plan would be due at least 60 days prior to the first day of using the alternative process, and allowing the Commission up to 20 days to review and approve the plan. The current language using 30 days and 10 days may be problematic depending upon the number of municipalities submitting applications and whether or not there is a need to gather additional information or clarification from municipalities.

Thank you for the opportunity to share our thoughts with you. I hope this testimony will help inform the Legislature's consideration of this bill. As always, we would be glad to answer questions and work with you to address any questions or issues related to the bill.

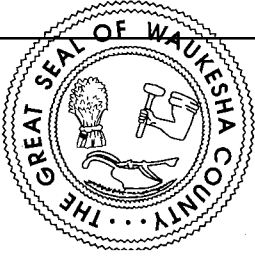
Respectfully submitted,

A handwritten signature in black ink that reads "Michael Haas". The signature is written in a cursive, slightly slanted style.

Michael Haas

Wisconsin Elections Commission

608-266-8005/Michael.haas@wi.gov



KATHLEEN O. NOVACK, MST
County Clerk

515 W. Moreland Blvd., Room 120
Waukesha, WI 53188

MELANIE PIETRUSZKA, CERA
Deputy Clerk

Phone: (262) 548-7010
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www.waukeshacounty.gov/departments/clerk

Dear Chairman LeMahieu and Committee Members:

As the Waukesha County Clerk, I am speaking in strong favor for Senate Bill 524 - using an electronic voting machine to cast an in-person absentee ballot, an optional choice.

I see many across-the-board positives in this bill. It leverages the functionality of the electronic election equipment used in Waukesha County and many counties throughout the state. This is a great example of thinking "outside the box." It seizes the opportunity to expand the equipment's usage in a way that will ensure all in-person absentee voter vote are counted – and as intended by the voter.

Significant other benefits include the savings of municipal dollars, and helping to ensure election day responsibilities are conducted efficiently. Several key bullet points:

IT WILL -

1. Increase the accuracy of ballots – Voters are notified if they make a mistake when marking their ballot and given up to two additional opportunities to correct
2. Instill voter confidence - voters will feed their ballot directly into the voting equipment
3. Enter voters into the statewide WisVote system as having voted instantly
4. Reduces the number of ballots being remade by poll workers on election day
5. And produce significant cost savings to local governments - reduces personnel and supply costs

In summary, this is an optional opportunity for interested municipalities to take a big step forward in the country's goal of enhancing the confidence of every voter in the integrity of the election process.

Please feel free to contact me if you have questions or would like to talk about this request further at knovack@waukeshacounty.gov or call me at 262-548-7009.

Respectfully submitted,
Kathleen Novack



305 E. WALNUT STREET, ROOM 120
P.O. BOX 23600
GREEN BAY, WI 54305-3600

SANDRA L. JUNO
COUNTY CLERK

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Feb. 1, 2018

Senate Committee on Elections and Utilities

SB-524 Use an electronic voting machine to cast a vote with an in-person absentee ballot

I am here on behalf of Brown County municipalities in support of SB-524. This bill will have a minimal impact on the County Clerk's office. However, it will help several of my municipal clerks better manage in-person absentee voting.

Prior to the 2000 Presidential election, absentee voting was limited to *electors over 70 years old, people with disabilities, and electors that would be out of town on Election Day*. This resulted in Brown County having less than 4,000 absentee ballots cast. Processing absentee ballots at the polling location on Election Day was manageable.

However, since the change in law to *no excuse absentee voting*, the number of ballots cast has grown substantially. For the 2016 Presidential election, Brown County had over 43,000 absentee ballots cast. This is a 1000% increase in absentee ballots cast since 2000. The greatest number of absentee ballots were voted in populous cities and villages. This puts high demands on poll workers to process absentee ballots on Election Day. In Brown County for the 2016 Presidential election, a number of our larger municipalities processed absentee ballots at a central location to improve processing ballots. There was some improvement but processing the high volume of absentee ballots remained a challenge.

Over 75% of absentee ballots cast (35,000) occurred in the municipal clerk's office. Current absentee ballot processing involves using several envelopes that are handled and sorted numerous times prior to and on Election Day. In some jurisdictions, high-speed tabulators are used to process absentee ballots and these cost in excess of \$35,000 to rent and over \$100,000 to purchase. Using the optional alternative methods will reduce the need to purchase or rent high-speed tabulators. Moreover, the cost of supplies, elections equipment, and labor is reduced when using the alternate optional method.

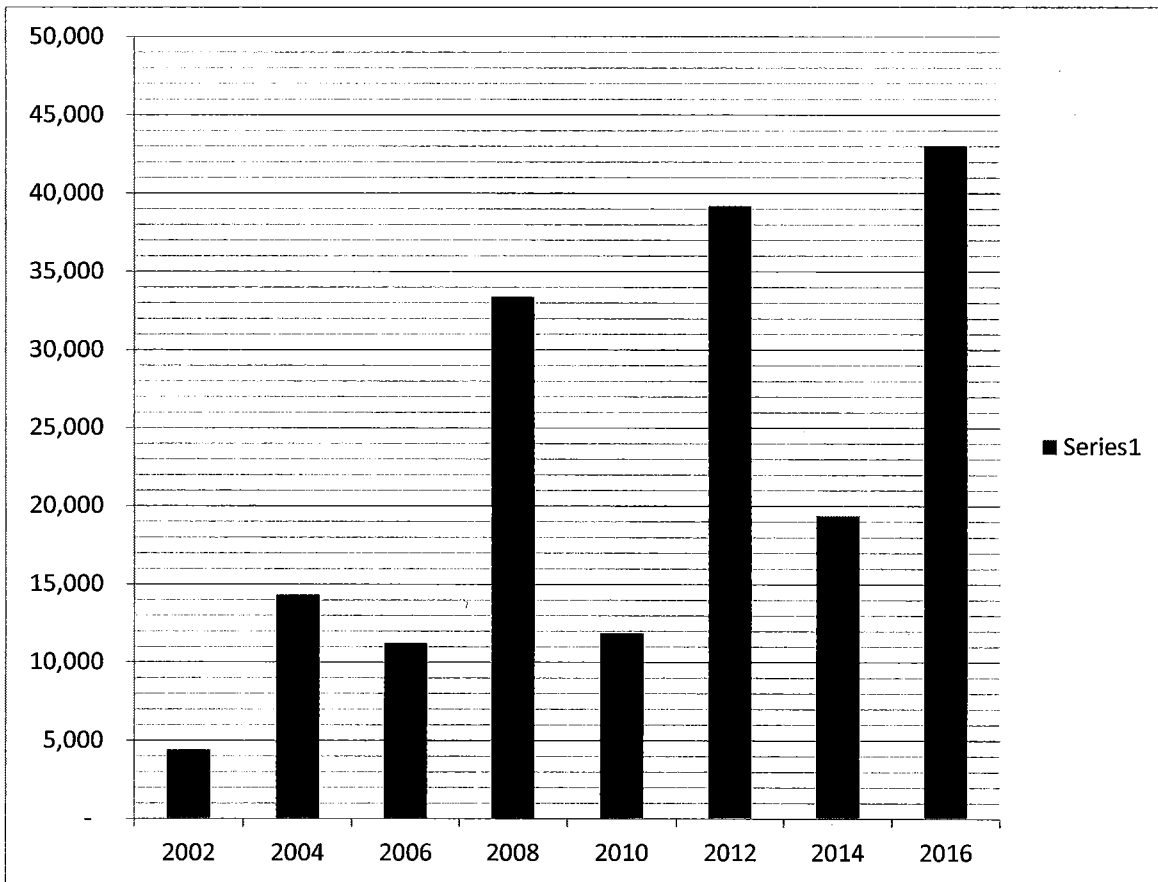
Absentee voting will continue to increase in the future due to media attention, political rallies, direct mail, and phone communications. Candidates and special interest groups urge electors to vote early in order to "bank" votes. No excuse absentee voting is successful and reflects modern voting practices. It is critical that municipal clerks have alternate methods of processing absentee ballots to manage these increasing demands.

Absentee voters allowed to put their voted ballots immediately into the tabulator, have the opportunity to correct ballot errors meaning more votes count. On the other hand, it is up to poll workers to remake ballots. Frequently, absentee ballots placed in envelopes are damaged when poll workers open envelopes. Again, poll workers need to remake ballots. In using the alternate optional method, it reduces the number of remade ballots. Likewise, it frees up time for poll workers to focus on Election Day issues.

No one is required to use the optional alternative absentee process. Populous municipalities are more inclined to choose this option. Please support this bill to address processing high volumes of absentee ballots cast.

BROWN COUNTY WI - ABSENTEE BALLOTS CAST IN FALL GENERAL ELECTIONS

	Cast	% of Voters	
2002	4,442	0.06	Governor
2004	14,354	0.12	Presidential
2006	11,262	0.12	Governor
2008	33,395	0.27	Presidential
2010	11,892	0.13	Governor
2012	39,195	0.30	Presidential
2014	19,386	0.19	Governor
2016	43,033	0.33	Presidential





Village of Menomonee Falls
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Menomonee Falls WI 53051-3140
Telephone: (262) 532-4200

January 31, 2018

State of Wisconsin
Senate Committee on Elections and Utilities
State Senator Devin LeMahieu
State Senator Chris Kapenga
State Senator Van Wanggaard
State Senator Mark Miller
State Senator Fred Risser

Re: Senate Bill 524, including Senate Substitute Amendment 1

Dear State Senators:

The Village of Menomonee Falls has realized an increase in in-person absentee voting of seven hundred percent over a twelve year period of time; 1,000 in-person absentee voters in November 2004 with an increase to 7,000 in November 2016. The current process of using an envelope to house in-person absentee ballots until Election Day is outdated and does not serve our voters well.

Senate Bill 524 will give municipalities the option of allowing in-person absentee voters to insert their own ballot in voting equipment resulting in a boost to voter confidence and cost savings to municipalities.

Voter Confidence

- Voter confidence is gained when a voter can insert their own ballot in voting equipment.
 - Voting equipment captures an image as the voter inserts their own ballot
- A voter will have the option to correct balloting errors, example: over vote or crossover vote
 - Every in-person absentee voter's votes will be counted
- Eliminates the need for election officials to determine voter intent on Election Day when processing ballots that have balloting errors
- Voters will be marked as voted in the statewide voter database instantly

Municipalities

- Cost savings
 - Thousands of preprinted envelopes
 - Staff time to store, file, and balance thousands of in-person absentee ballots
 - Election officials' time to open thousands of ballots on Election Day

State of Wisconsin

State Senate Committee on Elections and Utilities

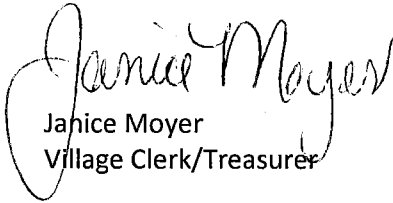
January 31, 2018

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This well thought out Bill will allow municipalities, which choose to use it, to take advantage of the technology now available in new voting equipment. You have the ability to change an archaic process that will provide our voters with a more efficient and cost effective approach to in-person absentee voting. I urge you to support Senate Bill 524.

Sincerely,

VILLAGE OF MENOMONEE FALLS

A handwritten signature in cursive script that reads "Janice Moyer". The signature is written in black ink and is positioned above the printed name and title.

Janice Moyer
Village Clerk/Treasurer

Cc: Village Manager



Election Commission

Commissioners
Stephanie Findley, Chair
Carmen C. Cabrera
Robert F. Spindell, Jr.

Executive Director
Neil V. Albrecht

February 1, 2018

TO: Senator LeMahieu, Chair and Committee on Elections and Utilities Members
FROM: Neil Albrecht, Executive Director, City of Milwaukee Election Commission
RE: SB 524

Thank you for this opportunity to speak at today's hearing and offer testimony, on behalf of the City of Milwaukee Election Commission, related to SB 524 and the use of an electronic voting equipment to cast a vote with an in-person absentee ballot. The City of Milwaukee supports SB 524, with the understanding that adoption of this particular bill would not, in any way, restrict the schedule set by municipalities for In-Person Absentee Voting (IPAV)

This proposed bill would allow Wisconsin Municipal Clerks the *option*, and I emphasize option, of using voting tabulators during in-person absentee voting as an alternative to what currently can be a costly and time-consuming method of processing these absentee ballots. 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 election administrator in this state for the last twelve years, including three Presidential Elections, 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 (including in-person absentee) 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 voters
2004: 10,000
2008: 32,000
2012: 37,500
2016: 52,500

There are several noteworthy considerations related to this growth. First, no matter the size of the municipality, whether it is the City of Milwaukee or the Town of Waukesha, most municipalities have experienced comparable and *substantial* growth in IPAV voters. This issue is in no way to 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 candidate, political party and media promotion of the availability of





Election Commission

Commissioners
Stephanie Findley, Chair
Carmen C. Cabrera
Robert F. Spindell, Jr.

Executive Director
Neil V. Albrecht

“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.

With the increase in numbers comes a substantial increase in processing cost. In 2016, the city staffed the central count of absentee ballots with 90 teams of two processors, and over a dozen supervisors and troubleshooters. Additionally, the city purchased high-speed tabulators from ES&S and leased three additional, at a total cost (labor and leased equipment, not including equipment purchased) of \$189,000. Even with this investment of staff and a near \$200,000 cost, we did not finish processing absentee ballots until 1:30 a.m., which greatly slowed Milwaukee County’s release of comprehensive election results. Candidates, and the public, want quick 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 process and cost. 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, ensure the integrity of election results, and are appropriate to the geographic diversity of municipalities and counties in this state.

Allowing the use of an electronic voting machine to cast a vote with an inperson absentee ballot would have numerous benefits, which include:

1. As current in-person absentee voted ballots are not fed into a voting tabulator until Election Day, voters are not aware or notified of errors on their ballots and are not given the opportunity to remedy those errors. Instead, the ballot must be reconstructed by election workers, based on voter intent, during a very busy Election Day. This ballot reconstruction process is cumbersome, time-consuming and can result in lost votes or errors made during the process. In terms of ensuring the integrity of an election, creating the need to reconstruct a voter’s ballot should be avoided at any opportunity.
2. 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 tracking a high volume of absentee ballots, additional election worker pay to process absentee ballots, and absentee voting printed materials.
3. In-person absentee voters are often doubtful or mistrusting of the status of their ballot when it is placed in an envelope versus a tabulator. These voters would feel a much greater confidence in the integrity of the process if their ballots could be fed directly into a voting tabulator.

Thank you for your consideration of my testimony,

Neil Albrecht
Executive Director





City of New Berlin

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January 29, 2018

VIA EMAIL ONLY:

Senator Devin LeMahieu
Sen.LeMahieu@legis.wisconsin.gov

Senator Chris Kapenga
Sen.Kapenga@legis.wisconsin.gov

Senator Van H. Wanggaard
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Senator Mark Miller
Sen.Miller@legis.wisconsin.gov

Senator Fred A. Risser
Sen.Risser@legis.wisconsin.gov

RE: Support for Assembly Bill 637, Senate Bill 524

Dear Senate Committee on Elections and Utilities,

My name is Daniel Green and I am the City Clerk for the City of New Berlin. I am respectfully writing you to share our City's support of the In-Person Absentee Voting Efficiency process being proposed by a group of City Clerks from Southeastern Wisconsin. I understand there will be a hearing of the Senate Elections and Utilities Committee on Thursday, February 1st. I ask that you consider adopting legislation to implement this beneficial process.

The City of New Berlin continues to annually increase the amount of absentee ballots that are cast in-person prior to an election. With a population of over 40,000 residents, the City processed over 7,600 in-person absentee ballots equaling 26.5 % of all registered voters for the 2016 Presidential Election. Our community would greatly benefit from the proposed Absentee Voting Efficiency Option. Not only does it create a more efficient way of processing these absentee ballots, but it also lowers the risk of error by the voter and by the Clerk's Office. The voter has peace of mind knowing their ballot is processed by their own hand, and any mistakes the voter makes marking the ballot can be immediately addressed and corrected by the voter.

I ask that you consider supporting the Absentee Voting Efficiency Option as it is presented at the hearing on February 1st and I thank you for your support and service to our community.

Sincerely,

Daniel Green,
City Clerk

David A. Ament,
Mayor

Cc: Mayor David Ament (dament@newberlin.org)
Melody Styba (mstyba@newberlin.org)

Distinct, Friendly Community - Extensive Transportation Network - Vibrant Future

PUBLIC HEARING – SENATE COMMITTEE ON ELECTIONS AND UTILITIES

Thursday, February 1, 2018 – Room 201 SE

Senate Bill 524 Absentee Voting Efficiency Option

Testimony by: Sharon Leair
Waukesha County Chair of Wisconsin Towns Association
Genesee Town Chair

Good Morning Senator LeMahieu and Members of the Committee

My name is Sharon Leair. I am Waukesha County Unit Chairman of the Wisconsin Towns Association and Genesee Town Chairman. Thank you for the opportunity to testify in favor of this Absentee Voting option.

Local governments are increasingly handling a larger percentage of absentee ballots. The Town of Genesee, for example, has a population of 7400, with 5400 registered voters. In the November 2016 Presidential election, we had over 4900 voters. 2358 or 48% of those were absentee votes. And over 2000 of those votes were walk ins, which occurred within two weeks of the election. On the one hand, healthy voter turnout is a good thing; on the other, we needed to hire on additional part time staff to handle and process these votes.

For those local governments wishing to become certified to use the Absentee Voting option which would be established by this bill, there would be savings on materials and hiring additional staff. Voters would simply need to come in and cast an absentee ballot using the voting machine in the same manner as they do on election day. This bill would streamline the entire process.

The convenience and peace of mind for our voters cannot be overstated. Electors often question how private their vote is. When casting an absentee vote by paper ballot, their name is on the front of the envelope. Someone has to open that envelope and run it through a machine on election day. They want to know how we can assure them that that person will not see how they voted.

There's no reason we shouldn't be able to use the same 21st century technology for absentee voting that we use on election day. There will be more security, more privacy, fewer rejected ballots, less handling of the ballots and less expense to local governments that wish to use this option. As a local government official, I see this as a win-win.

Thank you.

My name is Mary Ann Hanson. I am a life-long resident of the State of Wisconsin and a registered voter in the City of Brookfield.

I need to vote during In-person Absentee voting because I have for the past 3 election cycles (2012-2016) been a volunteer observer at the City of Milwaukee Central Count where City of Milwaukee absentee ballots are opened, processed and counted on Election Day. If a ballot is rejected by a machine, the canvassers then must review the ballot, determine the problem and make a new ballot correcting the problem yet reflecting the intent of that voter.

I have often thought, as I observed this Central Count process, how valuable it would be for a voter like me who needs, or chooses, to vote during In-person Absentee to be able to insert their own ballot into the voting machine to determine if the machine will process and will count their ballot.

I have often wished I could have the right that is given to those who cast their ballot on Election Day to know that if I had made an error on my ballot that would prevent my ballot from being processed and counted that I would have the right of the two additional opportunities to correct any error that would have prevented my ballot from being processed and counted.

In-person Absentee ballot envelopes are opened by poll workers/canvassers on Election Day at polling places or at Central Count. Absentee ballot envelopes are opened and the ballots inside reviewed and processed by these workers. If the machine will not process the ballot due to some error, those workers are permitted to again review the ballot, determine what the error is and correct that error to reflect the intent of the voter and then, try again to get the machine to process that ballot.

At a polling location, usually two poll workers are assigned to this task which is done throughout Election Day. In larger municipalities the absentee ballots are opened and processed in an off-site (not a polling place) location and involve a larger number of workers because of the larger number of voters who have cast an absentee ballot. This is an additional expense for municipalities that use the Central Counts.

In both instances there will be in addition to In-person absentee ballots, mailed-in absentees, military ballots, overseas and nursing home voted absentee ballots. Voters can, also, walk an absentee ballot into the location before the polls close at 8:00 p.m. Those additional types of absentee ballots will need to be opened and processed as they are now—at the polling location or a central count.

.However, the largest numbers of ballots to be opened and processed are those from In-Person Absentee voting. Those voters have come into voting locations, often in the office of the Clerk or a nearby location, where voting machines could be made available to allow the In-Person Absentee voter to place their own ballot into a processing machine. If there is an error needing to be corrected to enable processing, that voter could correct their error to be sure that their ballot reflects their intent and will be counted.

The proposal put forth by the Clerks would guarantee that the In-Person Absentee voter would know that their vote will be processed and counts. An additional cost saving will come because the same employees who are hired to run the In-person voting can assist voters as they place their own ballot into the voting machine

Though In-Person Absentee voting is a considerable expense for the taxpayers, voters want and will continue to need that option. However, the right to place their own absentee ballot into a machine would allow those voters to know that their ballot will be read and processed.

After 8:00 p.m. on Election Day, when the polls close, at both Central Counts and polling locations the voting machines are turned on to begin to count the ballots.

The cost of the number of canvassers needed at the Central Counts would, also, be less. The length of the day at the larger Central Counts could be shorter as the number of their envelopes and ballots to be processed would be limited to the walk ins, military, overseas voters, mailed in absentees and nursing home voters.

During the 2016 Presidential Election, the City of Milwaukee Central Count opened and began its work at 7:00 a.m. I was there at 6:45 a.m. as they opened. The processing and counting of 62,790 absentee ballots ended at 1:10 a.m. **the following day and there were still ballot security measures to be taken and paper work to be completed.**

Ballot security concerns with the Clerks proposal have been raised, but the job of all Municipal Clerks depends on ballot security as their job and their reputations depend on there being no problems with the integrity of an election in their municipality. The clerks and the sponsors of this bill have added proposed additional security amendments and have shown willingness to do all they can to ensure the integrity of this new procedure.

I think the advantage for the absentee voter to place their own ballot into the machine and to that know the voting machine can read and accept their ballot make this proposal well worth pursuing.

Mary Ann Hanson

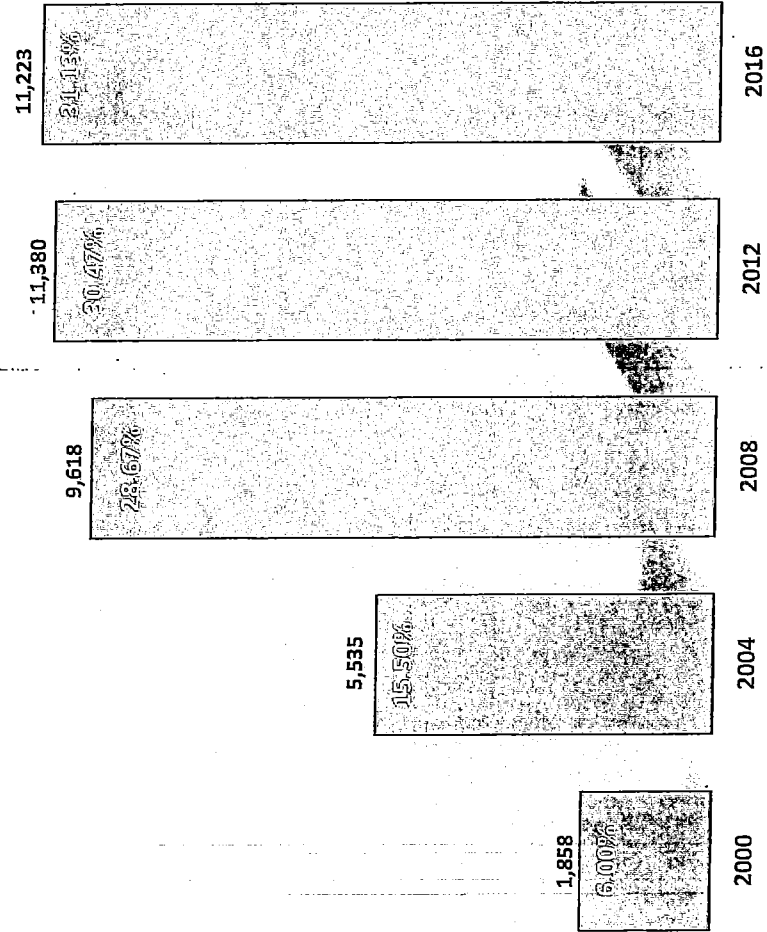
3740 Mountain Drive

Brookfield, Wisconsin 53045

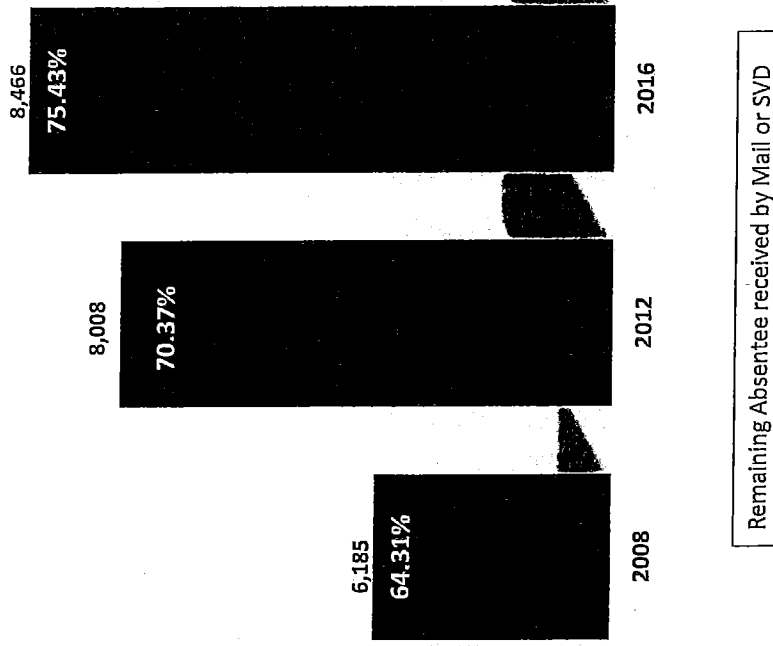
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CITY OF WAUKESHA

ABSENTEE PERCENTAGE OF TOTAL VOTING
PRESIDENTIAL YEARS



PERCENTAGE OF IN-PERSON ABSENTEE



Remaining Absentee received by Mail or SVD

Voting Method unavailable for 2000 and 2004

ROCK COUNTY, WISCONSIN

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Jenny Stanek, Deputy County Clerk



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Though the idea of having the voter insert their ballot into a ballot tabulator prior to Election Day is appealing, this legislation in its current form will bring question to the integrity of elections in our state. Below are the issues and items to consider with this legislation.

AB-637 (LRB-1890/P9) – using an electronic voting machine to cast a vote an in-person absentee ballot. - Absentee Voting Efficiency Option (AVEO)

Programming completed 21 days prior to Election Day.

- 6.982(2) requires county clerks (or other authorized persons) to program memory devices for those municipalities choosing the Absentee Voting Efficiency Option (AVEO) no later than 21 days prior to Election Day.
- This is an **extremely tight timeline to meet between the February Primary and the April Spring Election**, allowing approximately only one week to complete programming, printing test decks, and test memory devices.
- Elections are programmed as one entity for the entire county. Each municipality is programmed as part of the whole, not as a standalone entity. To meet the deadline, the entire county needs to be completely programmed. If during testing an error is found, every device is reprogrammed, not just one device for one municipality.
- This will increase errors and costs. Vendors contracted to program for counties may charge expedite fees to meet the required deadlines.

Counting of Write-In Votes is not addressed in legislation.

- This legislation has the municipal clerk securing the ballots each day in tamper-evident security seal ballot bags until needed for audit, recount, or storage. It does not indicate how or where ballots are reviewed for write-ins, if the write-in report function is not available.
- Write-in votes appeared to be ignored in this legislation.

Ballot security in the municipal clerk's office a concern.

- At present, when an elector votes in-person absentee, both the clerk and the voter sign the envelope. This is a check and balance system with the ballot being reviewed and processed by election inspectors on Election Day.
- In this legislation only the municipal clerk is handling the absentee ballot. Only the municipal clerk is verifying the security seals. Only the municipal clerk is bagging and sealing the ballots.
- If a municipal clerk is the only one in their office during the in-person absentee process, then the checks and balances are missing and the integrity of the election can be challenged.

Electronically capturing of write-in votes has flaws.

- This legislation would create an inequality in how write-in candidates are counted in different parts of the state.
- The legislation, as written, only looks at write-ins as provided in s. 7.50 (2) (d) to (j), skipping s. 7.50 (c).

- **7.50 (c)** *If an elector marks a ballot with a cross (X), or any other marks, as |, A, V, O, /, ✓, +, within the square to the right of a candidate's name, or any place within the space in which the name appears, indicating an intent to vote for that candidate, it is a vote for the candidate whose name it is opposite.*

- *The write-in report would not list any of the items listed in 7.50 (c). The programming is only looking for filled in ovals and writing in the write-in boxed areas.*
- *Election Inspectors visually reviewing the ballots is the best way to determine voter intent.*

Death of voter not addressed.

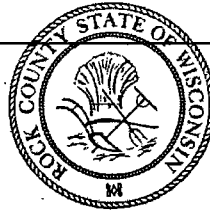
- *Originally language was included to indicate that deceased voters who voted in person would have their ballot counted. That language is no longer included. Unless this is changed, voters in one community that uses in person voting will have their vote counted differently from another community that does not use early voting.*

Lisa Tollefson

Rock County Clerk

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Lisa Tollefson, Rock County Clerk

Though the idea of having the voter insert their ballot into a ballot tabulator prior to Election Day is appealing, this legislation has items which should be considered more thoroughly.

Substitute Amendment 1, to Senate Bill 524 – using an electronic voting machine to cast a vote an in-person absentee ballot. - Absentee Voting Efficiency Option (AVEO)

Electronically capturing of write-in votes has flaws.

- This legislation would create an inequality in how write-in candidates are counted in different parts of the state.
- The legislation, as written, only looks at write-ins as provided in s. 7.50 (2) (d) to (j), skipping s. 7.50 (c).
 - **7.50 (c)** If an elector marks a ballot with a cross (X), or any other marks, as |, A, V, O, /, ✓, +, within the square to the right of a candidate's name, or any place within the space in which the name appears, indicating an intent to vote for that candidate, it is a vote for the candidate whose name it is opposite.
- The write-in report would not list any of the items listed in 7.50 (c). The programming is only looking for filled in ovals and writing in the write-in boxed areas.
- Election Inspectors visually reviewing the ballots is the best way to determine voter intent.

Increased cost concerns costs with electronically capturing write-in votes.

- Ballots are programmed in a group for the entire county. If ballots are programmed so one municipality can use an electronic write-in report, then all ballots for the entire county are programmed with the electronic write-in report.
- The size of the write-in box on the ballot must be three times larger than the named candidate box on the ballot. This will increase the length of ballots, creating multi-pages ballots.

Deceased electors.

- Originally language in draft bills indicate that deceased voters who voted in person would have their ballot counted. The Amendment has a drawn down process subtracting the votes of a random ballot, very likely not the deceased voter's ballot.

Lisa Tollefson

Rock County Clerk

Test Ballot

Partisan Primary

November 22, 2017

Notice to voters: If you are voting on Election Day, your ballot must be marked by two election inspectors. If you are voting absentee, your ballot must be marked by the municipal clerk or deputy clerk. Your ballot may not be counted without initials. (See end of ballot for details.)

General Instructions

If you make a mistake on your ballot or have a question, ask an election inspector for help. (Absentee voters contact your municipal clerk.)

To vote for a name the ballot fill in the oval next to the name like this: ●

To vote for a name that is not on the ballot, write the name on the line marked "write-in" and fill in the oval next to the name like this: ●

Special Instructions for Voting in a Partisan Primary

In the Partisan Primary:
 You may only vote in ONE party's caucus. If you vote in both, your ballot will be counted for the party you voted for first. If you vote in many other party will be counted.
 If you do not choose a party and do not write in a name, your ballot will be counted.

Choose a Party Primary

Republican Party Primary

If you vote in this party's primary, you may not vote in another party's primary.

Statewide
Governor Vote for One
<input type="radio"/> REP Candidate One
<input type="radio"/> REP Candidate Two
<input type="radio"/> REP Candidate Three
<input type="radio"/> REP Candidate Four
Write-in
Lieutenant Governor Vote for One
<input type="radio"/> REP Candidate One
<input type="radio"/> REP Candidate Two

Republican Party (Cont.)

Statewide
State Treasurer Vote for One
<input type="radio"/> REP Candidate One
Write-in
Congress (km)
United States Senator Vote for 1
<input type="radio"/> REP Candidate One
Write-in
Representative in Congress District 7 Vote for 1
<input type="radio"/> REP Candidate One

Testimony of Scott McDonell, Dane County Clerk and Chair of the WCCA Legislative Committee

The County Clerks Association voted 41 to 3 to oppose this legislation and request a restart of the legislative process with all affected parties at the table including the municipal clerks, the county clerks, the election commission, and the two major political parties. (9 clerks were opposed to any legislative change) Most County Clerks agree that change is needed to address the volume of early absentee voting. However, some issues that County Clerks have with the bill.

Programming completed 21 days prior to Election Day.

(the amendment removes this 21 day window, still no role for County Clerk or County Board)

- 6.982(2) requires county clerks (or other authorized persons) to program memory devices for those municipalities choosing the Absentee Voting Efficiency Option (AVEO) no later than 21 days prior to Election Day.
- This is an **extremely tight timeline to meet between the February Primary and the April Spring Election**, allowing approximately only one week to complete programming, printing test decks, and test memory devices.
- Elections are programmed as one entity for the entire county. Each municipality is programmed as part of the whole, not as a standalone entity. To meet the deadline, the entire county needs to be completely programmed. If during testing an error is found, every device is reprogrammed, not just one device for one municipality.
- This will increase errors and costs. Vendors contracted to program for counties may charge expedite fees to meet the required deadlines.

Concern about changes to WisVote

- It is not clear that WisVote can be altered to allow sequential numbering of voters per reporting unit. This is really necessary for the legislation to work. If changes are made to WisVote to accommodate the legislation, all communities will see that change and could be confused.

Lack of Uniformity. Counting of Write-In Votes.

- This legislation has the municipal clerk securing the ballots each day in tamper-evident security seal ballot bags until needed for audit, recount, or storage. It does not indicate how or where ballots are reviewed for write-ins, if the write-in report function is not available.
- Write-in votes appeared to be ignored in this legislation. If a report is generated by the election equipment, again there will be a lack of uniformity of ballot handling. This feature has not been tested by WEC.
- The legislation, as written, only looks at write-ins as provided in s. 7.50 (2) (d) to (j), skipping s. 7.50 (c).
 - **7.50 (c)** If an elector marks a ballot with a cross (X), or any other marks, as |, A, V, O, I, ✓, +, within the square to the right of a candidate's name, or any place within the space in which the name appears, indicating an intent to vote for that candidate, it is a vote for the candidate whose name it is opposite.
- The write-in report would not list any of the items listed in 7.50 (c).

Lack of Uniformity- Death of Voter

- Originally language was included to indicate that deceased voters who voted in person would have their ballot counted. Traditional absentee ballots will be removed at the death of a voter by statute. Early voting ballots will be counted and then subjected to draw down process.

Lack of Uniformity- Spoiling the ballot

- Ballots submitted by traditional process may be spoiled by the voter and re-submitted. Early voters will not be able to retrieve their ballot.

Ballot security in the municipal clerk's office a concern.

(the amendment did alter the security process to make it more secure)

- At present, when an elector votes in-person absentee, both the clerk and the voter sign the envelope. This is a check and balance system with the ballot being reviewed and processed by election inspectors on Election Day.
- In this legislation only the municipal clerk is handling the absentee ballot. Only the municipal clerk is verifying the security seals. Only the municipal clerk is bagging and sealing the ballots.
- If a municipal clerk is the only one in their office during the in-person absentee process, then the checks and balances are missing and the integrity of the election can be challenged.

Political Parties may not understand the change for them.

- Observing the election is completely changes. Each early voting location is now conducting the actual election each day. Challenging voters, etc would be spread out over many days and many locations. Poll workers, who are often derived from lists provided by the political parties, would not be administering much of the election.



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To: Senate Committee on Elections and Utilities
From: Curt Witynski, J.D., Deputy Executive Director
Date: February 1, 2018
Re: **SB 524, Creating an in-person absentee voting efficiency option by allowing the use of an electronic voting machine to cast a vote**

The League of Wisconsin Municipalities supports the substitute amendment to SB 524 for the following reasons:

1. The bill was initiated by municipal clerks to address the challenges some communities face in efficiently serving the increased number of voters seeking to cast in-person absentee ballots before Election Day.
2. The substitute amendment reflects the input of the state elections board and other stakeholders to address concerns about and make improvements to the original bill.
3. The voting efficiency option created by the bill is just that, an option for local governments to consider using.
4. Use of the option can reduce the Election Day time crunch for getting all ballots into machines resulting in quicker election night results.
5. The option will help ensure safe and secure voting.

We urge the committee to recommend passage of the substitute amendment. Thanks for considering our comments.

Written Testimony of State Senator Lena C. Taylor
Senate Committee on Elections and Utilities
January 30, 2018
Senate Bill 524

Chairman LeMahieu, Members of the Committee, thank you for allowing me the opportunity to submit written testimony regarding Senate Bill 524, regarding using an electronic voting machine to cast a vote with an in-person absentee ballot. Under current law, an in-person absentee ballot may be cast at municipal clerk's offices on a paper ballot to be sealed in an envelope. Under this bill, individuals would be allowed to cast an in-person absentee ballot using an electronic system in the clerk's office. This issue is important to our state's voting process, and I appreciate the Committee's hearing of this bill.

People, now more than ever, are choosing to vote absentee over traditional Election Day voting. In the November 2016 presidential election, more than 27% of all ballots cast in Wisconsin were absentee, totaling nearly 820,000 votes, up from 647,000 absentee votes in 2008 and just 160,000 in 2000. In-person absentee ballots, or effective early voting, allow flexibility for voters who find it strenuous to make it to the polls on Election Day, be it for reasons of disability, lack of transportation, inability to take time off of work or knowing that they will be out of town the day of the election. In-person absentee voting allows these voters to cast their ballots at times and in ways that are convenient for them and thus ensures higher voter turnout.

The benefits of in-person absentee voting are clear for voters, but the consequent stresses on the municipal clerk's offices are less obvious. State legislature requires that in-person absentee ballots may not be counted until the Election Day and what this means for municipal clerk's offices is that all received absentee ballots are tallied up in just one day. Given the surge in volume of absentee ballots, this can be a strenuous task for offices. The implementation of electronic machines used for this task would accelerate this process. The electronic votes follow the same guidelines as paper absentee ballots and are not tabulated before Election Day, but when the day comes, the machine can count the votes more efficiently and less strenuously than clerk's office employees.

Most states use some form of electronic voting systems in their electoral processes and some states such as Utah and West Virginia have already successfully implemented such machines for use in their early voting procedures.

Chairman LeMahieu, Members of the Committee, the election process is a fundamental part of Wisconsin and American democracy and it is important that this process be as smooth and as easy as possible for all Wisconsin voters. The use of electronic voting machines to cast votes with an in-person absentee ballot would provide flexibility to voters and relief and aid to municipal clerk's offices. I am pleased that this bill has bipartisan support as well as endorsements by the League of Wisconsin Municipalities and the cities of Madison and Milwaukee, and I trust that like me, you find it important to improve our voting system and this bill is a way to do so. For this reason, I respectfully urge you to support SB 524. Thank you for your support and your attention.

Senator Lena C. Taylor

4th Senate District