

Adam Neylon

State Representative • 98th Assembly District

DATE: April 14, 2021

TO: Assembly Committee on Campaigns and Elections

FR: Rep. Adam Neylon

RE: Support for Assembly Bill 172

Good morning Chair Brandtjen and Members of the committee.

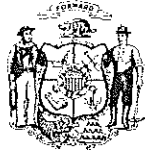
AB 172 is a simple but important bill that requires the Wisconsin Elections Commission to post meeting minutes and motion language on its website within a reasonable amount of time. Through an amendment that has been introduced in the Senate and has yet to post online in the Assembly, that time will be within 48 hours of a WEC meeting.

Typically the Elections Commission waits until their next meeting to approve the previous meeting's minutes. That is a standard operating procedure with commissions and boards, however, due to the need for transparency in something as important as our elections, we believe WEC should be posting draft preliminary meeting minutes online in the interim until the Elections Commission can convene again to formally approve the meeting minutes.

As the members of this committee are well aware, our elections have come under heightened scrutiny by a substantial number of Wisconsin residents in recent months. Many constituents I have spoken with since November of 2020 have shared their increased interest in what is being discussed at the Elections Commission meetings, and the motions commissioners are voting on.

Transparency in our elections should be a cornerstone of our elections process, like allowing all of our constituents the ability to find out what happened at a WEC meeting within 48 hours of the meeting.

Thank you again for your time.



DUEY STROEBEL

STATE SENATOR • 20TH DISTRICT

Testimony on AB 172

April 14, 2021

Good morning Chair Brandtjen and members of the Assembly Committee on Campaigns and Elections. AB 172 is a common-sense transparency measure designed to increase public confidence in the state-level administration of our election laws. Under state law, the Wisconsin Elections Commission is not required to post copies of their meeting minutes on their website. This bill, and the author amendment, requires WEC to post copies of meeting minutes, and the texts of motions debated, on the Commission's website.

Under state law, governmental bodies must maintain a record of their proceedings.¹ I know the Commission maintains these records, and it has provided my office with copies of meeting minutes when requested. But the Commission does not currently post these meeting minutes on its website or proactively make them available to the public.

Other governmental bodies, such as counties and municipalities, technical college districts, and school districts are required to publish copies of their meeting minutes. The legislature itself not only publishes the text of bills introduced but also makes the actions of committees and chambers available online.

Legislation introduced both last session and this session seeks to allow the publication of meeting minutes online to replace the mandate that certain governing bodies publish their meeting minutes in newspapers.² Both that proposal and this proposal are a pragmatic nod to the increasingly digital information space where the public consumes news about their government.

By posting meeting minutes online, WEC can contribute to a more informed debate about its role in election administration. Instead of relying on secondary sources of information, or watching hours and hours of video footage of meetings, citizens would be able to personally review the Commission's actions. If they were to attempt that now, they would need to request a copy of the meeting minutes from Commission staff. As the Commission itself noted in its February 2021 report about the 2020 election, during peak election season staff are already responding to hundreds of inquiries a day from local election officials, campaigns, media outlets and interested citizens.³

¹ Wis. Stat. 19.88(3) <https://docs.legis.wisconsin.gov/statutes/statutes/19/v/88/3>

² 2021 SB 55 / AB 60

³ <https://www.wispolitics.com/wp-content/uploads/2021/01/D.-November-2020-Election-Data-Report-Updated.pdf>

ROCK COUNTY, WISCONSIN

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April 14, 2021

Testimony for the Assembly Campaigns and Elections Public Hearing

Assembly Bill 51 – Regarding to: public Notice of noncandidacy for incumbent local elected officials *SUPPORT*

- To keep elections open and transparent, we should keep our electors informed when an incumbent chooses not run again and when an incumbent does not file candidacy paperwork. As a clerk, I already follow the practices put in place with this bill.

Assembly Bill 172 – Relating to: publication of Elections Commission meeting minutes. *Informational*

- Support the posting of Wisconsin Elections Commission Minutes with an amendment on the timeframe. Being in the position of having had 4-hour meetings the day prior to an election, minutes were not my top priority. Running the election was. The Wisconsin Elections Commission staff provides support to 1,850 municipal clerks and 72 county clerks. The 24-hour time frame is not realistic close to an election.

Assembly Bill 173 – Relating to private resources used for Elections - *OPPOSE*

- The last year has been challenging. The funds from the different CARES grants did not cover the extra costs it took to run elections. Some of the municipalities in our county took donations of PPE and funds to purchase extra tabulating equipment. Companies donated meals for poll workers or paid their employees' usual salaries to help ensure we had enough poll workers at the polls. The November election turned into a huge community project to make sure our election ran smoothly. The number of people stepping forward to support our elections was astounding. By eliminating municipalities' ability to take donations, will you be stifling that positive community spirit that pulls us together?

Assembly Bill 198 - Relating to: defects on absentee ballot certificates, certain kinds of election fraud, and providing a penalty. *OPPOSE*

- This bill states that if the clerk receives an absentee ballot with an improperly completed certificate or with no certificate, the clerk shall return the ballot to the elector. There is no end date in the bill as to when the clerk can stop returning ballots with the defective certificates.

If my understanding is correct, the poll workers will not have any ballots with defective certificates to reject on election day, because the clerk must return those ballots to the voters. Unfortunately the clerk would also need to continue to return ballots with defective certificates that arrive after election day.

- The bill states the clerk must post the certificate defects on MyVOTE. Unfortunately, there is a disadvantage to the voters who do not have an email address on file or lack dependable broadband service.
- This will cause increased costs to municipalities. Each time an absentee ballot needs to be mailed back to a voter, it costs \$1.25 for postage plus the envelope and time. All of this because a voter's spouse forgot to add the city on the witness address line on the certificate envelope.

Assembly Bill 94 – Regarding to: allowing a pupil enrolled in a home-based private educational program to serve as an election inspector **SUPPORT**

- Current law allows qualified 16 and 17 year old high school students to work as poll workers. This bill adds students enrolled in home-based private educational programs to serve.

Thank you for your consideration,

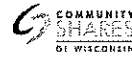
A handwritten signature in black ink, appearing to read 'Lisa Tollefson', with a long horizontal flourish extending to the right.

Lisa Tollefson
Rock County Clerk

LWW LEAGUE OF WOMEN VOTERS® OF WISCONSIN

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April 14, 2021

To: Assembly Campaign on Campaigns and Elections
From: Statement for public hearing on AB 172, AB 173, AB 198

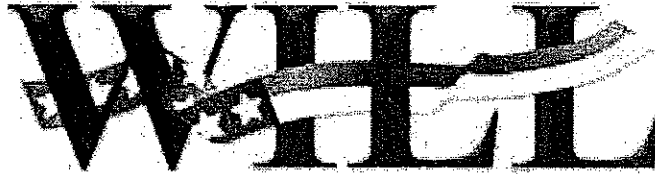
The League of Women Voters of Wisconsin believes that voting is a fundamental citizen right that must be guaranteed. Participating in our democracy by voting should be a safe, accessible and positive experience for all eligible Wisconsin residents. Lawmakers should avoid measures that place undue burden on the voter or erect barriers to voter participation. To that end, we have the following comments on the bills under consideration in the April 14, 2021 hearing of the Assembly Committee on Campaigns and Elections:

We support AB 172, which would increase transparency of WEC meetings by requiring that minutes be posted in a timely manner and maintained on the agency's website. Assembly Amendment 1 requires that the minutes include the full text of each motion debated and voted on by the commission, along with a record of each member's vote, a record of all motions and seconds made by each member, and a record of each member's status as being present or absent for any part of a meeting or hearing. While more detail can be added later, this will surely increase confidence in the work of the commission.

We oppose AB 173 for the following reasons: 1) while we believe some regulation of private resources used for election administration is reasonable, this bill would require Joint Finance Committee oversight over distribution of private funds by the Wisconsin Elections Commission (WEC) to counties and municipalities. This is excessive control by the legislative branch over the WEC and election administration in general; 2) the proposed per capita formula for allocating private funds ignores the great funding disparities for elections, where rural counties may have the most outdated equipment and need the most help; and 3) employees of nonpartisan issue advocacy organizations, especially if they are 501(c)(3) organizations, should be allowed to serve as election officials.

We oppose AB 198, which would require clerks to return to a voter an absentee ballot with an incomplete certificate and post a notification of the defect on the voter's information page in the voter registration database. While we could support legislation requiring clerks to inform voters of an incomplete certificate, this bill does nothing to assist voters to remedy the error or omission. It prohibits clerks from making common-sense corrections of a witness's address,

something we have supported since 2016. It only gives reason to disqualify the ballots of eligible voters.



Testimony on Election Integrity Package
Assembly Committee on Campaigns and Elections
April 14, 2021

Thank you Chairwoman Brandtjen and members of the committee for allowing us to submit testimony today. My name is Kyle Koenen and I am the Policy Director at the Wisconsin Institute for Law & Liberty, a 501(c)(3) law and public policy center based out of Milwaukee. We are submitting testimony in favor of Assembly Bills 172 and 173.

Assembly Bill 173

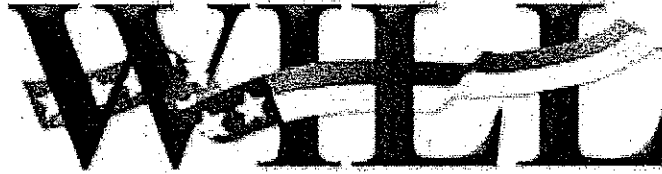
As I am sure you are all aware, the November 2020 election saw a large infusion of private funds to local government coffers through the Center for Technology and Civic Life (CTCL), a non-profit from Chicago that received a \$350 million donation from Facebook founder and CEO Mark Zuckerberg.

WILL is in the process of doing an in-depth analysis of these funds and how they were spent, pending response to records requests from a number of municipalities around the state. However, it has been publicly reported that the five largest cities received over \$6 million for the November election. While it has been pointed out that municipalities around the state received these grants, the amounts to other areas pale in comparison to the amounts received by these cities. To date we have received records from approximately 150 communities from around the state, of which 128 are for \$5,000 or less. While some locations like Marathon County received grants that equate to about \$73 per 1,000 residents, others like Green Bay received grants that equate to more than \$10,000 per 1,000 residents.

These disparate funding amounts create disparities in the effect of spending. We have already analyzed whether or not CTCL grants had an impact on the election, and found that turnout was indeed higher in cities that got grants than those that did not after controlling for 2016 turnout and the size of the municipality. On average, turnout increased by 61 votes in areas that got the grants over those that did not. This turnout change was far larger for Democratic voters than it was for Republican voters.

Democrats gained approximately 48 votes in areas that got grants relative to those that didn't. For Republicans, the turnout difference was not significant to the level of statistical significance that is generally required—95%. At the 90% level, Republicans gained approximately 16 votes in municipalities that got grants. Even if we utilize this lower standard for significance, there is a partisan gap on the net.

But this phenomenon ought not only be concerning to Republicans. The prospect of outside organizations coming in and impacting the election result is possible across the political spectrum—from CTCL to more conservative/libertarian groups like the Koch Brothers.



Government administration of elections should be impartial and fair, and this bill finds an appropriate middle ground that still allows for clerks to utilize private funds to help with election administration, but in a way that is equitable to every community across the state.

Assembly Bill 172

Assembly Bill 172 will improve transparency of actions taken by the Wisconsin Elections Commission. As evidenced by this past year, WEC makes a number of consequential decisions at their meetings. These meetings can often run for hours on end and members of the public don't often have the capacity nor desire to spend this amount of time monitoring their government at work. By publishing meeting minutes within 24 hours of the meeting's conclusion, average citizens can more easily monitor the actions of the commission. This is a laudable goal that advances a more open government and should be supported.

Thank you for the opportunity to submit testimony.

Kyle Koenen
Policy Director, Wisconsin Institute for Law & Liberty



GEORGE L. CHRISTENSON
MILWAUKEE COUNTY CLERK

Assembly Committee on Campaigns and Elections

Public Hearing

Wednesday, April 13, 2021

Written Testimony provided by Milwaukee County Clerk George L. Christenson

Chairwoman Brandtjen and Members of the Committee, thank you for the opportunity to submit this written testimony before your honorable body. My name is George Christenson. I am the Milwaukee County Clerk. In this capacity, I also serve as Executive Director of the Milwaukee County Election Commission, which is comprised of three Election Commissioners, and led by Elections Director Julietta Henry.

Like each of you, I swore an oath to support the Constitution of the United States, the Constitution of the State of Wisconsin, and to faithfully discharge the duties of my office, to the best of my ability. In accordance with that oath, I support all efforts to improve our democratic process, including efforts to improve the accuracy, security, transparency and accessibility of our voting processes. While I see some provisions of these bills as advancing our common goals, I'm concerned that other provisions may lead to unintended outcomes, and some could ultimately undermine the integrity of our elections.

While the Office of the County Clerk is a partisan office in the State of Wisconsin, I do not wear a partisan hat when it comes to elections administration. It is our sacred duty to remain non-partisan and carry out our charge as election officials before, during and after election day. Our job is to count the votes and whoever gets the most vote wins. If our personal choices for candidates win, we're happy – if they lose we complain. That's Democracy and that's America!

I welcome the opportunity to work bi-partisan fashion with this committee and legislative leaders to identify bonafide ways to improve upon our election processes. Thank you.

Assembly Bill 51 – Support

I believe this bill is intended to increase the transparency of our democratic process. I feel it also encourages more people to seek public office. Good government hinges on a commitment to openness and transparency. AB 51 would ensure greater transparency and openness by requiring a public notice when an incumbent candidate, whose office is up for election, either files a notification of non-candidacy or fails to file a declaration of candidacy within a specified time frame. The intent of legislation requiring a notification of non-candidacy ensures transparency regarding which elected offices will be vacant, allowing potential candidates sufficient time to gather nomination signatures. Therefore, I support a modification to this statute that would require a public notice in the circumstances described in the bill.

Assembly Bill 172 – For Information Only

I believe requiring the Wisconsin Elections Commission to publish minutes of its meetings make sense. However, the 24-hour turn-around requirement is not realistic considering the meetings themselves have lasted as long as 12 hours. I respectfully suggest the committee amend the resolution to provide a more reasonable timeframe. Keep in mind, the Wisconsin Elections Commission does produce a memo shortly after its meetings that highlights critical and time-sensitive decisions. This memo is shared with all county and municipal clerks statewide and posted to the Wisconsin Elections Commission website.

Assembly Bill 173 – Oppose

I want to clarify for this honorable body and the public how common it is for government units to receive funding from outside organizations, including private businesses and individuals. For example, during the pandemic, municipalities all across Wisconsin relied heavily on the donation of Personal Protective Equipment (facemasks, hand sanitizer,

plexiglass screens, etc.) from organizations, businesses and individual to administer our 2020 elections. I don't believe that was the intent of the author of this legislation.

Any grants received by Milwaukee County were utilized on education, equipment upgrades and website improvements. For example, we were able to purchase 75 Express Vote machines for the November 2020 election. These machines replaced the obsolete Automarks. They are designed to support voters with special needs, and enabled for a more streamlined and secure voting process. I provided these machines at no cost to the suburban communities of Milwaukee County rather than the City of Milwaukee because I felt the City had its own resources to draw from whereas the smaller communities did not. This includes communities such as Franklin, Hales Corners, and Oak Creek where Donald Trump won both in 2016 and in 2020 - this isn't about partisanship, it's about helping communities administer elections and Americans voting.

I am also deeply concerned about the provision limiting who can be a poll worker. This provision could force people to make the uncomfortable choice between their livelihood and exercising their civic duty. Every municipal clerk in Wisconsin will tell you that recruiting sufficient poll workers to meet is becoming more challenging every year. This provision does not take into account some very real unintended consequences. For example, if someone works for the Disability Rights of WI, the NRA or Pro-Life Wisconsin they will be excluded from performing this civic duty. From my perspective this seems unfair. This provision excludes only certain people from the process and assumes the worst in people who are quite frankly some of our best.

Assembly Bill 198 – Oppose

This legislation aims to correct a problem that does not exist, with the consequence of disenfranchising the voters of Wisconsin. The current law states that if a municipal clerk receives an absentee ballot with an improperly completed certificate or with no certificate, the clerk may, but is not required to, return the ballot to the voter whenever time permits so that the voter may correct the defect. This bill disregards this safeguard which ensures the voter has time to correct their certificate and vote in the election.

The bi-partisan Wisconsin Elections Commission appropriately issued guidance stating that municipal clerks may correct these certificates if the missing information is obvious (such as a known street name that is spelled incorrectly) or they know that the voter in question is a registered voter living at the address stated, and otherwise fulfills all the requirements to vote in the election. If clerks across the state didn't perform this duty, valid, legitimate ballots could be thrown out due to so-called incomplete certificates, and eligible Wisconsin voters would be harmed when their vote is not counted for what many would consider a minor technicality. We have a responsibility to do our best to ensure all lawfully cast ballots are counted. We should all thank the diligent clerks who once again stood at the front lines of democracy in the fall of 2020 and carried out this solemn responsibility.

Assembly Bill 94 – Support

As the Milwaukee County Clerk, I often hear from municipal clerks that they have a shortage of poll workers. This bill allows home-schooled students to serve as election inspectors. Election inspectors take an oath to uphold the election law and I think it's great that we are trying to encourage our students to participate in the democratic process.