



JANEL BRANDTJEN

STATE REPRESENTATIVE • 22ND ASSEMBLY DISTRICT

Thank you Chairman Knodl and committee members for holding this hearing on Assembly Bill 398.

Wisconsin is a member of the national Electronic Registration Information Center (ERIC) and receives regular updates from ERIC to help keep statewide voter rolls as clean and up to date as possible. One of the datasets available from ERIC after each general election shows voters who may have voted in more than one state or voted in an election they were disqualified from voting in. Wisconsin has access to this information but the Wisconsin Elections Commission (“the Commission”) is not currently required to obtain it.

To ensure the Commission has the most up to date information when it comes to possible voter fraud, AB 398 would require the Commission to obtain this multi-state voter report after each general election and review the indicated voters to determine if they have voted in more than one state. If the report is correct and an indicated voter appears to have voted in more than one state, including Wisconsin, the Commission is required to report their findings to the district attorney of the county where the voting occurred, as well as the attorney general. The Commission would also be required to inform the Legislature of their actions in response to the ERIC report after each general election. This bill adds the same requirements for those who may have voted in an election they were disqualified from voting in.

In its report to the legislature, the Commission would be required to provide detailed information, including the name and municipality of the person suspected of voting more than once. In addition, the report must include the disposition of each case.

Currently, after each election, a municipal clerk (or election commission) is required to perform an audit to ensure that no person has been allowed to vote more than once. If a municipal clerk or election commission has good reason to believe that a person has voted more than once in an election, the municipal clerk is required to send that person a letter regarding the matter and send a copy of the letter and related information to the local district attorney and the Commission. The Commission is required to verify that the report has been properly created by the municipal clerk and delivered to the relevant prosecuting authority.

Currently, the Commission and its staff cannot initiate a complaint based on the information they receive from ERIC (or any other reliable information they receive). This bill would require the Commission and its employees to initiate a sworn complaint the way any other citizen would, ensuring that any voting irregularities the Commission becomes aware of will be fully and promptly investigated.

These changes allow the Commission to take full advantage of the information they have access to as members of ERIC and will help reduce the amount of voting irregularities and fraud that occur during Wisconsin elections.

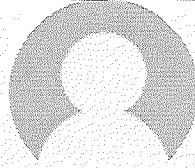
This bill requires the Commission to comply with all of the following within 30 days after each general election:

1. Request, obtain, and investigate information provided by ERIC, indicating that individuals registered to vote in Wisconsin may have voted in another state in the same election or that individuals voted in an election who were disqualified from voting because of a felony conviction or because the individual has been adjudicated incompetent to vote.
2. If the Commission finds probable cause to believe a citizen voted more than once in the same election or voted in an election when the individual was disqualified from voting because of a felony conviction or because the individual has been adjudicated incompetent to vote, refer the matter to the appropriate district attorney and to the attorney general.
3. Submit a report to the legislature that describes in detail each referral to a district attorney and the attorney general.

Thank you,

A handwritten signature in black ink, appearing to read "Janel Brandtjen". The signature is fluid and cursive, with a large initial "J" and "B".

State Representative Janel Brandtjen



All Posts by Empower Wisconsin

May 21, 2020

Records show double voting most in Illinois, Wisconsin





Empower Wisconsin | May 21, 2020

By M.D. Kittle and Joshua Waldoch

MADISON — More than two-dozen voters may have illegally cast ballots in Illinois and Wisconsin in the 2018 general election, according to Wisconsin Election Commission (WEC) records obtained by Empower Wisconsin through an open records request.

In all, the Election Commission referred 43 cases of double voting to district attorneys in 19 counties. But Illinois represented the highest number of potential “crossing voting,” at 26 incidents, according to the records.

State statute prohibits anyone from intentionally voting “more than once in the same election.” Doing so is a Class I Felony, punishable by 3 1/2 years in prison and a \$10,000 fine.

Commission staff tracked the possible double voters by data matching through the Electronic Registration Information Center (ERIC).

“If the voting information and identifying information of an individual is confirmed, the comparison data is potentially evidence of criminal activity,” the commission records brief notes.



Empower Wisconsin reached out to the district attorneys for comment. Most offices — including DAs in Dane, Milwaukee, Rock, Waukesha, Ozaukee, Brown, Racine, Wood, Sawyer, Green Lake, Jefferson, Winnebago, Green, Oneida and Adams — either would not comment or did not return calls.

Sheboygan County District Attorney Joel Urmanski told Empower Wisconsin that an assistant DA reviewed the one case referred to his office. A prosecutor is now investigating it. He said it was a “complicated case,” but hopes to have a decision on whether to charge in two or three weeks. That case involves an apparent absentee vote in Wisconsin, and an early vote in Illinois, according to records.

An official with the Eau Claire DA’s office said an assistant DA is reviewing the two complaints referred. The referrals involve a voter who potentially voted at the polls in Wisconsin, and by mail in Colorado. Another voter appears to have voted absentee in Wisconsin, and by early vote in Nevada.

The most cases of apparent double voting occurred in Dane County. ERIC matched eight possible incidents in the liberal county, six voting in Illinois and Wisconsin, the other casting ballots in Wisconsin and Washington State.

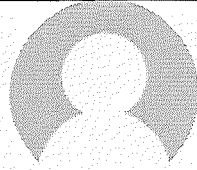
Walworth County had seven potential incidents, according to commission records. WEC’s review found five potential cases of double voting in Kenosha county, each case involving a voter who appears to have voted in Illinois and Wisconsin.

Milwaukee had four cases, three involving voters in Illinois, and one in New Mexico.

There were four Iowa-Wisconsin double-voting incidents, six involving Wisconsin-Washington, and six cases of voters casting ballots in Colorado and Wisconsin.

WEC finally turned over the records request after two months. Wisconsin open records expert Bill Lueders recently told Empower Wisconsin that two months is too long.

“They should have provided these records by now or at least given you a very good reason why it’s taking so long,” Lueders, president of the Wisconsin Freedom of Information Council said.

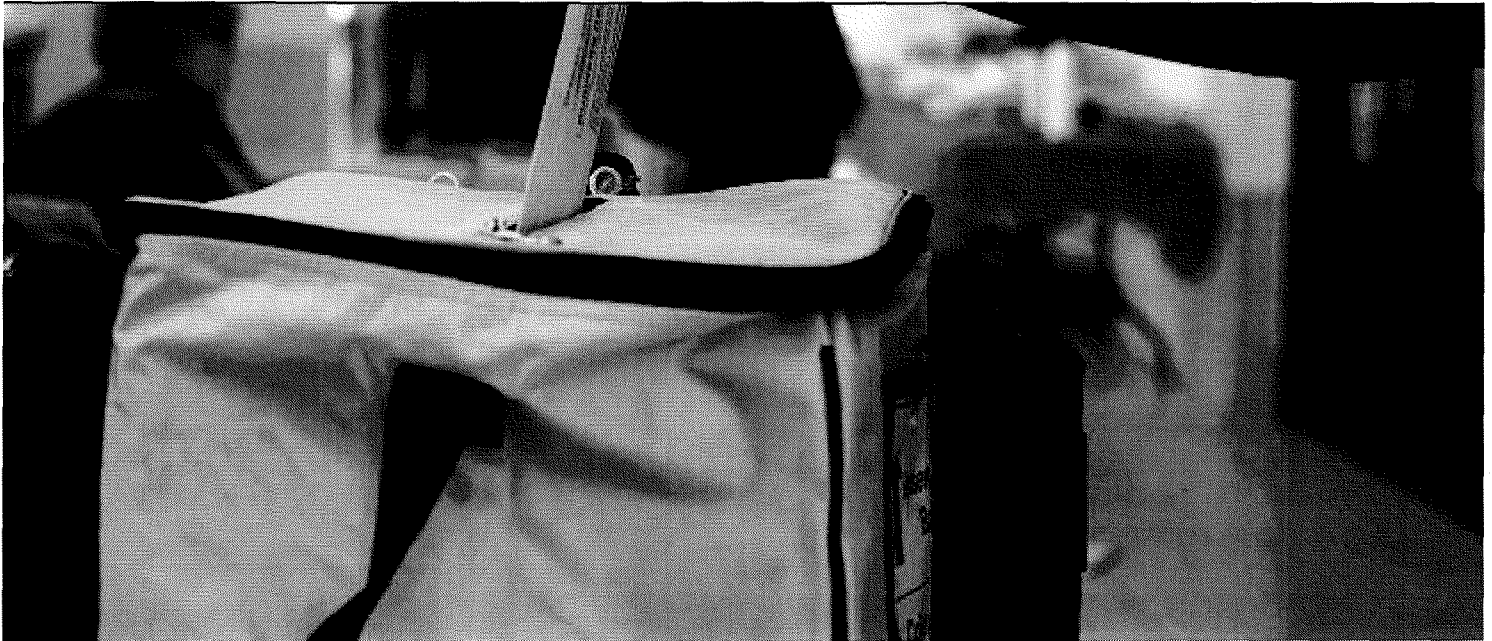


All Posts by Empower Wisconsin

March 16, 2020

Multiple incidents of voter fraud found in 2018 election





By M.D. Kittle

MADISON — The Wisconsin Elections Commission has referred 43 cases of suspected double voting to district attorneys in 19 Wisconsin counties.

State statute prohibits anyone from intentionally voting “more than once in the same election.” Doing so is a Class I Felony, punishable by 3 1/2 years in prison and a \$10,000 fine.

The criminal referrals were announced late Tuesday afternoon after Empower Wisconsin requested the list of the individuals alleged to have engaged in “cross-state voting” in the November 2018 general election. After several hours, agency spokesman Reid Magney sent a curt email stating, “This is what I can release today.” He included the commission’s press release. It did not include the names of the suspects.

Suspects were tracked through the state’s Electronic Registration Information Center (ERIC), which discovered a data set of possible cross-state matches, the press release notes. Following staff analysis, the Elections Commission (made up of three Democrats and three Republicans) voted 5-0 at its Feb. 27 meeting to make the referrals. One member was absent.



“Hopefully by our making this public announcement of what we’re doing we will sway other people from deciding they want to vote twice,” said Spindell, a Republican-appointed and newest member of the six-member commission. “This is worth an investigation by the district attorneys.”

As it does anytime voter fraud is mentioned, the commission stressed that the 43 cases of alleged double voting make up just a fraction of the approximately 2.68 million votes cast. Election fraud monitors say the problem is more widespread than regulators claim.

The Elections Commission notes the Voter Participation Reports are a new data set available to ERIC member states.

“The 2018 General Election is the first election for which this data was available,” the press release states.

ERIC, of course, is the same system that liberals have blasted in defense of the state’s bloated voter rolls that potentially include some 200,000 names of voters who have moved. The Wisconsin Institute of Law & Liberty has filed a lawsuit against the commission alleging that it is not following state law and needs to purge the voter rolls of those voters suspected of changing addresses.

A Madison liberal appeals court rejected a lower court’s ruling that agreed with the plaintiffs and threatened the commission with fines for not following the court order. The District 4 Court of Appeals ordered the voters names will remain on the rolls.

The case will most likely next move to the state Supreme Court.

Liberal groups and politicians have insisted the ERIC system disenfranchises voters by incorrectly labeling some as movers. The system’s latest discovery of possible double voters, however, could provide more evidence of its effectiveness in doing what the Elections Commission is supposed to do: Protect the integrity of Wisconsin’s elections.

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Testimony of Meagan Wolfe
Administrator
Wisconsin Elections Commission

Committee on Government Accountability and Oversight
Wednesday, August 11, 2021
417 North (GAR Hall)

Chair Knodl and Honorable Members of the Committee:

Thank you for the opportunity to provide written testimony today on Assembly Bill 398. The six-member Wisconsin Elections Commission has not met to discuss this bill, to take a position on the bill, or to approve my testimony. Therefore, I am providing today's testimony for information only.

My testimony is based on my experience overseeing several different types of election integrity audits. It is also based on my work with the Electronic Registration Information Center (ERIC), which Wisconsin joined in 2016 at the direction of the Legislature. ERIC is a nonprofit consortium of 30 member states and the District of Columbia. As the current chair of ERIC's Board of Directors, I am well acquainted with ERIC's services and capabilities.

This bill deals with important election integrity audits which the Wisconsin Elections Commission and local election officials already conduct. However, there are two components of this bill where the ERIC process and state law related to list maintenance are misunderstood. The bill misidentifies ERIC as the source of data that WEC and local election officials have been using for decades to conduct post-election integrity audits. Both data related to Wisconsin residents currently serving some portion of a felony sentence and citizens who have been adjudicated incompetent for voting purposes are not part of the ERIC program and are obtained and shared among Wisconsin state agencies under separate statutory authority. The bill also sets a timeline for obtaining data necessary for audits, conducting those audits and investigations, and reporting referrals to the Legislature that are not feasible as part of the ERIC cross-state data sharing program.

The bill sets a 30-day requirement for WEC to "Request, obtain, and investigate information from the Electronic Registration Information Center, Inc., indicating that individuals registered to vote in this state voted more than once in the same election or that individuals disqualified from voting under s. 6.03 (1) (a) and (3) or under s. 6.03 (1) (b) voted in an election."

WEC obtains information from ERIC that is used to conduct fraud audits about voters who may have cast a ballot in Wisconsin and in another state during a general election. WEC also obtains information from ERIC about potential double voting within Wisconsin. This data is only available from ERIC every two years after a general election. The WEC conducts this audit

using data from ERIC in addition to the reconciliation work that local election officials complete using our statewide voter registration database after each election in Wisconsin, not just after general elections when cross-state participation data is available from ERIC.

Information about potential voting by persons who have been adjudicated incompetent comes from Wisconsin's court system, not ERIC. In addition, information about individuals who were serving a felony sentence at the time of the election comes from the Wisconsin Department of Corrections, not from ERIC.

Access to the information about voter participation in ERIC member states, including Wisconsin, is not immediately available after a general election. Under Wisconsin Statutes, municipal clerks have up to 45 days following a general election to enter voter participation data from their poll books into the statewide voter registration database.

Beyond the 45 days it takes municipal clerks to record Wisconsin voter participation in our statewide voter registration database, other ERIC member states have their own timelines for entering voter participation data in their systems. Once ERIC receives the data, it must be validated and standardized before their small staff can begin state-to-state comparisons, which is a time-intensive process. In addition to the relatively new work ERIC is doing in cross-state voter checks, its staff is focused on its primary mission of helping member states identify voters who may have died or moved, as well as citizens who are eligible to vote but unregistered.

The cross-state voter participation audit, which WEC adopted and conducted in 2019 on its own initiative, depends on data collected and analyzed by ERIC. WEC audited cross-state participation in the 2018 general election with data compiled from member states by ERIC. Based on that data and further staff investigation, WEC referred 43 cases of suspected cross-state voting to district attorneys in 19 Wisconsin counties. These referrals were considered and made by the six-member commission as soon as the data was available and investigated.

Each ERIC member state has varying rules and timelines regarding data entry for voter participation and ERIC, as an organization, has no control over the standards each state has adopted through their own legislative process. For these same reasons, data from ERIC for this project is generally not available to member states until the summer after a November general election. Wisconsin just received cross-state voter participation data for the November 2020 general election and our staff is at work on it now.

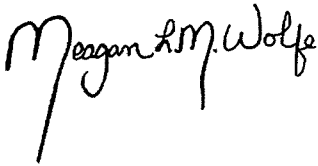
Audits designed to detect in-state double voting, as well as voting by persons who have been adjudicated incompetent or who are currently serving a felony sentence, are statutorily required and have been conducted successfully for many years. These audits were conducted long before Wisconsin joined ERIC, and do not depend on its data.

Once basic voter participation data has been entered by clerks, WEC staff conduct data quality checks to ensure accuracy, which takes time. This work, which is necessary before audits can

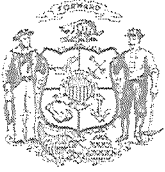
begin, is conducted by municipal clerks and their staffs, as well as the staff of the WEC. The preparation and actual auditing are often done the same time as WEC staff and clerks are administering spring elections during the first several months of the year following a general election.

The staff of the Wisconsin Elections Commission is always available to Legislators and their staffs to provide factual information about statutory election deadlines and procedures which would be helpful in the drafting of legislation. The Commission and the staff remain committed to conducting these important audits and are available to discuss how any proposed legislative changes could fit into state statutes, the ERIC membership agreement, and the election timeline.

Respectfully submitted,

A handwritten signature in black ink that reads "Meagan M. Wolfe". The signature is written in a cursive style with a large, looped initial "M".

Meagan Wolfe
Administrator
Wisconsin Elections Commission
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ANDRÉ JACQUE

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Madison, WI 53707-7882

*Testimony before the Assembly Committee on Government Accountability and Oversight
State Senator André Jacque
August 11, 2021*

Chairman Knodl and Committee Members,

Thank you very much for holding this hearing on Assembly Bill 398, relating to investigations by the Elections Commission based on information provided by the Electronic Registration Information Center (ERIC) and municipalities indicating that Wisconsin registered voters may have voted more than once in the same election, or that individuals voted in an election despite being disqualified from voting for certain reasons. I am very pleased to join Rep. Brandtjen in bringing forward this very common sense legislation.

Wisconsin is a member of the national Electronic Registration Information Center (ERIC) and receives regular updates from ERIC to help keep statewide voter rolls as clean and up to date as possible. One of the datasets available from ERIC after each general election shows voters who may have voted in more than one state or have voted in an election they were disqualified from voting in. Wisconsin has access to this information but the Wisconsin Election Commission (“the Commission”) is not currently required to obtain it.

The point of Wisconsin being an ERIC member is to facilitate election integrity, and it only makes sense for our state to ensure that we receive the benefit of the identification of those voting multiple times across state lines or voting when they are ineligible to do so.

Currently, the Commission and its staff cannot initiate a complaint based on the information they receive from ERIC (or any other reliable information they receive). This bill would require the Commission and its employees to initiate a sworn complaint the way any other citizen would, ensuring that any voting irregularities that the Commission becomes aware of will be fully and promptly investigated.

These changes allow the Commission to take full advantage of the information they have access to as members of ERIC and will help reduce the amount of voting irregularities and fraud that occur during Wisconsin elections.

Thank you for your consideration of Assembly Bill 398.