



STATE SENATOR

**Eric Wimberger**

DISTRICT 30

## **Testimony on Senate Bill 945**

*Senate Committee on Elections, Election Process Reform and Ethics*

*Wednesday, February 16, 2022*

Thank you, Mr. Chairman and members of the committee for holding this hearing on Senate Bill 945. I appreciate your time and attention.

At the heart of the American democracy is the election of public officials. Government of the people, by the people and for the people must, ultimately be accountable to the people. The ability for each of us to change our government and those who lead it, is the cornerstone to the greatest constitutional republic in the history of the world.

This bill will require each circuit court clerk to notify the appropriate municipal clerk or board of election commissioners and the WEC if a prospective juror is flagged and disqualified due to not being a U.S citizen. When given notice, WEC is then required to examine the registration list for the respective disqualified juror and remove them if they have voted or are registered to vote and do not have the proper elector or residency qualifications.

When the people begin to doubt or even become skeptical that the election process is fair, that their vote is being counted or that a powerful few, or an entrenched bureaucracy are controlling the results of our elections, the very bedrock of our country begins to crumble. It is no secret that recent events have caused many to begin to doubt the integrity of our elections and the actions of our government officials. Senate Bill 945 is one of several bills introduced to defend the integrity of our electoral process and restore the faith of the people in the validity and importance of their vote. Senate Bill 945 ensures that our voter rolls will be clean of foreign interference and maintain the principle that legal citizen's vote count.

As we enter another contentious campaign season, I know we will all agree that the integrity of our election must be a high priority. I urge your support for this important legislation.

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# SHAE SORTWELL

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STATE REPRESENTATIVE • 2<sup>nd</sup> ASSEMBLY DISTRICT

**Hearing Testimony**  
**Senate Committee on Elections, Election Process Reform, and Ethics**  
**February 16, 2022**  
**Senate Bill 945**

Chair-woman Bernier and members of the Senate Committee on Elections, Election Process Reform, and Ethics – thank you for giving me the opportunity to speak on SB 945, relating to notifications to local elections officials and the elections commission regarding certain prospective jurors.

We can all agree that having free and fair elections is integral to the freedom of our republic. To better achieve that end, there is room for reform by cleaning up Wisconsin’s voter rolls, especially after November 2020’s general election when the Wisconsin Elections Commission (WEC) allowed the voter rolls to remain bloated until after its conclusion.

To ensure that our voter rolls are clean and free of foreign interference, Senator Wimberger, Representative Knodl, and I have introduced this legislation to combat any potential dishonesty and maintain the principle that every legal citizen’s vote counts.

In the event of a prospective juror being flagged and disqualified due to not being a U.S. citizen or not living in the circuit for which they were called to serve, this bill requires each clerk of circuit court to notify the appropriate municipal clerk or board of election commissioners and the Wisconsin Elections Commission (WEC).

When given notice, WEC is then required to examine the registration list for the respective disqualified juror and remove them if they have voted or are registered to vote and do not have the proper elector or residency qualifications.

I want to thank the committee for your time and consideration. I am happy to answer any questions members of the committee may have.



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Date: February 16, 2022

To: Senate Committee on Elections, Election Process Reform and Ethics

From: Carlo Esqueda, Dane County Clerk of Circuit Court

Re: Public Comments on Senate Bill 945 - relating to: notifications to Local elections officials and the elections commission regarding certain prospective jurors.

Thank you for the opportunity to comment on SB945. I am submitting these comments in my sole professional capacity as the Clerk of Circuit Court for Dane County. These comments are for informational purposes only; I have not developed a position either supporting or opposing the proposed legislation.

I, like all Clerks of Circuit Court in the state, use jury management software that was developed and is maintained by the Wisconsin Supreme Court/Director of State Courts Office/Consolidated Court Automation Program (CCAP). Were this legislation to be enacted, I think many Clerks, particularly in the larger counties, may have to petition CCAP to create a new query and report format within the software in order to facilitate the process of notification. Without new software enhancements, the process of creating the notifications for the municipal clerks/election commissioners may be significantly time- and labor-intensive for my office.

Aside from that concern, greater specificity in the legislative language is necessary on two issues. First, what specific data elements pertaining to the disqualified jurors would be we be required to send to the municipal clerks/election commissioners? Would it merely be name and address? Or are more descriptors needed (i.e. sex, race, date of birth)?

Second, what must the timing of such notifications be? My office sends summonses and questionnaires to 300 prospective jurors every week, and the questionnaires come back both electronically (via a website) and via regular mail every day. The legislation should specify a reporting interval (daily, weekly, monthly, or something else).

Finally, the Committee should be mindful of the fundamental problem with prospective jurors self-reporting their statuses via a juror qualification questionnaire. We Clerks have no means by which to validate the information submitted. I suspect that many questionnaires sent, for example, to students attending colleges and universities outside of Dane County (or the state) may come back reporting that they "don't live in the county" even though they actually do maintain voter registration and de facto residency at a Dane County address. Misreporting residency is likely a common occurrence, stemming from a misunderstanding of the concept or, perhaps, done deliberately simply to achieve excusal from jury duty. I mention this to ensure the committee understands that these notifications cannot be verified or validated and we cannot guarantee that the municipal clerks/election commissioners would be receiving accurate information about these individuals.

If you have any questions or would like more input on this legislation, please don't hesitate to reach out to me. Thank you for your time and attention to these matters.