



Senate Bill 582
Public Testimony
Senate Committee on Shared Revenue, Elections, and Consumer Protection
November 8, 2023

Thank you, members of this committee, for hearing my testimony on Senate Bill 582.

In 2020, the county clerk in Dane County urged voters to claim indefinite confinement in order to bypass our voter ID law and begin receiving absentee ballots automatically in each election. The ensuing campaign to plow voters onto the indefinitely confined rolls led to a nearly fourfold increase in the number of voters claiming this status. Even one of our colleagues in the State Senate claimed indefinitely confined status in that election, yet a month later traveled to Madison to cast a ballot in person as a member of our state's Electoral College. Clearly, this designation is being abused to the detriment of the voter integrity safeguards we have in place.

People who are truly confined indefinitely should not be punished by those who are looking for an easy way around our common sense election procedures in Wisconsin. Before the pandemic, and the misinformation campaign by certain county clerks, we had over 70,000 people taking advantage of this status. Senate Bill 582 provides much-needed clarification regarding the indefinitely confined voter status. It makes three major changes to our indefinitely confined law.

First, it codifies the definition of "indefinitely confined" to clarify that it is to be used by those who "cannot travel independently without significant burden because of frailty, physical illness, or a disability that will last longer than one year." To guard against any accidental selection of indefinitely confined status, it requires a separate application form, not just a check box on the existing absentee certificate.

Second, it requires an acceptable form of ID to be submitted with the application. If the applicant does not have an acceptable ID, they may use last four digits of SSN along with the signature of a witness.

Third, voters who received indefinitely confined status between March 12, 2020, and November 3, 2020 will be required to submit a new application to continue receiving ballots automatically. This will guarantee that, going forward, only individuals who are truly indefinitely confined may continue to use this designation. Municipal clerks must also remove voters from indefinitely confined status if the voter casts an in-person absentee ballot or casts a vote at the polls.

I believe that this bill will strike a balance between protecting the integrity of our elections and ensuring that those who are truly indefinitely confined have access to absentee ballots. Thank you for your time and consideration.



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Senate Committee on Shared Revenue, Elections and Consumer Protection

Testimony on Senate Bill 582

Indefinitely Confined Voters

November 8, 2023

Thank you Mr. Chairman, and members of the Committee for this opportunity to provide testimony on Senate Bill 582, relating to status as an indefinitely confined voter for purposes of receiving absentee ballots automatically and providing a penalty.

Elections should be fair, transparent, and auditable. Everyone should know and play by the same rules, set by the legislature and signed by the Governor. Unfortunately, current Wisconsin law has a loophole that lets individuals circumvent the spirit of voter ID laws by using "indefinitely confined" status. Status as an "indefinitely confined" elector provides the elector with an opportunity to vote absentee without ever showing proof of photo ID.

This is a problem that cuts to the heart of whether Wisconsinites will get fair, transparent elections. The state Supreme Court ruled that the current statute permits "each individual elector to make his or her own determination as to whether the elector is indefinitely confined" based on the voter's age, physical illness or infirmity.

The nonpartisan Legislative Audit Bureau, in their *Elections Administration Report*, noted a sharp increase in the number of people using this loophole in the 2020 elections. In the November 2020 election alone, the Audit Bureau found that up to 48,544 individuals voted who never had to show photo ID.

However, many voters who claimed the status were not "indefinitely confined" by any stretch of the imagination. According to court filings, many of these "indefinitely confined" voters were attending jazz concerts, parties, weddings, work, traveling out of state, engaging in recreation at Devil's Lake State Park, and visiting Hobby Lobby.

This is not the careful regulation Wisconsin citizens should expect from this method of voting. It is simply an evasion of the photo ID requirement.

SB 582 clarifies what the legislature intended to create with the "indefinitely confined" voter statute.

Among other things, the legislation clarifies that the "indefinitely confined" status can only be claimed by a voter who is indefinitely confined and "cannot travel independently without significant burden because of frailty, physical illness, or a disability that will last longer than one year."

The bill also provides for the creation of a separate application form, prescribed by the Wisconsin Elections Commission, in at least 12-point font. It also requires submission of proof of identification, and provides for some exceptions if a voter does not have a photo ID.

The bill also specifies that the existence of an outbreak or epidemic of a communicable disease in a voter's community does not qualify the voter as indefinitely confined. This codifies the previous holding by the Wisconsin State Supreme Court.

Finally, it requires the Elections Commission to facilitate the removal of the indefinitely confined status of each voter who received that status between March 12, 2020 and November 3, 2020. Municipal clerks must also remove voters from indefinitely confined status if the voter casts an in-person absentee ballot or casts a vote at the polls.

Wisconsin citizens deserve free, fair, and transparent elections. This legislation helps us deliver exactly that.

I ask for your support on this bill, and am happy to answer any questions.