



Date: April 14, 2021

To: Representative Brandtjen, Representative Sanfelippo, and members of the Assembly Committee on Campaigns and Elections

From: Janet L. Zander, Advocacy & Public Policy Coordinator

Re: **For Information Only AB 198** relating to: defects on absentee ballot certificates, certain kinds of election fraud, and providing a penalty

The Greater Wisconsin Agency on Aging Resources, Inc. (GWAAR) is a nonprofit agency committed to supporting the successful delivery of aging programs and services in our service area consisting of 70 counties (all but Dane and Milwaukee) and 11 tribes in Wisconsin. We are one of three Area Agencies on Aging in Wisconsin. We provide lead aging agencies in our service area with training, technical assistance, and advocacy to ensure the availability and quality of programs and services to meet the changing needs of older people in Wisconsin. There are over one million adults age 60 and older residing in our service area.

Thank you for this opportunity to share informational testimony on AB 198. In 2020, nearly 25% of the electorate were age 65 and older. Voting is a high priority for many older adults, resulting in older voters forming a much larger share of all voters than their share in the electorate (64% in the 2018 election). Despite a strong desire to vote, as people age, there are often barriers standing between their desire to vote and actually being able to vote.

Older adults are the fastest growing demographic of our state's population<sup>1</sup>. Within the older population, a large and growing percentage of people are age 85 and older. And the older people get, the more likely they are to have multiple chronic illnesses which can make it harder to get around. Additionally, many older adults no longer drive. Some parts of Wisconsin, particularly in the sparsely populated north, many people have a long way to go to vote and many communities do not have public transportation options widely available. For these reasons, it is not surprising that absentee voting is generally more heavily utilized by older voters.<sup>2</sup> In the November 2020 General election, two-thirds of the indefinitely confined absentee ballot applications came from voters over age 65.<sup>3</sup>

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<sup>1</sup> 1. U.S. Census Bureau (2020, June 25). 65 and Older Population Grows Rapidly as Baby Boomers Age. Retrieved March 16, 2021, from <https://www.census.gov/newsroom/pressreleases/2020/65-older-population-grows.html>.

<sup>2</sup> Stewart, C., III. (2020, March 20). Some Demographics on Voting by Mail. Retrieved April 13, 2021, from <https://electionupdates.caltech.edu/2020/03/20/some-demographics-on-voting-by-mail/>.

<sup>3</sup> Wisconsin Elections Commission (2021, February 3), November 3, 2020 Election Data Report. Retrieved April 13, 2021, from <https://urbanmilwaukee.com/wp-content/uploads/2021/01/D.-November-2020-Election-Data-Report.pdf>.

According to the Wisconsin's Elections Commission's November 3, 2020 Election Data Report, the percentage of absentee ballots returned and rejected was very small at 0.2% (4,270 ballots). Over one-third (1,475) of those absentee ballots were rejected due to insufficient certification or a compromised certificate envelope. Under current law, a municipal clerk who receives an absentee ballot with an improperly completed certificate or no certificate *may, but is not required to*, return the ballot to the voter whenever time permits so that the voter may correct the defect. While the number of returned and rejected ballots related to problems with the certification or certificate envelope are small, they still impact thousands of voters (many of whom are likely older adults). Current law does not require municipal clerks to consistently respond to these errors leaving some voters able to fix the defects while others are not. **GWAAR appreciates that some errors are minor** (part of witness address is missing, etc.) **and have been easily fixed by clerks contacting voters to gather missing information without needing to return the absentee ballot. GWAAR supports a consistent approach to responding to absentee ballot certificate errors or missing certificates but is concerned about the process outlined in AB 198.**

AB 198 indicates clerks *shall* return the ballot to the elector (it would no longer be *may*), it also indicates the clerks *shall post a notification of the defect on the elector's voter information page on the Internet site used by electors for original registration* (MyVote Wisconsin) and further indicates *the municipal clerk may not correct a defect in the certificate*. Removing the clerk's ability to correct even minor errors and requiring notifications of defects to be posted online (instead of communicated more directly) will likely increase the number of absentee voters whose ballots are returned and rejected. Many voters are unable to use online resources and would not understand why their absentee ballots have been returned or that corrections are needed to the certificate. Additionally, there may be insufficient time to return the ballot to the voter, for the voter to learn of the defects and make corrections, and to resubmit the ballot in time to be counted. We encourage policymakers to explore alternatives that would allow clerks to consistently respond to improperly completed or missing certificate information in a manner that is timely and requires voters to be notified of the defects and corrections needed by means other than solely online. GWAAR supports voting processes that ensure every eligible older adult who wants to vote, can vote, no matter where they live or how they choose to vote.

Thank you for your consideration of these comments providing additional information on AB 198. We appreciate the interest in and efforts of policy makers to preserve, protect, and enhance the voting rights of older adults and people with disabilities. We look forward to continuing to work with you on policies that improve the quality of life of older people in Wisconsin.

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