



LEAGUE OF WOMEN VOTERS® OF WISCONSIN  
EDUCATION NETWORK

612 W. Main Street, #200  
Madison, WI 53703

Phone: (608) 256-0827  
lwwwisconsin@lwwwi.org

<http://www.lwwwi.org>

February 8, 2012

Rep. Gary Tauchen, Chair  
Assembly Committee on Election & Campaign Reform  
Room 13 West, State Capitol  
P.O. Box 8953  
Madison, WI 53708

Dear Rep. Tauchen:

At the public hearing for AB 525 held yesterday, February 6, 2012, I told you that the League of Women Voters opposes the legislation because it would ban clerks from returning an absentee ballot with a faulty certificate to an elector if there is sufficient time for the elector to correct the problem. With the new and more complex procedures for casting a mailed absentee ballot, there is a heightened chance of voter error. This could result in many absentee ballots not being counted, without the voters knowing it. Current law allows clerks to educate voters and ensure that more ballots will be counted.

We were pleased when Rep. Ott indicated that he would accept an amendment that would eliminate this provision from the bill. I told you I would gladly go back to the League and find out if this would change our position on the bill. I did so, and we discussed the other provisions in the legislation. We find that although we can support one provision in the legislation, we still oppose this bill.

We support the measure that would make the process of requesting an absentee ballot consistent, regardless of whether it is requested by mail, email, facsimile, or in person. Currently electors who make such a request by email or facsimile do not have to include a copy of an acceptable form of ID with their request. Instead, they must send it with their ballot. In as much as this measure would make the process more uniform, we can support this provision in the bill.

However, we oppose the provision that bans a voter who has submitted an absentee ballot from voting at the poll on Election Day. Current law allows citizens to do this and provides controls to prevent an elector from being able to cast more than one ballot. Again, with the complex new procedures for casting an absentee ballot, voters may be concerned that they got it wrong and their ballot will not be counted. They should be allowed to come to the poll on Election Day, if they can, and cast a ballot they are sure will be counted.

This procedure is consistent with current law for voting on Election Day, where an elector who makes an error on a ballot may request another ballot, up to a total of three ballots. Absentee voters should be allowed the same opportunity.

As spelled out in the legislative analysis of AB 525, there are adequate controls under current law that protect against a voter using this provision to vote more than once. These protections apply to municipalities that count absentee ballots at the polls as well as to those that count absentee ballots separately. According to the legislative analysis, under current law:

“The election inspectors (poll workers), upon receiving the absentee ballot of a qualified elector, mark the poll list to indicate that the elector has voted when they count the ballot. No elector is permitted to vote more than once in the same election. If a municipality elects to canvass its

absentee ballots centrally using a board of absentee ballot canvassers, the board of absentee ballot canvassers marks a separate poll list containing the names of the qualified electors of the municipality to indicate the electors who have cast absentee ballots. The municipal board of canvassers is then required to reconcile the poll list marked at each polling place with the poll list marked by the board of absentee ballot canvassers to ensure that no person is permitted to vote more than once. If the municipal board of canvassers finds that an elector who has voted in person has also cast an absentee ballot, the absentee ballot is void.”

Looking at it another way, this bill appears to create a system of *early* voting, as opposed to absentee voting, because it holds that an absentee ballot is as good as counted as soon as it is placed in the mail or handed to the clerk. If that is the intent, it would be wise to consult the 2010 research conducted by the Government Accountability Board on different systems of early vs. absentee voting.

Sincerely,

Andrea Kaminski  
Executive Director

Cc: Assembly Committee on Election and Campaign Reform