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REPRESENTATIVE • 97TH ASSEMBLY DISTRICT

February 11, 2021

**Testimony before the Joint Legislative Audit Committee
On the Proposed Audit of Elections Administration**

Co-Chairs Kerkman and Cowles, members of the Committee, thank you for permitting me to testify today.

Since the election, constituents from the 97th Assembly district, from around Wisconsin, and across the nation have contacted my office raising concerns about election integrity. Their specific concerns are widely varied, but at their core, they are citizens who do not have faith Wisconsin's 2020 general elections were conducted properly.

Election integrity and confidence in the accuracy of results are necessary to continue as the world's finest example in self-governance. The results of any election – especially presidential elections – need to be trusted by people on both sides of the political aisle. Wisconsin had previously enacted legislation to ensure ballot integrity, with both in-person voting and absentee voting. Were those laws followed in 2020?

The concerns my constituents raise are unrelated to the misinformation out there. The concerns shared with my office are about the administration of ballot procedures that are inconsistent with the law. And they are about the inconsistent application of the law by some clerks and by the Wisconsin Elections Commission.

For example:

- Clerks who failed to require an application prior to issuing absentee ballots, a practice which has been occurring in Wisconsin for some time.
- Clerks and deputy clerks failing to place their initials on absentee ballots as required by law, presumably as a security measure.
- Failing to properly maintain the integrity of voter rolls and registrations as prescribed by law.
- Ballot collections by the Clerk in the City of Madison, prior to the statutorily permitted time for early voting at drop off locations not in close proximity to the Clerk's office.
- Clerks failing to verify that voters had met or were exempt from the voter ID requirements.
- Clerks, unlawfully declaring hundreds of thousands of voters "indefinitely confined" due to the pandemic, and therefore, exempt from voter ID requirements.



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- Clerks who received – and allowed to be counted – absentee ballots with improperly completed certificates with missing information, such as addresses, for both voters and witnesses. And an unwillingness to follow the law for the completion of missing information.

One constituent who contacted my office shared that his mother – who lives in a nursing home and suffers from severe dementia to the point where she is unable to make basic decisions – well, he found out that she voted. He filed a complaint with the Wisconsin Elections Commission, but it was too late, the vote was cast.

Imagine if this was your mother, and you discovered her identity was used to cast a vote.

Some feel that further scrutiny of efforts by clerks to comply with elections laws such as processing absentee ballots properly, or performing recount responsibilities, would lessen voter participation, as some ballots could be disqualified, or that inviting scrutiny disparages hard-working clerks.

However, those perspectives necessarily disregard the sovereignty of the legislature, speaking for the People, in creating laws for us all to follow on an equal footing.

Government officials are to faithfully execute the laws as written.

They are trusted by the people of Wisconsin to carry out the laws that the people of Wisconsin enacted — that the elected legislature proposed, passed, and the elected executive signed. Clerks who follow the laws, and parties objecting to a vote cast for a particular reason and supported by state law, are not “disenfranchising” a voter. They are obeying the sovereign will of the People.

If we allow administrators to selectively enforce laws based on their own preference, particularly in the area of election law, then we sink into a realm of institutional corruption not unlike many Third World countries. Election integrity is vital to our country.

I encourage the Committee to direct the Legislative Audit Bureau to perform a thorough audit of elections administration in 2020.

Thank you.