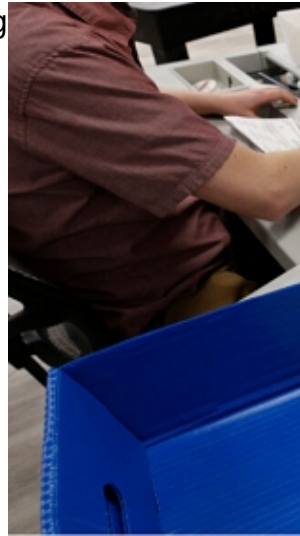


GOP kills rule allowing clerks to fix minor problems on absentee ballot envelopes

Written by Wisconsin Examiner Republish
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<http://newiproggressive.com/images/stories/S5/vote-election-worker-opens-s450.png>



“To prohibit this as the Republican leaders of this Legislature have asked you to do would be to disenfranchise a voter for the pettiest of reasons.” – Matt Rothschild, executive director of the Wisconsin Democracy Campaign

MADISON - Republican lawmakers threw out a rule Wednesday to allow local elections clerks to correct minor mistakes on absentee ballot envelopes so that the votes inside could be counted.

While guidance the Wisconsin Elections Commission issued in 2016 that allowed the corrections remains in effect, a lawsuit is pending to kill that guidance as well.

Critics said killing the rule or the guidance would deprive thousands of voters from being heard on Election Day simply because of an accidental error.

The rule that was suspended Wednesday by the GOP-controlled Legislature’s administrative rules committee affirmed that local election clerks could make corrections or complete information for the addresses of absentee ballot witnesses.

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“To prohibit this as the Republican leaders of this Legislature have asked you to do would be to disenfranchise a voter for the pettiest of reasons,” said Matt Rothschild, executive director of the Wisconsin Democracy Campaign, at a public hearing before the Joint Committee for the Review of Administrative Rules voted 6-4 along party lines to kill the rule.



Sen. Kelda Roys

“This is voter suppression in search of a problem that doesn’t exist,” said Sen. Kelda Roys (D-Madison).

The proposed rule involved the regulation envelope that comes with an absentee ballot and that a voter must use to return it. The envelope includes a certification statement that the voter and a witness must both sign, and each must include their address.

State law [requires](#) that if a ballot is missing the address of the witness, the ballot can’t be counted. Another statute allows the election clerk to return the ballot to the voter to correct the address or other errors.

In 2016, the Wisconsin Elections Commission told local election clerks that they should correct or complete the witness address in the case of minor errors. The guidance stated that to be considered complete, the address “must include at least a street name and number as well as a municipality,” according to the Legislative Audit Bureau in its October 2021 report on the 2020

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presidential election.

When the guidance was issued in 2016, it won unanimous approval from the six-member, bipartisan commission and received the OK from then-Attorney General Brad Schimel, a Republican, Rothschild noted in his hearing testimony.

In October 2020, the elections commission staff updated the guidance to say that local clerks should attempt to complete missing witness address information before Election Day and that they could do so based on personal knowledge, voter registration information or by calling the voter or the witness.

The Legislative Audit Bureau's report on the 2020 election included a section on the correction practice, and recommended that if the elections commission believed it should continue, commission staff and the commission should promulgate an administrative rule. The commission voted to do that in December 2021, and in January, the Legislature's rules committee ordered the commission to issue an emergency rule as well.

The emergency rule was [published](#) July 11 and three days later, Republican leaders of the Legislature [called for it to be thrown out](#).

In a letter to the administrative rules committee, Senate Majority Leader Devin LeMahieu (R-Oostburg), Assembly Speaker Robin Vos (R-Rochester) and Assembly Speaker Pro Tem Tyler August (R-Lake Geneva) doubled down on the state law requiring that if a certificate lacks a witness address, "the ballot may not be counted."

The three GOP leaders also said the elections commission lacked the authority under the law to define what made an address complete or to instruct local clerks to correct missing or incomplete information.

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