**How Wisconsin’s 23,000 rejected absentee ballots could spell trouble for the November election**

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For months, President Donald Trump has alleged without evidence that any expansion of mail-in voting in the 2020 election will lead to “tremendous” fraud and a “rigged” election.

But an APM Reports analysis of voter data from Wisconsin’s April primary shows a far more measurable and consequential effect of mail-in voting — rejected ballots. Slightly more than 23,000 ballots were thrown out, mostly because those voters or their witnesses missed at least one line on a form.

While there is no way of knowing who those voters will choose in November, the figure is nearly equivalent to Trump’s 2016 margin of victory in Wisconsin of 22,748 votes. And with voter turnout expected to double from April to more than 3 million in November, a proportionate volume of ballot rejections could be the difference in who wins the swing state — and possibly the presidency.

The analysis shows the difficulty some voters had casting a ballot through the mail, also commonly known as absentee voting. It also reveals how voters weighed the risk of voting in person during a pandemic with navigating the rules of absentee voting, often for the first time.

For an absentee ballot to count in Wisconsin, a voter and a witness must sign the ballot envelope and include the address of the witness. Those safeguards — put in place to eliminate mail-in ballot fraud — in fact contributed to the rejection of 13,834 ballots, according to APM Reports’ analysis.

**‘You’re asking folks to do something new’**

Election experts are not surprised by Wisconsin’s ballot rejections. They say people in states like Wisconsin that do not have high by-mail voting rates are more prone to make errors.

“You’re asking folks to do something new,” said Michael McDonald, who studies voter data as a political science professor at the University of Florida. “And whenever you try to do something new in the midst of unprecedented demand, you’re going to have problems.”

Nationally more than 300,000 absentee ballots were rejected in the 2016 presidential election, according to data from the U.S. Election Assistance Commission. But that number is likely to grow in November.

This year, election officials and public health experts in most states are encouraging by-mail voting to reduce the spread of the coronavirus. The anticipated surge will come in an election already expected to have heavy turnout nationwide.

As a result, “We could easily see a million or more ballots being rejected because of some deficiency of the ballot,” McDonald said.

Wisconsin is among 29 [“no excuse” states](https://www.ncsl.org/research/elections-and-campaigns/vopp-table-1-states-with-no-excuse-absentee-voting.aspx), plus the District of Columbia, that allow residents to vote absentee for any reason. Another five states send ballots to all registered voters without requiring a request for one.

[APM Reports](https://www.apmreports.org/), the investigative and documentary journalism team at American Public Media, and Wisconsin Watch Wisconsin Watch analyzed Wisconsin’s experience because the state is vital to Trump’s reelection efforts and was one of the first to hold an in-person primary as the nation shut down to prevent the spread of the virus. The election also occurred in a state that had low vote-by-mail participation rates before this year.

Taken together, the analysis serves as a case study of what may lie ahead for a presidential battleground state overwhelmed by applications and without the experience or systems to cope. Other battleground states, including Georgia and Pennsylvania, saw increased by-mail voting in their primaries, as well as problems managing an increase in absentee ballots.

In the 2016 and 2018 Wisconsin general elections, absentee ballots made up no more than 6% of all ballots counted. In April, the portion jumped to more than 60%, the result of Gov. Tony Evers’ stay-at-home order because of the pandemic.

And while state officials stress the percentage of rejected ballots in the April primary is consistent with rejection rates in past elections, it’s little comfort to voters who learned that their ballots were rejected months after they thought their votes were counted.

More importantly, while the rate may be similar, raw numbers will make the difference when it comes to winning or losing an election.

**‘We acted like detectives’ to fix errors**

APM Reports and Wisconsin Watch requested names of voters who had their ballots rejected in the April primary, the 2018 general election and the 2016 primary and general elections.

In interviews, they expressed surprise that their ballots were not counted.

“You got the time to send me the thing. Can’t you give me a reason why it was rejected?” asked James Moses of Salem Lakes, Wisconsin, who has never been notified despite having ballots rejected in more than one election.

Moses, a self-described conservative, says he voted absentee in April because he had shoulder surgery and could not drive. APM Reports filed an open records request to view his April ballot envelope. It was rejected because his wife, who witnessed Moses fill out the ballot and the certificate envelope, did not list their address on the form. Wisconsin requires the voter and a witness to sign the ballot envelope. It also requires the witness to fill out an address.

Nine states require a witness signature to submit an absentee ballot. Another three states require at least two witnesses or a notary agent, [according](https://www.brookings.edu/research/voting-by-mail-in-a-pandemic-a-state-by-state-scorecard/) to the nonpartisan Brookings Institution.

Moses says the rejections, along with the fact that he was never informed that his votes did not count, made him more distrustful of voting by mail. He says he will vote in person, either through early voting or at the polls, on Election Day. “I think I’m going to make a point of going and doing it in person this time, no matter what it takes,” he said.

The clerk who ran the election in Salem Lakes says she tried to contact voters who did not properly fill out the form. But she could only reach people who provided their phone numbers to the clerk’s office.

“We acted like detectives trying to find and get a hold of these people,” said Shannon Hahn, clerk for the village of Salem Lakes. “We would have much more rejections if it wasn’t for us contacting people.”

**No requirement to notify**

Hahn went above and beyond. Wisconsin law does not require election officials to contact voters if they find a problem with an absentee ballot, which is similar to roughly 35 states.

Hahn and other election officials were managing a heavy volume of absentee ballot requests and ballot submissions due to the stay-at-home orders.

It is not surprising that she was overwhelmed.

Wisconsin is considered the most decentralized state for election administration. The 1,850 municipal election officials and 72 county election officials have traditionally focused most of their efforts on managing the Election Day polls. In April, though, they were forced to shift their focus to processing and counting by-mail votes.

Absentee ballot rejections, a nationwide concern of Democratic lawyers and voting rights organizations, have been an overlooked portion of Wisconsin’s April primary.

The reason rejections are important to understand is that voters — like Moses — may have their ballots rejected over a technicality like a missing signature, receive no notification and not be given an opportunity to fix the problem.

**Wisconsin’s pandemic election**

Wisconsin saw political and legal fights over whether the election should be delayed due to the pandemic. The U.S. Postal Service [failed to deliver](https://www.uspsoig.gov/sites/default/files/document-library-files/2020/20-235-R20.pdf) hundreds of ballots in the mail. And competing legal rulings created uncertainty over which guidelines voters and clerks had to follow.

For example, a lower court waived the witness signature requirement on absentee ballots, but the ruling was later reversed. The courts also shifted the deadlines for returning absentee ballots.

It was chaotic, election officials acknowledge. Today election officials refer to the primary as the “COVID election,” Hahn said.

State election officials have taken steps to ensure a better process for the August primary and the November general election. They have changed the computer system to help municipal clerks process absentee ballot applications. They are putting barcodes on mailings to help voters and officials track their ballots, and they are hoping the courts make early decisions on which rules to follow.

“I certainly hope that we can get the rules down straight so everybody knows what they are, so they’re not changing very close to the deadline,” said Reid Magney, spokesman for the Wisconsin Elections Commission (WEC), which administers and enforces Wisconsin’s elections law.

Magney also said the commission will mail absentee ballot applications to every registered voter in September to help local elections officials. Even so, Wisconsin’s elections system is run by municipal and county election officials, and according to the commission, some of them juggle election administration with other municipal duties.

**Democrats fear ballot rejections**

Despite election experts saying they will be better prepared in November, Democratic attorneys are worried the rules could lead to certain groups of voters seeing their ballots rejected at higher rates than others.

For example, some states require a voter’s signature to match what is on file at the election office. That could lead to wrongful rejections, because younger voters may not yet have established a signature, and older voters may have physical problems that cause their signature to deteriorate. (Wisconsin does not have signature matching).

Studies have shown that younger voters and minority voters tend to have their ballots rejected at a higher rate than older, white voters because older voters tend to cast their ballots earlier. But McDonald, with the University of Florida, says he is not certain that will continue, especially if mail delivery slows in rural communities that traditionally back Republican candidates.

“These rejected absentee ballots tend to break toward the Democrats,” McDonald said. “I don’t think anyone knows how these ballots will break for November, because there’s so many different moving parts.”

Trump has repeatedly criticized by-mail voting despite twice voting via that option. He ramped up his criticism recently, citing voter fraud charges brought against four people during a special election for city council in Patterson, New Jersey. The charges came after the postal service found hundreds of mail-in ballots in one mailbox.

But voting rights advocates say the charges prove that the existing laws protect the integrity of the election system. They also say Trump’s criticism shows he is worried increased voter turnout will support his opponent, Democrat Joe Biden.

Attorneys representing Democrats have pushed to loosen the restrictions on mail-in voting in at least 13 states [including Wisconsin](https://assets.documentcloud.org/documents/6999943/Democratic-National-Committee-Motion-for.pdf). Republicans are active in at least two states to prevent election officials from mailing ballots to registered voters and are working to uphold restrictions on mail-in voting in many other states.

**‘We were just inundated’**

A typically high voter participation rate, combined with small city staff in an area that is not used to voting by mail, are ingredients for a spike in ballot rejection.

Consider the city of Cedarburg, Wisconsin.

It is small — population 11,500 — and sits 23 miles northwest of Milwaukee. It has been a Republican stronghold for the past eight years.

Residents take voting seriously — more than 80% of the voting age population cast ballots in the past two presidential elections, according to state election statistics. That is more than 13 points higher than the state average. But nearly all those voters voted in person.

That changed with the governor’s stay-at-home order. More than 60% of Cedarburg voters cast absentee ballots, compared to 7% in 2018.

“We were just inundated,” said Tracie Sette, Cedarburg’s city clerk. “It was all we could do to just keep up with the requests.”

**High rejection rate in Cedarburg**

The increase also brought a surge in rejected by-mail ballots.

In April, Cedarburg had both a relatively high number of rejected ballots (209) and rate of rejected ballots (7%), according to the Wisconsin Elections Commission. Comparatively, just three ballots were rejected in the 2016 presidential primary and the 2016 and 2018 general elections.

And of the ballots rejected in April, all but two were due to a missing voter signature, a missing witness signature or a missing witness address, voter-level records of rejected ballots from the elections commission show. Some people in Cedarburg were left wondering why their ballots were rejected and why they were not notified about the problem.

Bob and Jan Capen requested and filled out their absentee ballots for the April primary because they said they were leery of voting in person. Bob Capen, who owns a garage construction business, was working from home to avoid exposure to the virus. Jan, a retired teacher, was also staying close to home.

The couple signed their names as witnesses to each other’s ballots and mailed them, the first time they had not voted in person. Neither of their votes counted.

Cedarburg election officials marked the Capens’ ballots as “certification insufficient,” the most common reason cited for the 23,196 absentee ballots rejected in Wisconsin’s April 7 election.

Copies of the Capens’ ballot envelopes obtained through a public records request show they both missed the yellow-highlighted line that required their addresses as witnesses.

“It’s my fault,” Bob Capen said. “But based on what I’ve learned so far, it’s not an easy process for a lot of people, so I can see how it could get all clustered up.”

Diane Coenen, president of the Wisconsin Municipal Clerks Association, says voters can be confused by the process, especially if they are voting absentee for the first time.

She says the ballot envelope displays a lot of information and requires attention to detail. And most people do not read it from top to bottom. “Because of that, they may miss something,” Coenen said. “And if they miss something, the ballot will be rejected.”

Other Cedarburg ballots suffered the same fate as the Capens’. Rykki Casey is a health care worker who voted absentee because she takes care of elderly and hospice patients. “I didn’t want to spread (illness) to them,” she said.

Casey was confused about why her vote did not count. Her husband witnessed her ballot, but a copy of the ballot envelope showed that he, too, missed the line for his address. “I feel very sad. I want my voice heard,” she said.

**State, clerks aim for smoother process**

Sette says she tried to contact voters to tell them about the problems with the ballot envelopes in April but stopped when she and her two colleagues became overwhelmed with managing ballot requests, submitted ballots and voter questions.

Today the goal is the same, despite what Sette calls a “learning curve.”  She aims to contact voters once to tell them they have an issue with their ballot envelope in the upcoming August primary and the November election.

“We’re getting probably about 15 to 20 ballots back every day now,” Sette said. “And every single day, there is a little stack that is missing some information.”

The Wisconsin Elections Commission hopes to ease some of the work of local election officials by sending absentee ballot applications in September to every registered voter who has not already requested one.

The commission is already preparing a public relations campaign in the next few weeks to remind voters how to cast a mail-in ballot. It is also creating digital tools that should be available for the November election that will help voters track their ballots in the mail.

Election officials say many voters have already requested mail-in ballots for November, so they do not expect the same number of ballot applications to flood the system close to the election. That should free up time for clerks to contact voters.

“Our hope is that we will have enough time to be able to communicate with voters,” said Magney of the state’s election commission, “and for them to be able to communicate back and handle this process.”

*This story was reported in collaboration with APM Reports, the investigative and documentary journalism team at American Public Media. The nonprofit Wisconsin Watch (*[*wisconsinwatch.org*](https://www.wisconsinwatch.org/)*) collaborates with Wisconsin Public Radio, PBS Wisconsin, other news media and the University of Wisconsin-Madison School of Journalism and Mass Communication. All works created, published, posted or disseminated by Wisconsin Watch do not necessarily reflect the views or opinions of UW-Madison or any of its affiliates.*