

WISCONSIN STATE
LEGISLATURE
COMMITTEE HEARING
RECORDS

2003-04

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on
Campaigns &
Elections
(AC-CE)

File Naming Example:

- Record of Comm. Proceedings ... RCP
- 05hr_AC-Ed_RCP_pt01a
 - 05hr_AC-Ed_RCP_pt01b
 - 05hr_AC-Ed_RCP_pt02

Published Documents

➤ Committee Hearings ... CH (Public Hearing Announcements)

➤ **

➤ Committee Reports ... CR

➤ **

➤ Executive Sessions ... ES

➤ **

➤ Record of Comm. Proceedings ... RCP

➤ **

*Information Collected For Or
Against Proposal*

➤ Appointments ... Appt

➤ **

➤ Clearinghouse Rules ... CRule

**

➤ Hearing Records ... HR (bills and resolutions)

➤ **03hr_ab0600_AC-CE_pt01**

➤ Miscellaneous ... Misc

➤ **

Vote Record

Committee on Campaigns and Elections

Date: 10/17/03
Bill Number: LRB 061017
Moved by: Pocan Seconded by: Freese
Motion: introduction by committee

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Stephen Freese	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mark Gundrum	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Glenn Grothman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Jeffrey Wood	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative David Travis	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> EXCUSED	<input checked="" type="checkbox"/>
Representative Mark Pocan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>045</u>	<u>000</u>	<u>000</u>	<u>000</u>

Vote Record

Committee on Campaigns and Elections

Date: 10/23/03 Seconded by: Unanimous consent for introduction AA. 2
1245/1

Moved by: _____

AB _____ SB _____ Clearinghouse Rule 1249/1 AA. 3

AJR _____ SJR _____ Appointment _____

AR _____ SR _____ Other _____ 1193 AA. 4

A/S Amdt _____

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

- Be recommended for:
- Passage Adoption Confirmation Concurrence Indefinite Postponement
- Introduction Rejection Tabling Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Stephen Freese	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mark Gundrum	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Glenn Grothman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Jeffrey Wood	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative David Travis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mark Pocan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: _____

Vote Record

Committee on Campaigns and Elections

Date: Gund.

Moved by: Gund.

Seconded by: Wood

AB 600 SB _____ Clearinghouse Rule _____
AJR _____ SJR _____ Appointment _____
AR _____ SR _____ Other _____

A/S Amdt 1
A/S Amdt _____ to A/S Amdt _____
A/S Sub Amdt _____
A/S Amdt _____ to A/S Sub Amdt _____
A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:
 Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

Committee Member	Aye	No	Absent	Not Voting
Representative Stephen Freese	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mark Gundrum	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Glenn Grothman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Jeffrey Wood	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative David Travis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mark Pocan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>5</u>	<u>1</u>	_____	_____

Vote Record

AAZ

a.1245/1

Committee on Campaigns and Elections

Date: 10/23/03 Moved by: Grothman Seconded by: Wood

AB 000 SB Clearinghouse Rule
AJR SJR Appointment
AR SR Other

A/S Amdt 2
A/S Amdt to A/S Amdt
A/S Sub Amdt
A/S Amdt to A/S Sub Amdt
A/S Amdt to A/S Amdt to A/S Sub Amdt

- Be recommended for:
Passage Adoption Confirmation Concurrence Indefinite Postponement
Introduction Rejection Tabling Nonconcurrence

Table with 4 columns: Committee Member, Aye, No, Absent, Not Voting. Rows include Representative Stephen Freese, Representative Mark Gundrum, Representative Glenn Grothman, Representative Jeffrey Wood, Representative David Travis, Representative Mark Pocan.

Totals:

Vote Record

Committee on Campaigns and Elections

Date: 10/23/03

Moved by:

Seconded by: unanimous consent to add 30 days before other regular elections.

AB

SB

Clearinghouse Rule

AJR

SJR

Appointment

AR

SR

Other

A/S Amdt

A/S Amdt 1

to A/S Amdt

AA3

A/S Sub Amdt

A/S Amdt

to A/S Sub Amdt

A/S Amdt

to A/S Amdt

to A/S Sub Amdt

Be recommended for:

- Passage, Adoption, Confirmation, Concurrence, Indefinite Postponement, Introduction, Rejection, Tabling, Nonconcurrency

Committee Member

Representative Stephen Freese

Representative Mark Gundrum

Representative Glenn Grothman

Representative Jeffrey Wood

Representative David Travis

Representative Mark Pocan

Aye No Absent Not Voting

Table with 4 columns: Aye, No, Absent, Not Voting. Rows for each representative with empty checkboxes.

Totals:

Vote Record

AA 3
a/249/1

Committee on Campaigns and Elections

Date: 10/23/03
Moved by: Druck Seconded by: Wood

AB 600 SB _____ Clearinghouse Rule _____
AJR _____ SJR _____ Appointment _____
AR _____ SR _____ Other _____

A/S Amdt 3
A/S Amdt _____ to A/S Amdt _____
A/S Sub Amdt _____
A/S Amdt _____ to A/S Sub Amdt _____
A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for: *as amended*
 Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

Committee Member	Aye	No	Absent	Not Voting
Representative Stephen Freese	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mark Gundrum	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Glenn Grothman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Jeffrey Wood	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative David Travis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mark Pocan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: _____

AA4

Vote Record

Committee on Campaigns and Elections

Date: 10/23/03

Moved by: Freese Seconded by: Gundrum

AB 400 SB Clearinghouse Rule

AJR SJR Appointment

AR SR Other

A/S Amdt 4

A/S Amdt to A/S Amdt

A/S Sub Amdt

A/S Amdt to A/S Sub Amdt

A/S Amdt to A/S Amdt to A/S Sub Amdt

- Be recommended for: Passage Adoption Confirmation Concurrence Indefinite Postponement Introduction Rejection Tabling Nonconcurrence

Table with columns: Committee Member, Aye, No, Absent, Not Voting. Rows include Representative Stephen Freese, Representative Mark Gundrum, Representative Glenn Grothman, Representative Jeffrey Wood, Representative David Travis, Representative Mark Pocan.

Totals:

Vote Record

Committee on Campaigns and Elections

Date: 10/23/03 Moved by: [Signature] Seconded by: Travis

AB 600 SB Clearinghouse Rule
AJR SJR Appointment
AR SR Other

A/S Amdt
A/S Amdt to A/S Amdt
A/S Sub Amdt
A/S Amdt to A/S Sub Amdt
A/S Amdt to A/S Amdt to A/S Sub Amdt

Be recommended for: as amended
Passage Adoption Confirmation Concurrence Indefinite Postponement
Introduction Rejection Tabling Nonconcurrency

Table with 5 columns: Committee Member, Aye, No, Absent, Not Voting. Rows include Representative Stephen Freese, Mark Gundrum, Glenn Grothman, Jeffrey Wood, David Travis, and Mark Pocan.

Totals: 5 1

WISCONSIN ASSEMBLY
2003-2004 SESSION
SPEAKER GARD

AB 600
BY COMMITTEE
REGISTRATION AND VOTING REQUIREMENTS AND PROCEDURE
REFER TO COMMITTEE

AYES - 12 NAYS - 84 NOT VOTING - 3 PAIRED - 0

A	N	NV	NAME		A	N	NV	NAME		A	N	NV	NAME	
	N		AINSWORTH	R			x	KRAWCZYK	R		N		SCHOOFF	D
	N		ALBERS	R		N		KREIBICH	R		N		SERATTI	R
	N		BALOW	D		N		KREUSER	D		N		SHERMAN	D
	N		BERCEAU	D		N		KRUG	D		N		SHILLING	D
	N		BIES	R		N		KRUSICK	D		N		SINICKI	D
	N		BLACK	D	Y			LADWIG	R		N		STASKUNAS	D
	N		BOYLE	D		N		LASEE	R		N		STEINBRINK	D
	N		COLON	D		N		LEHMAN, J.	D		N		STONE	R
	N		CULLEN	D		N		LEHMAN, M.	R	Y			SUDER	R
	N		FITZGERALD	R	Y			LEMAHIEU	R		N		TAYLOR	D
	N		FOTI	R		N		LOEFFELHOLZ	R		N		TOLES	D
	N		FREESE	R		N		LOTHIAN	R		N		TOWNS	R
	N		FRISKE	R		N		MCCORMICK	R		N		TOWNSEND	R
	N		GIELOW	R		N		MEYER	R		N		TRAVIS	D
	N		GOTTLIEB	R		N		MILLER	D		N		TURNER	D
	N		GRONEMUS	D		N		MOLEPSKE	D		N		UNDERHEIM	R
Y			GROTHMAN	R		N		MONTGOMERY	R		N		VAN AKKEREN	D
Y			GUNDERSON	R		N		MORRIS	D		N		VAN ROY	R
	N		GUNDRUM	R		N		MUSSER	R		N		VRAKAS	R
	N		HAHN	R	Y			NASS	R		N		VRUWINK	D
	N		HEBL	D		N		NISCHKE	R		N		VUKMIR	R
	x		HINES	R		N		OLSEN	R		N		WARD	R
	N		HONADEL	R		N		OTT	R		N		WASSERMAN	D
	N		HUBER	D		N		OWENS	R	Y			WEBER	R
	N		HUBLER	D		N		PETROWSKI	R		N		WIECKERT	R
	N		HUEBSCH	R	Y			PETTIS	R		x		WILLIAMS, A.	D
	N		HUNDERTMARK	R		N		PLOUFF	D	Y			WILLIAMS, M.	R
	N		JENSEN	R		N		POCAN	D	Y			WOOD, J.	R
	N		JESKEWITZ	R		N		POPE-ROBERTS	D		N		WOOD, W.	D
Y			JOHNSRUD	R		N		POWERS	R		N		YOUNG	D
	N		KAUFERT	R		N		RHOADES	R		N		ZEPNICK	D
	N		KERKMAN	R		N		RICHARDS	D		N		ZIEGELBAUER	D
Y			KESTELL	R		N		SCHNEIDER	D		N		SPEAKER	R

IN CHAIR: KAUFERT

NO VACANT DISTRICTS

SEQUENCE NO. 502
Wednesday, February 25, 2004
4:31 PM

WISCONSIN ASSEMBLY
2003-2004 SESSION
SPEAKER GARD

AB 600
BY COMMITTEE
REGISTRATION AND VOTING REQUIREMENTS AND PROCEDURE
NONCONCURRENCE
SA 1 OFFERED BY COMMITTEE

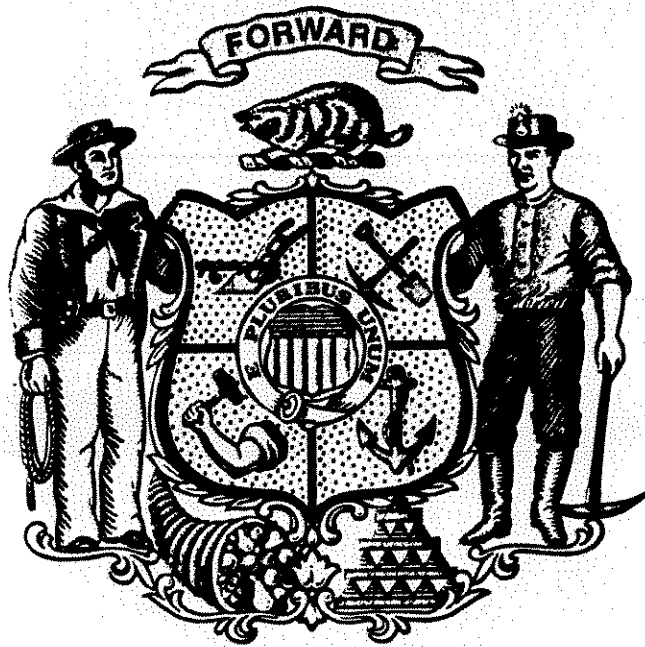
AYES - 24 NAYS - 72 NOT VOTING - 3 PAIRED - 0

A	N	NV	NAME		A	N	NV	NAME		A	N	NV	NAME	
	N		AINSWORTH	R			x	KRAWCZYK	R		N		SCHOOFF	D
Y			ALBERS	R	Y			KREIBICH	R		N		SERATTI	R
	N		BALOW	D		N		KREUSER	D		N		SHERMAN	D
	N		BERCEAU	D		N		KRUG	D		N		SHILLING	D
	N		BIES	R		N		KRUSICK	D		N		SINICKI	D
	N		BLACK	D	Y			LADWIG	R		N		STASKUNAS	D
	N		BOYLE	D		N		LASEE	R		N		STEINBRINK	D
	N		COLON	D		N		LEHMAN, J.	D		N		STONE	R
	N		CULLEN	D	Y			LEHMAN, M.	R	Y			SUDER	R
Y			FITZGERALD	R	Y			LEMAHIEU	R		N		TAYLOR	D
	N		FOTI	R		N		LOEFFELHOLZ	R		N		TOLES	D
	N		FREESE	R	Y			LOTHIAN	R	Y			TOWNS	R
Y			FRISKE	R	Y			MCCORMICK	R		N		TOWNSEND	R
	N		GIELOW	R		N		MEYER	R		N		TRAVIS	D
Y			GOTTLIEB	R		N		MILLER	D		N		TURNER	D
	N		GRONEMUS	D		N		MOLEPSKE	D		N		UNDERHEIM	R
Y			GROTHMAN	R		N		MONTGOMERY	R		N		VAN AKKEREN	D
Y			GUNDERSON	R		N		MORRIS	D		N		VAN ROY	R
Y			GUNDRUM	R		N		MUSSER	R		N		VRAKAS	R
	N		HAHN	R	Y			NASS	R		N		VRUWINK	D
	N		HEBL	D		N		NISCHKE	R		N		VUKMIR	R
	x		HINES	R		N		OLSEN	R	Y			WARD	R
	N		HONADEL	R		N		OTT	R		N		WASSERMAN	D
	N		HUBER	D	Y			OWENS	R		N		WEBER	R
	N		HUBLER	D	Y			PETROWSKI	R		N		WIECKERT	R
	N		HUEBSCH	R	Y			PETTIS	R			x	WILLIAMS, A.	D
	N		HUNDERTMARK	R		N		PLOUFF	D	Y			WILLIAMS, M.	R
	N		JENSEN	R		N		POCAN	D	Y			WOOD, J.	R
	N		JESKEWITZ	R		N		POPE-ROBERTS	D		N		WOOD, W.	D
Y			JOHNSRUD	R		N		POWERS	R		N		YOUNG	D
	N		KAUFERT	R		N		RHOADES	R		N		ZEPNICK	D
Y			KERKMAN	R		N		RICHARDS	D		N		ZIEGELBAUER	D
	N		KESTELL	R		N		SCHNEIDER	D		N		SPEAKER	R

IN CHAIR: KAUFERT

NO VACANT DISTRICTS

SEQUENCE NO. 501
Wednesday, February 25, 2004
4:26 PM



Wisconsin Elections Board
SEC

LRB -0610 3/11/03

Mentkowski, Annie

From: System Administrator
To: Kennedy, Kevin
Sent: Tuesday, March 11, 2003 3:28 PM
Subject: Delivered:

Your message

To: Unknown
Subject:

was delivered to the following recipient(s):

Kennedy, Kevin on 03/11/2003 3:28 PM

Election 5
Board

Basford, Sarah

From: Basford, Sarah
Sent: Thursday, February 27, 2003 1:43 PM
To: Kevin Kennedy
Subject: LRB -2161/1 & dn (attached)



03-2161/1



03-2161/1dn

Sarah Basford
Program Assistant
State of Wisconsin
Legislative Reference Bureau
PH: (608) 266-3561/FAX: (608) 264-6948
sarah.basford@legis.state.wi.us

Elections Board

2/12/02 LRB - 0610

Mentkowski, Annie

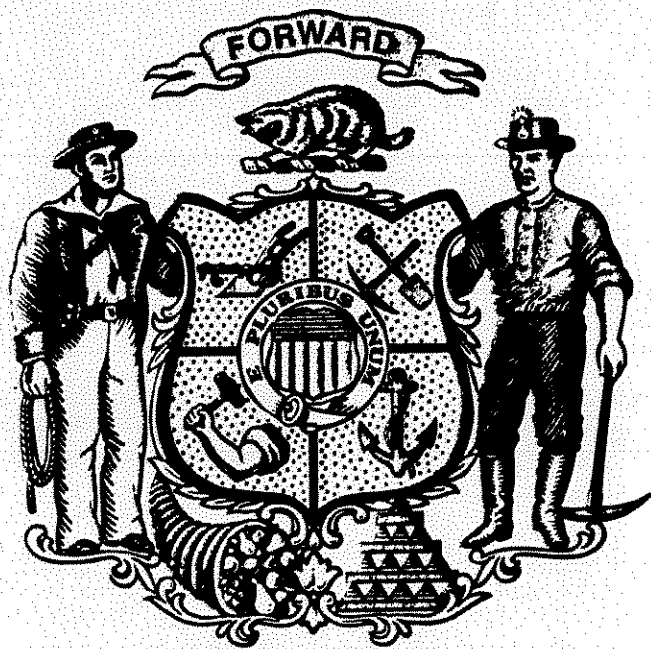
From: System Administrator
To: Kennedy, Kevin
Sent: Wednesday, February 12, 2003 11:47 AM
Subject: Delivered:

Your message

To: Unknown
Subject:

was delivered to the following recipient(s):

Kennedy, Kevin on 02/12/2003 11:47 AM



Richard, Rob

From: Kennedy, Kevin
Sent: Monday, April 21, 2003 11:38 AM
To: Sen.Ellis; Sen.Moore; Rep.Freese; Rep.Pocan; Clark, Jessica - Office of Governor Jim Doyle; 'party@wisdems.org'; 'webmaster@lpwi.org'; 'rpw@wisgop.org'; 'peterson@win.bright.net'; 'jrross@ap.org'; 'dcallender@madison.com'; 'pbrinkman@madison.com'; 'swalters@journalsentinel.com'; 'edit@isthmus.com'; 'Freyberg@wpr.org'; 'staff@wispolitics.com'; 'wheeler@thewheelerreport.com'; 'ccwisjwh@itis.com'; 'jnbomeara@aol.com'; 'jmurray@wra.org'; 'rcliff@wfbf.com'; 'wisdc@wisdc.org'; 'jbuchen@www.wmc.org'; 'gshea@chorus.net'; 'Mwittenw@GKLAW.com'; Thompson, Dan; 'eareditor@aol.com'; 'Cahmuty@aclu-wi.org'; 'mjacob@cows.org'
Subject: Initial Draft State Plan

The next meeting of the State Plan Committee is Thursday, April 24 beginning at 9:00 am. The meeting will be held in Room 328 NW at the State Capitol. Because the Legislature is in session we may get bumped from this room.

The Committee will review the initial draft of the State Plan for implementing the Help America Vote Act of 2002. I have attached a copy of the draft for your information. I have not made any attempt to put the draft in report form with each section beginning on a separate page. If you have any comments or questions, please contact me at the information listed below.

Kevin Kennedy, Executive Director
Wisconsin State Elections Board
132 East Wilson Street, Suite 200
PO Box 2973
Madison, WI 53701-2973

608-266-8087
608-267-0500 (Fax)

kevin.kennedy@seb.state.wi.us
<http://elections.state.wi.us>



Draft State Plan.doc

Draft State Plan

(4/21/03)

Introductory Statement

Wisconsin has a rich history of citizen participation in the electoral process. Wisconsin has developed a series of political innovations to enable citizens to select their leaders as part of the democratic process. These innovations include the development of the open primary in 1903, the establishment of an independent state agency to administer elections in 1974 and the implementation of election day registration in 1976.

The Help America Vote Act of 2002 provides a unique opportunity to add to Wisconsin's electoral tradition and develop a strong partnership between state and local election officials. Elections in Wisconsin are conducted by municipal election officials. Local election officials recruit and train poll workers, maintain voter records, issue absentee ballots, and establish and equip polling places including acquiring voting equipment. County election officials are responsible for the preparation of ballots and notices for county, state and federal elections. They also provide a significant contribution in coordinating the work of local election officials to increase efficiency in the delivery of election services. The State Elections Board is responsible for providing leadership in election administration by establishing standards to ensure uniformity and safeguarding the vote of all electors.

The mission of the State Elections Board is to enhance representative democracy by ensuring the integrity of the electoral process. The Elections Board directs its energies toward providing for an informed electorate, both in regard to understanding the election system and to being aware of the activities and finances of candidates for public office. Under the auspices of the Help America Vote Act of 2002 the State Elections Board, working in cooperation with county and municipal election officials, will ensure that Wisconsin elections continue to be administered through procedures that guarantee that the vote of each individual counts and that the will of the electorate prevails. The shared vision for all participants in Wisconsin's electoral process is that elections are open, fair, impartial and free from error.

Following the 2000 Presidential Election the nation's voting process was the subject of numerous studies by legislators, scholars, citizen groups and election officials. The State Elections Board has posted these studies on its website at: <http://elections.state.wi.us/sebpage55.htm>. Hundreds of pieces of legislation were introduced in Congress and state legislatures including, xxx in Wisconsin during the 2001-2002 legislative session. Members of the election community worked with Congress to secure passage of legislation that maintained state and local control over the administration of elections while establishing minimum standards to ensure public confidence in the integrity of the voting process.

The Help America Vote Act of 2002 (HAVA) was enacted by Congress to make sweeping reforms in the way elections are conducted. The Act addresses improvements to voting systems and voter access. It includes requirements for a centralized voter registration database, privacy

and independence in the voting process, access for people with disabilities and voter outreach. As a condition of receiving federal funding, each state is required to submit an implementation plan that meets the requirements of the Act.

In December 2002, the State Elections Board began the process of preparing a study for the state legislature to present a plan for designing, developing and implementing a statewide voter registration system. This was the initial step in preparing for the implementation of one of the key elements of HAVA that brings state and local officials together to improve accessibility for Wisconsin's voters. A report on the study will be presented to the legislature on May 15, 2003.

In January 2003, Wisconsin's chief election official, Kevin Kennedy, appointed a State Plan Committee comprised of county and municipal elections officials, representatives of advocacy groups and other citizens to assist in the HAVA planning process. The group has met three times to discuss the planning process and provide direction for the development of the draft plan.

This draft plan represents the collective input and recommendations of the State Plan Committee and numerous citizens, legislators and advocacy groups who have been following the plan development process. Members of the public will have the opportunity to comment on this draft in public hearings that will be held around the state in May and June 2003. After the public comment process, the State Elections Board will consider public input and submit a final plan to the federal government.

Wisconsin is in a good position to implement the HAVA requirements. Many of the election reforms required by the Act are already addressed in state laws and procedures. This preliminary state plan identifies the priorities and specific steps state and local election officials will take to meet the requirements of HAVA. It also discusses what additional improvements may be undertaken if there is remaining or additional federal funding after all of the requirements have been met.

The State Plan Committee is recommending the following activities as part of Wisconsin's response to the Help America Vote Act:

- 1) Design and implementation of a computerized statewide voter registration system that is the single database of all registered voters.
- 2) Purchase and deployment of voting equipment that meets the standards established by HAVA.
- 3) Increased access to the elections process for people with disabilities through the use of specially designed voting systems, improvements to facilities, training of elections staff and enhanced public outreach.
- 4) Implementation of a comprehensive program that informs voters about the electoral process in Wisconsin including where to obtain information on the voting process, how to correct ballots, how to request replacement ballots and how to obtain relief for possible violations or irregularities in the administration of state and federal election procedures.

- 5) Implementation of a toll-free line that allows voters to check the status of their provisional ballots, determine whether or not their ballot was counted and enable electors to report possible voting fraud and voting rights violations.
- 6) Training of all election officials including chief inspectors, municipal and county clerks along with State Elections Board staff.

To receive federal funding, Wisconsin must certify that it has established a State Election Fund that is separate and distinct from the state General Fund and that it has an administrative complaint procedure for HAVA Title III violations. Legislation to make those changes has been introduced in the 2003 Wisconsin Legislature. Once these changes are in place, the State Elections Board will certify to the federal government that it is eligible to receive HAVA funding.

While HAVA increases responsibility for elections administration at the state level to achieve greater uniformity and consistency, municipal elections officials are charged with the conduct of elections and are crucial to all aspects the elections process. As Wisconsin moves forward in carrying out this plan, the State Elections Board will continue to encourage coordination, cooperation, and collaboration between local and state officials on the innovations and technology that will be developed in response to HAVA.

Finally, this plan should be viewed as a living document that will need to be updated and refined over time to reflect the state's progress in implementing HAVA. Wisconsin welcomes the challenges of the Help America Vote Act and looks forward to receiving appropriate financial support from the federal government.

Section 1

How the State will use the requirements payments to meet the requirements of Title III, and, if applicable under Section 251(a)(2), to carry out other activities to improve the administration of elections.

The total amount of federal funding available as requirements payments under Section 254 of HAVA to Wisconsin is uncertain. Congress has not appropriated funds beyond Federal Fiscal Year 3 (FFY 3). The initial appropriation provides approximately \$15.189 million in requirements payments. HAVA requires the state to match this amount by appropriating an amount equal to 5% of the total amount spent. In order to match the initial federal payment the state must appropriate \$799,000 in Fiscal Year 4.

The State Plan Committee has established the following priorities for the use of requirements payments and the corresponding state match.

- 1) Design, develop and implement a statewide voter registration system.
- 2) Evaluate new voting systems for HAVA Section 301 and disability access compliance.
- 3) Develop an implementation and acquisition plan for compliant voting systems.
- 4) Develop training and education programs for voters, election officials and poll workers.

HAVA establishes a number of requirements that all states must meet whether or not federal funds are accepted. The specific choices on the methods of complying with these requirements

is left to the discretion of the state. HAVA Section 305. A brief description of the requirements and how Wisconsin will meet the requirements is set out below.

Voting Systems Standards Requirements - HAVA Section 301 (a)

Deadline for Compliance: January 1, 2006; no waiver permitted.

HAVA establishes standards for voting systems. The deadline for meeting these standards is January 1, 2006. Each voting system used in an election for Federal office shall meet the following requirements:

- (1) In general the voting system (including any lever voting system, optical scanning voting system, or direct recording electronic system) shall:
 - permit the voter to verify in a private and independent manner the votes selected by the voter on the ballot before the ballot is cast and counted;
 - provide the voter with the opportunity in a private and independent manner to change the ballot or correct any error before the ballot is cast and counted including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error; and
 - if the voter selects votes for more than 1 candidate for a single office:
 - notify the voter that the voter has selected more than 1 candidate for a single office on the ballot;
 - notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and
 - provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.

A State or jurisdiction that uses a paper ballot voting system, a punch card voting system, or a central count voting system (including mail-in absentee ballots and mail-in ballots), may meet these requirements by establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and providing the voter with instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error).

The voting system shall ensure that any notification preserves the privacy of the voter and the confidentiality of the ballot.

- (2) The voting system shall produce a record with an audit capacity for such system. The record shall be a permanent paper record with a manual audit capacity. The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced. The paper record produced shall be available as

an official record for any recount conducted with respect to any election in which the system is used.

- (3) The voting system shall be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation including privacy and independence as for other voters. This requirement can be satisfied through the use of at least 1 direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place.
- (4) The voting system shall provide alternative language accessibility pursuant to the requirements of the Voting Rights Act of 1965.
- (5) The error rate of the voting system in counting ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter) shall comply with the error rate standards established under the voting systems standards issued by the Federal Election Commission.
- (6) Each State shall adopt uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting system used in the State.

There is no voting system approved for use in the state that meets each of these standards. Presently 87% of the state's voters use optical scan voting systems, 10% of the state's voters use paper ballots and 3% of the voters use lever voting machines.

The optical scan voting system meets the general requirements on privacy and independence. It also meets the audit capacity requirements. Because xx counties use a central count tabulation system for optical scan ballots, state, county and municipal election officials will have to develop a voter education program. This is also the case for paper ballot voting.

Where the state falls short on the federal standards is providing access for individuals with disabilities. The state will evaluate new voting systems' disability access compliance and develop an implementation and acquisition plan for compliant voting systems. This is one of the priority uses of the requirements payments.

Wisconsin is not presently subject to the alternative language requirements of the Voting Rights Act of 1965. However, the state has a growing number of individuals whose participation in the political process would be enhanced by having voting information available in a language other than English. As part of the evaluation and acquisition of new voting systems, the state will ensure that any new system has the capability to meet this requirement. The state will also develop voter information materials in alternative languages.

Wisconsin requires any electronic voting system to be qualified against the voting systems standards established by the Federal Election Commission before it can be used in the state. The qualification must be done by an independent testing laboratory approved by the National Association of State Election Directors (NASSED). The Elections Board has drafted legislation (LRB 0610/3) to require the Board to evaluate voting systems for compliance with the error rate requirements following each general election.

Current law establishes uniform standards of what constitutes a vote. S. 7.50, Wis. Stats. The Elections Board has drafted legislation (LRB 0610/3) to permit the agency to promulgate administrative rules to establish similar requirements for new voting systems that may be approved by the Elections Board.

Provisional Voting Requirements - HAVA Section 302 (a)

Deadline for Compliance: January 1, 2004; no waiver permitted.

HAVA requires a state to provide an individual the opportunity to vote a provisional ballot if the individual asserts that he is registered, but the voter's name does not appear on the poll list or an election official asserts that the individual is not eligible to vote. The individual must complete a written affirmation that he is a registered voter in the jurisdiction and eligible to vote in that election. The individual is permitted to vote a provisional ballot. The ballot is not counted unless the municipal clerk can verify that the individual is a registered voter in the jurisdiction and eligible to vote in that election.

Wisconsin is exempt from this requirement because it has a system of election day registration that permits a voter whose name does not appear on the poll list to register at the polling place. Under current law a voter must provide proof of residence or have the registration application corroborated by an elector of the municipality who has proof of residence.

Voting Information Requirements - HAVA Section 302 (b)

Deadline for Compliance: January 1, 2004; no waiver permitted.

HAVA requires that specific information be posted at each polling place on election day. The required information is:

- 1) a sample version of the ballot that will be used for that election;
- 2) information regarding the date of the election and the hours during which polling places will be open;
- 3) instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;
- 4) instructions for mail-in registrants and first-time voters;
- 5) general information on voting rights under applicable Federal and State laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated;
- 6) general information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation.

Wisconsin law currently requires two sample ballots to be posted at the polling place along with instructions on how to vote, including how to cast a vote. S. 5.35 (6) Wis. Stats. The Elections Board has drafted legislation (LRB 0610/3) to add the required information to the current posting requirements.

Voters Allowed to Vote After the Polls Close Pursuant to a Court Order - HAVA Section 302 (c)

Deadline for Compliance: January 1, 2004; no waiver permitted.

HAVA requires that any individual who votes after the polls close pursuant to a court order shall vote a provisional ballot. The ballot shall be separated and kept apart from other provisional ballots.

The Elections Board has drafted legislation (LRB 0610/3) that treats the ballot in a manner similar to a challenged ballot under S. 6.95 Wis. Stats. The ballot is marked with an indication that it is cast pursuant to a court order, but the voter's serial number is not included on the ballot. The ballot is counted, but if the court order is overturned, the ballot can be retrieved and the canvass results changed to reflect the court action.

Computerized Statewide Voter Registration List Requirements - HAVA Section 303 (a)

Deadline for Compliance: January 1, 2004; State can submit a certification stating "good cause" that will extend the deadline for compliance to January 1, 2006.

HAVA requires the state, acting through the chief State election official, to implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each legally registered voter in the State. HAVA requires the computerized list to have the following attributes:

- ✓ The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the State.
- ✓ The computerized list contains the name and registration information of every legally registered voter in the State.
- ✓ Under the computerized list, a unique identifier is assigned to each legally registered voter in the State.
- ✓ The computerized list shall be coordinated with other agency databases within the State.
- ✓ Any election official in the State, including any local election official, may obtain immediate electronic access to the information contained in the computerized list.
- ✓ All voter registration information obtained by any local election official in the State shall be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local official.
- ✓ The chief State election official shall provide such support as may be required so that local election officials are able to electronically enter voter registration information into the computerized list on an expedited basis.

- ✓ The computerized list shall serve as the official voter registration list for the conduct of all elections for Federal office in the State.

Under current law voter registration is required in municipalities with a population of more than 5,000. S. 6.27 Wis. Stats. Only 350 of the state's 1,850 municipalities have voter registration. All voter registration records are maintained at the local level.

In December 2002, the Elections Board requested and received supplemental funding to conduct a study on the development and implementation of a statewide voter registration system. The agency has hired Virchow, Krause & Company to conduct the study under the direction of the Elections Board staff. The primary deliverable of the study is a report for the legislature that describes an implementation plan and credible cost estimate for the development and implementation of a statewide voter registration system. The report will be completed by the middle of May, 2003 so that the legislature can include the appropriate funding and authorization in the biennial budget legislation.

The study included the development of business and functional requirements for the system in conjunction with local election officials and other users. A steering committee consisting of representatives of the Elections Board, the Department of Transportation, the Department of Corrections, the Department of Health and Family Services and the Department of Electronic Government is monitoring the project. A Request for Information (RFI) was solicited from the universe of potential vendors to assist in determining a credible cost estimate and perform a gap analysis on the business and functional requirements.

This project will be the focus of the initial use of the requirements payments. The Elections Board has established a timeline for rolling out the statewide voter registration system for the 2005 election cycle. The Elections Board has drafted legislation (LRB 0610/3) to implement this requirement. The Elections Board plans to apply for a waiver for the January 1, 2004 deadline.

Requirements for Voters Who Register by Mail - HAVA Section 303 (b)

Deadline for Compliance: January 1, 2004; no waiver permitted.

HAVA requires an individual who registers by mail and who has never voted in the state before registering by mail to provide identification before being permitted to vote. If the individual does not provide the required identification, the individual must vote on a provisional ballot.

Because Wisconsin has election day registration, it is exempt from using provisional ballots. However, the Elections Board has drafted legislation (LRB 0610/3) to implement this requirement. It is expected that most individuals that are required to provide identification will be able to register at the polling place under the current election day registration provisions. S. 6.55 Wis. Stats. The number of individuals that actually use a provisional ballot will be small.

Section 2

How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in Section 1 of the State plan, including a description of the criteria to be used to determine the eligibility of such units or entities for receiving the payment; and the methods to be used by the State to monitor the performance of the units or entities to

whom the payment is distributed, consistent with the performance goals and measures adopted under Section 8 of the State Plan.

The state does not plan to distribute any of the initial requirements payments to local government. The state will provide infrastructure support to local government to implement the requirements of HAVA. The projected cost for development and implementation of the SVRS along with the acquisition of voting systems that comply with HAVA requirements will exceed the amount of funds available in requirements payments. Local government will have to share in the cost of compliance.

The state will provide and maintain a statewide voter registration system that will replace the systems currently used by municipalities with voter registration. The state will also use the requirements payments to acquire HAVA compliant voting systems. The state will provide voter information and election official training as part of the implementation of HAVA.

If the state uses the requirements payments for election administration infrastructure, local government does not have to expend additional resources monitoring compliance to ensure the integrity of the use of the funds. If the state makes the infrastructure investment with the requirements payments, it avoids using limited federal funds to monitor the performance of local government.

Section 3

How the State will provide for programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of Title III.

Training and education for voters and election officials is the foundation which provides for efficient and cost-effective elections. The State Elections Board currently conducts regular information and training meetings at various locations in the state for county and municipal clerks and other election officials. Administrative meetings are designed to explain the election laws and the forms and rules of the board, to promote uniform procedures and to assure that clerks and other officials are made aware of the integrity and importance of the vote of each citizen. S. 5.05(7), Wis. Stats. To enhance this process, State Elections Board personnel and resources will be supported by future federal funding. The State will also provide resources and work through user groups, including the Wisconsin County Clerks Association, the Wisconsin Municipal Clerks Association, the Wisconsin Towns Association and the League of Wisconsin Municipalities for education and training.

The State Elections Board will implement the requirement for chief inspector training and certification. The initial training and certification will consist of a comprehensive presentation to local elections officials by a team of State Elections Board personnel and local election officials. These sessions will begin in 2003 and be held at several locations throughout the state. Continuing certification will be maintained through 6 hours of training over a two-year period. Training may include attendance at a presentation conducted by the Elections Board staff, training conducted by the municipal clerk that is approved by the Elections Board, or participation in an Educational Teleconference Network session. The training program will be supplemented by a manual designed as a reference for use at the polling locations. The Elections Board is required to conduct regular training and administer examinations to ensure that

individuals who are certified are knowledgeable concerning their authority and responsibilities S. 7.31(5), Wis. Stats.

The State Elections Board is considering development of an Education Committee under the auspices of the Election Administration Council to evaluate the needs for voter education and election official training. Following identification of areas requiring education, the Elections Board and the Election Administration Council would determine training standards including delivery method, information updating, creation of methods to assure continued training and evaluations to assure objectives have been achieved. Outreach programs will be provided on the statewide voter registration system to access information, along with education on voter registration, the voting process, operation of voting mechanisms, locating polling places and contact information related to election participation. This will include development of training and outreach programs to expand understanding and assistance for people with disabilities in exercising their right to vote. Materials will be developed by the State Elections Board and will be provided to county and municipal clerks to supply to the public.

Postings on election day at polling locations will include a sample version of the ballot, information on the date of the election, the hours of the polling place, instructions on provisional ballots, instructions for mail-in registrants and first-time voters and general information on voter rights and laws prohibiting fraud and misrepresentation. This information will also be available on the State Elections Board website: <http://elections.state.wi.us/> and in the form of brochures for citizens.

Section 4

How the State will adopt voting system guidelines and processes which are consistent with the requirements of Section 301.

Under current law Wisconsin has established a set of standards for the approval of electronic voting systems. S. 5.91, Wis. Stats. The State Elections Board has drafted legislation (LRB 0610/3) that adds the HAVA voting system standards to the current statutory requirements. The Elections Board has also promulgated administrative rules detailing the process for approving electronic voting systems for use in Wisconsin. EIBd Ch. 7, Wis. Adm. Code.

Wisconsin requires any electronic voting system to be qualified against the voting systems standards established by the Federal Election Commission before it can be used in the state. The qualification must be done by an independent testing laboratory approved by the National Association of State Election Directors (NASSED). The State Elections Board recently revoked the approval for any electronic voting system that has not been qualified to the most recent standards established by the Federal Election Commission in December, 2002.

The agency action permits any municipality that currently uses an optical scan voting system to continue to use the system. All new equipment approved for use in Wisconsin will meet the most current federal standards. The State Elections Board will evaluate new voting systems for HAVA Section 301 and disability access compliance and develop an implementation and acquisition plan for compliant voting systems.

Section 5

How the State will establish a separate Election fund for purposes of administering the State's activities under this part, including information on fund management.

The State Elections Board has introduced legislation, 2003 Assembly Bill 123, that establishes the appropriate federal account to meet the HAVA requirement for a separate election fund for managing the receipt and distribution of HAVA payments and state matching funds. This legislation passed the Assembly unanimously. It is scheduled for a hearing in the state Senate later this month. Similar language is included in the HAVA implementation legislation (LRB 0610/3) drafted at the request of the State Elections Board and in the Governor's biennial budget legislation. 2003 Senate Bill 44.

The State Elections Board has requested creation of 1 FTE federally funded position to manage the fund and assure compliance with federal grant requirements. Agency staff has met with the State Controller's office to set up the fund and review the applicable administrative guidelines. The Legislative Audit Bureau will conduct a financial and compliance audit of the fund as part of the state's adherence to the federal Single Audit Act of 1984.

Section 6

The State's proposed budget for activities under this part, based on the State's best estimates of the costs of such activities and the amount of funds to be made available, including specific information on the costs of the activities required to be carried out to meet the requirements of Title III; the portion of the requirements payment which will be used to carry out activities to meet such requirements; and the portion of the requirements payment which will be used to carry out other activities.

The total amount of federal funding available to Wisconsin under HAVA is uncertain. Congress has not appropriated funds beyond Federal Fiscal Year 3 (FFY 3). Funds have been appropriated under HAVA Title I for activities to improve the administration of elections and replacement of punch card or lever voting machines. Funds have also been appropriated under HAVA Title II to meet Title III requirements.

The State Elections Board has received payments under HAVA Title I. Payments will be used to reimburse the State Elections Board for staff training costs associated with HAVA and agency costs associated with the preparation of the State Plan in FY 3.

In the coming biennium, the payments will be used to hire 4.0 FTE agency staff to implement HAVA requirements. Title I payments will also be used to hire a consultant to design the Request for Proposal (RFP), select a vendor and project manage the implementation of the statewide voter registration system. The Governor's biennial budget provides for funding the chief election inspector training program with HAVA funds. This will be done with Title I payments.

Remaining Title I funds will be used for costs associated with the voter education, election official training and disability access requirements of HAVA.

The state has also applied for Title I payments to be used as reimbursement for the acquisition of electronic voting systems that replace punch card voting systems and lever voting machines used at the November 2000 election. The three counties that used punch card voting systems and the

15 municipalities that used lever voting machines have not purchased replacement equipment that complies with HAVA Section 301. The State Elections Board will evaluate new voting systems for HAVA Section 301 and disability access compliance and develop an implementation and acquisition plan for compliant voting systems.

The initial Title II appropriation provides approximately \$15.189 million in requirements payments. HAVA requires the state to match this amount by appropriating an amount equal to 5% of the total amount spent. In order to match the initial federal payment the state must appropriate \$799,000 in Fiscal Year 4.

The State Plan Committee has established the following priorities for the use of Title II requirements payments and the corresponding state match.

- 1) Design, develop and implement a statewide voter registration system.
- 2) Evaluate new voting systems for HAVA Section 301 and disability access compliance.
- 3) Develop an implementation and acquisition plan for compliant voting systems.
- 4) Develop training and education programs for voters, election officials and poll workers.

If no additional federal funding is appropriated Wisconsin will not be able to fund the requirements mandated by HAVA.

Wisconsin's proposed implementation budget based on known federal funding is set out in the accompanying tables. The proposal is subject to executive and legislative budget decisions.

Section 7

How the State, in using the requirements payment, will maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000.

Wisconsin will maintain the level of state expenditures for HAVA requirements at the same or greater level as the state spent in the fiscal year (FY 2) ending before the November 2000 election. In that fiscal year the State Elections Board spent no funds on activities related to HAVA requirements. The agency's election related budget consisted of two FTE election specialists. These positions have been maintained despite a reduction in the agency staffing level as result of the current fiscal crisis.

The positions will continue to be funded with state funds. All HAVA payments will be used to augment the preexisting level of state funding for election administration. Any payments distributed to local government will be conditioned on a continuing maintenance of effort to ensure that federal funds do not replace existing local government expenditures on election administration.

Section 8

How the State will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the State will use to measure performance and the process used to develop

such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met.

Performance goals and measures will be developed by the State Elections Board staff in consultation with the Election Administration Council. The performance goals will provide a high level description of the implementation elements of the State Plan. For each performance goal a set of performance measures will be developed to measure the success of state and local election officials in meeting the described goal. The performance measures will include criteria for evaluating the scope, scheduling, resources, quality and risk management associated with each project.

Each performance goal will be part of a single or composite project activity designed to implement the elements of the State Plan. The projects will be under the general direction of the executive director of the State Elections Board. Each project will have a leader who will be responsible for ensuring that each performance goal is met.

The performance measures will be developed under the direction of each project leader. The criteria for the performance measures will be drawn in part from statutory requirements and the timetables established by HAVA and the state election calendar. The Election Administration Council and local election officials will assist agency staff in developing qualitative measures for determining the successful implementation of the elements of the State Plan. The executive director will assign a staff member to monitor the overall development of performance criteria and collect information that measures the progress toward meeting the established criteria.

The State Plan Committee has identified eight general project activities around which performance goals and measures will be developed. They are described below.

Statewide Voter Registration System

The agency's Election, Training and Information Technology Director, Barbara Hansen, is the project director for the design, development and implementation of the statewide voter registration system. The State Elections Board plans to hire a consultant to work with agency staff and a liaison from the Department of Electronic Government to develop the performance goals and measures associated with this project. This project is part of the implementation of Sections 1 and 3 of the State Plan.

Voting Systems Standards

The State Elections Board plans to hire a staff member whose primary responsibility will be to evaluate new voting systems for HAVA Section 301 and disability access compliance and develop an implementation and acquisition plan for compliant voting systems. This individual will be a part of the agency election team under the direction of the Election, Training and Information Technology Director. The election team will work with the Election Administration Council and local election officials to develop the performance goals and measures associated with this project. This project is part of the implementation of Section 1 of the State Plan.

Accessibility to the Electoral Process

The State Elections Board plans to hire a staff member whose primary responsibility will be to promote increased access to the election process for people with disabilities through the use of specially designed voting systems, improvements to facilities, training of elections staff and enhanced public outreach. This individual will be a part of the agency election team under the direction of the Election, Training and Information Technology Director. The election team will work with the Election Administration Council, representatives of groups of individuals with disabilities and local election officials to develop the performance goals and measures associated with this project. This project is part of the implementation of Sections 1 and 3 of the State Plan.

Voter Education

The agency election team under the direction of the Election, Training and Information Technology Director will work with the Election Administration Council and local election officials to develop the performance goals and measures associated with this project. This project is part of the implementation of Sections 1 and 3 of the State Plan.

Election Official Training

The agency election team under the direction of the Election, Training and Information Technology Director will work with the Election Administration Council and local election officials to develop the performance goals and measures associated with this project. The chief election inspector training and certification program is a significant element of this project. The implementation of the statewide voter registration system will also have a significant training component. This project is part of the implementation of Sections 1 and 3 of the State Plan.

Complaint Procedures

The administrative complaint procedure will be established by the proposed HAVA implementation legislation (LRB 0610/3). The agency Legal Counsel will work with the Election Administration Council to develop the performance goals and measures associated with this project. This project is part of the implementation of Section 9 of the State Plan.

Budget and Fiscal Controls

The State Elections Board plans to hire a staff member whose primary responsibility is to manage the receipt and disbursement of HAVA payments. This individual will work under the direction of the agency Campaign Finance and Operations Director, Sharrie Hauge, and serve as a member of the agency budget team. This individual is responsible for ensuring that all financial transactions are in compliance with applicable state and federal procurement requirements. This individual will also monitor the development of all project performance criteria and collect information that measures the progress toward meeting the established criteria. The agency budget team will develop the performance goals and measures associated with this project. This project is part of the implementation of Sections 1, 2, 5, 6, 7, 8 and 10 of the State Plan.

Plan Management

The executive director of the State Elections Board, Kevin Kennedy, will work with the Election Administration Council, agency staff and local election officials to manage the State Plan. The

State Elections Board views the State Plan as a dynamic, living document. The Election Administration Council will continue to meet to revise and refine the State Plan to reflect the goals of HAVA and respond to legislative and executive direction.

The executive director will work with the Election Administration Council to develop the performance goals and measures associated with this project. The State Elections Board has drafted legislation (LRB 0610/3) that requires the Legislative Audit Bureau to conduct a program audit of the agency to evaluate the implementation of HAVA. This will enable an outside entity to review the management of the State Plan.

This project is part of the implementation of Sections 11, 12 and 13 of the State Plan.

Section 9

A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under Section 402.

The State Elections Board has drafted legislation (LRB 0610/3) that establishes an administrative complaint procedure to comply with HAVA Section 402. The draft procedure is consistent with current election complaint procedures set out in S. 5.06, Wis. Stats., EIBd Ch. 10, Wis. Adm. Code.

Currently, an elector who believes that the action or inaction of an election official concerning nominations, qualification of candidates, voting qualifications, ward division and numbering, recall, ballot preparation, election administration, or the conduct of elections is contrary to law or that the actions or inactions of an election official with respect to any such matter constitute an abuse of discretion, may file a complaint with the State Elections Board and the agency may order appropriate relief. The decision of the Board may be appealed to the courts. Any elector who believes that an election official is acting in violation of the law may request the appropriate district attorney or, in some cases, the attorney general to petition a court for appropriate relief. However, the recount procedure is the exclusive judicial remedy for addressing any alleged irregularity, defect, or mistake committed during the voting or canvassing process.

The draft legislation creates another procedure for addressing alleged noncompliance with any provision of HAVA relating to voting system standards, provisional voting, voting information, registration procedure and administration, and voter identification. Whenever any person (whether an individual or another entity and whether inside or outside this state) believes that a violation of HAVA has occurred, is occurring, or is proposed to occur with respect to an election for national office in this state, that person may file a written, sworn complaint with the State Elections Board. The agency must grant the complainant a formal hearing upon request and must issue a decision on the complaint, together with an order for any appropriate relief, within 89 days. The relief may not include any order affecting the right of any person to hold an elective office or affecting the canvass of an election on or after the date of that election.

Section 10

If the State received any payment under Title I, a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities.

The State Elections Board has received payments under HAVA Title I. The Section 101 payments will be used to reimburse the State Elections Board for staff training costs associated with HAVA and agency costs associated with the preparation of the State Plan in FY 3. In the coming biennium, the payments will be used to hire 4.0 FTE agency staff to implement HAVA requirements. Section 101 funds will also be used to hire a consultant to design the Request for Proposal (RFP), select a vendor and project manage the implementation of the statewide voter registration system. The Governor's biennial budget provides for funding the chief election inspector training program with HAVA funds. In the next biennium these costs will come from the Section 101 payments.

Section 101 funds will also be applied to the development of an election information management system for the State Elections Board. Remaining Section 101 payments will be used for costs associated with the voter education, election official training and disability access requirements of HAVA.

The state has also applied for Section 102 payments to be used as reimbursement for the acquisition of electronic voting systems that replace punch card voting systems and lever voting machines used at the November 2000 election. The three counties that used punch card voting systems and the 15 municipalities that used lever voting machines have not purchased replacement equipment that complies with HAVA Section 301. The State Elections Board will evaluate new voting systems for HAVA Section 301 and disability access compliance and develop an implementation and acquisition plan for compliant voting systems.

Section 11

How the State will conduct ongoing management of the plan.

The State Elections Board has drafted legislation (LRB 0610/3) that establishes an Election Administration Council whose members are appointed by the chief State election official, the Board's executive director, consistent with the directions set out in HAVA Section 255 (a). The State Elections Board views the State Plan as a dynamic, living document. The Election Administration Council will continue to meet to revise and refine the State Plan to reflect goals of HAVA and respond to legislative and executive direction.

The State will not make any material change in the administration of the plan unless the change is developed and published in the Federal Register in accordance with HAVA Section 255 in the same manner as the original State Plan. Any modifications to this State Plan will be subject to public notice and comment in accordance with HAVA Section 256. The revised State Plan will take effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register.

The State Elections Board has drafted legislation (LRB 0610/3) that requires the Legislative Audit Bureau to conduct a program audit of the agency to evaluate the implementation of HAVA. This will enable an outside entity to review the management of the State Plan.

Section 12

In the case of a State with a State plan in effect under this subtitle during the previous fiscal year, a description of how the plan reflects changes from the State plan for the previous fiscal year and of how the State succeeded in carrying out the State plan for such previous fiscal year.

This State Plan is the Preliminary State Plan required under the Help America Vote Act of 2002 (HAVA). This section will be updated in the next fiscal year, reflecting changes to the State Plan, as well as a summary of the 2003 successes.

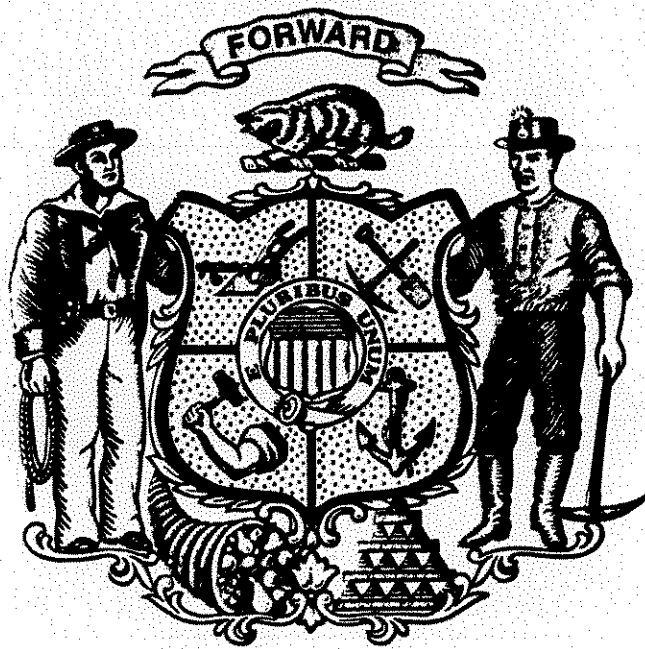
Section 13

A description of the committee which participated in the development of the State Plan in accordance with HAVA Section 255 and the procedures followed by the committee.

The State Plan Committee was appointed in January 2003 by Kevin J. Kennedy, Wisconsin's chief election official. S. 5.05 (1)(a), Wis. Stats. The committee consists of 18 Wisconsin citizens and includes members from throughout Wisconsin. There are nine local election officials including the chief election officials for the city of Milwaukee and Milwaukee County. The committee has three representatives of groups of individuals with disabilities. A list of the committee members is attached to the State Plan as Appendix xx.

The committee held meetings in Madison on February 28, March 12 and April 24, 2003. Committee members also reviewed the draft legislation (LRB 0610/3) developed by the State Elections Board to implement HAVA and provided comments to the agency's executive director for inclusion in the draft legislation. Committee members attended public hearings held as part of the public comment on the draft State Plan.

(4/21/03)



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SHANE FALK
Chairperson

KEVIN J. KENNEDY
Executive Director

September 25, 2003

The Honorable Stephen J. Freese, Chair
Assembly Committee on Campaigns and Elections
State Capitol, Room 115 West
Madison 53702

Dear Representative Freese:

On behalf of the State Elections Board I request that the Assembly Committee on Campaigns and Elections introduce the enclosed legislation, LRB 0610/6. The legislation makes several changes in Wisconsin's election code to implement the Help America Vote Act of 2002, P.L. 107-252. As you know the Help America Vote Act (HAVA) imposes several federal mandates on the conduct of elections for federal office. Congress has also authorized some funding to assist the state in implementing the law. However, Congress has been slow to appropriate the authorized funding.

In preparing the legislation, the Elections Board staff worked with the Legislative Reference Bureau to integrate the federal mandates into Wisconsin's existing election administration structure. Fortunately, Wisconsin is well positioned to implement many of the administrative changes mandated by HAVA. These include increased dissemination of information to voters, training of election officials and facilitating voting for military and overseas electors and voters with disabilities.

HAVA mandates two requirements that will carry a high cost and significant implementation planning. The first is a requirement for a statewide list of registered voters, administered by the state, that is the official voter list for administration of federal elections. This requires that the 320 municipalities that currently have voter registration convert their voter files into the data base developed by the state. It also requires the 1,560 municipalities that do not presently have voter registration to use voter registration.

The second high cost mandate is the requirement that each polling place have a voting system that enables an elector with a disability to cast a vote in a private and independent manner. Both of these requirements must be met no later than January 1, 2006.

In preparation for this legislation, the State Elections Board conducted a study of the implementation steps that the state must take to comply with the requirement for a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level. The State Elections Board also developed a State Plan for implementation of the Help America Vote Act as required by federal law to qualify for federal funding.

I am providing each of the committee members with a copy of the report on the design and development of a statewide voter registration system (SVRS) and a copy of the State Plan. This will provide background on the proposed changes contained in the legislation. I have also developed a summary of this legislation as a supplement to the analysis prepared by the Legislative Reference Bureau.

The legislation contains an appropriation for \$477,000. This is the amount of state money required to match the federal funds that have been appropriated by Congress to date. The actual amount needed by

the state is \$810,000. However, \$333,000 has already been appropriated - \$200,000 to conduct the SVRS study and \$133,000 in the state budget. In order to receive the available federal funding of \$15,390,000, the state must appropriate the additional amount contained in the legislation. The state contribution is a 5% spending match.

Congress is poised to appropriate additional funding in the next federal fiscal year. This will require an additional 5% state spending match. Based on the current status of the legislation, the state would need to contribute \$468,000 to receive an additional \$8,887,000 in federal funds. A detailed description of the proposed HAVA budget for Wisconsin is set out in Section Six of the State Plan.

It is important to move this legislation quickly in order to ensure that state law conforms to the federal requirements. Some federal requirements for voter registration information are already in effect. Other requirements take effect on January 1, 2004. The state may request a waiver of the SVRS and voting equipment requirements until January 1, 2006. However, the planning and implementation process must begin now and requires the passage of this legislation.

Thank you for your assistance with this request. I look forward to working with you and the committee members to secure passage of this legislation.

State Elections Board

Kevin J. Kennedy
Executive Director

C: Members, Assembly Committee on Campaigns and Elections

Enclosures: Summary of HAVA Implementation Legislation
Statewide Voter Registrations System Project Charter
Wisconsin State Plan

Summary of Proposed Legislative Changes To Implement the Help America Vote Act

This legislation was developed at the request of the State Elections Board to implement the requirements of the federal Help America Vote Act of 2002, P.L. 107-252 (HAVA). The new federal law imposes significant requirements on the state with respect to the conduct of elections for federal office. HAVA enhances the role that the state plays in the administration of Wisconsin elections. Currently, municipalities have the primary responsibility for the administration and conduct of elections in Wisconsin. This legislation does not alter the allocation of basic responsibilities for election administration in Wisconsin. It is designed to integrate the federal requirements into Wisconsin's current election administration framework. The Help America Vote Act of 2002 provides a unique opportunity to add to Wisconsin's electoral tradition and develop a strong partnership between state and local election officials.

This document describes the major changes in the legislation. For additional background on the implementation of the Help America Vote Act of 2002 and the Statewide Voter Registration System please review the report on the Statewide Voter Registration System Project which is available from the State Elections Board offices and the Wisconsin State Plan which is available at: <http://elections.state.wi.us/HAVA/Final%20State%20Plan.pdf>.

Statewide Voter Registration System

HAVA requires the state, acting through the chief state election official, to implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the state level that contains the name and registration information of every legally registered voter in the state and assigns a unique identifier to each legally registered voter in the state.

Currently, voter registration is only required in municipalities with a population of more than 5,000. The municipal clerk is responsible for maintaining voter registration records. About 320 of the state's 1,850 municipalities have voter registration. In the other municipalities, the only official record of eligible voters is the poll list that is created on Election Day when individuals appear at the polling place to vote.

This legislation establishes a state voter registration list administered by the State Elections Board. Every municipality will be required to have voter registration. This means every voter must complete a voter registration card certifying that the individual is eligible to vote in Wisconsin.

The legislation requires voters to provide their date of birth and Wisconsin driver's license number in addition to their name and address as required by current law. If an individual does not have a Wisconsin driver's license, he or she must provide the last 4 digits of his or her social security number. This information is used to match the voter list against the list of licensed drivers maintained by the state Department of Transportation.

Municipal clerks will continue to be responsible for the maintenance of voter records for their municipality. Municipal voter records will be kept on the state list. There will no longer be a separate voter registration list in each municipality.

The state list will ensure that a voter is not registered in more than one municipality in the state. Changes to the list will be made in a uniform and nondiscriminatory manner.

The list will be accessible to the public. However, only election officials will have access to a voter's date of birth, driver's license number or the last 4 digits of the voter's social security number.

The State Elections Board hired a consultant to prepare a report on the design and development of the state voter list. A copy of the consultant's report is available from the State Elections Board.

Voting Equipment

HAVA establishes standards for voting equipment used in federal elections. Many of the standards are already set out in whole or in part in Wisconsin law. The Elections Board must monitor the error rates of voting equipment and ensure that voting equipment meets federal standards. The Elections Board is required to adopt uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each type of voting system.

Accessibility for Persons with Disabilities

Every polling place shall have a voting system that is accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence as for other voters.

Any individual with a disability who intends to vote at a polling place on election day may request that a specific type of accommodation be provided to facilitate his or her voting. Municipalities must make reasonable efforts to comply with such requests where feasible, but municipalities must still make all polling places accessible to all individuals with disabilities regardless of whether an advance request for accommodation is made.

Provisional Voting

Wisconsin is exempt from the HAVA requirement for provisional voting because it has a system of election day registration that permits a qualified voter whose name does not appear on the poll list to register at the polling place. The legislation establishes a system of provisional voting for certain voters required to provide identification before voting who are unable to provide the required identification.

Voter Identification

An individual who registers by mail and who has never voted in the state before registering by mail is required to provide specific identification before being permitted to vote. The identification may be a current and valid photo identification or a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. If the voter does not provide the required identification, the individual must vote on a provisional ballot.

An absentee voter, subject to this requirement may provide a copy of the identification as part of the absentee voting process. Local election officials will have to track first-time voters and

secure the required identification. This can be done after the voter registers and before election day.

Voter Information

The legislation requires the Elections Board to provide uniform instructions on voting absentee.

Each polling place shall have posted:

information regarding the date of the election and the hours during which the polling place will be open;

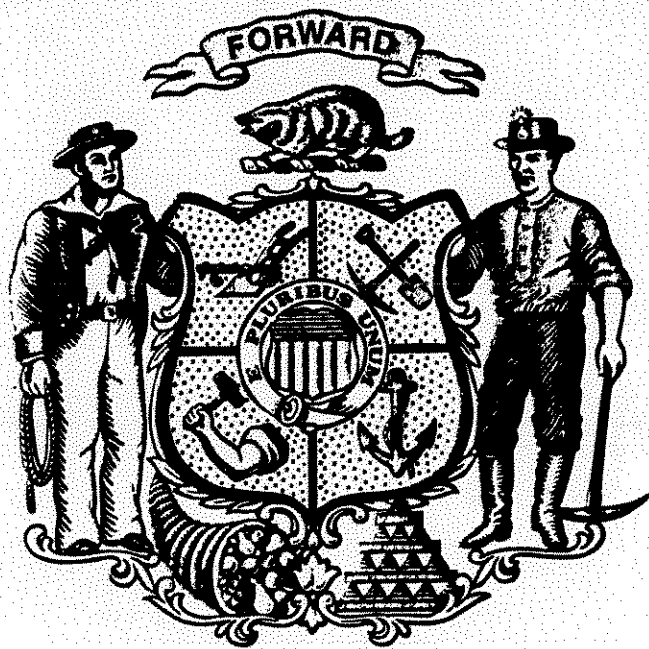
general information on voting rights under applicable Federal and State laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and

general information on federal and state laws regarding prohibitions on acts of fraud and misrepresentation.

The legislation requires the Elections Board to establish a toll free telephone line for electors to report possible voting fraud and voting rights violations, to obtain general election information and to access information concerning their registration status, current polling place locations, and other information relevant to voting in elections.

Performance Evaluation Audit

The legislation directs the Legislative Audit Bureau to perform a performance evaluation audit relating to compliance by the state and local governments with election laws and the appropriateness of procedures used to implement those laws. The audit must address compliance with the terms of HAVA resulting from enactment of this bill, including polling place accessibility requirements. The audit must also address the treatment of complaints of electors concerning election law violations, including denial of the right to vote and the right to corroborate registration information for electors, any attempts to require identification that is not authorized by law, any incidence of inadequate availability of ballots, allegations of voter fraud and the treatment of those allegations, and the legality and appropriateness of procedures used to identify ineligible electors whose names may appear on the registration list. The bureau must report its findings within an appropriate time period determined by the bureau upon consultation with the Elections Board.





Wisconsin Speaker Pro Tempore
Representative Stephen J. Freese

TO: Members, Assembly Committee on Campaigns & Elections
FROM: Rep. Steve Freese, Chair
DATE: October 3, 2003
RE: Draft Legislation for Committee Hearing on **Friday, October 17**

Attached are two drafts relating to the Help America Vote Act (HAVA) that the Elections Board had drafted and we agreed to hold a public hearing and executive session for introduction as soon as the drafts were ready.

LRB 3419/1 is the fiscal language for implementing the HAVA required match.

LRB 0610/7 is the policy language.

Kevin Kennedy has provided some additional materials of explanation for each of you and will be available to discuss any matters of concern you may have.

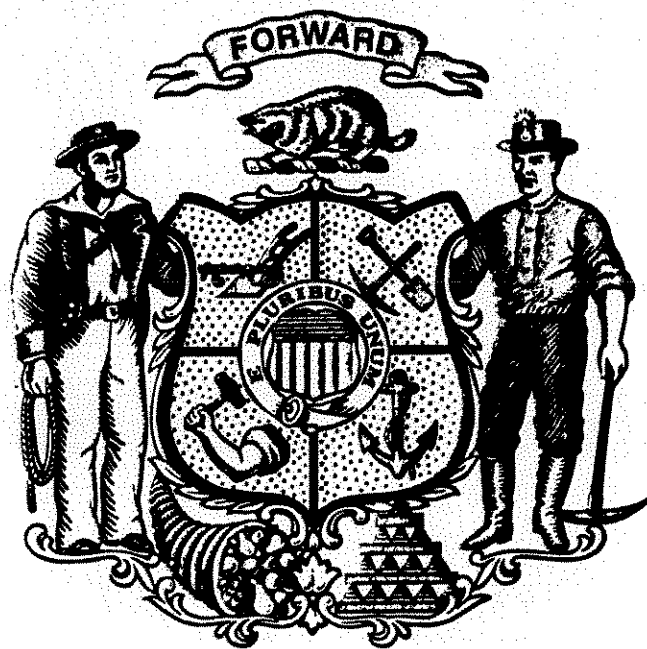
If you have questions regarding the committee please do not hesitate to contact our committee clerk, Terri Griffiths, or myself.

Thank you.

Fifty-First Assembly District

Office: Post Office Box 8952 • Madison, Wisconsin 53708-8952 • (608) 266-7502 • Fax: (608) 261-9474 • Rep.Freese@legis.state.wi.us
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Printed on recycled paper with soy-based ink.



Griffiths, Terri

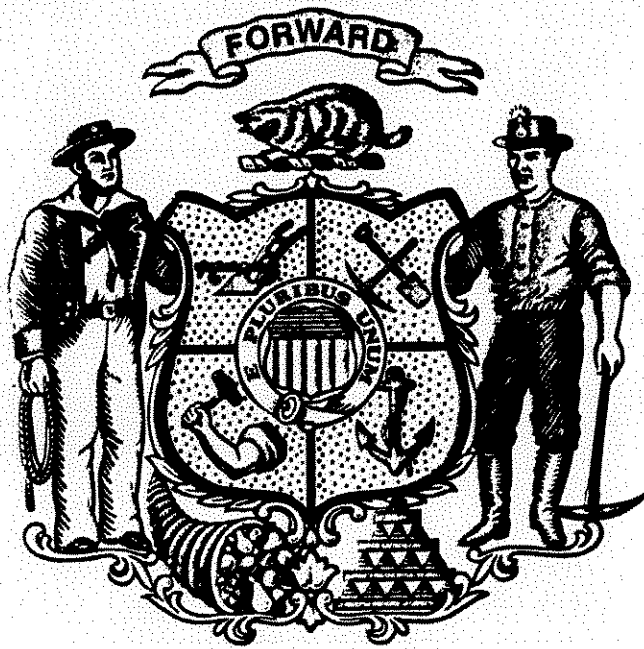
From: Griffiths, Terri
Sent: Tuesday, October 14, 2003 12:41 PM
To: Glenn Wavrunek; Jeffrey Wood; Jolene Churchill; Kevin Usealman; Maggie Delaporte; Martha Hess; Rep.Freese; Rep.Grothman; Rep.Gundrum; Rep.Pocan; Rep.Travis; Robert Conlin; Terri Griffiths
Cc: Nowak, Ellen
Subject: RE: Campaigns & Elections Hearing FRIDAY 10/17

Our Legislative Council Attorney has completed a memo for us on ~~LRB 0610/7~~ and 3419/1 relating to Election Administration. I am attaching the PDF for each of you and hope that this information is helpful. I will not be sending hard copies of this memo.



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explanation.p...

*Terri S. Griffiths
Administrative Assistant/Committee Clerk
Assembly Committee on Campaigns & Elections
Office of Rep. Stephen J. Freese
(608) 266-7502*





WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director
Laura D. Rose, Deputy Director

TO: REPRESENTATIVE STEPHEN FREESE
FROM: Robert J. Conlin, Senior Staff Attorney
RE: LRB-0610/7 and LRB-3419/1, Relating to Election Administration
DATE: October 14, 2003

This memorandum provides a brief description of the major provisions of LRB-0610/7 and LRB-3419/1, drafts of legislation recommended by the State Elections Board to implement the requirements of the Help America Vote Act of 2002 (HAVA). As you know, Kevin Kennedy, Executive Director of the State Elections Board, has provided you an additional summary of the draft. A copy of his summary is attached hereto. The drafts are scheduled for public hearing and executive action by the Assembly Committee on Campaigns and Elections on Friday, October 17, 2003.

LRB-0610/7

Unless otherwise noted, all changes would be effective after publication of the enacted draft.

STATEWIDE VOTER REGISTRATION

Under current law, voter registration is required in municipalities with a population greater than 5,000. Other municipalities may require registration.

The draft requires voter registration in every municipality regardless of the size of the municipality. [Mandatory registration would first apply to the spring primary in 2006.]

STATEWIDE VOTER REGISTRATION LIST

The state does not currently maintain a statewide voter registration list.

The draft establishes a centralized, statewide voter registration list. The list is to be designed and maintained by the State Elections Board. The board is directed to require all municipalities to use the list in every election and may require any municipality to adhere to procedures established by the board for proper maintenance of the list. The list must contain the following:

1. The name and address of each registered elector in the state.
2. The date of birth of the elector.
3. The ward and aldermanic district of the elector, if any.
4. A unique registration identification number assigned to the elector by the Elections Board.
5. Either a valid operator's (driver's) license number, if any, or the last four digits of the elector's Social Security account number, if any.
6. A confidential identification number issued to a victim of domestic abuse.
7. The date of any election in which the elector votes.
8. An indication of whether the elector is an overseas elector.
9. An indication of any necessary accommodation to permit a disabled elector to vote.
10. An indication of the method by which the elector's registration was received.
11. Such other information as may be determined by the Elections Board to facilitate administration of elector registration.

The draft provides that the list must be open to public inspection under the Open Records Law and must be electronically accessible to any person. However, no person other than an employee of the Elections Board, a municipal clerk, a deputy clerk, or an executive director or deputy of a city board of election commissioners may view any of the following information from the list:

1. The date of birth of an elector.
2. The elector's registration identification number.
3. The elector's operator's license number or portion of his or her Social Security account number.
4. The address of an elector to whom an identification serial number has been issued because the elector is a victim of domestic abuse.
5. An indication of an accommodation required to enable a disabled elector to vote.

In addition, no person other than an employee of the Elections Board, a municipal clerk, or an election official who is authorized by a municipal clerk, may make a change in the list.

The list must be electronically accessible by name and must also be accessible in alphabetical order of the electors' names for the entire state and for each county, municipality, and ward. The list must also be designed in such a way that the municipal clerk or board of election commissioners of any municipality and any authorized election official may electronically add entries to or change entries on the list for any elector who resides in, or who the list identifies as residing in, only that municipality.

Electors will be identified on the list as either "eligible" or "ineligible" to vote. If the Elections Board adds the name of any elector to the list, the board must promptly notify the municipal clerk of the municipality where the elector resides. If the board changes the registration of any elector from eligible to ineligible status, the board must promptly notify the municipal clerk of the municipality where the elector resides or, if the elector has changed his or her residence from one municipality to another municipality in the state, the board must promptly notify the municipal clerk of the municipality where the elector resided prior to the change. Such notifications must be made in writing or by electronic transmission. If the board changes the registration of any elector from eligible to ineligible status, it must make an entry on the list giving the date of, and the reason for, the change. If municipal clerks add names to the list or change an elector's status to ineligible, they must generally update the list promptly.

The draft also directs the Elections Board to make all reasonable efforts to ensure that the list is maintained in a manner that precludes unauthorized persons from making alterations to the list. [The use of the statewide voter registration list would first apply to the spring primary in 2006.]

REGISTRATION

Under current law, each applicant registering to vote must provide the following information on registration forms prescribed by the board: (1) the applicant's name; (2) the date; (3) the applicant's residence location; (4) the applicant's citizenship; (5) the applicant's age; (6) whether the applicant has resided within the ward or election district for at least 10 days; (7) whether the applicant has lost his or her right to vote; and (8) whether the applicant is currently registered to vote at any other location.

The draft requires an applicant to also provide the number of a valid operator's license issued to the applicant or the last four digits of the elector's Social Security account number and the applicant's date of birth.

VOTER IDENTIFICATION

Generally, under current law, before being permitted to vote, an elector must provide his or her name and address to the poll workers.

Under the draft, if an elector who seeks to vote in an election for national office, other than a military or overseas elector, registers to vote by mail and has never voted in an election for national office in the state, the elector must provide either: (1) a current and valid piece of identification containing a photograph of the elector; or (2) a copy of a utility bill, bank statement, paycheck, or a check or other document issued by a unit of government that shows the current name and address of the elector. If the elector votes by absentee ballot, the elector must provide a copy of one of the above forms of identification. If the identification provided by an elector is acceptable and contains the name and address of the elector as shown in the poll lists, the inspector is required to accept the identification unless they challenge the ballot of the elector under current elector challenge provisions.

Under the draft, if an elector who votes at a polling place is required to provide identification and fails to do so, the elector may vote provisionally. A provisional ballot is marked by the poll workers, who immediately contact the municipal clerk or executive director of the board of election commissioners who then must determine whether the individual submitting the ballot is a qualified elector where he or she is attempting to vote. If the clerk or executive director, by 4:00 p.m. on the day

after the election, notifies the board of canvassers that is responsible for canvassing the election that the elector is qualified to vote where the individual's ballot was cast, the board of canvassers must reopen the canvass and count the elector's ballot. [Generally, the voter identification requirements would first apply to the spring primary of 2006.]

HAVA COMPLIANCE MECHANISMS

Currently, an elector who believes that the action or inaction of an election official concerning nominations, qualification of candidates, voting qualifications, or certain other matters is contrary to law or that the actions or inactions of an election official with respect to any such matters constitute an abuse of discretion, the elector may file a complaint with the Elections Board and the board may order appropriate relief. The decision of the board is appealable to the courts. If an elector believes that an election official is acting in violation of the law, he or she may request the appropriate district attorney to petition a court for appropriate relief. Generally, however, the recount procedure is the exclusive judicial remedy for addressing any alleged irregularity, defect, or mistake committed during the voting or canvassing process.

The draft establishes an additional procedure for addressing alleged noncompliance with any provision of Title III of HAVA (relating to voting system standards, provisional voting, voting information, registration procedure and administration, and voter identification). Under the draft, whenever any person believes that such a violation has occurred, is occurring, or is proposed to occur with respect to an election for national office in Wisconsin, the person may file a written, sworn complaint with the Elections Board. The board must grant the complainant a formal hearing upon request and must issue a decision on the complaint, together with an order for appropriate relief, within 89 days. Under the draft, the relief may not include an order affecting the right of any person to hold an elective office or affecting the canvass of an election on or after the date of that election.

OTHER CHANGES

The draft makes a number of additional modifications to current law. Those modifications are described below.

- ***Voters With Disabilities***

The draft requires the Elections Board to ensure that the voting system used at each polling place will permit all individuals with disabilities to vote without the need for assistance and with the same degree of privacy that is awarded to nondisabled electors at the same polling place. This requirement does not apply to electors disqualified under current law because they are incapable of understanding the objectives of the elective process or to electors under guardianship. [This requirement is effective January 1, 2006.]

- ***Uniform Standards***

The draft directs the Elections Board to prescribe, by rule, uniform standards for determining the validity of votes cast or attempted to be cast with each electronic voting system that the board approves for use in this state. Such rules may only apply in situations in which the validity of a vote cannot be determined using current law. [This provision is effective January 1, 2006.]

- ***Uniformed Service and Overseas Absentee Ballots***

The draft provides that a uniformed service or overseas voter may request and receive an absentee ballot for the next two general federal elections at the same time, unless the voter is subject to a registration requirement and the voter is no longer registered to vote in the state at the time that the absentee ballot would otherwise be transmitted. Additionally, if the municipal clerk or board of election commissioners rejects an absentee ballot request from a uniformed service or overseas voter, the clerk or board must promptly inform the voter of the reason for the rejection.

- ***Federal Court Action***

The draft provides that if a federal court orders that a polling place remain open after the official closing hour of 8:00 p.m., any electors who vote after hours must vote by ballot and have their ballots marked to indicate that they voted after the official closing hour pursuant to a federal court order. The late ballots are then counted unless the court order is overturned. If the court order is overturned after the canvass of the election, the draft directs that the canvass be reopened. [This provision takes effect on the day after publication of the enacted draft, or January 1, 2004, whichever is later.]

- ***Disability Advocacy***

The draft authorizes the state Protection and Advocacy Agency under ch. 51, Stats., to engage in activities to ensure full participation in the electoral process for eligible electors with developmental disabilities or mental illness and requires the Department of Health and Family Services to distribute federal funding made available under HAVA to the agency for these activities.

- ***Voting for President by New Residents***

The draft provides that an individual who has resided in this state for less than 10 days at the time of a presidential election may vote for president and vice president only at the office of the municipal clerk or board of election commissioners or at a polling place on election day. [Currently, such voters may also vote by absentee ballot by mail.]

- ***Purging Voter Registration Lists***

Currently, municipalities must periodically purge their voter registration lists of inactive voters. There are basically two ways for doing this. Under one method, an elector who has not voted for a four-year period and who does not respond to a notice sent to him or her by the municipality by requesting continuation of his or her registration is deleted from the list. Under the other procedure, the municipality sends a registration verification notice to each elector who has not voted for a four-year period and each elector whose notice is returned as undeliverable is deleted from the list. The draft deletes this second procedure. [This change first applies to the spring primary of 2006.]

- ***Election Administration Council and State HAVA Plan***

The draft creates an Election Administration Council. The council is created in the Elections Board and consists of members appointed by the executive director of the Elections Board. The membership of the council must include: (1) the clerk or executive director of the board of election

commissioners of the two counties or municipalities in the state having the largest population; (2) one or more election officials of other counties or municipalities; (3) representatives of organizations that advocate for the interests of individuals with disabilities; (4) representatives of organizations that advocate for the interests of the voting public; and (5) other electors of the state. The council is to assist the Elections Board in adopting and modifying, as necessary, a state plan that meets HAVA requirements to enable the state to participate in federal financial assistance programs authorized under HAVA. The board must adopt the state plan and any modifications only after publishing notice in the newspaper or posting on the Internet a statement describing the proposed plan or modification and receiving public comment thereon.

- ***Federal Election Standards Board***

The draft directs the executive director of the Elections Board to appoint, in consultation with the Elections Board, an individual to represent this state as a member of the Federal Election Assistance Commission Standards Board established under HAVA. The executive director is also directed to conduct and supervise the process for the selection of an election official by county and municipal clerks and boards of election commissioners to represent Wisconsin's local election officials as a member of the Federal Election Assistance Commission Standards Board. The executive director must ensure that the members of the federal board representing Wisconsin may at no time be members of the same political party.

- ***Educational Programs***

The draft requires the Elections Board to conduct an educational program for the purpose of educating electors who cast paper ballots, ballots that are counted at a central counting location, and absentee ballots with the effect of casting excess votes for a single office. In addition, the draft authorizes the board to conduct or prescribe requirements for educational programs to inform electors about voting procedures, voting rights, and voting technology. [These provisions are effective January 1, 2006.]

- ***Telephonic and Other Electronic Informational Services***

The draft directs the Elections Board to maintain one or more toll-free telephone lines for electors to report possible voting fraud and voting rights violations, to obtain general election information, and to access information concerning the registration status, current polling place locations, and other information relevant to voting in elections. Additionally, the board is authorized to maintain a free access system under which an elector who votes after not providing required identification or who votes after the polls close due to a federal court order to ascertain whether the elector's vote has been counted and, if not, the reason that it will not be counted. [This provision takes effect on January 1, 2004, or the day after publication of the enacted draft, whichever is later.]

- ***Information Gathering by the Elections Board***

The draft provides that the Elections Board is authorized to request information from county and municipal clerks relating to election administration, performance of electronic voting systems and voting

machines, and use of paper ballots in elections. Local election officials are directed to respond to such requests.

- ***Information Sharing—Department of Transportation and Social Security Administration***

The draft directs the executive director of the Elections Board to enter into an agreement with the State Secretary of Transportation to match personally identifiable information on the official registration list maintained by the board with personally identifiable information maintained by the Department of Transportation. The agreement would apply to personally identifiable information in the driver's license database and the vehicle registration records. In addition, the draft requires the Secretary of Transportation to enter into an agreement with the Commissioner of the Federal Social Security Administration for the purpose of verifying whether the name, date of birth, and Social Security number of an individual in the driver's license database or vehicle registration records match the information contained in the records of the Social Security Administration. The agreement must include safeguards to ensure the confidentiality of any personally identifiable information disclosed and procedures to permit the Secretary of Transportation to use any applicable personally identifiable information disclosed for purposes related to maintenance of departmental records.

- ***Poll Site Posters***

The draft directs that additional information be included in postings required at each polling site. The new information to be included in such postings includes:

1. General information prescribed by the Elections Board on federal laws relating to election fraud and misrepresentation in federal elections.
2. The date of the election and the hours during which the polling place is open.
3. Instructions prescribed by the Elections Board for electors for whom identification is required.
4. General information prescribed by the Elections Board concerning voting rights under applicable state and federal laws, including the method of redress for any alleged violations of those rights.

[These additional posting requirements take effect January 1, 2004, or the day after publication of the enacted draft, whichever is later.]

- ***Approval of Voting Devices***

The draft adds additional requirements for approval of voting devices by the Elections Board. Under the draft, no device may be approved unless:

1. It permits an elector to privately verify the votes selected by the elector before casting his or her ballot.

2. It provides an elector with the opportunity to change his or her votes and to correct any error or to obtain a replacement for a spoiled ballot prior to casting his or her ballot.
3. Unless the ballot is counted at a central counting location, it includes a mechanism for notifying an elector who attempts to cast an excess number of votes for a single office that his or her votes for that office will not be counted, and provides the elector with an opportunity to correct his or her ballot or to receive and cast a replacement ballot.
4. It produces a permanent paper record of the vote cast by each elector at the time that it is cast that enables a manual count or recount of the elector's vote.

[These new requirements are effective January 1, 2006.]

- ***Federal Absentee Voting Statistics***

The draft requires that within 30 days after the general election, each municipal clerk must transmit to the Elections Board a report of the number of absentee ballots transmitted by the clerk to absent military electors and overseas electors for that election and the combined number of those ballots that were cast by those electors in that election. In addition, within 90 days after each general election, the draft requires the board to compile the information contained in the reports received from municipal clerks and transmit the information to the Federal Election Assistance Commission.

- ***Absentee Voting Instructions***

The draft directs the Elections Board to prescribe uniform instructions for absentee voters. The instructions must include information concerning the procedure for correcting errors and marking a ballot and obtaining a replacement for a spoiled ballot. The procedure must, to the extent possible, respect the privacy of each elector and preserve the confidentiality of each elector's vote. [This provision takes effect on January 1, 2006.]

- ***Voting System Audit***

The draft requires the Elections Board, following the general election, to audit the performance of each voting system used in the state to determine the error rate of the system in counting ballots that are validly cast by electors. If the error rate exceeds the rate permitted under standards of the Federal Election Commission on October 29, 2002, the board must take remedial action and order remedial action to be taken by affected counties and municipalities to ensure compliance with the standards. Each county and municipality must comply with any order received under this provision. [This requirement is effective January 1, 2006.]

- ***Information to Certain Voters***

The draft directs the Elections Board to prescribe written notice to be distributed to electors who vote without identification or who vote after the polls close pursuant to a federal court order. The notice must inform the elector how to obtain information regarding whether his or her vote has been counted, and if the vote will not be counted, the reason that the vote will not be counted. [This provision is effective January 1, 2004, or the day after publication of the enacted draft, whichever is later.]

- ***Educational and Training Duties of County Clerks***

The draft requires each county clerk to assist the Elections Board in conducting educational programs to inform electors about the voting process. [This provision takes effect on January 1, 2006.] The draft directs each clerk to assist the board and municipal clerks in maintaining toll-free telephone lines and other free access systems for exchange of voting information. [This provision takes effect January 1, 2004, or the day after publication of the enacted draft, whichever is later.] The draft also directs each county clerk to assist the Elections Board in the training of election officials and to provide to the board any information that the board requests.

- ***Duties of Municipal Clerks***

The draft directs that, within 30 days after each election, municipal clerks must enter on the registration list under the name of each elector of the municipality who has voted at the election an indication of the date of the election in which the elector voted. [This requirement first applies to the spring primary in 2006.] The draft also imposes upon municipal clerks the same duties imposed on county clerks for voter education, free election information exchange, training of election officials, and providing information to the Elections Board. [The same effective dates apply.] Additionally, the draft directs each municipal clerk to maintain a free vote counting system under which an elector who votes without proper identification or who votes after the polls close pursuant to federal court order may ascertain current information concerning whether the elector's vote has been counted and if the vote will not be counted, the reason that it will not be counted. Finally, the draft directs each municipal clerk to make reasonable efforts to comply with requests for voting accommodations made by individuals with disabilities whenever feasible.

- ***Election System Audit***

The bill directs the Legislative Audit Bureau to perform a program evaluation audit relating to compliance by the state and local governments with election laws and the appropriateness of procedures used to implement those laws. In its audit, the bureau must address compliance by the state and local governments with the requirements of the draft, including the polling place accessibility requirements. The bureau must also address the treatment of any complaints of electors concerning alleged violations of the law, specifically including complaints relating to the denial of the right to vote and denial of the right to corroborate registration information on behalf of electors, any attempts to require electors to provide identification that is not authorized by law, any incidents of inadequate availability of balance for all electors who wish to vote, any allegations of elector fraud and the treatment of those allegations, and the appropriateness and legality of procedures used to identify ineligible electors whose names may appear on the registration list. The findings must be filed within an appropriate time period as determined by the bureau upon consultation with the Elections Board.

- ***Information for Uniformed Service Members***

The Elections Board is designated by the draft to provide information regarding voter registration and absentee balloting procedures to absent members of the uniformed services and to overseas voters with respect to elections for national office.

- *Special Registration Deputies*

The draft authorizes the Elections Board to appoint any qualified elector as a special registration deputy for the purpose of registering electors in any municipality prior to the close of registration. [This provision first applies to the spring primary in 2006.]

- *Voting Materials in Non-English Languages*

The draft directs the Elections Board to ensure that voting systems used at each place in a jurisdiction subject to a requirement to use bilingual voting materials under the Federal Voting Rights Act complies with such requirements.

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The draft appropriates \$477,000 in 2003-04 as a continuing appropriation to meet the state's contribution towards election administration costs financed with federal HAVA funding.

The fiscal note prepared by the Elections Board provides as follows:

This legislation provides the additional funding necessary for the state to meet the 5% spending match in order to receive the initial federal funds that have been appropriated by Congress in FFY 3 to Wisconsin to meet the requirements of the Help America Vote Act of 2002 (HAVA). Before the state can receive the estimated \$15.39 million in federal funds, the Governor, in consultation with the Executive Director of the State Elections Board, must certify that the state has appropriated an amount equal to 5% of the spending to meet the requirements of HAVA.

The state must appropriate \$810,000 to meet the 5% spending match. The state appropriated \$200,000 in December 2002 for a study on the design and implementation of a statewide voter registration system, one of the requirements of HAVA. An additional \$133,000 was set aside by the legislature as part of the 2003-2005 budget process. This leaves \$477,000 that is necessary to meet the spending match.

Without the state spending match, Wisconsin will be required to implement the mandates of HAVA without the assistance of federal funds.

Congress is poised to appropriate additional funding in FFY 4 for the states to meet HAVA requirements. This funding will require an additional 5% state spending match. The amount available from the federal government and the required state spending match will not be known until Congress completes action on its spending bills for FFY 4.

...

The appropriation will enable the state to begin to implement the requirements of the Help America Vote Act of 2002 (HAVA). The

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deadlines for meeting the requirements for a statewide voter registration system and accessible voting equipment is January 1, 2006.

If you have any questions or need more information about specific provisions of the drafts, please feel free to contact me directly at the Legislative Council staff offices.

RJC:jal:ksm;wu

Attachment