

WISCONSIN STATE
LEGISLATURE
COMMITTEE HEARING
RECORDS

2005-06

(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)

> **05hr_ab0542_AC_CE_pt01**

> Miscellaneous ... Misc


> **



WISCONSIN LEGISLATIVE COUNCIL

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

TO: REPRESENTATIVE STEPHEN FREESE

FROM: Robert J. Conlin,  Senior Staff Attorney

RE: 2005 Assembly Bill 542, Relating to Administration of Elections and Making an Appropriation

DATE: August 29, 2005

This memorandum briefly summarizes the major provisions of 2005 Assembly Bill 542, relating to the administration of elections and making an appropriation. The bill was introduced by Representative Cullen and others and was cosponsored by Senator Cogg and others. The bill was referred to the Committee on Campaigns and Elections, which has scheduled a public hearing on the bill for September 1, 2005. Should you desire a more detailed analysis of the bill, please feel free to contact me at the Legislative Council staff offices.

ABSENTEE VOTING AND REGISTRATION AT SATELLITE LOCATIONS

The bill authorizes municipalities to designate any location as a temporary satellite station for absentee voting and voter registration. The location of the satellite station may be indoors or outdoors and need not be physically separated from other activities. The satellite locations may not be open anytime before official ballots are prepared or anytime after 5:00 p.m. on the day before the election. The bill specifies special staffing, voting, and registration requirements applicable to satellite locations. The bill requires the satellite locations to be accessible for persons with disabilities and generally restricts electioneering near such locations.

COUNTING OF ABSENTEE BALLOTS

The bill does away with the current procedure for canvassing absentee ballots at polling places on election night and instead requires municipal Boards of Canvassers to meet to canvass absentee ballots centrally. The bill directs the canvassers to convene in public to canvass absentee ballots no earlier than the seventh day after absentee ballots are distributed and no later than 10:00 a.m. on the day after the election. The Board of Canvassers must cross check the absentee ballots for any potential duplication of electors who cast ballots in person.

DEPARTMENT OF TRANSPORTATION VOTER REGISTRATION

Under the bill, the Department of Transportation (DOT) would be required to include a voter registration application as part of each operator's license and identification card initial application and renewal application. Further, DOT would be required to accept voter registration applications of any elector who applies for or seeks to renew an operator's license or identification card at any DOT office where applications for, or renewals of, licenses or cards are accepted. Under the bill, municipal clerks and Boards of Election Commissioners would be required to appoint each employee of DOT who accepts applications for operators' licenses or identification cards as a special registration deputy. DOT must forward completed voter registration applications to the Elections Board which then adds the names of the qualified electors who register to the registration list. Generally, a registration form filed with the DOT office must be filed no later than the second Wednesday before an election to become effective for that election.

PREVENTING INELIGIBLE FELONS FROM VOTING

Under the bill, the Department of Corrections (DOC) must transmit electronically to the Elections Board a list containing the names of each person who has been convicted of a felony in the state and whose voting rights have not been restored, together with the date on which the DOC expects such voting rights to be restored. The list must be electronically transmitted on a continuous basis. Information received by the DOC must be entered by the Elections Board into the statewide voter registration system. Such information under the bill is open to public inspection. The bill directs the board to enter on the poll list prepared for each election a notation after the name of any elector who is ineligible to vote on that date because the person's name appears on the current DOC list. The board must also provide to each polling place a list of persons whose names are on the DOC's list but are not on the registration list and whose addresses are located within the area served by the polling place. A person who appears to vote and whose name appears on the DOC list as ineligible but who claims to be eligible to vote may be allowed to vote by a challenged ballot. Finally, the bill requires every person who registers to vote to specifically affirm that the person has not been convicted of a felony for which he or she has not been pardoned and the person's probation and parole or extended supervision status. The Elections Board must conduct a post-election audit to determine whether any ineligible felons have been allowed to register and vote after the close of registration.

WAITING TIME TO VOTE

The bill requires municipalities to implement procedures to attempt to ensure that no elector who appears at a polling place on election day is required to wait more than 30 minutes before being permitted to vote.

POST-ELECTION PERFORMANCE REVIEWS

Under the bill, municipal clerks and Boards of Election Commissioners must conduct a post-election performance review after each election that is held in the municipality. The review must include an analysis of whether all relevant laws were complied with, an assessment of whether the municipality achieved its goal to ensure a maximum waiting time of 30 minutes at polling places, and any steps that the municipality must take to improve the administration of the next election in the municipality.

PLANS FOR ELECTION DAY

Under the bill, each municipal governing body must adopt a plan for the administration of each election in the municipality at least 42 days before each regularly scheduled election and at least 21 days before each special election. A plan must be submitted to the governing body of the municipality in proposed form by the municipal clerk or Board of Election Commissioners. The plan must contain six elements. Those elements are:

1. Procedures for preelection education of voters concerning voting eligibility and voting procedures;
2. Methods to be used to ensure adequate staffing for preelection and election day activities;
3. Measures that the municipality will use to ensure the orderly and efficient flow of voters in each polling place;
4. Contingency plans to manage any voter turnout that is significantly higher than anticipated;
5. Management controls that the municipality will use to ensure accountable and orderly processes at the election; and
6. Specific procedures that the municipality will use to conduct the post-election reviews required under the bill.

ADDITIONAL ELECTION OFFICIALS

In addition to the election officials required by current law, the bill provides that each municipality must at the general election and may at other elections, appoint an additional inspector on a nonpartisan basis to serve as a greeter and substitute for other inspectors who must leave the voting room temporarily. The additional inspector would not be entitled to participate in the canvassing process. The bill also requires each municipality to appoint at least one alternate inspector to serve at each election at each polling place in the municipality.

COMPENSATION FOR VOTER REGISTRATIONS

The bill prohibits any person from compensating another person for obtaining voter registrations at a rate that varies in relation to the number of voter registrations obtained. A person who violates this provision of the bill is guilty of a misdemeanor and is subject to a fine of not more than \$1,000 or imprisonment for not more than six months, or both, for each offense.

TRAINING OF POLL WORKERS AND DEPUTIES

Under the bill, the Elections Board would be required to train all poll workers and special registration and voting deputies. The board would be required to produce and conduct regular training programs and, specifically, to produce and periodically update a video program and make the program available electronically through an Internet-based system. A person would not be allowed to serve as a poll worker, special registration deputy, or special voting deputy unless the person is certified by the

Elections Board as having met the training requirements. All requirements must be structured to enable a qualified individual to obtain or maintain certification solely by viewing the current applicable video training program produced by the board. Under the bill, the cost of training provided by the state is paid by the state with the use of federal funds, if those funds are available. Municipalities would be required to compensate election officials other than special registration and voting deputies for attendance at these training sessions.

FORM OF THE REGISTRATION CARD

The bill requires registration forms prescribed by the Elections Board to be printed on cards and directs the Elections Board to prescribe the format, size, and shape of the form. In addition, each item of information on the forms must be displayed in uniform font size, as prescribed by the board.

ACCESS TO BIRTHDATE INFORMATION IN VOTER REGISTRATION LIST

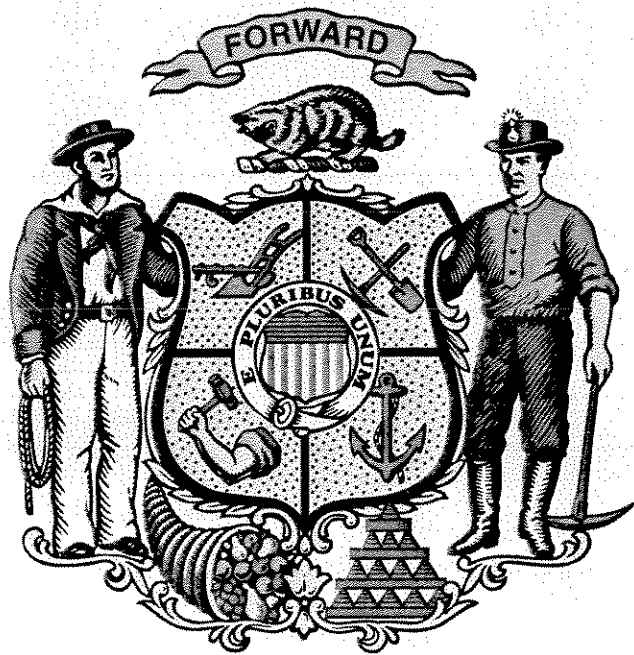
The bill modifies current law to allow an individual who appears in person at the office of the municipal clerk or Board of Election Commissioners to examine information relating to the date of birth of any registered or formerly registered elector of the state, as shown in the statewide voter registration list, upon presentation of a current, valid identification card issued by a governmental unit or other proof of residence that is acceptable for voter registration purposes. Such an individual may examine the information and may receive a copy of the information or any other information on the registration list to which access is permitted under current law. The clerk or Board of Election Commissioners must record the name of any such individual together with the type of identification presented and any unique numbers shown on the face of the identification. A person who obtains birthdate information from a registration list may not use the information for commercial purposes or post the information on the Internet. A person who violates these provisions is guilty of a felony and may be fined not more than \$10,000 or imprisoned for not more than three years and six months, or both.

POSTING OF POLLING PLACE INFORMATION

Under the bill, if a municipality utilizes more than one polling place at an election, the municipal clerk or Board of Election Commissioners is required to prominently post a map of the municipality at each polling place for that election. The posting must display the boundaries of the ward or wards served by each polling place for that election, the location of each polling place on the map, the building name and address for each polling place. The Elections Board is required to pay the cost of the posting.

If you have any questions about this memorandum, please feel free to contact me at the Legislative Council staff offices.

RJC:wu:jal





LEAGUE OF WOMEN VOTERS[®] OF WISCONSIN

122 State Street, #405
Madison, WI 53703-2500

Phone: (608) 256-0827
Fax: (608) 256-1761

<http://www.lwwi.org>
lwwisconsin@lwwi.org

September 1, 2005

TO: Assembly Committee on Campaigns and Elections

RE: Statement about Assembly Bill 542

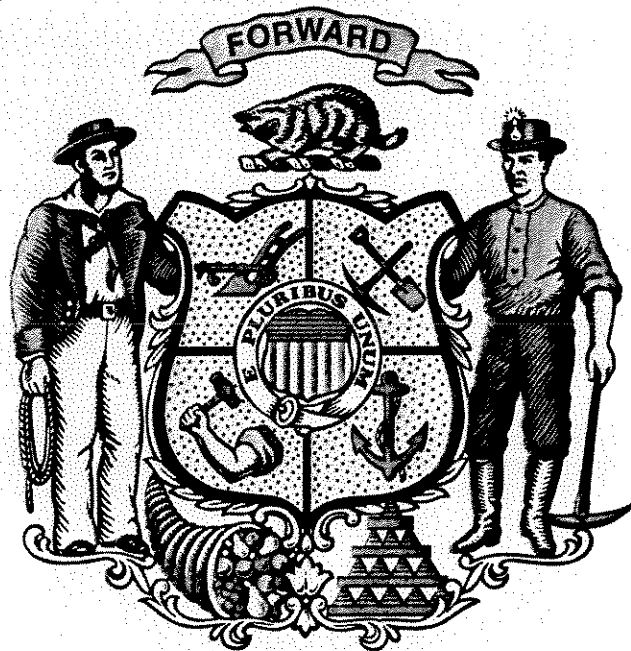
The League of Women Voters of Wisconsin supports AB 542, which is designed to improve the election process. Based on our long-standing principle that every citizen should be protected in the right to vote, we support those measures included in this legislation that improve accessibility and ease of voting for all eligible citizens. We particularly appreciate the section of the bill that protects absentee voting.

The League's support of free and fair elections goes back to our founding in 1920. We supported the 1977-78 legislature's enactment of major election law reform, including the establishment of registration at the polls and the definition of identification needs for registration. We are proud of our state's successful election procedures, and we will continue to fight to protect citizens' rights to participate in government and to oppose major threats to our basic constitutional rights, including the right to vote.

The League has opposed the efforts of several legislative sessions to require all citizens to show a government-issued photo identification card in order to vote. The League of Women Voters believes a photo ID card would do little to prevent fraudulent voting, and it would place an unfair burden on certain groups of people – including the elderly, low-income, minority, homeless, or handicapped – for whom it is most inconvenient to take off work, get transportation, stand in line, and apply for the documentation. Given that most of the discrepancies that have been identified in the 2004 election were found to be the result of innocent mistakes made on a busy day, we support efforts to address the administrative issues surrounding elections.

AB 542 addresses the issue of how to identify individuals who are not eligible to vote. For example, it would require the names of persons who have been convicted of a felony, and whose voting rights have not been restored, to be listed on the statewide voter registration list with a notation that they are not eligible to vote.

To improve our election process, the League has long believed we should focus on positive reform measures, rather than enact legislation that inhibits voting and places an unfair burden on certain groups of voters. We do not have positions on many specific measures included in AB 542, for example on how poll workers are appointed or trained and on how municipal clerks should supervise elections and count votes. We do recommend one change to the proposed legislation, and that is that we believe all absentee ballots should be counted on Election Day. It is too much to hope for to expect that preliminary results of absentee voting will be kept from the public. We heartily support measures in this legislation to put more poll workers at the polls on Election Day and provide better training for poll workers and election officials.





Testimony of State Senator Lena Taylor on Assembly Bill 542
Assembly Committee on Campaigns and Elections
September 1, 2005

Thank you for allowing me the opportunity to testify on Assembly Bill 542, which represents the governor's complete election reform package. I would like to thank Chairman Freese and the members of the Assembly Committee on Campaigns and Elections for holding a public hearing on this comprehensive reform plan.

As we all know, Milwaukee was one of many municipalities in Wisconsin that experienced election problems in 2004. Most of these problems have been identified by investigators as mainly bureaucratic mistakes... human error, not voter fraud.

Recently, Milwaukee was the site of an embarrassing press conference at which 9 individuals were accused of voter fraud. A quick investigation found those charges to be false. I prefer to give those overzealous accusers the benefit of the doubt and call their serious lapse in judgment human error, rather than fraud.

The last time I appeared before this committee, it was to testify in opposition to a photo ID bill. That bill was a solution in search of a problem.

We know that there have been problems administering elections in Milwaukee and other places. We also know that a photo ID requirement would not have prevented those problems. 12 felons have been charged with illegally voting in 2004. But a photo ID would not have stopped them because they weren't trying to hide their identity. Each of them voted using their own names.

That is just one example of why I am truly grateful to Chairman Freese for holding this hearing today on a bill that we believe contains real solutions to real problems. AB 542 is a comprehensive election reform proposal that will restore integrity to the electoral process. It is also far superior to a narrow photo ID restriction that would discourage public participation in elections.

When it comes to administering a massive one-day election, we know the problems...

- Long lines that discourage voters
- Overburdened and unprepared poll-workers
- Untrained election officials and sloppy record-keeping procedures
- Lack of a uniform list of ineligible voters

HERE TO SERVE YOU!

Here are the solutions...

- Election Day plans in every municipality that guarantee no voter has to wait in line more than 30 minutes
- Recruitment of more poll-workers & better preparation to handle high-turnout election days
- Mandatory training for all election officials & poll-workers, and uniform voter registration cards
- A master list of ineligible voters to prevent felons from voting

This is a comprehensive package of election reforms, many of which are already working well in other states. Unlike the divisive photo ID restriction, this bill can achieve three important goals that we all share. This bill will...

- Improve access with better-managed polling places and shorter lines
- Increase accuracy of results by reducing human error
- Restore integrity of the system by eliminating voter fraud

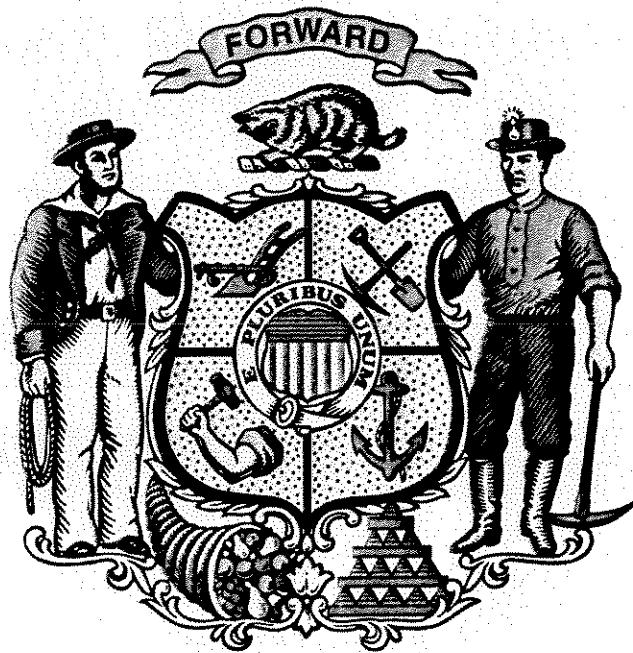
Thank you again Chairman Freese and members of the committee for this opportunity to testify.

I hope we can work together to advance this much-needed reform, and avoid any further embarrassing and unfounded accusations.

I personally would not want to be part of a press conference slinging fraud charges at the clerk in the Town of Herman (population 741) just because an honest error gave President Bush 100 extra votes.

Reforming our election system can be done -- and must be done -- without concern for partisan advantage. It is a fundamental function of a democratic government to ensure that each eligible citizen has equal and unimpeded access to the ballot box, and that every vote is properly recorded.

I believe this is an honest attempt to protect our citizens' Constitutional right to vote, and I hope you will join me in supporting this bill. Thank you.



Griffiths, Terri

From: Richard, Rob
Sent: Thursday, September 01, 2005 9:23 AM
To: Griffiths, Terri
Subject: FW: Statement in Support of AB 542, SB 249

Attachments: Assembly Bill 542 and Senate Bill 249 Support.doc



Assembly Bill 542
and Senate B...

-----Original Message-----

From: Michele Sumara [mailto:msumara@hqeplaw.com]
Sent: Thursday, September 01, 2005 9:12 AM
To: Rep.Freese
Cc: Barbara Zack Quindel
Subject: Statement in Support of AB 542, SB 249

Rep. Freese,
Please find attached the statement in support of AB 542 and SB 249, of Barbara Zack Quindel, legal coordinator, Milwaukee Election Protection 2004.

We would greatly appreciate it if you would register Ms. Quindel's support of AB 542 and submit her attached statement to the record of today's public hearing, which we are unable to attend.

Thank you,
Michele Sumara

--
B. Michele Sumara
Hawks Quindel Ehlke & Perry, SC
700 West Michigan Ave., Suite 500
PO Box 442
Milwaukee, WI 53201-0442
Phone: (414) 271-8650
Fax: (414) 271-8442

PLEASE NOTE: The information in this email is privileged, confidential and protected from disclosure. If you have received this email in error or are not the intended recipient, you may not use, copy or disclose this message or any information contained in it to anyone. Please notify the sender by reply email and delete the message. Thank you.

To: Assembly Committee on Campaigns and Elections

Date: September 1, 2005

I write to support Assembly Bill 542 and Senate Bill 249.

I served as legal coordinator of the 2004 Milwaukee Election Protection coalition. On November 2, 2004, 500 community volunteers, 90 law students and 118 attorneys working with the non-partisan Election Protection coalition observed voting in 92 Milwaukee polling places. In January, 2005, the Legal Committee of Milwaukee's Election Protection released *2004 Presidential Election Review: Report from Non-Partisan Observers of Voting in the General Election in the City Of Milwaukee on November 2, 2004*.

Our Report highlighted a number of significant administrative problems with the November 2d election in Milwaukee. What the hundreds of Election Protection observers did **not** observe was voter fraud. Rather, the problems we saw on Election Day - such as long lines, inaccessible sites, registration difficulties, and confusing instructions - were ones that tended to impede eligible voters' access to the polls.

Our *2004 Presidential Election Review* recommended an increase in elections staff both prior to major elections and on election day, improved poll worker training and communications, better polling place conditions, and provision of multilingual materials for non-English speaking citizens. The report also identified problems with absentee balloting, noting concern over the rate of rejection of absentee ballots resulting in voters not having their ballots counted.

Information from investigations conducted subsequent to our report have also found a need to strengthen and improve the administration of our elections. Adequately staffed polling places has emerged as a paramount concern of all who have studied the issue. This means not only increasing the number of poll workers, but also ensuring better training and operational planning so that all of the crucial tasks, including recordkeeping, are properly performed while reducing the waiting time for voters. To ensure that communities provide adequate staffing, we strongly support requiring a planning process, tailored to the anticipated needs of particular communities.

Assembly Bill 542 and Senate Bill 249 contain provisions for mandatory training, additional poll workers, and election day plans that specifically address these needs. We fully support these measures as responsive to the problems that we observed.

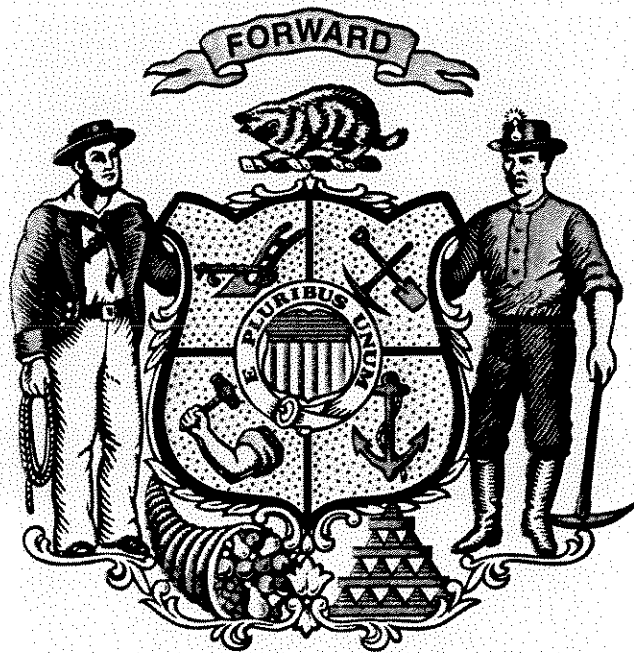
These bills also contain other provisions that correspond to recommendations in our report, including measures that would prevent ineligible felons from voting. We did not observe fraud in the November, 2004, election but did recommend strengthening and improving existing procedures that would deter individuals from committing election law violations. Including an affirmation on the registration form that an individual registering has not been convicted or is not currently on probation, parole, or extended supervision spells out the terms of the law in a manner far superior to the current form that simply affirms one's eligibility to vote. Poll list notations will also enable poll workers to determine on the spot whether a voter is ineligible due to a felony-related exclusion.

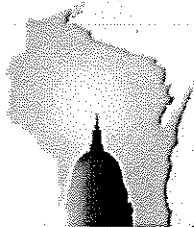
AB 542 and SB 249 contain proposals that would improve the casting and counting of absentee ballots. We support provisions that would allow for satellite locations to accommodate additional voters who wish to vote by absentee ballot. In addition, those bills provide for centralized absentee ballot counting. This is an extremely important reform that would allow absentee ballots to be handled by a separate group of election workers who could be specially trained in the laws governing absentee balloting. Our observers noted that poll workers were frequently overwhelmed by the task of processing absentee ballots during the course of their other duties on election day and were not fully trained in many of the details associated with the handling of these ballots. Separate handling of these ballots will improve the process and provide greater assurance that all eligible voters casting absentee ballots have their ballots counted and that there is an accurate record of these votes.

AB 542 and SB 249 present a comprehensive package of election reform that will improve election administration while maintaining Wisconsin's fair and open election procedures. This ensures that we can continue to maximize electoral participation and protect every citizen's right to vote.

Thank you.

Barbara Zack Quindel
Legal Coordinator
Milwaukee Election Protection 2004





**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

JIM DOYLE
GOVERNOR
MARC J. MAROTTA
SECRETARY

Office of the Secretary
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1741
TTY (608) 267-9629

**Prepared Statement to Assembly Committee on Campaigns and Elections
Secretary Marc Marotta
September 1, 2005**

Good afternoon Rep. Freese and committee members. Thank you for the opportunity to testify in favor of Assembly Bill 542. Governor Doyle and legislative leaders introduced this set of election reforms earlier this year to address problems brought to light by the November 2004 election.

As you know, Wisconsin had a record turnout in last November's election. One of the most overlooked stories of the last election is that in Wisconsin almost 3 million people voted - ranking our state third in the nation in voter turnout, with more than 75 percent. As a state, we should be proud of this fact and work to encourage the remainder of Wisconsin's voting population to get to the polls.

Unfortunately, the surge in voters in November strained our overwhelmed, outdated and under-resourced election system, creating long lines and disorganization on Election Day in some areas.

Fraud cannot be tolerated, period. But make no mistake: the vast majority of alleged cases of fraud have turned out to be clerical or administrative errors by the bureaucracy.

We need to fix these bureaucratic problems, but we should never let a bureaucratic mistake take away someone's right to vote.

With this in mind, Governor Doyle proposed a comprehensive package of statewide election reforms. It will provide more and better trained poll workers, require post-election reviews to verify election results, impose tough restrictions against illegal votes by felons, and ban the practice of paying a bounty for voter registrations. It will make it easier for eligible citizens to vote, but harder to cheat.

The state will take a major step toward reform in the next few months, with the development of a single, statewide, computerized and accurate list of who can vote and who can't. Under the Help America Vote Act the state is required to create a statewide computerized voter registration list by January 1, 2006, allowing coordination with other state agency databases, such as the felons database at the Department of Corrections, to verify accuracy and eligibility.

The system will go a long way to keep track of voters and help prevent fraud, but there is much more that we can do to ensure our elections are effective, efficient, and honest.

First, we can avoid some of the Election Day pressures – and subsequent mistakes – by being better prepared. In 2004, at many polling locations, voters waited for hours – and some gave up altogether. Assembly Bill 542 will require municipalities to develop Election Day plans that have a goal of a 30-minute maximum waiting time on Election Day.

To ease the burden on Election Day, the governor proposed that Wisconsin join the 23 other states that allow for early voting. This proposal will allow municipalities to establish satellite absentee ballot voting locations at places such as community centers, libraries, grocery stores, senior centers and shopping malls. The bill also will allow municipalities to get a head start on counting ballots, including absentees, but no election results will be released until after the polls close.

Governor Doyle's proposal also includes a provision that will make it easier for eligible voters to register by allowing people to register to vote when applying for or renewing a driver's license at the DMV. This has the potential to increase turnout, and it also will help ease the work that municipalities do to register voters in the weeks leading up to the election and on Election Day.

Under Assembly Bill 542, all poll workers and special registration deputies will undergo training. And we will provide counties with consistent, easily accessible training courses by video and the Internet.

One of the biggest problems in 2004 was that we just had too few people working at the polls. Assembly Bill 542 requires municipalities to appoint an additional poll worker at each polling site to ensure orderly and efficient flow of voters. This person will make sure voters are at the right polling place and in the right line. Also, the bill requires municipalities to have a pool of trained, on-call reserve poll workers to address last-minute staffing issues.

Currently, many voter registration drives pay on a per-voter or quota basis, providing a financial incentive for workers to forge signatures or register the same voter twice. Assembly Bill 542 prohibits paying workers on this basis to protect the quality of the information.

The bill also establishes uniformity in registration cards to prevent confusion on Election Day, and it requires all polling locations to display a map directing voters to their proper polling place.

Under the Governor's proposal, Wisconsin – for the first time – will have a uniform voter registration form. This will give election officials a more orderly collection of registration information and allow them to more quickly process registration forms.

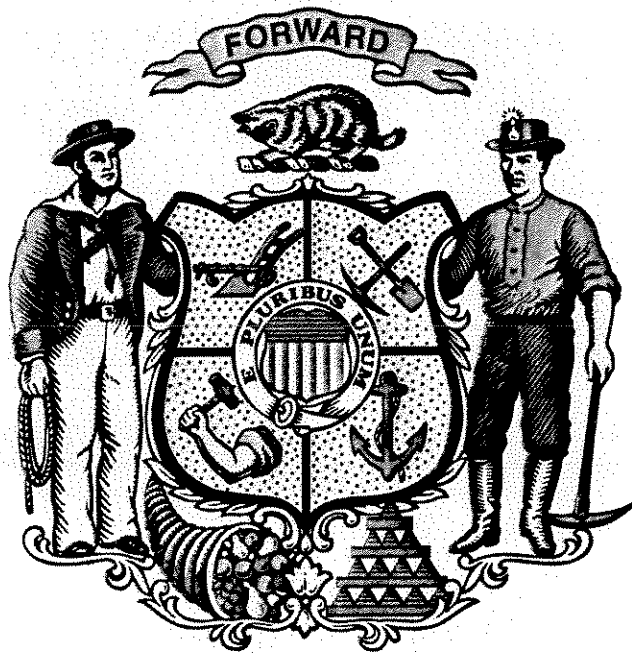
Finally, we will include safeguards to stop ineligible felons from voting. We will alert poll workers to possible ineligibility and require same-day registrants to be cross-referenced against an updated Department of Corrections list after the election. Before being allowed to vote, same-day registrants will have to affirmatively certify on the registration form that they are not felons.

To help determine whether anyone voted improperly, Assembly Bill 542 allows access to voter birth date information. We'll put safeguards in place to protect privacy, but this information will help guarantee the integrity of our elections.

All of these measures will be implemented using funds from the federal Help America Vote Act. To date, Wisconsin has received about \$50 million under HAVA.

Assembly Bill 542 provides the common-sense reforms that Wisconsin needs to address an overwhelmed and under-resourced election system. But it does so without compromising the constitutional right to vote.

Thank you again for your time and your attention to Assembly Bill 542. The Doyle administration looks forward to working with committee members to move forward with responsible election reform. I am happy to take any questions at this time.



AB
542



Board of Election Commissioners

Commissioners
Allen E. Campos
Robert F. Spindell, Jr.
Victoria L. Toliver
Executive Director
Susan M. Edman

September 6, 2005

Representative Stephen J. Freese
Wisconsin State Assembly
Room 115 West
State Capitol
P.O. Box 8952
Madison, WI 53708

Dear Chairman Freese:

Thank you for the opportunity to testify before the Committee on Campaigns and Elections. As the newly appointed Executive Director of the City of Milwaukee's Election Commission, I sincerely appreciate the efforts of your committee in their pursuit of meaningful election reform. Per your request, I am providing a copy of my oral testimony for the Committee's consideration.

If you have any questions, please do not hesitate to contact me at (414) 286-6119.

Sincerely,

Susan M. Edman
Executive Director

Enclosure

- c: Representative Mark Gundrum
- Representative Frederick Kessler
- Representative David Travis
- Representative Robin Vos
- Representative Jeffrey Wood

Assembly Bill 542

Since my appointment as the executive director of the City of Milwaukee's Election Commission, I have become intimately familiar with the many problems surrounding the November 2004 election as well as previous elections.

Like many other cities, Milwaukee experienced an unusually high voter turnout, a record number of absentee voters, and questions surrounding how the election was conducted. The City of Milwaukee's election process was tested by the sheer size of the election and challenges resulting from the political dynamics surrounding the presidential race.

As many of you know, Mayor Tom Barrett formed a Task Force to study the City's election system and make recommendations for improvements. The Mayor charged the Task Force with proposing specific, practical changes to improve the City's election process in ways that would guarantee efficient, well-run elections and restore pride and confidence in the system. The Mayor's Task Force identified imperfections in the City's election system and mistakes that must be addressed. Some of the problems, however, require legislative fixes.

Assembly Bill 542 takes many large steps toward addressing election laws that are no longer applicable to today's election processes. The provisions of AB 542 will help alleviate many of the problems that occurred in November 2004 while ensure accessible, open, clean elections.

There are other measures that would also alleviate some of the other the nightmares experienced by the City of Milwaukee's Election Commission.

Massive voter registration drives make it extremely difficult for the Election Commission to manage enormous surges in voter registration cards associated with peak elections. In November 2004, thousands of registration cards were dropped off at the Election Commission office on the deadline which is 13 days before the election. It is humanly impossible to properly process this volume of work in such a short period of time when considering the fact that poll lists must be run and prepared for delivery to the polling sites.

Moving the deadline up another 1 - 2 weeks would provide adequate time to properly process these registration cards and ensure more accurate poll lists.

The City of Milwaukee's Election Commission received over 24,000 requests for absentee ballots last fall compared to 10,000 in the 2000 election.

Absentee ballots are sorted by ward and then delivered (on Election Day) to the 202 polling sites for processing. This was an enormous under wages, vehicle rental and cell phone rental. Money that could be better spent elsewhere.

There are many ways to make this process more efficient. Satelite locations will assuredly increase the efficiency of processing absentee ballots and reduce the amount of time electors will have to wait. Eight thousand electors voted by absentee at City Hall. Many had to wait hours due to the confines of space.

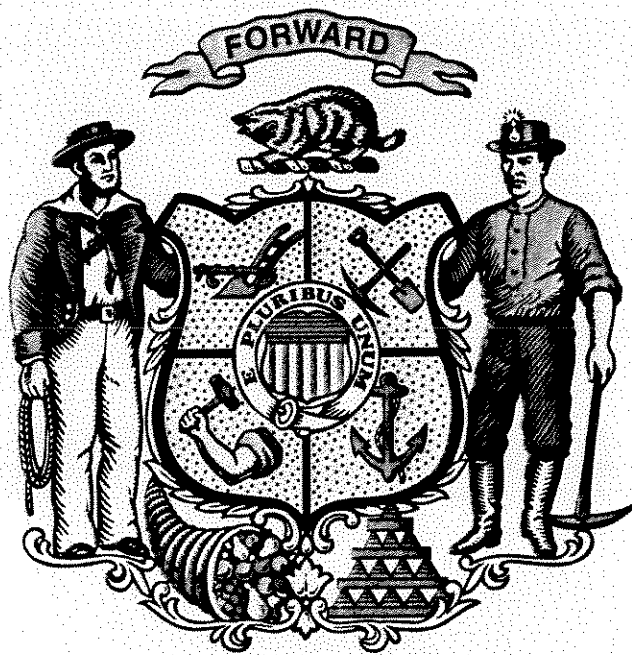
For ballots requested through the mail, the deadline for requesting an absentee ballot is currently 5:00 p.m. of the Friday before election day. Many of these ballots do not make through the mail in time for the elector to submit their vote. This deadline should be changed to at least seven (7) days before the election.

Absentee ballots must be returned by 5:00 p.m. on Election Day. This deadline should also be advanced to allow for thorough and accurate processing (5:00 p.m. of the Friday before the

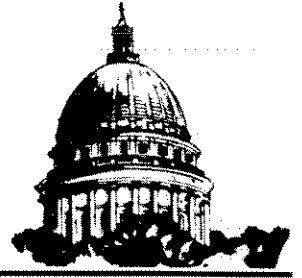
election). With more time to resolve problems with these ballots, rejection rates for these ballots should decline dramatically. Poll workers are trained, but need more training as elections become more complex and the stakes for the outcomes become greater.

To achieve the goal of any democracy to encourage all eligible voters to exercise their right to choose their elected representative, resources need to be devoted to this effort. Fortunately, the good that came out of last year's election is the attention to reforms such as those in AB 542, the Milwaukee Task Force Report and those considered by Legislative Council Committee. There has been a great deal of deliberation and discussion and collaboration on reviewing and improving the administrative tasks involved in voting. But, we need the resources to implement these reforms. It will take money to get us beyond the horse and buggy days of the administration of voting.

Pass AB 542, but go on to include some of the provisions we've discussed today.



Spencer Coggs



State Senator

Mr. Chairman and Members,

Thank you for allowing me to come before you today to testify on Assembly Bill (AB) 542. I am the Senate author of the companion bill, Senate Bill 249, that has been recommended by Governor Jim Doyle. Since we've already heard about the technical aspects of the bill from Secretary Marotta as well as the Assembly author, Representative Cullen, I'd like to touch on the reasons that this bill is good public policy that is deserving of support by this committee as well as the legislature.

This bill has taken into account investigations by many different groups throughout the state concerned with election administration. We have made an effort to study the problem, identify specific areas of concern, and recommend some real, common sense solutions to the problems that have come to light in the 2000 and 2004 presidential elections in Wisconsin.

What we have seen time and again from many different points of view is that the problems with elections in Wisconsin are not the result of some vast conspiracy to defraud elections in our state. What has become glaringly obvious in continued studies of these elections is that almost all issues are the result of bureaucratic breakdowns, often as a result of undertrained and overworked poll workers. My mantra is an will continue to be more workers, more training and more education. With recent investigations into voter fraud, 9 questionable voters have been identified from the 2004 presidential election in Milwaukee. Of those 9, US Attorney Steven Biskupic showed that each and every one was explainable through human error and were not part of an individual or coordinated fraud scheme. And these problems are not localized in Milwaukee, or even urban areas of the state. As we've heard, the Town of Herman in Shawano County mistakenly added 100 votes to George Bush's total that were not cast.

The goal of this legislation is not to assign blame, but to address these issues in future elections in Wisconsin. As the problems are grounded in human error, our bill seeks to eliminate potential for that error in the future. It is also important to note that NONE of these errors would have changed the outcome of the election. In 2004, John Kerry won Wisconsin with an 11,387 vote margin, and we have boiled irregularities down to less than a handful of potential cases in our state.

The focus of this legislation is to prevent the types of allegations and bureaucratic breakdowns that were made in Milwaukee from becoming the reality statewide. In

addition, the City of Milwaukee formed its own Elections Task Force to examine the systemic flaws revealed by the 2000 and 2004 elections. The result of that study was a list of legislative reforms the city requested I draft on their behalf. That legislation is supplemental and complimentary to AB 542. It will include reforms that will affect Milwaukee, the state's largest city, which has several unique election administration issues based on its population and size of the electorate. I have been working with the Senator Leibham and the Legislative Council Special Committee on Election Law Review, of which I know you are a member, Mr. Chair, to move this legislation forward.

I know that we can all recognize the importance of making some basic changes to protect the accessibility of voting for our citizens while preserving the credibility of election results in Wisconsin. We have a common goal to continue the fine tradition of participation by our electorate. We have the opportunity with this bill to balance that goal with the necessity of protecting our elections from as much human error as possible. I urge the committee to approve AB 542 so that this legislation can become law and can become implemented in time for the next round of statewide elections.