Mary Lazich
State Senator - Senate District 28

Senate Committee on Elections and Urban Affairs
Senate Bill 265 Testimony
September 4, 2013

Under current law, polling places are staffed by election inspectors that are supposed to be nominated by the two major political parties. This ensures that each party has trusted workers at each polling place in the event problems arise.

Senate Bill 265 (SB 265) requires, as practical, each party have representation on each specific job within the polling place for each job requiring two or more people. SB 265 provides at the times two or more inspectors are required to perform a function within a polling place and both parties that are entitled to submit nominees have done so, the chief inspector must assign, insofar as practicable, an equal number of inspectors from the nominees of each party.

Thank you for your attention to SB 265.

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Testimony of Kevin J. Kennedy
Director and General Counsel
Wisconsin Government Accountability Board

Senate Committee on Elections and Urban Affairs

September 4, 2013

Room 411 South, State Capitol

Public Hearing

Senate Bills 20, 262, 264, 265, 267 and 268

Chairperson Lazich and Committee Members:

Thank you for the opportunity to comment on the many bills before you today. I am appearing here for information purposes and to answer any questions you or Committee members may have. The Government Accountability Board is not taking a position for or against any of these bills. While these bills address some technical administrative issues, we encourage the committee to focus its attention on AB 225, which passed the Assembly overwhelmingly. That legislation makes a tremendous leap forward in the administration of elections in Wisconsin by allowing online voter registration. By taking advantage of innovative technology, the efficiency and integrity of Wisconsin elections can be improved even more.

Senate Bill 20

Senate Bill 20 would allow municipal clerks to appoint election inspectors who live within their county, instead of limiting them to municipal residents. This would be a departure from having purely local election workers at the municipal level, but it would also provide flexibility to clerks who may have difficulty finding sufficient numbers of local poll workers. However, some municipal clerks have expressed concern about losing the ability to appoint highly-qualified local residents as poll workers if one or both political parties submitted first-choice nominees from elsewhere in the county.

Senate Bill 262

Senate Bill 262 would require uniform labeling of duplicate ballots in the upper right-hand corner of the ballot. We are concerned that writing in this area could interfere with the scanning of the codes for timing and security printed in that area on optical-scan ballots, which comprise 90 percent of the ballots cast in Wisconsin. If this is something the committee wishes to pursue, we would suggest duplicate ballots be labeled as such in the endorsement area of the ballot, which will not interfere with ballot markings for security and timing.

Senate Bill 264 and Senate Bill 265

Senate Bill 264 would require that only the chief inspector and one other inspector whose party affiliation is different than the chief inspector's party affiliation may secure the ballot container. Senate Bill 265 provides that whenever two or more inspectors are required to perform a function within a polling place and both parties that are entitled to submit nominees have done so, the chief inspector must assign, insofar as practicable, an equal number of inspectors from the nominees of each party.

The G.A.B. staff has undertaken a survey of Wisconsin municipal clerks to ascertain what proportion of clerks received election worker nominations from each party. Within five days including the Labor Day Weekend, we received 646 responses by early today. Here are some initial numbers from our survey:

- 176 of 703 clerks reported receiving nominations for poll workers (24.6%)
- 54 of 176 received nominations from both parties (30.7%)
- 82 clerks received nominations from the Democratic Party
- 28 clerks received nominations only from the Democratic Party
- 129 clerks received nominations from the Republican Party
- 75 clerks received nominations only from the Republican Party
- About half (52.3%) of the clerks who received nominations said at least one nominee declined to serve
- About 20 percent of those who received nominations said at least one party made first-choice nominations
- 24 of 176 who received nominations said they received a sufficient number (13.6%) for all poll worker vacancies.

The G.A.B. gave clerks the opportunity to make open-ended comments. Here are some initial observations:

- Clerks are generally against nominations of poll workers by either political party
- Clerks prefer to assign roles and tasks based on the clerk's assessment of poll worker capabilities from training
- Clerks generally prefer election inspectors who are not politically affiliated
- Clerks emphasized the importance of poll workers being properly trained
- Clerks were opposed to having to use party-nominated individuals over experienced and well-trained poll workers.

We believe the proportion of clerks receiving poll worker nominations is rather small. In the event a clerk does receive nominations from both parties, it is unlikely that poll workers from both parties will be available at most polling places. We are concerned about the practicality of training poll workers in procedures that will apply in so few situations.

Senate Bill 267

Senate Bill 267 adds a requirement that the type of proof of residence documents used by first-time Wisconsin voters be added to the poll list. Wisconsin Statute §6.79 (4) already requires listing the type of proof of residence and any applicable unique number on supplemental voter lists for:

- New Wisconsin residents (Presidential-only voters (§6.15)),
- Late registrants (in the clerk's office after close of registration, 20 days before election (§6.29)), and;
- Election Day registrants (new voter, name change or address change (§6.55)).

The Statewide Voter Registration System (SVRS) already has the capability to record the type of proof-of-residence document, and it is used. The proposed requirement to list these changes on registration or application forms is practical. Requiring that SVRS list the type of proof-of-residence document ensures that the data will be entered into SVRS by local municipal clerks. While we were not able to assemble information about proof of residence for Presidential-only voters and late registrants, we do have information for Election Day registrants:

Proof of Residence Source	Total	Percent
WI Driver License or ID Card	470,835	65%
Utility Bill	84,109	12%
Other Document	63,233	9%
No Information Available	31,030	4%
Bank Statement	28,681	4%
Residential Lease	18,227	3%
Paycheck	15,765	2%
College Student ID	7,979	1%
Government ID Card	3,423	0%
Tax Bill	2,500	0%
Employment ID Card	274	0%
Affidavit for Homeless Electors	102	0%

We would suggest a change in current Section 6.79 (4) so that any unique number for a proof of residence document is recorded on the voter registration form, and not on the supplemental poll list. The supplemental poll list would then contain the voter's name, address, voter number, and type of proof of residence document, but not any unique number. That way, it would be open to public inspection without any need to redact sensitive information.

Senate Bill 268

Senate Bill 268 would double the number of nominees submitted to the Governor by the Government Accountability Candidate Committee. We would urge some caution here. Other than the initial appointment, there have never been more than two vacancies in the seven times the Candidate Committee has met. The size of the applicant pool is not large, and in recent years it has dropped from more than a dozen for each vacancy to seven in 2013. However, we anticipate the applicant pool will likely increase in size and diversity as more judges will be leaving the bench in coming years. There will be more women and minorities leaving the bench.

The structure of the Government Accountability Board, with its reliance on former judges who are trained decision makers, is unique in the country. Academics from around our nation have lauded the Wisconsin Legislature's vision in creating the Board as a means of providing integrity, independence and fairness in the regulation of campaign finance,

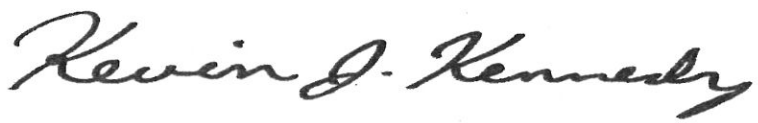
elections, ethics and lobbying. (Rather than doubling the number of nominations provided to the Governor, it might be more practical to increase the number by one, so there would three names for one vacancy, five names for two vacancies, seven names for three vacancies, and nine names for four vacancies, and 11 for five vacancies.)

The Candidate Committee which nominates Board members to the Governor is a temporary body which is reconstituted every two years by a random selection of Court of Appeals judges from each district. Their nominations must be unanimous. This year, on its own initiative, the Candidate Committee provided the Governor with four nominations instead of two for one vacancy. My observation of that committee's process and selections over the years is that its members are thoughtful and conscientious about evaluating their colleagues' qualifications for service on the Board and maintaining the Board's impartiality.

Conclusion

Thank you for the opportunity to share my thoughts with you. I hope this testimony will help inform the Legislature's consideration of these bills. As always, we are available to answer questions and work with you in developing proposed legislation.

Respectfully submitted,



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ONEWISCONSINNOW

TO: Members, Senate Committee on Elections and Urban Affairs
FROM: Scot Ross, Executive Director, One Wisconsin Now
DATE: September 4, 2013
RE: Senate Bill 20 & Senate Bill 265

Thank you Chair Lazich and members of the Senate Committee on Elections and Urban Affairs for the opportunity to share my testimony on election law legislation before you today.

My name is Scot Ross, I am the Executive Director of One Wisconsin Now, and I am testifying in opposition to Senate Bill 20 and Senate Bill 265.

Just last week, across the nation and here in Wisconsin, we commemorated the 50th anniversary of the March on Washington and Dr. Martin Luther King's "I Have a Dream Speech".

In his iconic address, Dr. King issued a stirring call for racial harmony and economic equality, and noted the importance of the right to vote in making this dream a reality.

Yet fifty years later we see today bills being considered today by the Senate Elections Committee that could turn Dr. King's dream into a nightmare.

Taken together, Senate Bill 20 and Senate Bill 265 could inject more partisanship into polling places and facilitate the delay and intimidation tactics that are designed to reduce voter participation by targeting specific areas and specific voters.

Why would that be necessary in a democracy that values voter participation?

Non-partisan analysts have praised Wisconsin for our effective election administration and high rates of voter participation.

Yet laws on the books that make it easier for legal voters to cast their votes -- like early voting and same day voter registration -- are under attack, based on innuendo and unsubstantiated accusations of voting impropriety.

After extensive investigation by the Attorney General and others, no widespread voting impropriety has been uncovered.

In fact, when we asked Sen. Lazich, via an open records request for the evidence of the voting impropriety that has compelled her to seek to make voting less convenient and more difficult for Wisconsinites, she replied she had no such evidence in her possession.

For the record, Senators Leibham and Lasee also admitted they had no evidence of widespread voting impropriety in their possession in response to our request.

So what's really going on here?

ONEWISCONSINNOW

We are seeing the real fraud in Wisconsin elections exposed – politicians manipulating the rules on voting for their own advantage.

The history of voter intimidation efforts by the Wisconsin Republican Party and their allies are what trigger our concern for the possible detrimental impact SB 20 and SB 265 will have on the voting rights of Wisconsin citizens.

You may remember how in 2010 at One Wisconsin Now we exposed the voter-caging plot between the Wisconsin GOP, Americans for Prosperity and Tea Party groups that targeted student and minority precincts in Milwaukee. Under the provisions of SB 20 and SB 265 these polling places could be staffed with more partisan Republicans from outside the City of Milwaukee.

Or perhaps you remember in 2008 when a leaked e-mail from the state Republican Party revealed a coordinated effort to recruit members of the police as poll watchers in thinly-veiled racist, "more intimidating" precincts of Milwaukee.

Past and current efforts to require so-called voter roll purges by the chair of this committee and others only adds to our concerns about the abuse of voter rights that could be facilitated by these bills.

No doubt Senator Lazich and others will fall back on their familiar, and unsubstantiated, claims about the need to protect the integrity of elections.

But those words ring hollow in light of the anti-voter schemes coordinated by Wisconsin Republican Party and its radical right-wing allies that have been exposed and the admission by the sponsors of these and other bills that they lack any evidence of widespread voting impropriety in Wisconsin.

More partisans in the polling place, causing more disruptions, leading to fewer people voting may serve the GOP's narrow political interests.

But it ill serves the legal voters of Wisconsin who deserve to have a government that makes it easier for them to have their voices heard and their votes counted.

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Testimony of Lisa Subeck
Executive Director, United Wisconsin
SB 20, 262, 264, 265, 267, and 268
Election and Urban Affairs Committee, 9/4/13

Chair Lazich and Committee Members,

My name is Lisa Subeck, and I am the Executive Director of United Wisconsin, a grassroots organization of over 200,000 Wisconsin citizens committed to supporting Wisconsin's longstanding tradition of democracy in action. On behalf of our members, I am here today to raise a number of concerns with the broad implications of the package of bills that are before you today.

I speak to you today not only representing United Wisconsin, but also as a City Council member in Madison and as an individual who has served many times as a poll worker. I am concerned that together, the proposed bills make administration of our elections more complicated; introduce more elements of partisanship into the polling place; add new hurdles for administration; and perhaps most alarming, requires that some individuals give up the right to cast a truly secret ballot.

I am also concerned about bills introduced along with several of the bills before your today that increase the use of draw down to discount ballots at random in the case of clerical errors. However, I will focus my comments on the bills before you today.

Partisanship in the Polling Place

While I recognize that political parties have long had the ability to designate poll workers, I must admit that I have never even known the political leanings or partisan choices of my fellow poll workers on election day – and I would prefer to keep it that way.

Poll workers are trained not to discuss electoral races, political parties, and other such topics while working at the polling place. Working at the polls and as a voter, I have found each and every poll worker I have encountered over the years to take this responsibility seriously and to maintain a high level of professionalism.

These new bills encourage more consideration of partisanship when hiring poll workers – but more importantly, actually assign some particular tasks based on party affiliation. This calls attention to and identifies party affiliation in a space most of us expect to be impartial and free of partisanship.

These more stringent requirements regarding party representation may also result in the termination of work for some of our longstanding - and most experienced election - officials in our community. Our poll workers take their work seriously and treat our voters and our election integrity with the high level of professionalism it deserves. Let's not try to fix an unbroken system by introducing more partisanship and by putting the positions our most professional and dedicated election officials in jeopardy.

Lack of Secret Ballot

One of the bills before you today introduces a new measure that would require voters issued duplicate ballots to

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have their names on the discarded ballots. Again, this is a solution in search of a problem – and for some voters puts the very nature of our "secret ballot" elections at risk.

When voters are issued duplicate ballots under our current rules, their name is recorded as having been issued a second ballot, but their mismarked ballot is not individually labeled. I am unsure of what the bill's authors hope to accomplish by labeling such mismarked or erroneous ballots, but the effect on voters is potentially chilling.

Imagine completing your ballot to discover that you made an extra line somewhere that prevents it from feeding through the machine properly. Or perhaps you were confused about how to mark your ballot in a primary – a frequent problem in my experience – and your ballot is rejected because you marked votes for candidates in both parties. Currently, you are given a duplicate ballot, and your old ballot is marked by an election worker as invalid and placed in an envelope to be returned to the Clerk. Additionally, it is noted that you received a duplicate ballot. Each invalid ballot is secured, and the integrity of our elections is intact.

Under the proposed bill, though, your name would go on your mismarked ballot – leaving a record of for whom you voted, or at least for whom you tried to vote, on that invalid ballot. You are left without the confidence that your vote was truly cast by secret ballot.

Complicating the Administration Process

Another proposal before you today requires poll workers to note the type of proof used by voters registering at the polls in several different locations. This simply adds more work for our election officials and makes elections harder to administer – potentially resulting in longer lines at the polls. We have already slowed down the voting process with recent requirement that voters sign the poll book.

By adding to the workload of those registering voters at the polls, the process for those registering and those voting is slower. The result is longer lines at the polls – and citizens who are discouraged from voting because of long waits, especially during busy elections.

I conclude by asking that you reject the bills before your today. Together, these bills comprise a solution in search of a problem and aim to fix a system that just isn't broken. Instead of making election administration more difficult, we should focus on seeking ways to modernize our elections to be more efficient and to ensure that EVERY citizen has not only the right but also the opportunity to vote.

Comments to Senate Elections and Urban Affairs Committee
Chairman, Senator Mary Lazich
September 4, 2013 Public Hearing

Members of the Committee,

Senate Bill 20: I urge support for this bill which allows partisan poll worker nominees to be assigned within their county of residence in order to enlarge the pool of available volunteer partisan poll workers.

- Some municipalities within a county have difficulty finding enough resident poll workers to staff their polls but other municipalities in that county may have more than enough volunteers and are unable to use all the nominees the parties can provide. This bill would provide a greater opportunity for those who volunteer to serve and would help to provide equal numbers of nominees from the two majority parties in more municipalities as the law envisioned as a means of protecting the integrity of Wisconsin's election process.
- Some county municipalities need poll workers with language abilities but are unable to recruit enough resident poll workers to meet this need. Again, the bill allows for consideration of a larger pool of partisan poll worker volunteers.

Senate Bill 262: Support. The bill details a uniform process that will help easily identify ballots that require poll workers to re-make to enable machine tabulation. Requiring the use of permanent black markers to identify these ballots by notations in a required specific place on both the original and the duplicate ballot will assist the post-election audit process as well as the post-election required canvass processes. An extra feature of the bill requires that when both majority parties have submitted partisan nominees to serve as election officials, that both parties' nominees are responsible for the duplicate ballot process. Good idea.

Senate Bill 264: The concept is good but because all Chief Inspectors are appointed by their clerks and there is no requirement that political party affiliation be a consideration, most CIs would be considered "nonpartisan" election inspectors. Thus, there would not be an election inspector of a different party affiliation of a non-partisan CI. Amending the proposed bill to require that the CI and one election inspector representing each of the two majority parties, if both parties have submitted nominees, shall work together to secure ballot containers would accomplish the purpose of this bill.

Senate Bill 265: Question: Page 2, line 15---what exactly does "hold no public office" mean? Does it mean elected office or does it mean appointed public office as well? If it is elected office, that word should be added. If it includes appointed offices that should be specified clearly as well.
The concept of requiring that both majority party election inspector nominees be assigned by the CI to work together reflects both the intent and language of current statutes.

Senate Bill 267: I would support requiring that the specific name of the institution or utility on the offered POR be recorded on the registration form. In the event there is a question regarding the validity of a Proof of Residence, what good is the generic word "bank" or "utility bill" ?

Senate Bill 268: Providing the Governor with more choices to consider for nominees to serve on the Government Accountability Board is fine. The Governor is clearly accountable to the voters for the choice made.

In conclusion, I would urge drafting legislation that establishes the accountability of the Senate elections committee and the Assembly elections committee for reviewing and approving G.A.B. administrative rules and G.A.B. manuals governing the administration of Wisconsin's elections. Legislative review and approval of these documents, which have the force of law, would reassure Wisconsin voters that the intent of the laws passed is clearly and uniformly represented in the rules written to enforce those laws.

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Thank you for considering my comments.

Mary Ann Hanson
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