

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_ab0175_AC-CE_pt01**

> Miscellaneous ... Misc

> **

Vote Record

intr. unanimous

Committee on Campaigns and Elections

Date: 4/17/03
Moved by: Wood Seconded by: Travis

AB 175 SB _____ Clearinghouse Rule _____
AJR _____ SJR _____ Appointment _____
AR _____ SR _____ Other _____

A/S Amdt 1 a0408/1
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 Nonconcurrency

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Glenn Grothman	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>4</u>	<u>2</u>	_____	_____

Motion Carried Motion Failed

Vote Record

intr. unanimous

Committee on Campaigns and Elections

Date: 4/17/03
Moved by: Gundrum Seconded by: Grothman

AB 175 SB _____ Clearinghouse Rule _____
AJR _____ SJR _____ Appointment _____
AR _____ SR _____ Other _____

A/S Amdt 2 a0402
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 Nonconcurrency

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 6 0 _____

Motion Carried

Motion Failed

Vote Record

intr. unanimous

Committee on Campaigns and Elections

Date: 4/17/03

Moved by: Gund • Seconded by: Pocan

AB 175 SB _____ Clearinghouse Rule _____
AJR _____ SJR _____ Appointment _____
AR _____ SR _____ Other _____

A/S Amdt 3 a 0447/1
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 Nonconcurrency

<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mark Pocan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 6 0 _____

Motion Carried Motion Failed

Vote Record

Committee on Campaigns and Elections

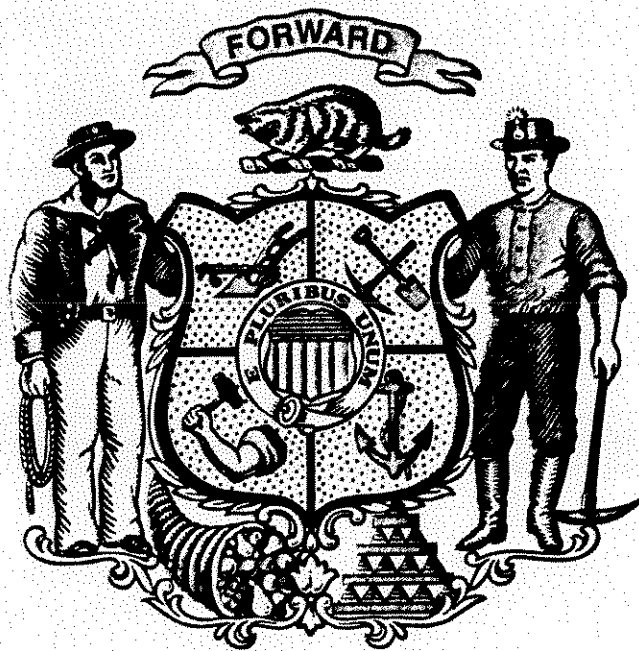
Date: 4/17/03
Moved by: Freese Seconded by: Gund.
AB 175 SB _____ Clearinghouse Rule _____
AJR _____ SJR _____ Appointment _____
AR _____ SR _____ Other _____

A/S Amdt _____
A/S Amdt _____ to A/S Amdt _____
A/S Sub Amdt _____
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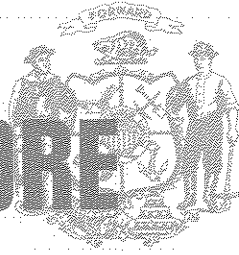
Be recommended for: as amended.
 Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Stephen Freese	<input 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 checked="" 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: 4 2 _____



State Senator GWENDOLYNNE MOORE



April 3, 2003

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P. O. Box 7882, Madison, WI 53707-7882
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Member: Joint Finance Committee
Board Member: Wisconsin Housing and
Economic Development Authority

Testimony of State Senator Gwendolynne Moore on Assembly Bill 172 and 175 Assembly Committee on Campaigns and Elections

Good morning. I would like to thank Chairman Freese and the members of the Assembly Committee on Campaigns and Elections for holding a hearing on Assembly Bill 172, a bill I have co-authored with Representative Krug.

Allegations of absentee voter fraud during a recent Milwaukee County Board recall election, which were exposed in several *Milwaukee Journal Sentinel* articles, are very troubling to me. Shortly after voter fraud accusations were made, I contacted the State Elections Board Executive Director Kevin Kennedy to ensure that such tactics would be blocked in future elections. Subsequently, Representative Krug approached me with an inspired solution, Assembly Bill 172 (AB 172), which protects voters from organizations attempting to abuse the electoral process by committing elector fraud, while preserving Wisconsin's long tradition of fair and open access to the ballot.

Under current law, an elector may request that an absentee ballot be mailed to any specified address, except that of a candidate, political party or other campaign finance registrant. AB 172 tightens this law, by stipulating that a municipal clerk or Board of Election Commissioners may only transmit an absentee ballot directly to the elector at one of the following locations: **the permanent or temporary residence or place of employment.**

Also allow me to make comments on Assembly Bill 175 (AB 175), which has also been scheduled to receive a public hearing today. Authored by Representative Ladwig and Senator Darling, AB 175 contains similar language that also requires absentee ballots be directly transmitted to the electors permanent or temporary residence. There are two differences between AB 172 and AB 175: the witness requirement and allowing for absentee ballots to be transmitted to one's place of employment. AB 172 maintains the current law of requiring one witness to be present when an absentee ballot voter completes the special certificate form or swear an affidavit before a person who is authorized to administer oaths. On the other hand, **AB 175 requires an elector to complete certification before two witnesses. AB 175 also does not allow for ballots to be sent to one's place of employment.**

I ask you to oppose AB 175 as it poses a serious burden on absentee ballot voters through its unnecessary two witness requirement and limiting that ballots be sent solely to one's residence.

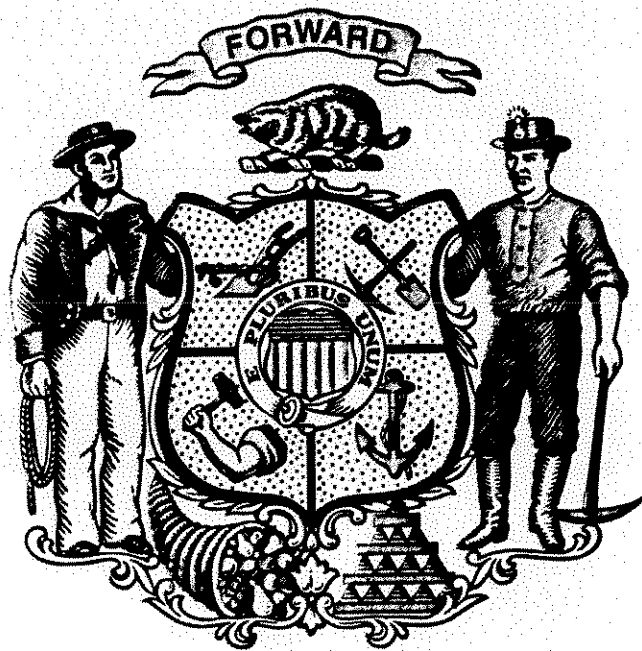
- ❖ **Who is most likely to vote absentee?** - Senior citizens, confined individuals with physical disabilities, and those who are too physically ill to go to the polls. Under AB 175, individuals included in this group who live with a spouse would be required to bring a second witness into their residence in order to vote absentee. For elderly or disabled persons

from this group who live alone, the requirement is even more onerous for now they must locate two witnesses in order to preserve their franchise. Is there any reason to believe that seniors, the ill and the disabled are abusing the current absentee ballot process by committing elector fraud? Representative Ladwig seems to think so, "***It's harder to get two people to lie for you than one.***" (Quote from Rep. Ladwig referencing AB 175 and her motivation behind requiring two people to witness the ballot, *Milwaukee Journal Sentinel*, 3/9/03)

- ❖ **Absentee balloting was created to ensure greater access and convenience to the electoral process.** Legislators from both parties overwhelmingly supported changes in the absentee ballot process for the 2000 election. Despite the rhetoric, even the Republican Party website (RPW) boasts about how easy it is to register and vote in Wisconsin. When discussing absentee ballot requirements, RPW currently does not even mention a witness requirement, stating, "for those who will be voting absentee in an upcoming election, you can use the 'Application for Absentee Ballot', and mail it to your Municipal Clerk's office." Wisconsin should be proud of the fact that absentee voting has increased by 25% since November 1998. By resurrecting a two-witness requirement, AB 175 establishes greater barriers and disenfranchisement to the absentee ballot voter.
- ❖ Perhaps, most importantly, the two-witness requirement from **AB 175 would not have impacted the recently reported fraudulent activities of ACE volunteers.** To skirt this regulation, groups such as ACE could merely send two volunteers to each door to witness the certification of absentee ballots. In fact, the *Milwaukee Journal Sentinel* found that multiple ACE volunteers had approached at least one voter during the recent County Board recall election who spoke of his interaction with ACE by saying, "***The people came to my door a couple of weeks ago from the African coalition.***" (*Milwaukee Journal Sentinel*, 3/4/03)
- ❖ Lastly, AB 175 would also create great burden on the working class. Many American workers spend more time at work than they do at home. Limiting the transmittance of absentee ballots to one's residence will create much undue burden on the working population.

Wisconsin has a long and proud history of fair and inclusive elections. Please join me in preserving our state's progressive election laws by promoting changes that maintain open access to the ballot, while also protecting voters from organizations that seek to abuse Wisconsin's open access to the ballot. **Support Assembly Bill 172, a sensible less intrusive approach to correcting a recently exposed flaw in our electoral process. I also request that you not support Rep. Ladwig's and Sen. Darling's bill to require two witnesses, which would create greater burden and disenfranchisement to Wisconsin voters who use absentee ballots.**

Thank you for allowing me the opportunity to share my views on Assembly Bills 172 and 175.





WISCONSIN LEGISLATURE

P. O. Box 7882 Madison, WI 53707-7882

Thursday April 3, 2003

Testimony before the Assembly Committee on Campaigns and Elections

THANK YOU CHAIRMAN FREESE AND MEMBERS OF THE COMMITTEE FOR ALLOWING US THE OPPORTUNITY TO TESTIFY IN SUPPORT OF ASSEMBLY BILL 175. I'M SARAH POPP, AIDE TO REPRESENTATIVE BONNIE LADWIG AND THIS IS TOM PETRI, AIDE TO SENATOR ALBERTA DARLING, WHO IS THE AUTHOR OF THE SENATE COMPANION BILL.

REPRESENTATIVE LADWIG AND SENATOR DARLING APOLOGIZE FOR BEING UNABLE TO TESTIFY THEMSELVES. BONNIE IS UNABLE TO BE HERE TODAY DUE TO A PLANNED FAMILY VACATION AND ALBERTA IS WITH THE JOINT FINANCE COMMITTEE AT THEIR PUBLIC HEARING IN RIVER FALLS.

WE WANTED TO TAKE THIS OPPORTUNITY TO EXPRESS OUR SUPPORT FOR ASSEMBLY BILL 175. SIMPLY PUT, THIS BILL STRENGTHENS WISCONSIN'S ELECTION LAWS BY:

- PROVIDING THAT ABSENTEE BALLOTS MAY ONLY BE MAILED TO A PERMANENT OR TEMPORARY RESIDENCE. EXAMPLES OF A TEMPORARY RESIDENCE INCLUDE, BUT ARE NOT LIMITED TO: HOMELESS SHELTERS, HOSPITALS, AND OR VACATION HOMES.
- REQUIRING THAT ABSENTEE BALLOTS MUST BE COMPLETED BEFORE TWO WITNESSES.

THE NEED FOR THIS CHANGE IN OUR ELECTION LAWS LEAPT TO THE FOREFRONT LAST MONTH WHEN A CANDIDATE FOR MILWAUKEE COUNTY BOARD WAS QUITE POSSIBLY THE VICTIM OF VOTER FRAUD. THAT WOMAN, YOLANDA STAPLES-LASSITER WILL TESTIFY LATER TODAY THAT HER ELECTION CHANCES WERE NEGATIVELY AFFECTED BY A LOOPHOLE IN WISCONSIN'S ELECTION LAWS. THAT LOOPHOLE ALLOWS CITY AND STATE ELECTION OFFICIALS TO TURN OVER VOTER-REQUESTED ABSENTEE BALLOTS TO PRIVATE BUSINESSES OR ORGANIZATIONS. CONSEQUENTLY, IT IS LEGAL TO HAVE SUPPORTERS OF ONE POLITICAL CAMPAIGN HANDLE AND DELIVER ABSENTEE BALLOTS TO THE HOMES AND BUSINESSES OF POTENTIAL VOTERS. WE FEEL THIS ASPECT OF WISCONSIN'S ELECTION LAWS SHOULD CHANGE.

IN MISS LASSITER'S CASE, HER OPPONENTS CAMPAIGN MANAGER, WHO RUNS A NON-PROFIT POLITICAL ORGANIZATION, ASKED FOR AND RECEIVED ABSENTEE BALLOTS. THE HEADLINES

GENERATED BY THIS TROUBLING CASE HAVE LED THE MILWAUKEE COUNTY DISTRICT ATTORNEY TO OPEN UP AN INVESTIGATION, AND MAY VERY WELL RESULT IN CRIMINAL CHARGES. ANOTHER ASPECT OF THE MILWAUKEE COUNTY CASE THAT DISTURBED US WAS THE FACT THAT UNDER CURRENT ELECTION LAW, ONLY ONE WITNESS IS NEEDED TO VERIFY THE SIGNATURE, AND A NOTARY PUBLIC DOES NOT NEED TO BE PRESENT. THE OPPORTUNITIES FOR FRAUD ARE ENDLESS WHEN, LIKE IN THIS CASE, EMPLOYEES AND VOLUNTEERS FOR ONE CANDIDATE ARE HANDLING BALLOTS.

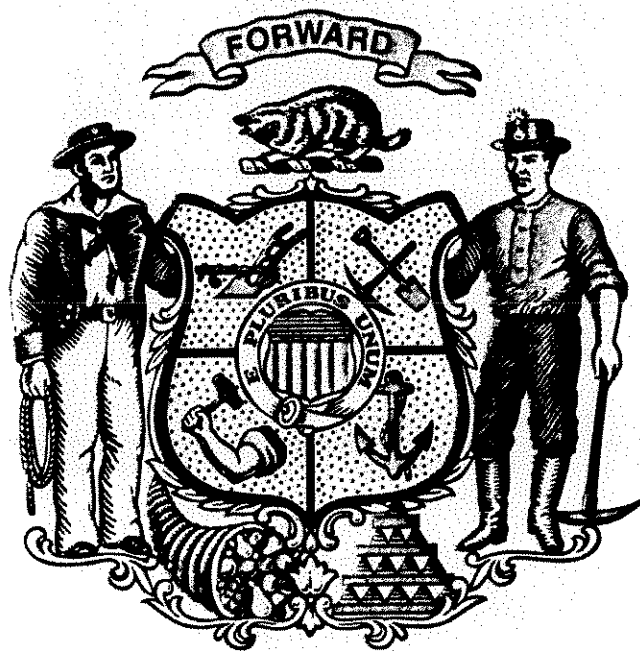
WE HAVE GRAVE CONCERNS THAT CONTINUED ACCESS TO ABSENTEE BALLOTS BY SO-CALLED 'MIDDLE-MEN' WILL RESULT IN MORE AND MORE ACCUSATIONS AND ALLEGATIONS BY THOSE WHO FEEL THEY ARE VICTIMS OF THIS CAMPAIGN LOOPHOLE. THEREFORE, THE ALLEGED INJUSTICE IN LAST MONTHS' MILWAUKEE COUNTY BOARD RACE MOVED US TO ACT IMMEDIATELY AND WE HOPE THE COMMITTEE WILL SEE FIT TO DO THE SAME BY PASSING ASSEMBLY BILL 175.

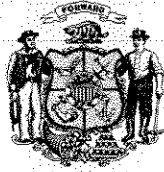
REPRESENTATIVE SHIRLEY KRUG, HAS ALSO SEEN THE NEED TO FIX THIS LOOPHOLE, AND HAS SINCE INTRODUCED ASSEMBLY BILL 172. WHILE WE AGREE IN PRINCIPLE WITH REPRESENTATIVE KRUG'S BILL, WE DO HAVE SOME CONCERNS WITH A PORTION OF HER BILL. AB 172 ALLOWS AN ABSENTEE BALLOT TO BE MAILED TO A WORKPLACE. IT IS OUR BELIEF THAT THIS SIMPLY PROVIDES ANOTHER OPPORTUNITY FOR A BALLOT TO BE INTERCEPTED. WE HOPE THAT AS THIS COMMITTEE COMPARES THE TWO PIECES OF LEGISLATION, IT CONSIDERS WHICH LEGISLATION WILL ENSURE THE GREATEST ABSENTEE BALLOT INTEGRITY.

WE BELIEVE OUR LEGISLATION IS A STARTING POINT IN THIS CRITICAL DISCUSSION OF ABSENTEE BALLOT REFORM. SINCE FIRST INTRODUCING THE BILL WE HAVE HAD A CONVERSATION WITH KEVIN KENNEDY OF THE STATE ELECTIONS BOARD THAT HAS LED US TO RECONSIDER THE NEED FOR TWO WITNESSES TO AN ABSENTEE BALLOT. YOU SHOULD ALL HAVE A COPY OF AN AMENDMENT THAT REMOVES THE TWO-WITNESS REQUIREMENT. WE BELIEVE THAT THE GREATEST CONCERN IS WHERE THE BALLOTS ARE MAILED, AND WE DO NOT WANT THE MORE CONTROVERSIAL WITNESS REQUIREMENT TO STALL THIS BILL. WE HAVE PROVIDED A COPY OF THE AMENDMENT FOR YOU TO REVIEW, AND HOPE THAT THE COMMITTEE WILL CONSIDER ITS INTRODUCTION.

I THINK IT IS SAFE TO SAY, BASED ON THE CO-AUTHORS OF THIS BILL, AS WELL AS THOSE ON REPRESENTATIVE KRUG'S BILL, THIS COMMITTEE SHOULD ALSO SEE MS. LASSITER'S SITUATION AS A CATALYST FOR REFORM. WE BELIEVE THAT ASSEMBLY BILL 175 WITH OR WITHOUT THE AMENDMENT IS A MOVE IN THE RIGHT DIRECTION FOR ABSENTEE BALLOT REFORM.

WE THANK YOU FOR YOUR TIME TODAY AND WOULD BE OPEN TO ANSWERING ANY QUESTIONS.





Wisconsin Speaker Pro Tempore
Representative Stephen J. Freese

TO: Members, Assembly Committee on Campaigns & Elections
FROM: Rep. Steve Freese, Chair
DATE: April 11, 2003
RE: Amendments to Assembly Bill 175

Attached are two amendments offered to Assembly Bill 175.

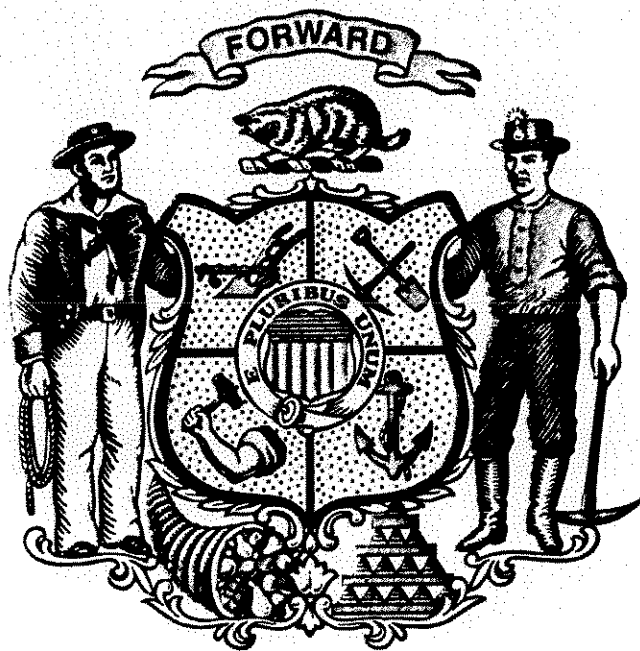
1. LRB a 0402/1 is a technical amendment by the drafter
2. LRB a 0408/1 offered by Rep. Ladwig, removes the second witness provision from the bill

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

Capitol Office: P.O. Box 8952 • Madison, Wisconsin 53708-8952
(608) 266-7502 • Toll-Free: (888) 534-0051 • Fax: (608) 261-9474 • Rep.Freese@legis.state.wi.us
District: 310 E. North • Dodgeville, Wisconsin 53533 • (608) 935-3789



Richard, Rob

From: Kennedy, Kevin
Sent: Tuesday, April 15, 2003 8:54 PM
To: Freese, Steve
Subject: FW: LRB a0447/1 (attached)

Dear Representative Freese,

Jeff Kuesel has prepared an amendment to AB 175 that addresses the issue we discussed following the hearing on the bill. The attorney for the Town's Association took the position that the municipal clerk did not have to pay postage on an absentee ballot that was mailed to a voter at a location that was not the voter's permanent residence. The amendment eliminates this possible construction of the law. The Elections Board staff and Mr. Kuesel believe that this is a strained construction, but we felt it should be clarified.

I have attached a copy of the amendment. I would appreciate it if you would introduce the amendment. If you have any questions please contact me. I informed your staff that I will be unable to attend the hearing on Thursday. The Elections Board staff is evaluating demonstrations of potential statewide voter registration systems.

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>

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

From: Basford, Sarah
Sent: Tuesday, April 15, 2003 8:37 AM
To: Kevin Kennedy
Subject: LRB a0447/1 (attached)



03a0447/1

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

ASSEMBLY AMENDMENT ,
TO 2003 ASSEMBLY BILL 175

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 4, line 7: after "as" insert "provided in par. (c). as".

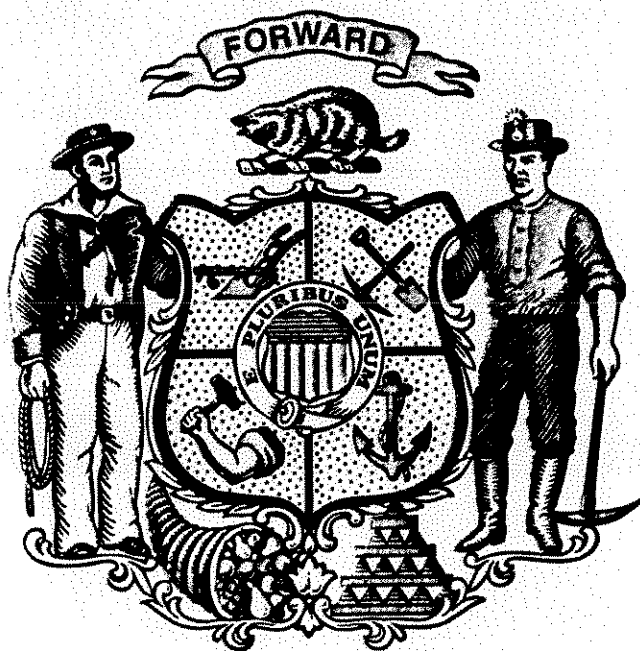
3 **2.** Page 4, line 8: delete "the absentee ballot" and substitute "the every
4 absentee ballot with".

5 **3.** Page 4, line 9: before "to the" insert ". The clerk shall mail the ballot".

6 **4.** Page 4, line 24: delete "If the" and substitute:

7 "(cm) If the an elector's".

8 (END)





**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2003 Assembly Bill 175

**Assembly
Amendments 1, 2, and 3**

Memo published: April 21, 2003

Contact: Robert J. Conlin, Senior Staff Attorney (266-2298)

Generally, under **current** law, each municipal clerk and board of elections commissioners must mail an absentee ballot requested by an elector to the residence of the elector unless the elector specifies a different mailing address. Under current law, however, an elector may not direct that an absentee ballot be mailed to the address of a candidate, political party, or other campaign finance registrant.

Additionally, under current law, an elector who votes an absentee ballot must complete a certification before one witness indicating that the elector is qualified to vote the absentee ballot and that the elector has voted the absentee ballot in the manner prescribed by law.

2003 Assembly Bill 175 provides that a municipal clerk or board of election commissioners may only mail an absentee ballot to the permanent residence or temporary residence of an absent elector. In addition, the bill changes the number of witnesses required on an absentee ballot certification from one witness to two witnesses.

Assembly Amendment 1

Assembly Amendment 1 deletes the provisions of the bill that increase the witness requirement on the absentee ballot certification from one witness to two. Thus, the amendment would maintain the current law requirement that a voter voting an absentee ballot complete a certification before one witness.

Assembly Amendment 2

Assembly Amendment 2 assists in effectuating the intent of the bill by clarifying that the only places to which an absentee ballot may be mailed are a permanent residence or a temporary residence.

Assembly Amendment 3

Assembly Amendment 3 rectifies an ambiguity in current law by making it clear that absentee ballots are to be mailed to absent electors with return postage regardless of whether the ballots are mailed to a permanent or temporary residence. According to Kevin Kennedy, Executive Director of the State Elections Board, some have interpreted the current law requirement that clerks include return postage for all absentee ballots to only apply to absentee ballots mailed to the elector's permanent residence.

Legislative History

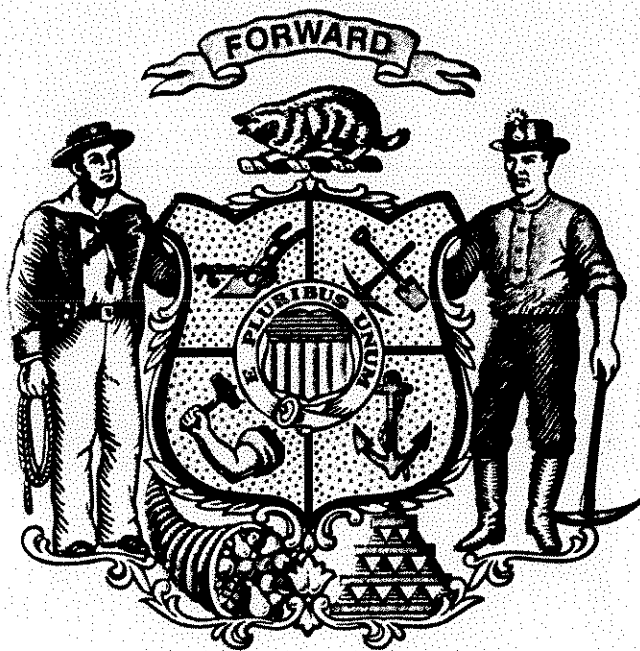
Assembly Amendment 1 was introduced by the Assembly Committee on Campaigns and Elections on April 17, 2003, and was recommended for adoption on a vote of Ayes, 4; Noes, 2.

Assembly Amendment 2 was introduced by the Assembly Committee on Campaigns and Elections on April 17, 2003, and was recommended for adoption on a vote of Ayes, 6; Noes, 0.

Assembly Amendment 3 was introduced by the Assembly Committee on Campaigns and Elections on April 17, 2003, and was recommended for adoption on a vote of Ayes, 6; Noes, 0.

The bill was recommended for passage, as amended, by the Assembly Committee on Campaigns and Elections on April 17, 2003, on a vote of Ayes, 4; Noes, 2.

RJC:rv;ksm



Original URL: <http://www.jsonline.com/news/metro/mar03/122560.asp>

Absentee ballot dispute erupts in recall race

Holloway's opponent calls for investigation, election delay

By DAVE UMHOEFER
dumhoefer@journalsentinel.com

Last Updated: March 2, 2003

County Board Chairman Lee Holloway's election opponent demanded Sunday that this week's recall race be postponed until authorities investigate an unusual absentee voting arrangement that put nearly 150 ballots in the hands of an organization on Holloway's campaign payroll.

City and state election officials, saying they had no choice under an election-law loophole, approved a setup that allowed voter-requested absentee ballots to be mailed to the organization, which is run by Holloway's campaign manager. Under the typical arrangement, ballots would be mailed directly to would-be voters.

The revelation prompted Yolanda Staples-Lassiter, who is trying to unseat Holloway in Tuesday's recall, to seek an investigation before polls open.

"I want a full investigation," Staples-Lassiter said Sunday, adding that she might seek a court injunction to stop the election. "The election should be called off for now."

Campaigns and political parties long have distributed absentee-ballot applications, which go to the City of Milwaukee Election Commission. The commission then mails out ballots if the voter is registered.

In this case - in what election officials said was an unprecedented move - a non-profit political group known as African-American Coalition for Empowerment (ACE) requested permission to have residents agree to have their absentee ballots mailed to the organization. The requests were gathered in a door-to-door effort by ACE.

Elections officials were told by ACE officials that they wanted to avoid mail-delivery problems and that some residents feared opening letters from the government, state Elections Board Executive Director Kevin Kennedy said.

"Voters preferred that we got them," Holloway campaign manager Barbara White said. White is also president of ACE.

As understood by election officials, the idea was that ACE, blank ballots in hand, would then re-visit the resident, hand over the ballot for voting, get it back and then see to it that it made its way to City Hall. The completed ballots - some of which have already appeared at City Hall - need just one witness and no notarization, under loosened voting rules approved in 1998.

Warning given

Kennedy said he strongly advised ACE that its idea would raise questions about potential fraud and undue influence over voters, but couldn't block it because state law prohibits only a

Recall Race



Photo/File

Holloway

- **Lee Holloway** (inc.), 56
- **Address; time in district:** 2836 N. Grant Blvd.; 26 years
- **Occupation:** Milwaukee County Board supervisor, board chairman
- **Elective offices; other government experience:** Elected 5th District county supervisor 1992, re-elected in 1996, 2000.
- **Education:** Lincoln High School graduate; bachelor's degree, University of Arkansas; master's degree, University of Wisconsin-Milwaukee
- **Family:** married, four children

candidate or political party from being the recipient of voters' absentee ballots.

"We couldn't tell them no, but we thought we had an understanding they weren't going to do it because it doesn't pass the smell test," Kennedy said. "I told them, 'You're undermining the whole concept of absentee balloting in Wisconsin.'"

Both Kennedy and city Election Commission Executive Director Julietta Henry said Sunday that they were not aware of ACE's direct connection to the Holloway campaign. Kennedy said, though, that he had assumed the group had a favorite in the race.

ACE - where the phone Sunday was answered "Friends for Lee Holloway - received \$6,392 from the Holloway campaign over a 10-day period this month for consulting, printing and literature drops, according to records at the Milwaukee County Election Commission. Henry, who works for the city, said she does not review those records.

One 5th District resident, Andrea Smith - identified by Staples-Lassiter - said Sunday that she cast an absentee ballot for Holloway a couple weeks after a woman named Barbara stopped by her house, identifying herself as "with the election committee." She signed up to get a ballot.

Smith, who lives on N. 35th St., said the woman returned Thursday night and showed her the two names on the ballot. She chose Holloway because he is the incumbent, she said.

Holloway said Sunday night he would have no immediate comment.

Kennedy, of the state Elections Board, said he gave advice over the phone to White, thinking for five minutes that she was a city elections official because she identified herself as from the "election committee."

Henry said ACE had collected and sent in more than 500 ballot applications for Tuesday's recall, as well as races on the April 1 regular spring election. Many of the applicants were not registered voters, so the city commission ended up mailing out only about 150 ballots to ACE offices, she said.

To check to see if those voters did indeed request ballots, the city sent special letters to each of the 150, Henry said.

Two people who received the letter called the city Election Commission last week, she said. One reported not having requested a ballot. The other reported being told that the application was a petition to clean up the neighborhood, not a ballot application, Henry said.

DA alerted

Kennedy said he had alerted District Attorney E. Michael McCann to the issues involved, in case it turns out that individuals were taken advantage of in the process.

Informed Sunday night of ACE's role, Staples-Lassiter said, "Oh, my God."

She said she had not known of ACE's request to the Election Commission but noted that it helped explain why she kept meeting voters at the doors who told her they were given absentee ballots.

"Every last one of those absentee ballots should be shredded," she said.

White has clashed with Staples-Lassiter before during the course of a yearlong recall campaign led by Staples-Lassiter against Holloway. And on Sunday White had strong words for her call for an election delay.

"I don't give a (expletive) about what Yolanda Staples-Lassiter says," White said. "We can do whatever the hell we want to



Photo/File

Staples-Lassiter

Yolanda Staples-Lassiter, 46

Address; time in district: 2118 N. 36th St.; 23 years

Occupation: Economic development assistant, U.S. Small Business Administration, Milwaukee.

Elective offices; other government experience: Candidate, 5th District Supervisor, 2000; former legislative assistant to state Sen. Gwendolynne Moore.

Education: Custer High School graduate; associate degree, Glendale Community College, Glendale, Ariz.

Family: Divorced, four children

Recent Coverage

Recall race: Candidates take it up a notch (2/28/03)

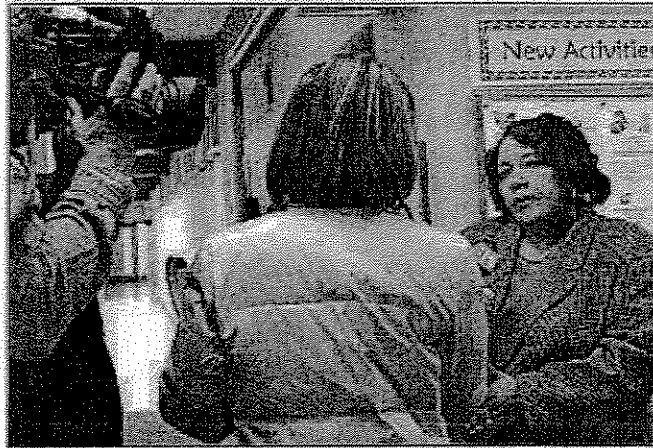
do."

White, contacted at the ACE office on W. Villard Ave., said she was on sabbatical from ACE during the campaign.

She said ACE was doing voter education, not really working for Lee Holloway. The group would work for whatever politician would pay it, White said.

Absentee ballots are counted at the polls on election day, and can be returned until 5 p.m. Tuesday. They can be challenged as they are counted.

A version of this story appeared in the Milwaukee Journal Sentinel on March 3, 2003.



MARY JO WALICKI/MILWAUKEE JOURNAL SENTINEL.COM

Yolanda Staples-Lassiter speaks after a news conference Monday. "Are they going to let this man get away with bloody murder? This is why good people don't run for office," she said of election opponent Lee Holloway.

RECALL ELECTION

ABSENTEE BALLOT DISPUTE

No building stands at the street number listed on this absentee ballot application solicited by the African-American Coalition for Empowerment, a group doing campaign work for Milwaukee County Supervisor Lee Holloway. Three seemingly different signatures for a "Sarah Moore" and two different dates of birth are listed on the application and the two voter registration cards that were attached to the application. The city Election Commission, noting the discrepancies, did not mail a ballot out in response to this application, one of dozens under investigation by the Milwaukee County district attorney's office.

EXCERPTS OF APPLICATION FOR ABSENTEE BALLOT

Name of Applicant	John Nest	Signature	THOMAS BERRY
Organization	African American Coalition for Empowerment		
Address and Number	3522 West Vilard Ave.		
City	Milwaukee	State	Wisconsin
Zip	53209		

Signature of Applicant	Sarah Moore
Signature of Applicant	Sarah Moore

VOTER REGISTRATION CARD NO. 1

Name	John Nest	SSN	592107
DOB	01/15/70	Place of Birth	* DIFF
State	STATE OF WISCONSIN	County	Milwaukee County
I hereby swear for affirm that I am a citizen of the United States, that on the day of the next election I shall be at least 18 years of age, and that I am properly qualified to vote, and that I am not currently registered to vote at any other location.			
Signature of Voter	John Nest		

VOTER REGISTRATION CARD NO. 2

Name	John Nest	SSN	592107
DOB	01/15/70	Place of Birth	* DIFF
State	STATE OF WISCONSIN	County	Milwaukee County
I hereby swear for affirm that I am a citizen of the United States, that on the day of the next election I shall be at least 18 years of age, and that I am properly qualified to vote, and that I am not currently registered to vote at any other location.			
Signature of Voter	Sarah Moore		


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DA takes records at office of group used by Holloway

By LEONARD SYKES and GEORGIA PABST
lsykes@journalsentinel.com

Last Updated: March 6, 2003

The Milwaukee County district attorney's office stepped up its investigation into allegations of vote fraud in connection with County Board Chairman Lee Holloway's recall election by seizing records Thursday from the African-American Coalition for Empowerment.

Investigators served a search warrant on ACE headquarters on W. Villard Ave. around noon Thursday. They seized three computers, which apparently contain voter lists and phone lists and other information related to Holloway's campaign.

Barbara White, who serves as president of ACE and was Holloway's campaign manager, said no one was in the office when the warrant was served.

White said investigators broke the locks on the doors of the office and then called her at home to let her know they were there to seize records from the group.

She said the manner in which the warrant was served was uncalled for.

"If they called me to tell me they were here," she said, "they could have called me to open the door."

District Attorney E. Michael McCann defended the search as lawful and judicially approved.

"We went at a time when we thought someone would be there," McCann said. "This is no nighttime entry."

An investigation into allegations of voter fraud was launched Monday after the Journal Sentinel reported on an unusual arrangement that allowed ACE to receive blank absentee ballots and distribute them to voters whom the group had solicited door to door.

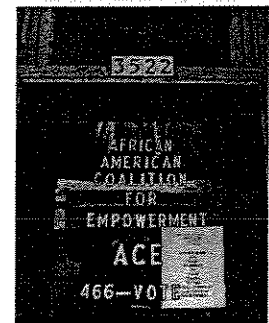
More than 160 completed absentee ballots were presented to city election officials before Tuesday's election by ACE, which describes itself as a non-partisan voter education and mobilization group. ACE was paid \$6,300 by Holloway's campaign for printing, literature drops and consulting.

The group and Holloway say the payments from Holloway's campaign fund did not go toward the absentee drive and that its volunteers made no attempt to influence which candidate people chose on the absentee ballots in the 5th Supervisory District contest. To do so would be unlawful. Holloway defeated Yolanda Staples-Lassiter in Tuesday's recall.

McCann's office challenged 96 ACE ballots on election day after a handwriting expert compared the signatures on ballot envelopes to the signatures on the voters' applications for absentee ballots.

White said her organization had done nothing wrong and had merely allowed Holloway to use

Recall Election



Photo/Laura El-Tantawy

The district attorney's office seized records Thursday from the offices of the African-American Coalition for Empowerment, 3522 W. Villard Ave.

What is Ace?

■ The African-American Coalition for Empowerment describes itself as a non-partisan voter education and

mobilization group. ■ ACE was paid \$6,300 by County Board Chairman Lee Holloway's campaign for printing, literature drops and consulting.

■ ACE says the services given to Holloway would have been extended to any other candidate.

Recent Coverage

■ [Chairman:](#) Holloway promises to help DA (3/6/03)

■ [Votes:](#) Holloway wins easily in recall election

the office and resources of ACE, a service the group would have extended to any other candidate. White acknowledged that Holloway did use ACE's phone banks, printing machines and computers.

"We try to put people in the voting process since other conventional means are not working," she said. "And we decided to do vote by mail. It's something we decided on last year.

"There was no criminal intent. If people made mistakes in this process, they made mistakes."

Another ACE official said earlier this week that it was mounting a similar absentee effort for the April 1 special election in Milwaukee's 10th Aldermanic District to replace Rosa Cameron.

Willie Wade, a candidate in that race, said Wednesday that he wants no part of the ACE absentee drive.

"I know what they're doing may not be illegal, but it's unethical," he said.

Wade's opponent, Michael I. McGee, the son of former 10th District Ald. Michael McGee, could not be reached.

Vincent Knox, who says he is coordinating the absentee-voter effort by ACE, said Wednesday he's not sure the 10th District drive will succeed "because of all the bad publicity" the tactic received in this week's recall contest.


ACE already has turned in to the city Election Commission ballot applications from 10th District residents whom the group visited in February, Knox said.


The Election Commission has not mailed out ballots yet to ACE in connection with the April 1 election.


Election officials will not send ballots out for that race until they receive legal advice from the city attorney's office, Julietta Henry, the Election Commission's executive director, said Wednesday.

Dave Umhoefer of the Journal Sentinel staff contributed to this report.

(3/5/03)

 **Disputed ballots:** Judge refuses to halt voting in recall election (3/4/03)

 **Holloway:** Absentee ballot dispute erupts in recall race (3/2/03)

 **Recall race:** Candidates take it up a notch (2/28/03)

A version of this story appeared in the Milwaukee Journal Sentinel on March 7, 2003.


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Lawmakers rush to fix absentee voting

Increased use raises the political stakes

By DAVE UMHOEFER
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Last Updated: March 9, 2003

When Wisconsin lawmakers opened up absentee balloting to any eligible voter in 2000, few probably knew that a political group could - quite legally - distribute ballots door-to-door.

That scenario, which came true in Milwaukee County Supervisor Lee Holloway's recall election last week, is fueling a rush to fix state law and is playing into the ongoing partisan debate over how to tighten election regulations to prevent fraud without discouraging voting.

Once a minor sideshow, and always a tempting target for campaign shenanigans, absentee voting - by nature out of public view - is quietly emerging as a key battleground in Wisconsin political campaigns.

From the November 1998 election, when voters still had to claim disability or swear to another valid excuse, to the 2002 election, when no excuse was required, absentee voting jumped 25% in Wisconsin, with 18,438 more votes cast, state Elections Board records show.

With thousands of votes at stake, the political parties and advocacy groups have become more creative and more determined to put applications for absentee ballots into the hands of would-be supporters.

The voter-turnout group in the Holloway recall race was inspired to try its even-more-aggressive tactic because of the no-excuse law, Vincent Knox, who organized the absentee drive for the group, said last week. In a strategy that stunned even seasoned campaign observers, the group, African-American Coalition for Empowerment (ACE), had ballots mailed to its offices instead of to the individual voters.

ACE workers pre-printed residents' addresses and names on ballot applications, showed up at residents' doors, obtained the potential voter's signature and agreement on where to send the ballot, and got the applications to City Hall. Later, when the group received the ballots in the mail, they returned to homes and served as the required witness as people voted, and finally delivered the completed ballots to Milwaukee election officials. State law prohibits witnesses from observing exactly who a person voted for; ACE says its witnesses did not peek.

During the same period, ACE was paid \$6,300 for campaign services by the Holloway campaign. Holloway says those services did not involve the absentee drive.

The Milwaukee County district attorney's office is investigating signature discrepancies and other irregularities on the ACE-delivered ballots.

Before the March 4 recall contest, elections officials objected privately to ACE's move - saying they saw multiple opportunities for error and illegality in the approach. But they didn't intervene because election law prohibits only a candidate, political party or campaign committee from being a ballot middleman.

That language was added in 1985 after Milwaukee aldermanic candidate Rayford Drake was legally able to direct 200 absentee ballots to a post office box he rented.

By The Numbers

25%

increase in absentee voting in Wisconsin since November 1998.

Two state lawmakers are introducing bills that would prohibit groups from playing middleman; one of them would go further in tightening up the law.

A Milwaukee Democrat, Rep. Shirley Krug, is seeking support for a bill that would allow absentee ballots to be delivered only to a voter's permanent, temporary or work address. Hospitals and nursing homes are common "temporary" addresses.

An alternative bill being floated by Mount Pleasant Republican Bonnie Ladwig is similar but would resurrect a requirement that two people witness the ballot. Only one witness is now required.

Ladwig's reasoning: "It's harder to get two people to lie for you than one."

The state's top elections official, Kevin Kennedy, executive director of the state Elections Board, and many Democrats see the Ladwig approach as a step in the wrong direction.

"We went to one (witness) in part because a lot of elderly people are just husband and wife, so they needed a second witness to come in," Kennedy said of the witness change, which also took effect in 2000 with overwhelming support in the Legislature. "We were trying to make it convenient. You can argue that two witnesses is better than one, but it also makes it harder to vote."

Before 2000, absentee ballots could be obtained only by voters who were away or expected to be absent from their municipalities the day of an election, or could not vote in person because of age, illness, disability, jury duty, religious reasons or work as an election official.

Kennedy argues that under the old law people who just wanted to vote ahead as a convenience were put in a position of making up a valid excuse.

"We didn't want to turn voters into liars and municipal clerks into police," Kennedy said.

Some political activists wonder whether the no-excuse law should be revisited; municipal clerks who handle elections are split on that issue. Clerks have to absorb the extra cost of mailing out more ballots.

Clerks in a few battleground areas in last November's gubernatorial election were deluged with absentee ballot applications, some of which were improperly filled out, sent to the wrong office or sought a ballot for an unregistered voter. Jeanne Krueger, the Menasha town clerk, reported receiving dozens of angry phone calls from people who said they'd received an absentee ballot but never asked for one - an accusation that begged the question of who signed their ballot applications.

"How lazy are Americans going to get?" says Krueger. "For healthy Americans, you come to the polls, until we figure something else out, which we will, like Internet voting."

Fred Kessler, a former legislator and judge, said he believes Wisconsin is heading down a path of mass marketing of absentee ballot applications.

"It doesn't look like a good idea in retrospect," Kessler said of the no-excuse absentee policy.

Mary Clare Fagan, a campaign consultant on local races, wouldn't go that far, but she recalled that state law used to provide a lot more safeguards, including a requirement that absentee voters swear an oath in front of a notary. Tougher enforcement may be the answer, she said.

"I think the oversight of the system has gotten too loose," she said.

Others caution against overreacting to the aggressive new absentee-vote-gathering tactics.

State Sen. Gwendolynne Moore, a Milwaukee Democrat, agrees that political groups should not get ballots, but says some categories of non-profits such as agencies for the homeless should still be able to accept ballots for those without residences.

"I don't want this (ACE case) to become an excuse for people to disenfranchise people," Moore said.