

☞ **05hr_JC-Au_Misc_pt02**



☞ Details: Proposed Audit: Voter Registration Address Verification

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2005-06

(session year)

Joint

(Assembly, Senate or Joint)

Committee on Audit...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Moved by Representative Kerkman, seconded by Senator Roessler that **Proposed Audit: Voter Registration Address Verification** be approved according to the scope statement dated January 31, 2005 prepared by the Legislative Audit Bureau.

Ayes: (9) Senators Roessler, Cowles, S. Fitzgerald, Miller and Lassa; Representatives Jeskewitz, Kerkman, Travis and Cullen.

Noes: (0) None.

Absent: (1) Representative Kaufert.

ADOPTION RECOMMENDED, Ayes 9, Noes 0

A handwritten signature in black ink, appearing to read 'Pam Matthews', written over a horizontal line.

Pam Matthews
Committee Clerk

Vote Record

Joint Legislative Audit Committee

Date: February 9, 2005

Moved by: Rep. Kerkman Seconded by: Sen. Roessler

Motion: that Proposed Audit: Voter Registration Address Verification be approved
according to the scope statement dated January 31, 2005 prepared by the Legislative Audit
Bureau.

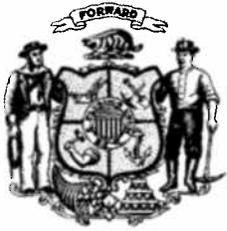
<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Suzanne Jeskewitz Co-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Carol Roessler Co-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Cowles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Scott Fitzgerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Mark Miller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Julie Lassa	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Dean Kaufert	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Representative Samantha Kerkman	<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 David Cullen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>9</u>	<u>0</u>	<u>1</u>	<u>0</u>

Motion Carried

Motion Failed



WISCONSIN STATE LEGISLATURE





WISCONSIN LEGISLATURE

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

84,000 Reg
Polls

January 19th, 2005

The Honorable Carol Roessler
Chair, Joint Committee on Audit

The Honorable Suzanne Jeskewitz
Chair, Joint Committee on Audit

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DA - Support

Dear Senator Roessler and Representative Jeskewitz:

Re: Audit of Voter Address Verification Cards in City of Milwaukee

We are writing this letter to request an audit of the Voter Address Verification Cards in the City of Milwaukee. As it is now known, 84,000 on-site registration cards were submitted on election day in the City of Milwaukee. Of that number, 73,079 of the cards could be processed. Over 10,000 could not even be sent out. We would like an audit to establish an accurate count of the number of cards that were returned as 'undeliverable'. We also believe it is necessary to establish a breakdown of the reasons given for the cards being returned. A second part of the audit would need to look at the 10,000 cards that could not be processed. We are looking for a breakdown as to why the cards were unable to be processed.

address verification cd -

84,000

undeliverable

14,000

The audit would be an important step to determine what has gone wrong with the election process and allow for a more informed discussion on how to fix the problems currently plaguing our election process in Milwaukee.

As Wisconsin's most populous city, Milwaukee is of great importance to the validity of Wisconsin's statewide elections. Citizens who cast legal votes in our districts may be disenfranchised due to the inappropriate actions in Milwaukee. It is important, from a statewide perspective, that we audit and address these serious concerns.

If there are any questions that would help the committee with this request please feel free to contact the Stone office at 266-8590.

Respectfully Submitted,

Racine → Racine

Senator Joseph Leibham
Senator Ted Kanavas
Senator Tom Reynolds
Senator Mary Lazich

Representative Jeff Stone
Representative Mark Honadel
Representative Leah Vukmir
Representative Scott Gunderson
Representative Mark Gundrum
Representative Robin Vos

Letter to Jeff Stone

Amey

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needs Assessment
- calculate
- fraud
- need/impact

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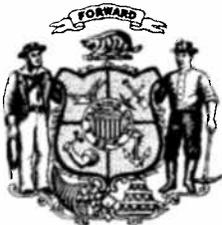
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WISCONSIN STATE LEGISLATURE





WISCONSIN STATE LEGISLATURE

Joint Legislative Audit Committee

Committee Co-Chairs:
State Senator Carol Roessler
State Representative Suzanne Jeskewitz

January 26, 2005

Mr. Kevin Kennedy, Executive Director
Wisconsin Elections Board
17 West Main Street, Suite 310
P.O. Box 2973
Madison, Wisconsin 53701-2973

Dear Mr. Kennedy:

Recent media reports have raised questions about the voter registration and address verification procedures employed by the Milwaukee Elections Commission. As shown in the attached letter, several legislators have requested that the Legislative Audit Bureau conduct a thorough review of these procedures.

Based on our concerns, and the concerns of our colleagues, please be advised that we have directed the Legislative Audit Bureau to prepare a background or "scope" statement outlining the parameters for a proposed audit of the voter registration and address verification procedures employed by a select sample of Wisconsin communities. We also have directed that this proposed audit include a review of the role of the Wisconsin Elections Board in monitoring the address verification process.

When a scope statement has been completed, it will be forwarded to you in advance of a public hearing before the Joint Legislative Audit Committee. At this hearing, the Committee will consider the proposed audit as outlined in the scope statement and determine the appropriate next steps. We ask that you plan to attend this public hearing and testify before the Committee on the proposed audit.

We will notify you once the date and time for this public hearing have been determined. Should you have any questions in the interim, please contact our offices.

Sincerely,

Senator Carol A. Roessler, Co-chair
Joint Legislative Audit Committee

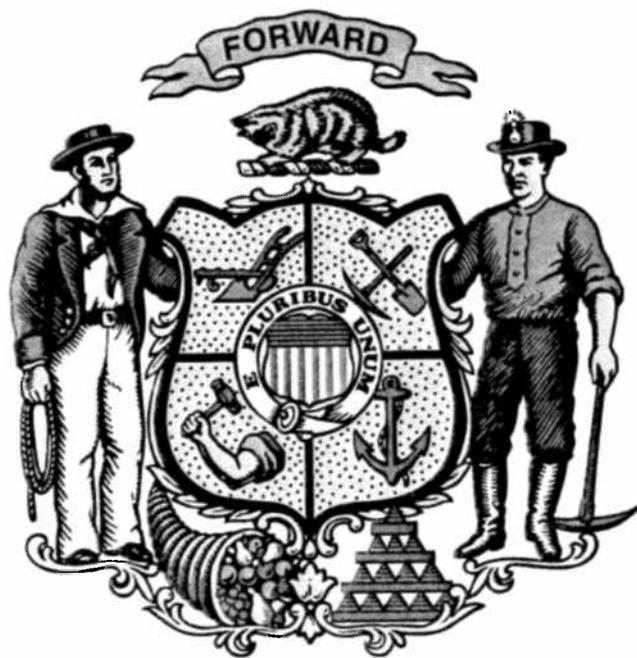
Representative Suzanne Jeskewitz, Co-chair
Joint Legislative Audit Committee

Enclosure

cc: Janice Mueller, State Auditor

SENATOR ROESSLER
P.O. Box 7882 • Madison, WI 53707-7882
(608) 266-5300 • Fax (608) 266-0423

REPRESENTATIVE JESKEWITZ
P.O. Box 8952 • Madison, WI 53708-8952
(608) 266-3796 • Fax (608) 282-3624





WISCONSIN STATE LEGISLATURE

Joint Legislative Audit Committee

Committee Co-Chairs:
State Senator Carol Roessler
State Representative Suzanne Jeskewitz

January 31, 2005

Ms. Lisa Artison, Executive Director
Milwaukee Election Commission
City Hall, Room 501
200 East Wells Street
Milwaukee, Wisconsin 53202

Dear Ms. Artison:

The Joint Legislative Audit Committee will hold a public hearing at 9:00 a.m. on Wednesday, February 9, 2005, in Room 411 South of the State Capitol. At that time, the Committee will consider a proposed audit of voter registration address verification.

As this proposed audit relates, in part, to the activities of the Milwaukee Election Commission, we ask that you be present at the hearing to offer comments on the proposed audit and to respond to questions from committee members. The Legislative Audit Bureau has prepared a background or "scope" statement, which outlines the parameters of the proposed audit. This document is enclosed for your review in advance of the hearing.

Please contact Ms. Pam Mathews in the office of Representative Suzanne Jeskewitz at (608) 266-3796 to confirm your participation at the hearing. Thank you for your cooperation and we look forward to seeing on you on February 9th.

Sincerely,

Senator Carol A. Roessler, Co-chair
Joint Legislative Audit Committee

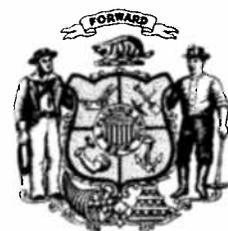
Representative Suzanne Jeskewitz, Co-chair
Joint Legislative Audit Committee

Enclosure

cc: Ms. Janice Mueller
State Auditor



WISCONSIN STATE LEGISLATURE





STATE OF WISCONSIN
Legislative Audit Bureau

22 E. Mifflin St., Ste. 500
Madison, Wisconsin 53703
(608) 266-2818
Fax (608) 267-0410
Leg.Audit.Info@legis.state.wi.us

Janice Mueller
State Auditor

DATE: January 31, 2005

TO: Senator Carol A. Roessler and
Representative Suzanne Jeskewitz, Co-chairpersons
Joint Legislative Audit Committee

FROM: Janice Mueller
State Auditor *Janice Mueller*

SUBJECT: Proposed Audit of Voter Registration Address Verification—Background Information

At your request, we have gathered some background information the Joint Legislative Audit Committee may find useful in considering the request for an audit of voter address verification cards in the City of Milwaukee. The request was submitted by several legislators. These legislators expressed concern that alleged inappropriate election procedures in Milwaukee, the State's most populous city, could damage the validity of statewide election results.

Section 6.56, Wis. Stats., specifies the actions to be taken to verify the eligibility of voters whose names did not appear on the voter registration list at the time of the election, as well as those steps to be taken if the municipal clerk has good reason to believe a person has voted more than once in an election. Either the municipal clerk or the board of election commissioners is to audit the address information provided by these voters through first class mail. The postcards and letters used in the audit are to be marked in accordance with postal regulations to ensure their return to the clerk or board of election commissioners if the voter does not reside at the given address. When any letter or postcard mailed in this audit process is returned undelivered, or whenever the United States postal service notifies the clerk of an improper address, relevant information is to be sent to the district attorney.

Recent news accounts highlighted apparent deviations from the process outlined in statute. For example, in a number of counties, district attorneys reported that they have received few notifications of voter registration problems, and in other counties the district attorneys were unaware of the requirement that they receive the information. Furthermore, some local government officials reported that the statutorily required postcards are not sent to verify voter eligibility. In Milwaukee, an estimated 10,000 audit postcards from the November 2004 election are in dispute, raising questions about the procedures used to verify voter eligibility.

The Legislature enacted numerous reforms to Wisconsin's election laws in 2003 Wisconsin Act 265. The Act was developed in response to the standards imposed on states by the federal Help America Vote Act (HAVA) of 2002. Act 265 includes many provisions, including requiring a statewide voter registration list, uniform standards for determining the validity of votes cast, and access to polling places for individuals with disabilities. Although some provisions in the Act became effective in April 2004, many provisions do not take effect until January 2006. The Act directs the Legislative

Audit Bureau to conduct a program evaluation audit of state and local government compliance with election law, including the provisions in Act 265, specifically those provisions dealing with polling place accessibility. As directed by Act 265, the Bureau is required to consult with the Elections Board to complete the audit at an appropriate time following the effective date of the law.

2007

An audit of the voter registration address verification process at this time could include:

- an examination of the voter registration procedures and practices in Milwaukee and in a sample of municipalities statewide;
- an analysis of the address verification procedures used for new voter registration in Milwaukee and in a sample of municipalities, including a review of whether state election laws were followed;
- a determination and analysis of the reasons address verification cards were returned as “undeliverable”;
- an analysis of district attorney referrals and actions taken; and
- an examination of the role of the State Elections Board in monitoring the address verification process.

It is expected that a broader audit of all of the Act 265 requirements would take place in 2007, when all the Act’s provisions have taken effect.

If you have any questions regarding this request, please contact me.

JM/KW/bm

cc: Senator Robert Cowles
Senator Scott Fitzgerald
Senator Mark Miller
Senator Julie Lassa

Representative Samantha Kerkman
Representative Dean Kaufert
Representative David Travis
Representative David Cullen

Senator Joseph Leibham
Senator Ted Kanavas
Senator Tom Reynolds
Senator Mary Lazich

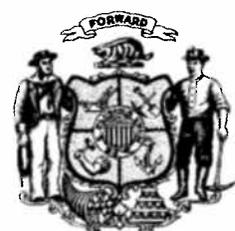
Representative Jeff Stone
Representative Mark Honadel
Representative Leah Vukmir
Representative Scott Gunderson
Representative Mark Gundrum
Representative Robin Vos

Kevin J. Kennedy, Executive Director
Wisconsin State Elections Board

Stuart Morse, Director
State Prosecutors Office



WISCONSIN STATE LEGISLATURE





WISCONSIN STATE LEGISLATURE

Joint Legislative Audit Committee

Committee Co-Chairs:
State Senator Carol Roessler
State Representative Suzanne Jeskewitz

FOR IMMEDIATE RELEASE

January 31, 2005

For further information, contact:

Sen. Carol Roessler (608) 266-5300
Rep. Suzanne Jeskewitz (608) 266-3796

Roessler and Jeskewitz Advance Voter Registration Audit to Committee

(Madison)...On Wednesday, February 9, 2005, the Joint Legislative Audit Committee, co-chaired by Senator Carol Roessler (R-Oshkosh) and Representative Suzanne Jeskewitz (R-Menomonee Falls), will hold a public hearing and executive session on a proposed audit of voter registration address verification.

“Elections are the lifeblood of our democracy and must be conducted with integrity, legitimacy and exactness. The assurance of one person/one vote must be of utmost priority,” Roessler declared.

In response to concerns about elections procedures in Milwaukee, several legislators wrote to Roessler and Jeskewitz requesting that the Joint Legislative Audit Committee direct the Legislative Audit Bureau (LAB) to review the voter address verification procedures in the city of Milwaukee.

“In moving this audit request forward to the full committee we felt strongly that we needed to look at the voter verification process from a statewide perspective,” remarked Jeskewitz. “However, Milwaukee is the most populous city in this state and it is essential that they be included in any statewide audit.” The co-chairs instructed LAB to prepare a background or “scope” statement for the proposed audit, which includes:

- an examination of the voter registration procedures and practices in Milwaukee and in a sample of municipalities statewide;
- an analysis of the address verification procedures used for new voter registration in Milwaukee and in a sample of municipalities, including a review of whether state election laws were followed;
- a determination and analysis of the reasons address verification cards were returned as “undeliverable”;
- an analysis of district attorney referrals and actions taken; and
- an examination of the role of the State Elections Board in monitoring the address verification process.

Last session, the Legislature enacted Wisconsin Act 265 in order to meet federal standards outlined in the Help America Vote Act (HAVA). The provisions of Act 265 direct the LAB to conduct a program audit of state and local government compliance with election laws. All components of Act 265 will be in place by January 2006.

“As the state prepares to spend approximately \$40 million dollars in federal funds to implement the requirements of HAVA it is imperative that we have confidence in the integrity of the end product,” stated Jeskewitz. This audit will analyze the process used by Milwaukee and a sample of other municipalities to

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(608) 266-3796 • Fax (608) 282-3624

ensure statewide compliance with election laws and will be followed later by a comprehensive audit of Wisconsin's implementation of federal HAVA requirements. This will give the Legislature, Governor and citizens of Wisconsin a greater assurance in the integrity of the voting process.

The public hearing on the proposed audit will be held at 9:00 a.m. on Wednesday, February 9, in Room 411 South of the State Capitol. At that time, the Joint Legislative Audit Committee will receive public testimony on the audit proposal. A copy of the public hearing notice and the audit scope statement can be obtained at the Legislative Audit Bureau's website at www.legis.state.wi.us/lab or by contacting either of the co-chairs offices.

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FEB 09 2005

February 7, 2005

Co-Chairmen of Voting Procedures Audit Committee

Senator Carol Roessler	and	Representative Suzanne Jeskewitz
18th Senate District		24th Assembly District
Room 8- South		Room 314- North
State Capitol		State Capitol
PO Box 7882		PO Box 8952
Madison WI 53707-7882		Madison WI 53708

Greetings:

Thank you for doing the important work of keeping integrity in our voting procedures. I agree with Milwaukee Alderman Mike D'Amato that the Voting Procedures Audit should be statewide (Milwaukee Journal/Sentinel, January 28, 2005). Also, while deliberate fraud must be stopped, Lisa Artison, Director of the Milwaukee Election Commission is probably right in saying "layer upon layer" of human error likely is to blame for the problems had in Milwaukee.

My concern is with erosion of the voting process through carelessness and forgetting of the principles. I trust E. Michael McCann and Steve Biskupic will root out the fraud and probe the criminal activities, with the help of Milwaukee Police and the FBI. You will be concerned stopping the erosion. One Fox Point example is the introduction of little voting tables to replace curtained voting booths. Our neighbors file past while we are marking our ballot with a bold, easy to see, marker; we get no privacy for placing a secret ballot. Even worse, we must carry our ballot to a "smiling, helpful" community resident who turns our ballot face up to feed it to a scanner while various "Pole Watchers" hang around, chatting with the lady at the scanner. Earlier, an ominous-looking watcher took notes while we gave our addresses and checked in. I don't object to showing identification, but I do object to others seeing how I vote.

I lived in Mississippi from 1952 to 1957 and, believe me, casual intrusions such as these were done as intentional violations of the principle of the *secret ballot*. Pressure and intimidation came from one's conforming peers as well as the political opposition. The secret ballot is a safeguard to free voting, but it is being undermined by honest, systematic, procedural, carelessness in Wisconsin. Please be vigilant against erosion.

Sincerely,



Carolyn K. Stephens
8017 N. Santa Monica Blvd.
Fox Point, WI 53217

cc. Janice Mueller; Lisa Artison; Tom Barrett; Mike D'Amato; Jim Doyle; Joe Liebham;
E. Michael McCann; Jeffrey Stone





Joe Leibham

STATE SENATOR

February 9, 2005

Testimony on Proposed Audit of Voter Registration Address Verification Cards

Good morning Co-Chair Roessler, Co-Chair Jeskewitz and distinguished Committee Members:

Sunday, January 30th was an inspiring day; a day in which we witnessed the hopeful start of a new democracy in Iraq. The foundation of this new democracy was a free election in which nearly 8 million Iraqi citizens, roughly 60 percent, participated by casting a vote.

One key block in the foundation of our free country, our democracy in America, is our election process and the ability of our citizens to make a difference by casting a vote.

Unfortunately, this foundation has been softened, if not eroded, over recent years due to legitimate concerns regarding human administrative error and fraudulent voter activity. Each election year, we have witnessed increasing problems and frustrations with the process here in Wisconsin while the faith of our voters continues to erode. After hundreds of thousands of Iraqis risked their lives to cast a vote, there are far too many people in our country who do not go to the polls, while many of our citizens wonder whether their vote will even count.

In the 2000 elections we learned of paid political operatives from New York offering cigarettes to homeless people in Milwaukee in exchange for votes, college students bragging about how many times they voted and known felons casting ballots. The 2002 elections were marked with questionable voting at bingo parties, unusual absentee voting schemes and ballots cast under names of people who had passed away.

Unfortunately, these concerns may eventually pale in comparison to the questionable activities and irregularities associated with the 2004 elections. Over the last few weeks, we have learned through numerous investigations and media reports, that the Milwaukee City Election Commission could not verify the addresses of approximately 10,000 people who registered to vote in Milwaukee in November 2004. Recently, the Milwaukee Journal Sentinel reported that 17 polling places in the City of Milwaukee had approximately 100 votes more than the number of voters registered to have cast a ballot. Two polling places reportedly have 500 or more cast ballots in comparison to the number of voters who registered to vote.

Due to concerns raised by myself and other legislators, each of these issues is being investigated. The U.S. Attorney and the Milwaukee County District Attorney recently asked the Federal Bureau of Investigation (FBI) and local police to launch a joint investigation into these concerning events.

Clearly, these incidents suggest a pattern of activities that undermine Wisconsin's tradition of open and honest elections. That is why I have joined Representative Jeff Stone (R-Greendale) and 63 of our legislative colleagues in introducing Senate Bill (SB) 42, legislation that will require eligible voters to present a valid state-issued photo identification (ID) card at the polls before voting in any Wisconsin election.

That is also why I joined Senators Kanavas, Reynolds and Lazich and Representatives Stone, Honadel, Vukmir, Gunderson, Gundrum and Vos in requesting an audit of the voter address verification cards in the City of Milwaukee.

As a former co-chair of this committee, I fully understand the weight of this request. However, I feel strongly that only through a non-partisan analysis of the City of Milwaukee's voter address verification cards and voter registration system will we have an honest understanding of what has transpired to date.

Furthermore, I would strongly support a similar analysis of other municipalities from across the state as suggested by the Legislative Audit Bureau in an attempt to harvest comparable data for analytical purposes. Only through this sort of comprehensive analysis will we be able to fully understand the problems that currently exist in Wisconsin's election system.

As the chair of the Joint Legislative Council's bipartisan Special Committee on Election Law Review, which has been charged with reviewing all aspects of Wisconsin's current election and recount laws, I look forward to your approval of this request and to the findings of the Legislative Audit Bureau. While the Special Committee on Election Law Review is expected to release their legislative recommendations later this spring, I am hopeful that some of the preliminary findings of the Legislative Audit Bureau will help us in reaching our conclusions.

As an American, I understand and appreciate the value of a vote and I respect the great right that is provided to us as citizens of this country. That is why I ask for your support for this audit in an effort to gather the facts surrounding the flaws in our current system in an effort to ultimately provide solutions to ensure that every legally cast ballot does not stand the chance of being cancelled out as a result of fraud or administrative error.

Thank you for your service to our state. It is an honor representing the residents of the 9th District in the State Senate!



WISCONSIN LEGISLATURE

P.O. BOX 8952 · MADISON, WI 53708

February 10, 2005

Janice Mueller
State Auditor
Legislative Audit Bureau
22 E. Mifflin Street, Suite 500
Madison, WI 53703

Dear Ms. Mueller:

We are writing today to request that request that City of Eau Claire be added to the audit of voter registration procedures and practices in the City of Milwaukee and other municipalities statewide.

Eau Claire is a college community that experienced record turnouts for the November elections. In certain wards, voter turnout increased by 150 percent. To our knowledge, the City Clerk has sporadically used the verification card process. Also, there were reports of individuals vouching for dozens of voters. Other concerns that arose included allowing the use of comic book subscriptions, traffic tickets and bank statements for address verification purposes.

For these reasons, and to provide geographical balance to the audit, we feel that the City of Eau Claire should be included in this process. We are not alleging that voter fraud occurred, but feel that in light of the aforementioned concerns, additional scrutiny is warranted.

Thank you for your consideration of our request. We look forward to hearing from you.

Sincerely,

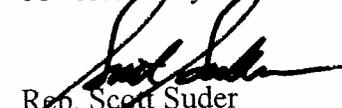


Rep. Rob Kreibich
93rd Assembly District


Sen. Dave Zien
23rd Senate District



Rep. Terry Moulton
68th Assembly District

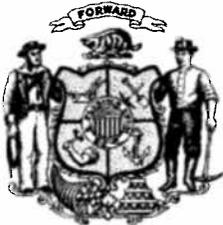

Rep. Scott Suder
69th Assembly District



Sen. Ron Brown
1st Senate District



WISCONSIN STATE LEGISLATURE





DAVID CULLEN

STATE REPRESENTATIVE

February 15, 2005

Ms. Jan Mueller, State Auditor
Legislative Audit Bureau
22 E. Mifflin Street, Suite 500
Madison, WI 53703

Dear Jan,

As you will recall, during last week's Joint Audit Committee meeting, I mentioned concerns I have that the audit authorized by the committee may not go far enough in investigating problems with the November, 2004 election. While you mentioned that the audit would not be entirely focused on perceived problems with the election in the city of Milwaukee and would also include a few other communities, I remain concerned that discrepancies are potentially widespread and should be investigated much more thoroughly than the Joint Audit Committee authorized. Recent media reports have found discrepancies in election records in Neenah, Mosinee, Eau Claire, Waupun, Bayside, Fond du Lac, and Madison.

Rather than delving into these problems in a piecemeal manner and only considering a handful of communities other than Milwaukee, I urge the Legislative Audit Bureau to make the investigation as complete as possible, preferably statewide. I am concerned that politics, rather than sound public policy, originally spurred interest in this audit. Now that the audit has been approved and more potential problems have been identified, only a thorough investigation will determine where election problems exist, the reasons for such problems, and a strategy to address them.

I hope you will expand your investigation into discrepancies revealed after the November, 2004 elections to many more communities than what was indicated at last week's meeting. I look forward to your prompt reply to my request.

Sincerely,

A handwritten signature in black ink that reads "David A. Cullen".

DAVID A. CULLEN
State Representative
13th Assembly District

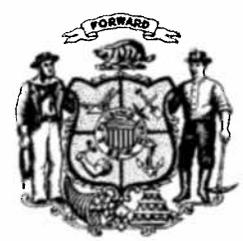
cc: Sen. Carol Roessler
Rep. Suzanne Jeskewitz
Members, Joint Audit Committee

HOME: 2845 N. 68th STREET • MILWAUKEE • WI 53210
OFFICE: P.O. BOX 8952 • MADISON • WI 53708 • (608)267-9836
TOLL-FREE: 1-888-534-0013
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WISCONSIN STATE LEGISLATURE



no date



JEFF STONE

STATE REPRESENTATIVE
82ND DISTRICT

Phone (608) 266-8590 Toll Free (888) 534-0082 E-mail Rep.Stone@legis.state.wi.us

Franklin Greendale Greenfield

Good Morning Chairpersons Roessler and Jeskewitz and Committee Members:

Thank you for the opportunity to address the committee to present the reasons we are requesting an audit of election issues stemming from the November 2004 election.

A quick recap of how we arrived here is in order. Representative Stone had first experienced concerns over our election process after the 2000 election. Testimony to the Campaigns and Elections Committee raised questions about the way the election was handled at that time. The concerns that the Representative had at that time remained. As we approached the 2004 election cycle, the Representative started to look into the procedures being used to successfully run the election.

At the completion of the fall election the representative started asking for information about the Address Verification Cards. After a two-month time period the office was provided with preliminary numbers that showed over 83,000 same day registrations took place. There existed a gap of 10,000 between number of AVC that had been mailed and the number that should have been sent. At this point we started asking more questions about what had gone wrong with the registration of the 10,000 voters and why did this happen. Was it avoidable? At this time radio talk show hosts and the Milwaukee Journal Sentinel starting looking into the election day problems. Since that time, many more details and questions relating to the election have surfaced.

Some of the information that has been brought to light includes; 1305 registration cards that did not contain the needed minimal information required to register a voter. 1200 votes cast in the last election came from addresses that do not exist. 7000 over votes were cast in the last election. That is 7000 more votes than the number of people listed as having voter. The gap between the number of on site registrations and the number of AVC sent has been narrowed to 8300. Of the AVC that had been sent out, 3150 have been returned as undeliverable as of last Thursday. All told that brings the number of questionable ballots to almost 21,000. While this number represents less that 10% of the vote cast in the City of Milwaukee, it takes on a different light when compared to the population of certain counties in the State. 23 of the States 72 counties have populations less than the number of ballots in question in the City of Milwaukee. That is just shy of 1/3 of all the counties in the State. If I lived in or represented one of those counties, I would not think the number of questionable ballots is all that small.

Representative Stone's Office has also been receiving information that some of the issues that seem to be affecting the city of Milwaukee have also occurred in other locations from around the State. Some of the problems seem to be stemming from outside groups signing people up to vote in the months preceding the election. The Wisconsin Election Board even went so far as to recommend that voters that registered in that manner bring along a photo ID.

The US Attorney's office and the Milwaukee District Attorney Office have undertaken an investigation into possible fraudulent voting in the city. I hope that what they find is minimal. If they do not find problems of fraud with these 21,000 ballots that only leaves human error to explain the problems we are currently aware of. Until a better look at the ballots and the processes used during the last election are looked at we will not be able to fix the system. To that end I hope the Committee will approve an audit to look into the problems we have seen in Milwaukee and will expand the audit to include other municipalities of various size and location from around the state. Included in the audit, we would like to see if the communities looked at are following current election law and see if the other authorities involved are following up appropriately.

Four years ago when the Representative asked questions concerning the 2000 election, he was told that there are no real problems. The problems that concerned the Representative not only resurfaced in 2004, but they came back with a vengeance. Things have not improved since 2000. If we do not investigate and take appropriate actions now, things will only get worse for the 2006 and 2008 elections.

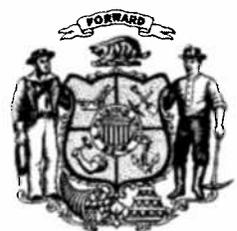
Each member of this Committee will have to go back to their district and in almost every case address constituents from a city or town smaller than the number of ballots in question in Milwaukee. In the case of Representatives Jeskewitz and Cullen, you both represent areas that have received extensive media coverage in regards to the problems from the Fall 2004 election. I don't think I am understating the importance of addressing the concerns we are seeing with the current execution of elections in the state of Wisconsin. The findings of an audit will go a long way to help understand and correct what problems we can with our election process. The trust that our elections are being run effectively and with integrity is crucial to every person in the great State of Wisconsin.

Thank you for your service to the State and for allowing this testimony today.

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WISCONSIN STATE LEGISLATURE



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Inquiry finds evidence of fraud in election

Cast ballots outnumber voters by 4,609

By GREG J. BOROWSKI
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Posted: May 10, 2005

Investigators said Tuesday they found clear evidence of fraud in the Nov. 2 election in Milwaukee, including more than 200 cases of felons voting illegally and more than 100 people who voted twice, used fake names or false addresses or voted in the name of a dead person.

Officials said charges will be filed in coming weeks, as individual cases are reviewed and more evidence is gathered.

Nonetheless, it is likely that many - perhaps most - of those who committed fraud won't face prosecution because city records are so sloppy that it will be difficult to establish cases that will stand up in court.

And even now, three months after the investigation, officials have not been able to close a gap of 7,000 votes, with more ballots cast than voters listed. Officials said the gap remains at 4,609.

U.S. Attorney Steve Biskupic likened it to trying to prove "a bank embezzlement if the bank cannot tell how much money was there in the first place."

Biskupic announced the preliminary findings at a news conference, along with Milwaukee County District Attorney E. Michael McCann, who is also overseeing the joint inquiry.

Tuesday's announcement comes after a Journal Sentinel investigation that found widespread problems with the election in the city, including that the election totals themselves were not double-checked by city and county panels charged with doing so.

Some of the problems identified by the newspaper, such as spotty compliance with procedures to verify same-day registrants, are broader and are the subject of a statewide audit approved by lawmakers.

Tuesday's announcement could breathe new life into the Republican-backed photo ID debate, which did not survive a veto from Democratic Gov. Jim Doyle and might instead eventually go to voters as a proposed constitutional amendment.

A photo ID requirement might have caught some of the problems highlighted in Tuesday's preliminary report. It notes cases of people voting in the name of a dead person or as someone else. Investigators located some people listed as voting who said they did not vote.

In other cases, according to Tuesday's report, people "registered and voted with identities and addresses that cannot in any way be linked to a real person."

Officials did not identify how many fit each category.

Election Investigation



Photo/Karen Sherlock

U.S. Attorney Steven M. Biskupic (left), with Milwaukee County District Attorney E. Michael McCann, delivers the preliminary findings of a task force examining possible election fraud at the Federal Courthouse on Tuesday

Preliminary Findings

More than 200 felons voted illegally, while still on probation or parole. Although the cases will be hard to prosecute, investigators are now looking at Milwaukee suburbs for similar problems.

More than 100 people voted twice or used false addresses, fake names or voted as a dead person. Charges will be filed against

Investigators have focused only on the City of Milwaukee in reviewing duplicate-voting offenses. Officials said Tuesday, though, that they would expand the review of felons voting illegally to Milwaukee suburbs.

The newspaper found at least 278 felons who voted statewide, though only a partial review could be completed because of a state law that bars public access to birthdates of voters.

Tracking illegal votes

The fraud investigation has focused on the more than 70,000 people who registered to vote on election day, not the other 200,000-plus voters. That is because registration cards provide a paper trail, which officials said would be stronger in court than computerized records.

It is unclear what identification these 100-plus people provided at the polls to register. State law allows utility bills and leases to be used or for one voter to vouch for another.

Biskupic, appointed by a Republican, and McCann, a Democrat, said they had pledged to avoid partisanship in the matter and avoided questions relating to reforms and proposals.

The announcement, though, prompted renewed calls for photo ID from Republicans, while Doyle pushed again for his set of reforms, which he said would do more to tackle specific problems.

For instance, investigators found "deputy registrars" working for registration drives had submitted at least 65 fake names, though no one apparently voted from the addresses. Doyle's plan would prohibit offering financial incentives, such as paying by the signature, in such drives.

In Madison, Doyle said a photo ID requirement is unnecessary. He urged prosecution of any offenders.

"I don't think many people, if they know there are real consequences for voting twice, and that there have been prosecutions for voting twice, are going to do it because the risk of being caught and the penalty far outweighs the advantage of casting one extra vote," Doyle said.

In response to the findings, Sen. Joe Leibham (R-Sheboygan) said as early as next month he would advance a bill similar to the one vetoed by Doyle. It also could be part of the recommendations from a Legislative Council task force that has been meeting on reforms.

While Doyle has argued the measure would make Wisconsin one of the strictest states in the nation, very few other states allow same-day registration.

Assembly Speaker John Gard (R-Peshtigo) said if Doyle again vetoes the requirement, he would move to make it part of the state constitution, a two-year process that requires a statewide referendum but does not require the approval of the governor.

"The next presidential election in Wisconsin, I guarantee you'll need a photo ID to vote," said Gard, who is running for the U.S. House. "I'll get this done if it is the last thing I do around here."

U.S. Rep. Mark Green, a Green Bay Republican who has introduced a national photo ID requirement, said: "People are having their faith in the election system shaken. This news will make it much, much worse."

Green is running for governor, as is Milwaukee County Executive Scott Walker, who also backs a photo ID requirement.

"Clearly, there is proof that fraud took place in the November 2 election," Walker said.

some of these people.

■ 4,609 more ballots were cast than voters listed.

■ Investigators have not been able to locate about 100 same-day registration cards.

By The Numbers

1,000

Minimum of hours logged by investigators from the FBI and Milwaukee Police Department reviewing the 70,000 same-day registration cards. This was required because of sloppy record-keeping by the city.

1,300

Cards that could not be processed because of missing names, addresses and other information.

Photo ID Debate

Should the state adopt a photo ID requirement for voting?

Yes

No

VOTE

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Milwaukee Mayor Tom Barrett attended the news conference, an unusual occurrence for an announcement by prosecutors.

From the start, Barrett said he welcomed the inquiry but also noted at several points in recent months that he had seen no hard evidence of fraud in the system.

He acknowledged Tuesday the findings pointed to fraud and said again "any individual who committed fraud (should) be prosecuted."

Asked if a photo ID requirement would have made a difference, he said it would not have prevented felons from voting and would have had little impact on other problems.

Biskupic said there was no indication of a widespread conspiracy to commit voter fraud, or of any knowledge or involvement by poll workers or any other city officials.

The city's record-keeping problems meant investigators from the FBI and Milwaukee Police Department have logged more than 1,000 hours reviewing the 70,000 same-day registration cards, including 1,300 that could not be processed because of missing names, addresses and other information.

Indeed, about 100 cards described as "of interest to investigators" cannot be located, officials said. And within the past few weeks, police found a previously lost box of the cards at the Election Commission offices.

Biskupic and McCann said they remain troubled that three months after the investigation began that city officials have been unable to account for a gap of about 4,600 votes, with more ballots counted than people listed as voting.

That reflects a new assessment of the 7,000-vote gap first identified by the Journal Sentinel. Although city election officials initially blamed postelection data entry for the flaws, the newspaper found gaps existed at dozens of wards, with more votes counted than people tallied in log books.

The gap has been narrowed to 4,600 by a closer review of election day logs and other records, which authorities placed off-limits to the newspaper during the investigation.

McCann said: "I will not be satisfied if we cannot uncover that - what the explanation is, or a reasonable explanation."

In all, about 277,000 people in Milwaukee voted in the election. Thus, the cases identified in the investigation constitute a small portion of the total vote.

The findings, however, carry extra significance in a state that had an 11,000-vote margin in the presidential contest, one of the closest in the nation.

Democrat John Kerry topped President Bush in Wisconsin, mainly because of Kerry's margin in Milwaukee and Madison.

Had a larger state, such as Ohio, gone the other way, it could have led to a Florida-style recount here that would have turned on many of the issues that instead were left for the newspaper to uncover in its extensive investigation.

The federal-local investigation was launched Jan. 26, a day after the Journal Sentinel reported that some 1,200 votes in the November election came from invalid addresses.

Among other findings, some 1,300 same-day registration cards were processed by poll workers who allowed people to vote even though the cards were incomplete. Some 548 had no address listed and 48 gave no name - yet the person was allowed to vote. Another 141 listed addresses outside the city.

The newspaper was denied access to those cards, on the recommendation of the city attorney's office, citing the inquiry.

Felons voted

Reviewing information it had access to, including a computerized list of people recorded as voting, the newspaper identified at least 278 felons who illegally voted statewide, though the vast majority came from within the city.

The real number is likely far higher because the newspaper was able to review only about 38% of the 2.98 million people who voted in the state because of the law that bars access to birth dates. The newspaper was able to link various databases and compare them to a state list of felons on probation or parole at the time of the election.

In response to the newspaper's reports, Doyle and many Republican lawmakers said that rule should be rescinded.

In Wisconsin, only felons who have completed probation or parole are allowed to vote.

Biskupic and McCann said these cases can be hard to prosecute, since it must be established that the felon knew he or she was not allowed to vote and voted anyway.

Thus it is unclear how many of the 200 felons investigators had identified will ultimately be charged.

The newspaper also identified numerous cases in Milwaukee where the same person appears to have voted twice, though that analysis was hampered by major computer problems at the city.

Those problems, which city officials labeled a "glitch," meant hundreds upon hundreds of cases where people are incorrectly listed as voting twice. These are in addition to cases of double voting identified by investigators.

The investigators have been focusing on 100-plus cases in this area. The cases take on many forms.

For instance, non-residents used non-existent city addresses to vote in Milwaukee. Officials are checking to see if they also voted elsewhere, such as from their actual address.

Officials indicated some of the fraud cases could be handled at the federal level because the election involved federal candidates, while other cases could involve state charges.

McCann and Biskupic asked anyone with information on possible fraud call the election task force at (414) 935-7802.

In March, Lisa Artison, a Barrett appointee, resigned as executive director of the Election Commission. She had been under fire for her handling of the election.

Sharon Robinson, head of the Department of Administration, has been overseeing the office and is chairing a city task force reviewing the election. Its report could be issued this month.

Patrick Marley of the Journal Sentinel staff contributed to this report.

From the May 11, 2005, editions of the Milwaukee Journal Sentinel
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Voting fraud not a problem in Madison

Phil Brinkman Wisconsin State Journal
May 10, 2005

John Hill really does exist. So do Katie Katz, Donald Schamun, James Kuehl, Janet Griesel, Sandra Angell, John Amundson and Deb Spees.

Brian Stoll is out there, along with Daniel Jay Lee and David Cimino. Angela Franzke moved; so did Nathan Greenawalt, Scott Lueck, Eric Sherman and Paul Sonntag. But they're real people.

In fact, if you took the time, you'd likely find the vast majority - if not all - of those once thought to be Election Day phantoms in Madison are living, breathing voters.

Authorities continue to investigate voting irregularities in Milwaukee, including more than 100 cases of suspected double voting.

But in Madison, where 1,194 address verification cards sent to voters who registered on Election Day in November were returned as nondeliverable, investigators now say only 16 may be problematic.

"The vast majority of them - almost all of them - on their face appear to be someone who moved between voting day and the time when these were mailed out," Dane County District Attorney Brian Blanchard said.

Most of the others either wrote down the wrong ZIP code on their registration forms, forgot to include their apartment numbers in their address or inadvertently wrote down an old address. The post office likely could find them, but election rules require the cards be returned if the address is incorrect or incomplete.

"It doesn't make me feel good," said John Hill, 59, an Army veteran and longtime Madison resident whose voter registration card was sent back to the Madison city clerk because he wrote his ZIP code as 53704 instead of 53705. "I know I didn't cheat, and I know it was all a big mistake. People just make too big a deal of the little things."

Innocent mistakes Such innocent mistakes, which happened thousands of times around the state, have tended to amplify the far more serious - but much smaller number - of likely fraudulent votes such as those announced Tuesday in Milwaukee. Identification advocates regularly cite the number of returned registration cards as evidence Wisconsin needs to require voters to show photo identification at the

polls.

Opponents point out such a requirement would do little to stop most of the problems that have been identified, such as people writing down the wrong address or felons voting, and say it could disenfranchise some elderly or poor voters.

Supporters note the current system, in which registered voters need show no identification and new voters need only a utility bill or another registered voter to vouch for them, invites abuse.

The GOP-led Legislature recently passed a bill requiring a photo ID to vote, but Democratic Gov. Jim Doyle vetoed it.

A hearing on a proposed state constitutional amendment requiring such identification (AJR 36) is planned for 10 a.m. Thursday in Room 300 Northeast of the state Capitol.

At first glance, many of the verification cards that were returned suggested possible voter fraud: The addresses didn't exist, or the person on the card didn't live there.

One card, filled out by a John Amundson, gave an address of "6 S. Madison," not an actual residence. But Amundson is very real. The 45-year-old information technology manager actually lives at 6 S. Yellowstone Drive.

"Sounds like I spaced out the 'Yellowstone,' " Amundson said. "It certainly sounds like the kind of thing I could do."

A letter carrier couldn't find Janet Griesel at 710 Wheeler Road. That's because Griesel moved about two years ago to 710 Malvern Hill Drive from 1630 Wheeler Road. Her card mixed the two, creating an address that doesn't exist.

"My husband probably filled it out for me because I have a vision problem," Griesel said. "He was in a hurry to write his and mine, and I bet that's what he did. Unbelievable."

Katheryn Katz put down the address of her sorority house at 103 Langdon St. when she registered to vote Nov. 2 in her first presidential election. The city clerk sought to confirm her address in January, but by then she had moved to Seville, Spain, where the 21-year-old UW-Madison junior is studying Spanish politics and history.

Sandra Angell moved to her new house five years ago, but for reasons she can't explain, she wrote down her old address on Starker Avenue when she went to vote.

Cheating can be risky Kevin Kennedy, executive director of the state Elections Board, wasn't surprised at the low number of potential fraud cases in Madison. Defrauding the current system is easy but chancy, and

the payoff of throwing a few votes toward one candidate probably isn't worth the risk of 4 years in prison, he said.

Allegations of massive fraud, such as one person vouching for a busload of potential voters, are probably apocryphal, Kennedy said. Something like that would make an impression on poll workers, who haven't reported any such incidents, he said.

Voters can cheat the system. They can, for example, claim to be someone else. But that can be risky, Kennedy said, since it depends on the cheater knowing that the other person hasn't voted yet and that the poll worker doesn't know the person whose identity is being used.

To register as a fictional voter, the person would need to forge documents, such as utility bills, used to verify the person's address. Beginning in 2006, federal law also will require voters to list their driver's license number or, if they don't have a driver's license, the last four digits of their Social Security number.

State Rep. Jeff Stone, R- Greendale, the lead sponsor of efforts in the Assembly to require photo ID at the polls, said the numbers from Madison suggest "a degree of accuracy in the way the system functioned" unlike in Milwaukee.

But he maintained photo ID would improve the system further by allowing poll workers to make a positive identification of the voter, even if the address is outdated, incorrect or fraudulent.

"I think that's something that would improve the potential for pursuing charges against someone who voted improperly," Stone said.

Charges unlikely In Madison, at least, the odds of such charges look exceedingly slim. If someone wanted to forge an identity and vote fraudulently, finding that person is probably next to impossible, Blanchard said.

Then, too, explanations for the 16 cards investigators have pulled out for further inquiry may prove to be as benign as the other 1,178.

On Tuesday, the Wisconsin State Journal found one of those voters, Brian Stoll. He and his wife live where they said they lived on their registration card, at 9921 Soaring Sky Run. But, while the property was recently annexed by Madison, the post office still considers it a Verona address and returned the card.

Stoll, 38, said he's used to such confusion over his address and was willing to overlook his brief tenure as a criminal suspect.

"As long as I didn't end up in jail and I can explain the circumstances, I guess it's OK," he said.

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2-9-05 Audit hearing

FBI - think can work cooperatively
Cullen - what is a sample?

5-10

planning on-site

urban/rural

North/South

hope good information

to quantify 3000 municipalities

I don't think likely to find it

→ watch hunt towards Milwaukee

in mind for govt. reasons

→ problem clearly identified

address real problems & address

ask highly respected & acclaimed

- identify problems

- exactness of problem

- breadth & depth of problem

- to eliminate problems in election

process

1 vote 1 person

lifeblood of our democracy
blood must be clean

leg council comm - recommendations
draft, proper legislation

Kerkman - everyone

Miller - know if integrity
reasonable plan
sample adm.

is it large urban areas -
a # of diff places of jurisdiction
indicate scope of jurisdiction
rationale for which ones selected

- media

- All of Cities

- Log of Munic

- Elects Bd

Cochran

want to look at those working
well to see we can get best
practices

Fitzgerald - cast as a partisan issue
b/c of system a primary elects
important

all criteria also applies to these

- congressional (more election) - 3 dem.
- a lot at stake - have to see
- no matter what party in

State's office

- questionable ballot is 21,000
- Milwaukee

2

Kevin Kennedy

welcome the proposed audit when
there were problems in 2000 & need
to be addressed - some addressed
some not
so public has confidence
prior to 2004 election - a
complaint

requirements not being followed
underscore the problem

uniform voter reg

- ↳ document processes
- ↳ clear procedures

identify B4 election day
someone voted absentee
get good picture
currently a little over 300
have voter registration

communicate

review internal process
↳ ability to have standard
uniform standards

35% still working on complaints since
2000

no, not what meant -

* a # of statements in media

↳ mts claim several hundred votes - 300 folks → 10 folks prosecuted & cast them out

* claimed 2,000 non-existent votes → might only be 1,000

CR pulling houses together

- mlu co. clerk - other clerks surprise

Trag - using ink & fingerprint

more backward in election procedure

system by identify

blc of lack of id & literacy issues

not let time comment made

Korkman

Travis - lack of poll workers

let h.s. workers & public employees

↳ proponents of h.s. poll workers father "they can hear things so much better than us"

→ have a 3.0 gpa

get into process

public -

Problem poll workers - too many ballots in machine → not machine broken

CR - legis. remedy:
legis requirement be a 2.0 or 2.5 gpa for h.s. poll workers

Businesses supply people
especially happening in Madison 3

~~Resource~~ Resource issue - may be more
efficient - if have I list
numeric access than part of
list -

mailing adv. through state
primary + general elections
with margins much different
don't do followup till Dec

Roesler-Kerkman
9-0 unan. vote