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☞ 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**

\* Contents organized for archiving by: Stefanie Rose (LRB) (September 2012)

## Record of Committee Proceedings

### **Joint Legislative Audit Committee**

#### **Proposed Audit: Voter Registration Address Verification**

February 9, 2005      **EXECUTIVE SESSION HELD**

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

Absent:     (1)    Representative Kaufert.

February 9, 2005      **PUBLIC HEARING HELD**

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

Absent:     (1)    Representative Kaufert.

#### Appearances For

- Michael Pyritz, Madison — Office of State Rep. Jeff Stone, 82<sup>nd</sup> Assembly District

#### Appearances Against

- None.

#### Appearances for Information Only

- Janice Mueller, Madison — State Auditor, Legislative Audit Bureau
- Kevin Kennedy, Madison — Executive Director, Wisconsin State Elections Board

#### Registrations For

- Joe Leibham, Sheboygan — State Senator, 9<sup>th</sup> Senate District
- Ted Kanavas, Brookfield — State Senator, 33<sup>rd</sup> Senate District
- Robin Vos, Racine — State Representative, 63<sup>rd</sup> Assembly District
- Tim Carpenter, Milwaukee — State Senator, 3<sup>rd</sup> Senate District

#### Registrations Against

- None.

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

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Date: February 9, 2005

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

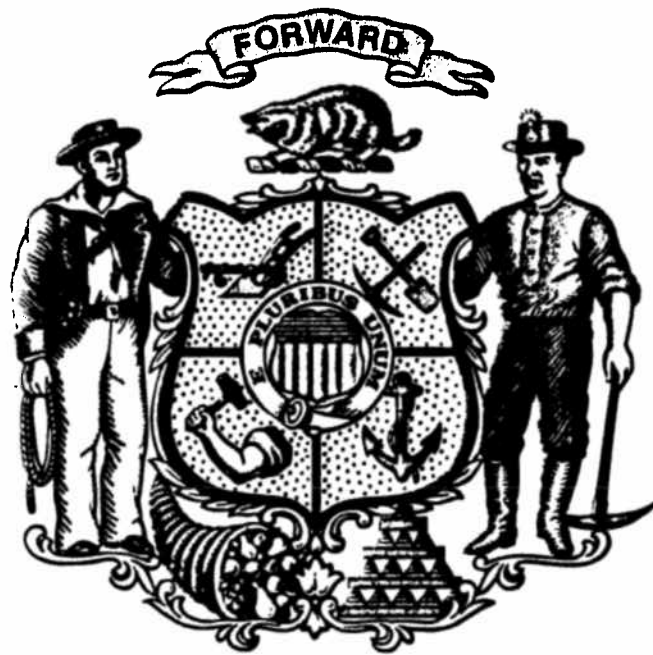
Motion: that Proposed Audit: Voter Registration Address Verification be approved  
according to the scope statement dated January 31, 2005 prepared by the Legislative Audit  
Bureau.

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<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 LEGISLATURE

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

January 19th, 2005

The Honorable Carol Roessler  
Chair, Joint Committee on Audit

The Honorable Suzanne Jeskewitz  
Chair, Joint Committee on Audit

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, 73,679 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.

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,

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

3,600 in 2000 (Milw)

Racine saying they are not sending out verification

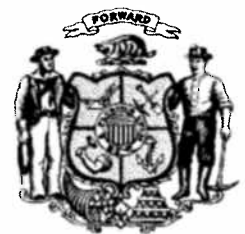
▶ 40M in HAVA fed funds for WI

2003

ACT 269 - Audit requirement - no time frame specified



# 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



**Matthews, Pam**

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**From:** Paul Malischke [malischke@yahoo.com]  
**Sent:** Wednesday, January 26, 2005 8:26 PM  
**To:** Sen.Roessler; Sen.Cowles; Sen.Fitzgerald; Gaulrapp, Nancy; Sen.Lassa; Rep.Jeskewitz;  
Rep.Kerkman; Rep.Kaufert; Rep.Travis; Rep.Cullen; Shannon, Pam  
**Subject:** Election audit

To: Legislative Audit Committee

An audit of the election should include data on how many ballots were NOT counted. In other states, tens of thousands and even hundreds of thousands of ballots were rejected for various reasons. This is scandalous. How many were rejected in Wisconsin?

A Wisconsin audit should include ward-by-ward data on:

Undervotes

Overvotes

Absentee ballots that were received at the clerk's offices during the 3 days after the election

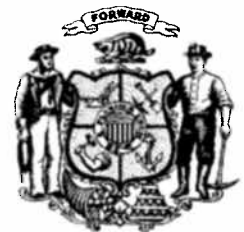
Number of draw-downs due to more ballots than voters

The discrepancy (plus or minus) between voter serial numbers and ballots

Thanks for your efforts to make Wisconsin's elections better,  
Paul Malischke  
[malischke@yahoo.com](mailto:malischke@yahoo.com)



# 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.

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

### 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

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



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](http://www.legis.state.wi.us/lab) or by contacting either of the co-chairs offices.

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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 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 9<sup>th</sup>.

Sincerely,

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

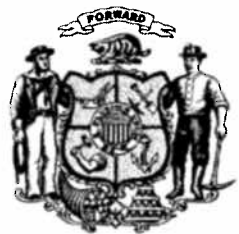
Representative Suzanne Jeskewitz, Co-chair  
Joint Legislative Audit Committee

Enclosure

cc: Ms. Janice Mueller  
State Auditor



WISCONSIN STATE LEGISLATURE



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



## Matthews, Pam

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**From:** Handrick, Diane  
**Sent:** Wednesday, February 09, 2005 2:34 PM  
**To:** Matthews, Pam  
**Subject:** from JSOnline this aft

WEDNESDAY, Feb. 9, 2005, 11:59 a.m.  
Voter ID procedures to be audited

Lawmakers approved an audit of voter registration verification procedures used across the state, with a special eye toward the problems that have surfaced in Milwaukee after the Nov. 2 election.

At a hearing this morning, the Legislature's Joint Audit Committee unanimously approved a request for an audit that will examine voter registration practices, procedures used for new voter registration and why address verification cards were returned as "undeliverable," among other issues.

The audit will be conducted by the state's non-partisan Legislative Audit Bureau.

In Milwaukee, some of the voting irregularities include 1,200 votes cast from invalid addresses, 1,300 same-day voter registration cards that can't be processed and 17 wards where 100 or more votes were recorded than people who city records show voted there.

City election officials have chalked up those problems to clerical errors, and Milwaukee Mayor Tom Barrett launched a task force to address them. Meantime, a joint investigation has been started Milwaukee County District Attorney E. Michael McCann and U.S. Attorney Steven Biskupic, who will be looking for possible fraud.

The audit will be the third major investigation into voting procedures in Milwaukee, but the problems stretch far beyond the state's urban center.

"There's anecdotal evidence coming from every corner of the state," Michael Pyritz, an aide to Rep. Jeff Stone (R-Greendale), told the committee.

State Auditor Jan Mueller said the audit should be completed by late summer or early fall.

- By Stacy Forster  
**Diane Handrick**  
**Office of Rep. Sue Jeskewitz**  
**314N, Capitol**  
**608-266-3796**  
**1-888-529-0024**







**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.

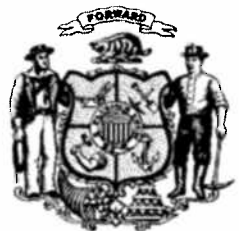
As the chair of the Joint Legislative Council's bipartisan Special Committee on Election Law Review, which has been charged with reviewing all aspects of Wisconsin's current election and recount laws, I look forward to your approval of this request and to the findings of the Legislative Audit Bureau. 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 STATE LEGISLATURE





# Joe Leibham

**State Senator**  
**9th State Senate District**

FOR IMMEDIATE RELEASE  
February 9, 2005

CONTACT: Senator Joe Leibham  
(608) 266-2056 / (888) 295-8750

## **Committee Approves Senator Leibham's Election Audit Request**

Madison, WI... Earlier today, the legislature's bipartisan Joint Audit Committee unanimously approved the request for an audit by the Legislative Audit Bureau into the City of Milwaukee's voter address verification cards. The committee's action was in response to a request made in late January by Senators Leibham (R-Sheboygan), Kanavas (R-Brookfield), Reynolds (R-West Allis) and Lazich (R-New Berlin) and Representatives Stone (R-Greendale), Honadel (R-Oak Creek), Vukmir (R-Wauwatosa), Gunderson (R-Whitewater), Gundrum (R-New Berlin) and Vos (R-Burlington) in response to the media reports surrounding the City of Milwaukee's voter registration problems.

"I commend Co-Chairs Roessler (R-Oshkosh) and Jeskewitz (R-Menomonee Falls), and the members of the bipartisan Joint Audit Committee, for their leadership on this issue," said Senator Leibham. "The need for an honest assessment of what occurred with the voter registration and voting process in the City of Milwaukee is critical."

In the weeks and months since last November's election, 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.

"I am hopeful that the nonpartisan Legislative Audit Bureau will be able to shed some light on these problems in the city of Milwaukee and look forward to their analysis of data from other municipalities across the state," concluded Senator Leibham.

Senator Leibham currently serves 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 and is expected to conclude their work in early Spring with their findings resulting in a comprehensive bipartisan legislative reform package focused on further improving Wisconsin's election process.

Attached please find a copy of the testimony submitted to the Audit Committee this morning from Senator Leibham.

###





no date

hearing 2-9-05

## JEFF STONE

STATE REPRESENTATIVE  
82ND DISTRICT

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

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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 than 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.

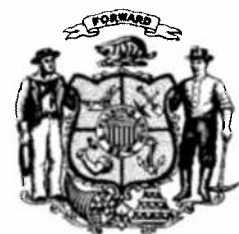
Each member of this Committee will have to go back to their district and in almost every case address constituents from a city or town smaller than the number of ballots in question in Milwaukee. In the case of Representatives Jeskewitz and Cullen, you both represent areas that have received extensive 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.

# # #



# WISCONSIN STATE LEGISLATURE





## PRESS RELEASES

### Rep. Stone: Election Audit Request Moves Forward

2/9/2005

Contact: Rep. Stone, 414-529-1100

Madison- The Joint Committee voted today to approve an audit request to look into election registration procedures. The committee heard statements from the Legislative Audit Bureau, Representative Jeff Stone's office and from Kevin Kennedy the head of the State Elections Board. After hearing the statements the Committee voted to move forward with an Audit.

The Legislative Audit Bureau will create a list of cities to be looked at for compliance with existing election law along with an effort to help identify what problems existed during the Fall 2004 election. The Bureau will create a list of 5-10 municipalities to look at. The City of Milwaukee will be included in that list along with cities of other populations and locations from across the State.

"This is a very positive step to help ensure better run elections in the future. I was pleased with the bipartisan support for the Audit," stated Representative Jeff Stone (R-Greendale). "I also would like to thank Kevin Kennedy for putting the support of the State Election Board behind the effort to get this audit approved."

The Audit Bureau will be contacting the FBI to get a working arrangement in place that will allow the Audit Bureau to conduct the look at Milwaukee's election problems without interfering with the ongoing investigation into possible fraudulent voting from the November 2004 election. The Audit Bureau would expect the audit to begin in March and would hope to have results available by mid-summer.

"As we prepare to go to the statewide voter registration list, this effort to see what problems occurred during the election will prove invaluable in fixing those problems," stated Stone. "We will have better information going into the list and hopefully better procedures to use to ensure the list remains an accurate document."

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# 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  
93<sup>rd</sup> Assembly District

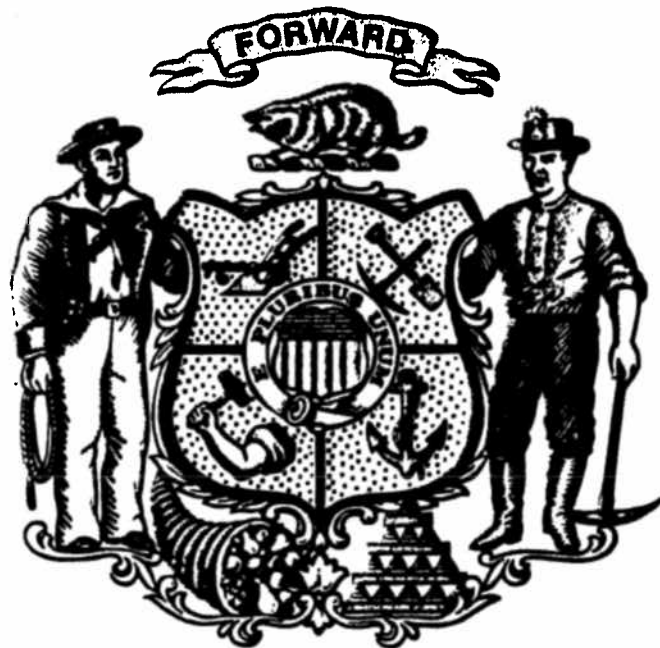
Rep. Terry Moulton  
68<sup>th</sup> Assembly District

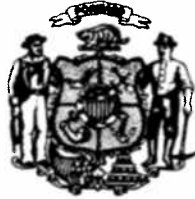
Sen. Ron Brown  
1<sup>st</sup> Senate District

Sen. Dave Hein  
23<sup>rd</sup> Senate District

Rep. Scott Suder  
69<sup>th</sup> Assembly District







# **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,

  
**DAVID A. CULLEN**  
State Representative  
13<sup>th</sup> Assembly District

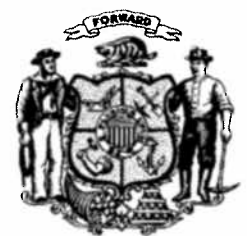
cc: Sen. Carol Roessler  
Rep. Suzanne Jeskewitz  
Members, Joint Audit Committee

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OFFICE: P.O. BOX 8952 • MADISON • WI 53708 • (608)267-9836  
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# WISCONSIN STATE LEGISLATURE





**STATE OF WISCONSIN**  
**Legislative Audit Bureau**

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

Janice Mueller  
State Auditor

March 23, 2005

Representative David Cullen  
216 North, State Capitol  
Madison, Wisconsin 53702

Dear Representative Cullen:

Thank you for the letter regarding your concern about the scope of our audit of voter registration address verification.

In addition to the City of Milwaukee, we anticipate selecting five to ten municipalities—of the nearly 175 required to maintain voter registration systems—for in-depth site visits. These municipalities will be selected based on several factors, including identification in recent media reports, suggestions made to us by State Elections Board staff, geographic location, and population. We also intend to conduct a survey of a much larger sample of municipalities in order to obtain a statewide perspective of voter registration issues.

Your letter expressed specific concern about the thoroughness of the audit. While we do not have the resources to visit each municipality with a voter registration system, I am confident that our on-site visits and survey will result in a thorough, comprehensive, and objective evaluation.

Please feel free to contact me with any questions you may have.

Sincerely,

Janice Mueller  
State Auditor

JM/JZ/bm

cc: Members, Joint Legislative Audit Committee







**Preliminary Findings of Joint Task Force**  
**Investigating Possible Election Fraud**

May 10, 2005

**A. Background**

On January 26, 2005, the Milwaukee Police Department, Milwaukee County District Attorney's Office, Federal Bureau of Investigation, and the United States Attorney's Office formed a task force to investigate alleged voting irregularities during the November 2004 elections. The purpose of the task force was to determine whether evidence of criminal fraud existed in the irregularities and, if evidence of fraud was found, to pursue criminal prosecutions. A memorandum signed by the head of each of the agencies stated, "This task force is committed to conducting its work in a thorough, non-partisan manner." The memorandum also indicated that federal authorities would not be involved in any evaluations of election procedures outside of potential criminal violations.

Since the task force began its work, it has received further investigative assistance from the United States Postal Inspection Service and the Social Security Administration - Office of Inspector General. The task force has also received assistance from Milwaukee City Attorney Grant Langley and his staff.

As explained below, the task force work to date has focused on an examination of original records, primarily because data base information has proven unreliable and may not otherwise be admissible in court. This has involved the review of thousands of

registration cards and the information contained on such cards. As a result, the task force, particularly members of the Milwaukee Police Department, has expended well over 1,000 work hours. (The work has been slow, painstaking and is far from complete.) Still, the task force commends the Milwaukee Police Department for committing these resources and particularly notes the investigative work conducted by Detective Michael Sandvick and Officers Neil Saxton and Michael Perez. We also specifically note the work of Investigator Aaron Weiss of the Milwaukee County District Attorney's Office.

**B. Summary of Findings**

Based on the investigation to date, the task force has found widespread record keeping failures and separate areas of voter fraud. These findings impact each other. Simply put: it is hard to prove a bank embezzlement if the bank cannot tell how much money was there in the first place. Without accurate records, the task force will have difficulty proving criminal conduct beyond a reasonable doubt in a court of law.

With that caveat, the task force has made the following specific determinations based on evidence examined to date:

1. The task force has developed evidence of more than 100 individual instances of suspected double-voting, voting in names of persons who likely did not vote, and/or voting in names believed to be fake. Those investigations continue.
2. In addition, the task force has determined that more than 200 felons voted when they were not eligible to do so. In order to establish criminal cases, the government must establish willful violations in individual instances.

3. Also, the task force has found that persons who had been paid to register voters as "deputy registrars" falsely listed approximately 65 names in order to receive compensation for the registrations. The evidence does not indicate that these particular false registrations were later used to cast votes.

4. The number of votes counted from the City of Milwaukee exceeds the number of persons recorded as voting by more than 4,500.

**C. Findings Related to Fraud**

**Phantom voter identities/addresses/votes.** The task force has individually reviewed hundreds of names and addresses associated with the various data bases suggesting that thousands of people registered *and* voted using suspect names and/or addresses. To date, the investigation has concentrated on the 70,000+ same-day registrations. To date, we have found that a large majority of the reported errors were the result of data entry errors, such as street address numbers being transposed. However, the investigation has found more than 100 instances where votes were cast in a manner suggesting fraud. These include:

1. Persons with the same name and date of birth recorded as voting more than once.
2. Persons who live outside Milwaukee, but who used ~~non-existent~~ City addresses to register and vote in the City.
3. ~~Persons~~ Persons who registered and voted with identities and addresses that ~~cannot in any way be linked to a real~~ person. A

4. ~~Persons listed~~ as voting under a name and identity of a person known to ~~be deceased~~. J
5. Persons whose identities were used to vote, but who in subsequent J interviews told task force investigators that they did not, in fact, vote in the City of Milwaukee.

**Voter-drive fraud.** In separate instances, persons who were paid money to obtain registrations allegedly falsified approximately 66 names on registration forms, allegedly to obtain more money for each name submitted. There is no evidence gathered to date that votes were cast under these specific false names.

**Felons.** The investigation has found more than 200 felons who were not eligible to vote in the 2004 election, but who are recorded as having done so. Not all felons are ineligible to vote. In order for such action to constitute a criminal offense, the prosecution must establish, beyond a reasonable doubt, that the felon was ineligible to vote under state law and that the felon knew that he or she was ineligible to vote. As a result of this standard, the task force is proceeding cautiously in its charging decisions and is evaluating each case on the individual facts. We note, however, that we have expanded our investigation to include felons who may have voted in suburban areas as well.

In each of the alleged cases of potential fraud, the task force will not be releasing any further details in order to protect the integrity of the continuing investigation.

#### **D. Vote Total Discrepancy**

An additional finding of the task force to date is that the number of votes cast far exceeds the total number of recorded voters. The day after the November 2, 2004 election, the City of Milwaukee reported the total number of votes as 277,344. In late November an additional 191 previously uncounted absentee ballots were added, for a total of 277,535 votes cast. Still later, an additional 30 ballots were added, bringing the total number of counted votes to 277,565. City records, however, have been unable to match this total to a similar number of names of voters who cast ballots – either at the polls (under a prior registration or same day registration) or cast absentee ballots. At present, the records show a total of 272,956 voter names – for a discrepancy of 4,609.

The task force will continue to investigate this discrepancy. There remains an open question of how certain absentee ballots were handled or recorded. We further note that no geographic pattern exists for these over-votes, and multiple wards had discrepancies in excess of 100 votes. In addition, some wards had the opposite: more voters than votes. We believe that one explanation for this latter circumstance is that individuals were allowed to register and vote from a specific ward even though they were supposed to register and vote in a different ward. When a data base was later compiled, the voter name was moved to the correct ward, but the vote number remained in the incorrect ward.

A further analysis of this situation continues, but the investigation is hampered by widespread record keeping errors with respect to recording the number of voters. At each polling place, the name and number of voters was supposed to be checked by two

identical poll books, as well as by the voter number (the pink slip). In a preliminary analysis of individual wards, the task force has found: poll books that do not match voter numbers; voter numbers that were skipped; and voter numbers that were used more than once.

**E. Additional Record Keeping Problems**

As indicated, the task force has been hampered by numerous instances of inadequate record keeping. Any criminal prosecution will depend on access to and the available use of original records accurately recording the names of voters and the corresponding vote numbers. As indicated above, records regarding vote numbers have been inconsistent and conflicting. In addition, for criminal purposes, proof of the identity of the person voting often is best established by the original (green) voter registration card. Yet in the November 2004 election, same-day registrations were accepted in which the card had incomplete information that would help establish identity. For example: 48 original cards for persons listed as voting had no name; 548 had no address; 28 did not have signatures; and another 23 cards had illegible information. These were part of approximately 1,300 same-day registrations for which votes were cast, but which election officials could not authenticate as proper voters within the City.

Included in this 1,300 were 141 same-day registrants from addresses outside the City of Milwaukee, but who voted within the City of Milwaukee. In several instances, the voter explicitly listed municipality names other than Milwaukee on the registration cards.

These included cards that listed "West Allis," "Oak Creek," "Ashland," "Reedsburg," and "Hayward."

Another record keeping procedure hampering the investigation appears to be the post-election misfiling or loss of original green registration cards that were considered duplicates, but that in fact corresponded to additional votes. These cards were used to record votes, but approximately 100 cards of interest to investigators can no longer be located. In addition, other original green registration cards continue to be found. As late as April of this year, an additional box of green registration cards was located by election officials.

**F. Future Investigations**

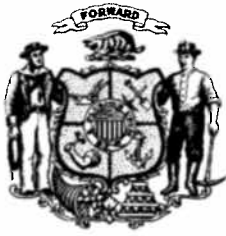
Although many hours already have been undertaken, we realize that much more investigation is still to be done. There are many leads and interviews that still must be pursued. If individual members of the public believe that they have information on specific instances of election fraud, they are asked to call the Milwaukee Police Department, Election Task Force at 414-935-7802.

James Finch  
Special Agent in Charge  
Federal Bureau of Investigation

Nannette Hegerty  
Chief, Milwaukee Police Department

E. Michael McCann  
Milwaukee County District Attorney

Steven M. Biskupic  
United States Attorney

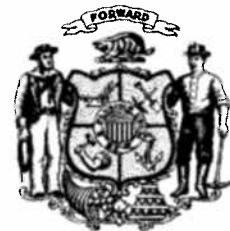


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Most large publications have been added to the Dr. H. Rupert Theobald Legislative Library collection. Search the LRB library catalog (LRBCat) (<http://lrbcatalog.legis.wisconsin.gov/>) for availability.

For further assistance, please contact the reference desk at (608) 266-0341 or email [lrb.reference@legis.wisconsin.gov](mailto:lrb.reference@legis.wisconsin.gov).

State of Wisconsin - Legislative Reference Bureau  
1 East Main Street, Suite 200  
Madison, WI 53703





An Evaluation

# **Voter Registration**

*Elections Board*

## **2005-2006 Joint Legislative Audit Committee Members**

Senate Members:

Carol A. Roessler, Co-chairperson  
Robert Cowles  
Scott Fitzgerald  
Mark Miller  
Julie Lassa

Assembly Members:

Suzanne Jeskewitz, Co-chairperson  
Samantha Kerkman  
Dean Kaufert  
David Travis  
David Cullen

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## LEGISLATIVE AUDIT BUREAU

The Bureau is a nonpartisan legislative service agency responsible for conducting financial and program evaluation audits of state agencies. The Bureau's purpose is to provide assurance to the Legislature that financial transactions and management decisions are made effectively, efficiently, and in compliance with state law and that state agencies carry out the policies of the Legislature and the Governor. Audit Bureau reports typically contain reviews of financial transactions, analyses of agency performance or public policy issues, conclusions regarding the causes of problems found, and recommendations for improvement.

Reports are submitted to the Joint Legislative Audit Committee and made available to other committees of the Legislature and to the public. The Audit Committee may arrange public hearings on the issues identified in a report and may introduce legislation in response to the audit recommendations. However, the findings, conclusions, and recommendations in the report are those of the Legislative Audit Bureau. For more information, write the Bureau at 22 E. Mifflin Street, Suite 500, Madison, WI 53703, call (608) 266-2818, or send e-mail to [leg.audit.info@legis.state.wi.us](mailto:leg.audit.info@legis.state.wi.us). Electronic copies of current reports are available on line at [www.legis.state.wi.us/lab](http://www.legis.state.wi.us/lab).

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State Auditor - Janice Mueller

Audit Prepared by

Jeff Ripp  
Cherry Hill  
Ben Monty

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**Appendices**

Appendix 1—Municipalities with Voter Registration Lists
Appendix 2—State of Wisconsin Voter Registration Form
Appendix 3—Voter Registration in States with Election Day Registration

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**Response**

Response from the Executive Director of the Elections Board
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STATE OF WISCONSIN

Legislative Audit Bureau

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Madison, Wisconsin 53703  
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Janice Mueller  
State Auditor

September 16, 2005

Senator Carol A. Roessler and  
Representative Suzanne Jeskewitz, Co-chairpersons  
Joint Legislative Audit Committee  
State Capitol  
Madison, Wisconsin 53702

Dear Senator Roessler and Representative Jeskewitz:

We have completed an evaluation of voter registration in Wisconsin, as requested by the Joint Legislative Audit Committee. Currently, voter registration is required by statute in only 172 large municipalities. Another 167 smaller municipalities choose to maintain voter registration lists. However, the federal Help America Vote Act of 2002, which requires all states to develop a computerized voter registration system, will require voter registration statewide beginning in January 2006.

We found great variation in the implementation of existing voter registration laws. For example, 46.0 percent of municipalities that responded to our survey did not send address verification cards to individuals who registered by mail or at the polls on Election Day in November 2004, although doing so is an important step in verifying the residency of voters and detecting improper registrations. Only 85.3 percent of survey respondents reported updating their voter registration lists to remove inactive voters, as required by law.

Current voter registration practices are not sufficient to ensure the accuracy of voter registration lists used by poll workers or to prevent ineligible persons from registering to vote. We identified 105 instances of voting irregularities in six municipalities, including 98 ineligible felons who may have voted. The names of these individuals have been forwarded to appropriate district attorneys for investigation.

Implementation of the statewide voter registration system may address some concerns, but we make numerous recommendations to the Elections Board to improve the voter registration process. We also present policy options for the Legislature's consideration, including establishing uniform voter registration requirements, limiting the use of outside parties to register voters, and requiring enhanced training for municipal clerks.

We appreciate the courtesy and cooperation provided to us by the municipal clerks we interviewed and surveyed, as well as by Elections Board staff. A response from the Executive Director of the Elections Board follows the appendices.

Respectfully submitted,

Janice Mueller  
State Auditor

JM/JR/ss

An Evaluation:  
**Voter Registration**  
*Elections Board*  
September 2005

## Report Highlights ■

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***Voter registration requirements differ depending on how and when individuals register.***

***Address verification cards are not consistently used as required to verify residency or investigate improper registrations.***

***Current efforts to maintain accurate voter registration lists are insufficient.***

***Wisconsin's voter registration process will change significantly beginning January 1, 2006.***

Voter registration helps to ensure that qualified electors are allowed to vote and to prevent ineligible persons from voting. In Wisconsin, it is required by statute in 172 municipalities with populations of more than 5,000, and locally in 167 smaller municipalities. Currently, 28.9 percent of the voting-age population is not required to register before voting. However, beginning in January 2006, the federal Help America Vote Act (HAVA) of 2002 and 2003 Wisconsin Act 265 will require voter registration statewide.

Individuals whose names appear on the voter registration list are presumed to meet all eligibility requirements and, in general, are neither required to provide identification or proof of residence nor to otherwise demonstrate eligibility at the polls. Following the November 2004 elections, concerns were raised about voter registration in the City of Milwaukee and elsewhere, including the use of address verification cards to confirm residency; the use of special registration deputies, who are appointed by municipal clerks to assist in registering voters; and the adequacy of processes in place for verifying voter eligibility. To address these concerns, and at the direction of the Joint Legislative Audit Committee, we evaluated:

- voter registration requirements and the methods by which voters register, including requirements in other states;
- the address verification process, including the use of address verification cards to confirm the residency of those who register by mail or at the polls;
- procedures and practices for updating voter registration lists; and
- the role of the Elections Board.

## Key Facts and Findings

*Voter registration was required for 71.1 percent of Wisconsin's voting age population in the November 2004 elections.*

*The Elections Board spent \$4.7 million on election administration and campaign finance in FY 2004-05.*

*Wisconsin received \$50.4 million to implement the federal Help America Vote Act of 2002, including a computerized statewide voter registration system.*

*For the November 2004 elections, one-fifth of Wisconsin voters registered on Election Day.*

*Address verification cards were not sent by 46.0 percent of municipalities responding to our survey.*

*We found 105 potentially improper or fraudulent votes in six municipalities.*

## Registration Methods

To encourage voter participation, Wisconsin allows qualified electors to register in person, by mail, or with a special registration deputy before Election Day, and at the polls on Election Day. In municipalities where registration is required by statute, 20.3 percent of Wisconsin voters registered at the polls on Election Day in November 2004.

Municipal clerks rely on registrants to affirm their eligibility, including citizenship and age. However, requirements for providing identification or proof of residence vary depending on when an individual registers and by which method.

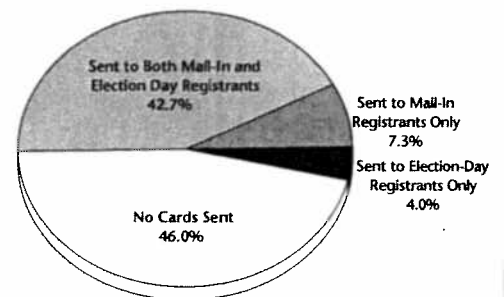
Municipal clerks may appoint special registration deputies to assist with voter registration, but they are not required to track which individuals register through special registration deputies. Some special registration deputies are municipal officials, but many work for interest groups or political parties. Problems have been identified with registrations completed by some special registration deputies, including inaccurate, illegible, and falsified registration forms.

Of the 150 municipalities responding to our survey, 95 indicated they had appointed special registration deputies before the November 2004 elections. Those appointing the most were Milwaukee (2,597), Green Bay (1,500), and Madison (824).

## Address Verification Cards

Address verification cards are the primary tool available to municipal clerks for verifying the residency of registered voters and detecting improper registrations by mail or at the polls. Statutes require that clerks send cards to everyone who registers by mail or on Election Day. However, only 42.7 percent of the 150 municipalities we surveyed sent cards to both groups, and 46.0 percent did not send any address verification cards.

Address Verification Cards Sent  
November 2004 Elections



Statutes also require clerks to provide the local district attorney with the names of any Election Day registrants whose cards are undeliverable at the address provided. However, only 24.3 percent of the clerks who sent cards also forwarded names from undeliverable cards to district attorneys. District attorneys we surveyed indicated that they require more information than is typically provided to conduct effective investigations.

Sufficient information was available to analyze undeliverable address verification cards in four municipalities: the cities of Madison,

Waukesha, and Eau Claire and the Village of Ashwaubenon. These municipalities sent 45,864 address verification cards to Election Day registrants; 1,887 were returned. Most were undeliverable because voters had moved after the November 2004 elections.

## **Voter Registration Lists**

To ensure that voter registration lists contain only the names of qualified electors, municipal clerks are required by statute to remove or inactivate the names of individuals who have not voted in our years, to update registration information for individuals who move or change their names, and to remove or inactivate the names of deceased individuals. They are also required to notify registered voters before removing their names from registration lists.

We found that statutory requirements are not consistently followed. Among our survey respondents:

only 85.3 percent of municipalities removed the names of inactive voters from their voter registration lists;

only 71.4 percent sometimes or always notified registered voters before removing their names; and

only 54.0 percent reported removing the names of ineligible felons.

Because of such inconsistencies, registration lists contain duplicate records and the names of ineligible individuals. For example, when we reviewed more than 348,000 electronic voter registration records from eight municipalities, we identified 3,116 records that appear to show individuals who are registered more than once in the same municipality.

In six municipalities where sufficient information was available, we identified 105 instances of potentially improper or fraudulent voting in the November 2004 elections. These included:

- 98 ineligible felons who may have voted;
- 2 individuals who may have voted twice;
- 1 voter who may have been underage; and
- 4 absentee ballots that should not have been counted because the voters who cast them died before Election Day.

We have forwarded names to the appropriate district attorneys for investigation.

## **For Future Consideration**

Wisconsin's voter registration process will change significantly beginning January 1, 2006, when all new registrants will be required by federal law and Wisconsin Statutes to provide their Wisconsin

driver license number, a Wisconsin Department of Transportation identification card number, or the last four digits of their Social Security number, and a computerized voter registration system will be implemented statewide.

Elections Board officials believe the new computer system will improve the accuracy of voter registration lists by standardizing registration procedures, preventing duplicate registrations across municipalities, and enhancing the ability of local election officials to detect improper registrations and ineligible voters.

However, the system alone will not be sufficient if municipal clerks and other local officials do not detect and prevent common data entry errors, appropriately revise and update voter registration information, and follow uniform procedures for identifying improper registrations and ineligible voters. We include a number of recommendations to address these concerns.

In addition, the Legislature may wish to consider:

- adjusting the early registration deadline to provide clerks more time to prepare registration lists;
- establishing more stringent requirements for special registration deputies, including prohibiting compensation based on the number of individuals registered;
- establishing uniform requirements for demonstrating proof of residence for all registrants;



- providing municipal clerks with more flexibility in the use of address verification cards;
  - authorizing civil penalties for local election officials and municipalities that fail to comply with elections laws; and
  - implementing mandatory elections training requirements for municipal clerks.
- ☑ revise the voter registration form to require disclosure of felony conviction status (p. 48);
  - ☑ promulgate rules to minimize data entry errors, and automate processes for identifying ineligible voters (p. 53);
  - ☑ promulgate rules to clarify the responsibilities of election officials and, if authorized by statute, specify civil penalties for noncompliance (p. 53); and

## Recommendations

Our recommendations address the need for the Elections Board to use its existing authority to:

- ☑ promulgate rules for the appointment and training of special registration deputies (p. 28);
- ☑ promulgate rules for the use of address verification cards (p. 38);

- ☑ provide voter registration training designed specifically for municipal clerks (p. 57).

In addition, we include a recommendation for the City of Milwaukee Election Commission to:

- ☑ report to the Joint Legislative Audit Committee on its implementation of recommendations from the mayor's task force for improving the election process in Milwaukee (p. 58).

## Additional Information

For a copy of report 05-12, which includes a response from the Elections Board, call (608) 266-2818 or visit our Web site:



[www.legis.state.wi.us/lab](http://www.legis.state.wi.us/lab)

Address questions regarding this report to:

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*The Legislative Audit Bureau is a nonpartisan legislative service agency that assists the Wisconsin Legislature in maintaining effective oversight of state operations. We audit the accounts and records of state agencies to ensure that financial transactions and management decisions are made effectively, efficiently, and in compliance with state law, and we review and evaluate the performance of state and local agencies and programs. The results of our audits, evaluations, and reviews are submitted to the Joint Legislative Audit Committee.*

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