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☞ Details: Audit Report 05-12, An Evaluation: Voter Registration

(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

#### Audit Report 05-12,

An Evaluation: Voter Registration.

October 18, 2005

#### **PUBLIC HEARING HELD**

- Present: (9) Senators Roessler, Cowles, S. Fitzgerald, Miller and Lassa; Representatives Jeskewitz, Kaufert, Kerkman and Cullen.
- Excused: (1) Representative Travis.

#### Appearances For

- Susan Edman, Milwaukee — Executive Director, City of Milwaukee Election Commission

#### Appearances Against

- None.

#### Appearances for Information Only

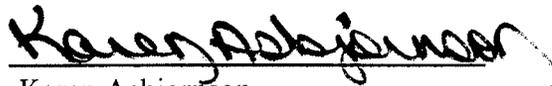
- Janice Mueller, Madison — State Auditor, Legislative Audit Bureau
- Jeff Ripp, Madison — Legislative Audit Bureau
- Kevin Kennedy, Madison — Executive Director, Wisconsin State Elections Board

#### Registrations For

- Jeff Stone, Greendale — Representative, Wisconsin State Assembly

#### Registrations Against

- None.



Karen Asbjornson  
Committee Clerk





WISCONSIN STATE LEGISLATURE

Joint Legislative Audit Committee

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

October 6, 2005

Mr. Kevin Kennedy, Executive Director  
State Elections Board  
17 West Main Street, Suite 310  
Madison, Wisconsin 53703

Dear Mr. Kennedy:

The Joint Legislative Audit Committee will hold a public hearing on Legislative Audit Bureau report 05-12, *An Evaluation: Voter Registration*, on Tuesday, October 18, 2005, at 9:30 a.m. in Room 411 South of the State Capitol.

As this audit report relates, in part, to the activities of the State Elections Board, we ask you to be present at the hearing to offer testimony in response to the audit findings and to respond to questions from committee members. Please plan to provide each committee member with a written copy of your testimony at the hearing.

Please contact Ms. Karen Asbjornson in the office of Senator Carol Roessler at 266-5300 to confirm your participation in the hearing. Thank you for your cooperation and we look forward to seeing you on October 18<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: Janice Mueller  
State Auditor



Carolyn K. Stephens

October 11, 2005

8017 N. Santa Monica Blvd.  
Milwaukee, Wisconsin 53217

Co-Chairmen of Voting Procedures Audit Committee

Senator Carol Roessler

18th Senate District

Room 8- South

State Capitol

PO Box 7882

Madison WI 53707-7882

Rep. Suzanne Jeskewitz

24th Assembly District

Room 314- North

State Capitol

PO Box 8952

Madison WI 53708

and Janice Mueller, 414-352-0211

State Auditor

Legislative Audit Bureau

22 East Mifflin Street,

Suite 500

Madison, WI 53703

RE: Protecting the right to a Secret Ballot

Dear Voting Procedures Auditors:

I thank Janice Mueller for responding to my interest in your audit by sending me the Report 05-12 published September of 2005. I have read it closely but was disappointed to find the audit has not, yet, extended to protecting the citizen's right to a secret ballot. The changes planned for January of 2006 are needed and will address registration methods, verification cards, and voter registration lists. Nevertheless, after voters pass these safeguards of the process, there will still be problems with:

- tiny, exposed, voting tables (which have replaced booths),
- bystanders watching you vote (supposedly monitoring the process), and
- electronic scanners (where you must feed in your exposed ballot face-up).

These casual abuses show ignorance of the important principle behind, the right to a secret ballot. Yet, the secret ballot, remains important to people who know the struggles of union organizers, or civil rights workers who remember poll taxes, intelligence tests, and armed guards watching in Mississippi voting centers. The relevance of the secret ballot can be seen on the news these days, when young people watch courageous voters in Iraq taking physical risks to go to the polls and vote. Your recommendations offer places where the protection of the secret ballot should be incorporated:

- in the mandatory elections training requirements for municipal clerks,
- in the (p. 28) rules for appointment and training of registration deputies,
- in the (p. 57) specific training designs for municipal clerks.

Please keep me informed if there are any actions taken to safeguard the citizens' right to a secret ballot.

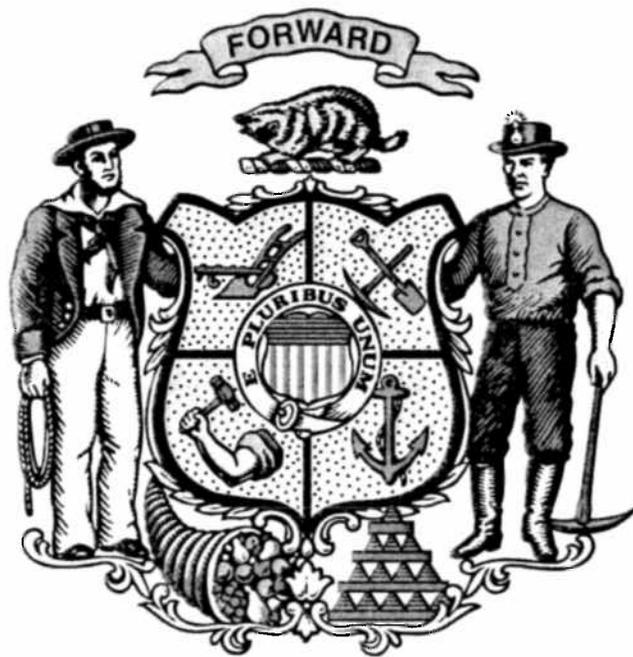
Yours sincerely,



Carolyn K. Stephens

Carolyn.Stephens@CUW.edu

cc. Jim Doyle, Milwaukee Journal Sentinel (Re: editorial Sunday, Jan. 30, 2005)



Joint Legislative Audit Committee  
Hearing Preparation Material  
October 18, 2005

- I. Call Hearing to Order (Co-chair Roessler)
- II. Roll Call (Karen)
- III. **Proposed Audit: *Personnel Policies and Practices, University of Wisconsin System***

A. Opening Statement

1. Timeline

We are here today to consider approving an audit of UW System personnel policies and practices. This action is the next in a series of steps my co-chair and I outlined back in July to respond to serious concerns about employment practices at UW System. For the benefit of those in the room, and those listening via the Internet, I will briefly summarize the actions the co-chairs and the Committee have taken thus far.

On July 19, Representatives Kerkman and Kreibich submitted a written request to the co-chairs for an audit of the UW System's use of back-up appointments and paid leaves.

On July 25, the co-chairs sent a letter to President Reilly and committee members, expressing concern about the use of back-up appointments and paid leaves after retirement. The letter requested a written report by September 2 that:

- identified the employees at each UW System campus with back-up positions as of June 2005;
- identified the employees at each UW System campus who were reassigned to a back-up position from July 1, 2002 through June 30, 2005; and
- identified any employees at any UW System campus who were granted paid leave after resigning from July 1, 2002 through June 30, 2005.

On August 19, Representatives Kerkman, Kestell, Kleefisch, Kreibich, Musser, Pettis, Suder, Vos, and Wood submitted a written request to the co-chairs for an audit to determine the number of convicted felons employed by UW System.

On August 23, President Reilly wrote the co-chairs to request an audit of UW System employment practices by the nonpartisan Legislative Audit Bureau.

On September 2, President Reilly submitted a written report to the co-chairs. The key highlights of this report were:

- 1,092, or 3.3 percent of 33,063 UW System employees, have “back-up” appointments;
- 79, or 0.24 percent of UW System employees, moved from a limited appointment to a back-up over the past three years; and
- although there are situations in which an employee may be placed on paid leave as part of a transition from a limited appointment to a back-up appointment or in connection with the resolution of an employment dispute, no UW System employees were granted paid leave after resigning.

On September 13, Senator Cowles and Representatives Kerkman, Kreibich, Lasee, Suder, and Vos submitted a written request to the co-chairs for an audit of the UW System’s use of consultants and the workload of UW System employees in “back-up” positions.

On September 13, this Committee conducted an informational hearing and received testimony from President Reilly on UW System employment practices and the Board of Regents’ plans to review those practices. At this hearing, the co-chairs directed the Legislative Audit Bureau to prepare a scope memorandum for a proposed audit of UW System employment practices.

2. Consideration of scope memorandum for the proposed audit

The hearing today will remain focused on the parameters of the proposed audit of UW System personnel policies and practices. Members have before them a copy of the scope memorandum, which is dated October 10<sup>th</sup>. Additional copies are available in the hearing room as well. At this time, I will ask the State Auditor to come forward and describe the general parameters she has outlined for this proposed audit.

B. Testimony order

1. LAB (Janice Mueller, State Auditor; Julie Gordon; Kate Wade)

2. Legislators?
3. President Reilly and Board of Regents President David Walsh (Other UW Staff present: Pat Brady, General Counsel; Al Crist, Assoc. Vice President, Human Resources; Ron Yates, Director of Internal Audit)
4. Public Testimony

C. Executive Session

1. Call Committee into Executive Session (co-chair Roessler)
2. Roll Call (Karen)
3. Is there a motion to approve the scope as set forth in the memorandum from the Legislative Audit Bureau, dated October 10, 2005? Is there a second?
4. Is there any discussion?
5. Vote (Karen calls roll call vote)
6. Adjourn executive session

IV. *An Evaluation: Voter Registration (report 05-12)*

A. Background

Following the November 2004 elections, concerns were raised about Wisconsin's voter registration system based on allegations of improprieties in the City of Milwaukee and questions about the use of address verification cards, the role of special registration deputies, and the adequacy of processes for verifying voter eligibility. On January 19, 2005, Senators Leibham, Kanavas, Reynolds, and Lazich and Representatives Stone, Honadel, Vukmir, Gunderson, Gundrum, and Vos submitted a written request to the co-chairs for an audit. Based on these concerns, on February 9, 2005, the Joint Legislative Audit Committee approved a review of voter registration in Wisconsin. The Legislative Audit Bureau released report 05-12 on September 16, 2005. Copies of the audit report are available in the hearing room and on the Audit Bureau's website.

To begin, I will ask the State Auditor to come forward and summarize the audit findings and recommendations.

B. Testimony Order

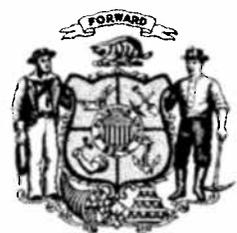
1. LAB (Janice Mueller, State Auditor; Jeff Ripp)
2. Legislators?
3. Kevin Kennedy, Executive Director, State Elections Board
4. Public testimony

C. Potential Questions

1. To Kennedy - Special registration deputies have the same authority as municipal clerks to register voters, and persons registering with deputies do not need to show proof of residence. Thousands of these deputies were appointed in November 2004, but there were no standard training requirements for them. State statutes have required rules for appointing and training special registration deputies since 1998. Why hasn't the Elections Board taken action to promulgate such rules?
2. To Kennedy - The Audit Bureau found that more than half of the municipalities did not send address verification cards after the November 2004 elections. Why hasn't the Elections Board followed up with municipalities to make sure that the cards have been sent in past elections? What are your plans for the future?
3. To Kennedy - Can you describe how the statewide voter registration system will assist municipal clerks in identifying ineligible voters? Who will be responsible for correcting and updating the data in this system?
4. To Kennedy - Will the statewide voter registration system have procedures for identifying duplicate registrations, including persons registered in more than one municipality? How will these be identified and corrected?



# WISCONSIN STATE LEGISLATURE



# State of Wisconsin \ Elections Board

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CARL HOLBORN  
Chairperson

KEVIN J. KENNEDY  
Executive Director

---

## Joint Legislative Committee on Audit Testimony of Kevin J. Kennedy October 18, 2005

Senator Roessler, Representative Jeskewitz and Audit Committee Members:

Thank you for the opportunity to testify on the report prepared by the Legislative Audit Bureau (LAB) on voter registration in Wisconsin requested by the Joint Legislative Audit Committee.

The LAB documents a wide variation in the implementation of existing voter registration laws and includes a number of recommendations to improve the voter registration process. The report provides a thorough analysis of existing voter registration practices. The findings of the LAB buttress the federal mandate for a single statewide voter list controlled by the state set out in the Help America Vote Act of 2002 (HAVA).

Many of the issues identified by the LAB will be addressed by the implementation of the Statewide Voter Registration System (SVRS) required by HAVA and Wisconsin law. S. 6.36, Wis. Stats. The range of issues described in the report also illustrates the complexity of voter registration. It is much more than producing a list of names of eligible voters.

Despite the delay in implementing SVRS we have begun the process. Last week 57 municipalities in Dane County (38 reliers and 19 self-providers) went live on the voter registration aspects of the application. Local election officials were able to view their voters, make changes in registration status, add new voters and perform a number of other voter registration related functions. The Dane County clerk's office, which provides SVRS services for the 38 relier municipalities, also went live.

The SVRS staff will complete user acceptance testing of the current version of the application tomorrow. At this point I expect that we will proceed with rolling out the application beyond our pilot program in Dane County. The 17 counties in the northwestern part of the state and 3 counties in the southeastern corner of the state are scheduled to go live in the beginning of November.

My testimony addresses the recommendations and suggestions set out in the report and provides additional comment. As Executive Director of the State Elections Board, I serve as Wisconsin's chief election official. I have reviewed my testimony with the State Elections Board at a public meeting. The State Elections Board supports the comments set out in my written testimony. I have set out the position of the State Elections Board on 12 specific recommendations contained in the report in an appendix to my testimony.

## **Introduction**

### Mandatory Voter Registration

The report accurately describes the current system of voter registration as “a patchwork of requirements that is confusing to municipal clerks, poll workers, and the public...” and that “procedures for maintaining voter registration lists are not consistently applied.” The Statewide Voter Registration System (SVRS) will provide the tool for ensuring that voter registration lists are maintained in a consistent manner that eliminates much of the confusion of the current system and provides the public with a readily accessible portal into the election process.

Municipal clerks will follow the same procedures for reviewing and processing voter registration forms. There will be a single registration record for each registered voter in the state. The list of voters will be matched against existing state records to verify identity and identify ineligible voters.

### Help America Vote Act of 2002

One of the complexities added to the registration process by HAVA is the identification requirement for first-time voters. First-time voters are individuals who register to vote by mail and have not voted in a federal election in Wisconsin. They are required to provide identification before voting. State and federal law permit the state to verify a voter's identity by matching the information on the voter registration form with existing state records using SVRS.

### Elections Board

HAVA has provided funding to enable the State Elections Board to hire short-term employees to meet deadlines mandated by federal law. The 17 federally funded HAVA positions include three individuals on loan from the Department of Administration's Division of Enterprise Technology. HAVA funding was designed as an infrastructure investment. State and local government will have to add resources to maintain and operate SVRS once it is implemented.

### **Voter Registration Methods**

#### Current Registration Requirements

The LAB notes that "On Election Day, individuals whose names appear on the registration list are presumed to meet all eligibility requirements and ... are neither required to provide identification or proof of residence nor to otherwise demonstrate eligibility." Wisconsin law permits any elector to challenge a voter's eligibility at the polling place. S. 6.92 et. seq., Wis. Stats., ElBd Chapter 9, Wis. Adm. Code.

#### Changing the Voter Registration Process

The LAB suggests the Legislature may wish to consider changes to address the concerns of local election officials and ensure consistent requirements statewide such as:

- adjusting the statutory registration deadline so that clerks have sufficient time both for verification and to ensure that all qualified electors who have registered are included in the voter registration lists distributed to the polls;

- increasing the oversight and training of special registration deputies, who may be short-term appointees working for voter registration drives or individuals who are appointed only to register voters at the polls on Election Day; and
- establishing uniform requirements for all registrants that reduce confusion without discouraging qualified electors from voting.

These are excellent suggestions. The Legislative Council's Special Committee on Election Law Review may include the recommendation for adjusting the statutory registration deadline in its proposed legislation. The Report of the National Task Force on Election Law Reform established by the Election Center also includes this recommendation.

SVRS will enable the State Elections Board and municipal clerks to track the source of voter registration forms, which will increase oversight of special registration deputies. The State Elections Board can include specific training requirements for special registration deputies in administrative rules. In July 2004, the State Elections Board provided municipal clerks with direction on training special registration deputies and setting standards for their performance.

The establishment of uniform registration requirements will not only reduce confusion, but will also engender confidence in the registration process. However, it is important to balance voter registration requirements with concerns about erecting barriers to the exercise of the right to vote.

#### *Concerns with Late Registration*

Wisconsin law permits a voter to register in person at the office of the municipal clerk after the close of registration 13 days before the election. This is called "late registration."

The LAB suggests that closing registration more than 13 days before the election would allow municipal clerks more time to prepare voter registration lists. As indicated above, this proposal has significant support.

The LAB also suggests that another option for dealing with late registration concerns is to eliminate late registration altogether. One problem with eliminating late registration is that unregistered electors wishing to vote absentee in the clerk's office will not be able to cast an absentee ballot if they are unable to register in the clerk's office.

#### *Improving Oversight and Training for Special Registration Deputies*

The LAB recommends the State Elections Board promulgate administrative rules as required by S. 6.26 (3), Wis. Stats., that:

- specify procedures for appointing and revoking the appointments of special registration deputies; and
- establish training requirements and procedures to verify that all special registration deputies are properly instructed.

We support this recommendation. The State Elections Board has not promulgated rules in this area because before 2004 it was not a high enough priority to devote limited staff resources. When the requirement was enacted, the agency's primary focus was on the administration and enforcement of campaign finance requirements. Voter registration was not required in all municipalities and local election officials had not described any significant concerns with special registration deputies.

The increased activity of voter registration groups brought these issues into focus in 2004. In July 2004, the State Elections Board provided municipal clerks with direction on training special registration deputies and setting standards for their performance. The agency workload in 2004 did not permit the translation of this direction into administrative rules.

This is now a priority of the staff and proposed rules can be integrated into the operation of SVRS. We have discussed the development of a standard curriculum for use by municipal clerks to train special registration deputies.

SVRS will be able to capture a unique number assigned to a special registration deputy. This will enable better tracking of registration forms submitted by special registration deputies.

The LAB suggests the Legislature may wish to consider changes that will reduce the likelihood that special registration deputies will submit duplicate, inaccurate or improper registration forms such as:

- prohibiting special registration deputies from being compensated based on the number of registration forms they submit;
- requiring municipal clerks to track the registration forms submitted by each special registration deputy; and
- requiring municipal clerks to maintain and make publicly available a list of special registration deputies.

These are also excellent suggestions. The Legislative Council's Special Committee on Election Law Review may include the recommendation for prohibiting special registration deputies from being compensated based on the number of registration forms they submit in its proposed legislation. This is also a recommendation submitted by the Governor in his election reform package, 2005 Assembly Bill 542, 2005 Senate Bill 249. The Report of the National Task Force on Election Law Reform established by the Election Center also includes this recommendation.

SVRS will enable municipal clerks to track the source of voter registration forms. SVRS will also be able to track all appointed special registration deputies. The information will be publicly accessible.

#### Establishing Uniform Voter Registration Requirements

The LAB suggests the Legislature may wish to consider:

- establishing uniform proof of residence requirements;

- clarifying the requirement in S. 6.36 (1), Wis. Stats., that municipal clerks track the method by which an individual registers to vote;
- repealing S. 6.55 (7)(b), Wis. Stats., which allows individuals registering to vote to type or hand-print address corrections on documents used as proof of residence; and
- amending S. 6.55 (7)(c), Wis. Stats., so that the list of documents allowable under state law is more clearly defined and is consistent with documents that are acceptable under federal law.

The HAVA identification requirement for first-time voters registering by mail added complexity and confusion to the voter registration process. Election Day registrants and late registrants are required to provide proof of residence as defined in S. 6.55 (7), Wis. Stats. First-time voters are required to provide identification. With respect to identification containing a picture of the voter, the federal requirement is broader than state law governing proof of residence because it does not require a current address. Federal law also expands the use of certain government documents beyond what is permissible for proof of residence by including bank statements, government checks, other government documents and paychecks that are current and contain the voter's full name and current address.

Amending state law to make proof of residence more consistent with the identification requirement for first-time voters would alleviate some confusion. The language permitting updating information by hand on proof of residence documents needs to be eliminated along with items from the statutory list of acceptable forms of proof of residence such as credit cards, library cards and credit plates which do not have addresses and do not qualify as acceptable proof of residence.

When Election Day registration was enacted in 1976, the State Elections Board was directed to adopt emergency rules defining acceptable proof of residence. These rules were incorporated into the statutes in their current form. An administrative rule may provide a more flexible vehicle for addressing these concerns. It is more difficult to change a statute when a form of identification becomes outdated.

SVRS will enable clerks to track the method by which a voter registers to vote. This is a mandatory field that must be entered along with the information on a voter registration form.

### **Address Verification Cards**

The report documents the inconsistencies among municipalities with respect to the use of address verification cards. The LAB recommends the State Elections Board:

- specify procedures in administrative rule for sending address verification cards, validating returned cards, and forwarding questionable cards to district attorneys; and
- conduct post election reviews to ensure municipalities are sending cards consistently.

The State Elections Board staff recognized address verification cards as a place to leverage the benefits of SVRS. The State Elections Board plans to mail the verification cards to ensure that this follow up is done consistently. We expect that this will reduce costs for municipalities. SVRS will have the capability to record municipal clerk follow up on address verification.

However, a statutory change is necessary to clarify SEB's authority to mail verification cards on behalf of municipalities. I have asked the Legislative Council Special Committee on Election Law Review to include this change in its package of proposed election law changes. In addition the State Elections Board encourages the Legislature to require a verification card for all new registrants.

The State Elections Board supports this recommendation with some reservation. The Board is concerned about the states commitment to fund the agency's ability to carry out this function. This will place accountability for sending the card in one place, but one of the primary reasons municipalities did not conduct this activity is that it cost money.

The LAB also suggests the Legislature may wish to consider the following steps to ensure the accuracy of registration lists:

- require address verification cards be mailed to every individual who registers to vote unless the municipal clerk can verify the registrant has moved using other sources of information;
- establishing a deadline for mailing address verification cards; and
- giving municipal clerks more flexibility in the disposition of returned address verification cards by allowing municipal clerks to reconcile returned cards through other sources rather than turning them over to district attorneys.

The Legislature may want to consider requiring all voters to provide their birth date and driver's license number as part of the voting process in 2006. This will enable municipal clerk's to capture essential identification information for all registered voters which can be added to SVRS and ensure more accurate matching of voter records.

Keeping SVRS current and accurate will require using additional sources for reconciliation. Municipal clerks are an essential partner in this process. It is important to provide state and local election officials with more flexibility to utilize other sources to reconcile registration discrepancies.

## **Voter Registration Lists**

### Maintaining Voter Registration Lists

The report describes the current practices for maintaining voter registration lists and discusses the treatment of inactive voters, name and address changes, and duplicate records. SVRS will bring added efficiencies to this process because each voter will have a single record and the individuals identifying information can be matched with existing state records.

### Ineligible Voters

The report also discusses deceased individuals, felons serving sentences and non-citizens. The LAB recommends the State Elections Board change the registration form so that registrants

must certify that they are not currently serving a sentence, including probation or parole, for a felony conviction. The SVRS Team is already working on including this change in the design of the voter registration and absentee ballot application forms.

However, there are limitations to the information available from the Department of Corrections. The Department of Corrections does not track convicted felons who are sentenced to county facilities and it does not track federal felons. The State Elections Board plans to create manual processes to ensure that SVRS is notified of both federal felons and state felons serving in county jails.

The interface with State Vital Statistics will allow records of deceased electors to be marked as inactive.

The LAB suggests the State Elections Board consider obtaining federal data to assist municipal clerks in verifying citizenship. The recent focus on Homeland Security may improve the quality of federal data on citizenship. Until that data can be validated as robust and reliable, it is not a viable use of limited SVRS resources.

### *Improving Oversight of Voter Registration Lists*

The LAB sets out a series of recommendations to prevent data entry errors and other inaccuracies. The LAB recommends that the State Elections Board, in cooperation with local election officials, promulgate administrative rules specifying procedures for:

- detecting and preventing common data entry errors, such as duplicate registration records and invalid birth dates;
- revising and updating voter information; and
- automating the identification of improper and illegal votes.

This is not a good use of the administrative rulemaking process. As part of the operation of SVRS, municipal clerks will be given a detailed set of business processes that describe the

procedures for handling voter registration forms, entering information into the system and reviewing reports generated by SVRS that identify data entry errors and inconsistencies. These processes will change with more experience on the system. It would significantly reduce administrative flexibility if administrative rules had to be promulgated and amended to reflect changes in business processes. Training has already begun in our pilot county (Dane) on SVRS business processes.

The LAB recommends that the State Elections Board promulgate administrative rules to clarify the responsibilities of all local election officials in registering voters. As a part of the implementation of SVRS, local election officials are required to enter into a memorandum of understanding (MOU) that delineates the responsibilities of local election officials and the State Elections Board with respect to the use of SVRS. These MOUs establish the roles and responsibilities, along with the associated costs for performing various functions related to voter registration, absentee voting and election administration.

The LAB also suggests the Legislature may wish to consider enacting civil penalties for a local election official's failure to comply with election laws. This may be an unpopular means of ensuring administrative accountability. It is definitely worth considering adding a civil penalty component to the election fraud laws which apply to voters as well as election officials. This may provide a useful tool for district attorneys that ensures more enforcement of election law violations.

## **Future Considerations**

### Municipal Clerk Training

The LAB recommends the State Elections Board:

- develop a training curriculum for municipal clerks that explains their roles and responsibilities in elections, including voter registration requirements; and

- ensure municipal clerks have access to sufficient training opportunities, including Internet-based courses or courses offered through other organizations such as technical colleges or the University of Wisconsin System.

This recommendation is consistent with the State Elections Board's plans. As part of the SVRS implementation, local election officials will receive approximately 40 hours of business process, application and advanced application training. This training program has already been developed and is being refined through the SVRS pilot program. The business process training was conducted in Dane County in the first week of September and will continue throughout the state this fall. The business process training consists of six hours of in-person instruction.

The State Elections Board will need to dedicate personnel and resources to coordinating ongoing SVRS training as well as continuing training on election administration for local election officials. Once federal funding has been exhausted, the state will need to commit additional resources to this ongoing need.

## **Conclusion**

As we indicated in our appearance before the Joint Legislative Audit Committee on February 9, 2005, the State Elections Board welcomes this audit. At the time, we believed it would provide a vivid picture of voter registration in Wisconsin before the implementation of the Statewide Voter Registration System. The LAB Report provides a valuable benchmark for evaluating the success of SVRS in 2006.

What cannot be overlooked as we move forward is that voter registration is about people – voters, local election officials and their participation in the electoral process. We will always have to balance the constitutionally protected right to enable eligible citizens participate in the electoral process with the public policy to ensure participants in the electoral process have confidence in the integrity of the process. This requires a commitment of government resources that has not been available to state and local election officials through the period of the audit.

Respectfully submitted,

**State Elections Board**

Kevin J. Kennedy  
Executive Director



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# Voter Registration

## Elections Board

Legislative Audit Bureau  
October 2005

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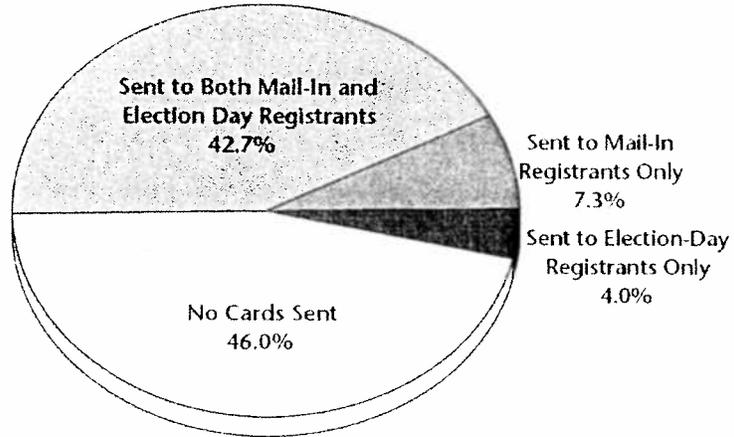
## Voter Registration Overview

- ◆ Voter registration is currently required in 172 municipalities with populations over 5,000
- ◆ Another 167 smaller municipalities require voter registration by local ordinance
- ◆ Voter registration will be required statewide January 2006

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## Address Verification Cards Sent



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## Undeliverable Cards

### Undeliverable Address Verification Cards for Election Day Registrants November 2004 Elections

Municipality	Cards Sent	Undeliverable Cards	Percentage of Cards Returned
City of Madison	31,261	1,295	4.1%
City of Waukesha	6,600	323	4.9
City of Eau Claire	6,299	251	4.0
Village of Ashwaubenon	1,704	18	1.1
<b>Total</b>	<b>45,864</b>	<b>1,887</b>	<b>4.1%</b>

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## Maintaining Voter Registration Lists

- ◆ 85.3 percent of municipalities removed inactive voters from lists
- ◆ 71.4 percent sometimes or always notified voters before removing them from lists
- ◆ 54.0 percent removed the names of ineligible felons
- ◆ None of the municipalities interviewed verified citizenship

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## Voter Registration List Inaccuracies

- ◆ Lists included duplicate records, ineligible felons, and deceased individuals
- ◆ 105 potential voting irregularities require further investigation, including ineligible felons who may have voted

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## Elections Board Recommendations

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- ◆ Specify procedures for appointing and training special registration deputies
- ◆ Send address verification cards in a timely and consistent manner
- ◆ Revise the voter registration form to notify ineligible felons that they cannot vote
- ◆ Automate procedures to detect improper registrations
- ◆ Provide training to municipal clerks

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## Options for Legislature

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- ◆ More stringent requirements for special registration deputies
- ◆ Uniform proof-of-residence requirements for all registrants
- ◆ Deadline for mailing address verification cards
- ◆ Mandatory training for municipal clerks
- ◆ Civil penalties for election law violations

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## Other Factors

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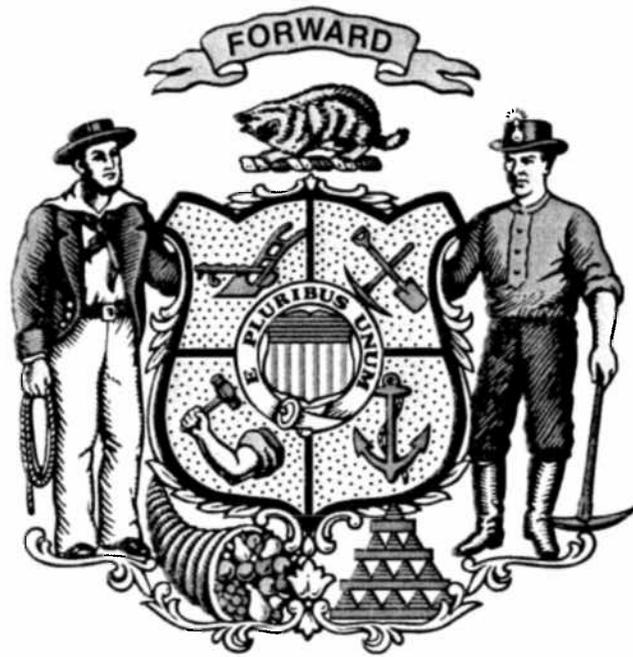
- ◆ Help America Vote Act
- ◆ Computerized statewide voter registration system delays
- ◆ Joint Legislative Council Study Committee recommendations
- ◆ City of Milwaukee investigation
- ◆ Future audit work

11

## Voter Registration Elections Board

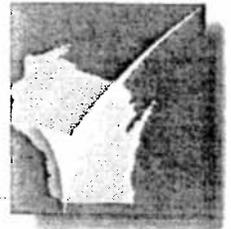
Legislative Audit Bureau  
October 2005

12



# In Brief

WISCONSIN STATE  
ELECTIONS BOARD  
OCTOBER 2005



## CALENDAR

1:00 - 4:00 p.m.,  
Tuesday, Oct. 18,  
Room 328 NW, State  
Capitol, Madison:  
Three public  
demonstrations  
of the Statewide  
Voter Registration  
System. The public,  
legislators, and  
staff members can  
attend for a half-hour  
demo with time for  
questions.

6:00 - 8:00 p.m.,  
Wednesday, Oct.  
19, Suite 310, 17  
W. Main St., State  
Elections Board  
Office, Madison:  
Public demonstration  
of voting equipment  
by Diebold.

6:00 - 8:00 p.m.,  
Thursday, Oct.  
20, Suite 310, 17  
W. Main St., State  
Elections Board  
Office, Madison:  
Public demonstration  
of voting equipment  
by Elections Systems  
& Software.

9:30 a.m. - 2:30 p.m.,  
Wednesday, Nov. 30,  
Brookfield City Hall,  
2000 N. Calhoun  
Rd., Brookfield:  
State Elections Board  
meeting.

## Statewide Voter Registration System Begins Implementation Despite Delays

The Statewide Voter Registration System (SVRS) is Wisconsin's response to federal requirements of the Help America Vote Act (HAVA) of 2002. Prior to 2005, only about 325 of the state's 1850 municipalities kept a complete, computerized voter registration record. State law required that only municipalities with a population of more than 5000 have voter registration.

### *Scope of the SVRS*

Despite its name, the SVRS will be much more than a list of names and addresses of all the registered voters in Wisconsin. The system will also keep track of absentee voters, candidates, poll workers, polling places, and election results, as well as providing clerks with a variety of ways of producing reports on those election components. For the first time in state history, the system will also integrate information from three state departments (Corrections, Transportation and Health & Family Services) to keep track of voters' eligibility status. In addition, the SVRS will have a Voter Public Access component on the Internet, which will allow state citizens to look up their polling places, district assignments for all elected offices and the status of any provisional ballot they may have cast.

### *Delay of the Roll-out*

On Thursday, Sept. 15, the SVRS Steering Committee determined that software "bugs" would not allow testing to continue, delaying implementation of the project and causing the Elections Board to announce that it could not meet the Jan. 1, 2006, federal deadline to have the system in place across the entire state.

### *Region 9 Pilot (Dane County)*

As part of the graduated roll-out of the SVRS, a pilot implementation in one region of the

state was planned to gather feedback and improve logistics as the project proceeded. Dane County was chosen, due to its proximity to the Elections Board staff and the support of its clerks. Although the pilot is behind schedule, municipalities did indeed begin using the voter registration portion of the SVRS on Tuesday, Oct. 11, and will have access to the election management portion of the software on Monday, Oct. 31, after training. After the SVRS is running in Region 9, implementation will continue in Regions 1 and 8 (northwest and southeast Wisconsin).

### *Federal Funds*

Some have speculated that the delay of the SVRS in Wisconsin threatens its federal HAVA funding. There has been no indication of this. Wisconsin has already received its HAVA funds. Elections Board staff has been in contact with the U.S. Department of Justice about the progress of the project, and has been candid about delay in full implementation of the SVRS. Oversight of HAVA funds is defined in the form of a federal audit, to investigate misuse of such funds. While Wisconsin's SVRS project will miss a deadline for wholesale roll-out of the new system, it continues to use HAVA funds as intended.

### *Wisconsin is Unique*

Wisconsin has an election administration structure that emphasizes local control: Clerks at the town, village, city and county level all have some role in administering elections. In addition to 1850 municipal (city, village and town) clerks and 72 county clerks who organize and report elections, 423 school clerks prepare ballots for school board elections and referenda. It is a very decentralized system that requires cooperation and coordination from many individuals and levels of government.



## HAVA-Required Disability Accessible Equipment to be Available by Year End

Municipal election officials in Wisconsin have been concerned about their ability to buy and have ready voting equipment for people with disabilities, as required by federal law, before 2006 elections. Elections Board staff are working diligently to complete the approval process for any qualified equipment vendor that wishes to sell electronic voting equipment in Wisconsin before the end of December.

### *The approval process*

Under Wisconsin law, any electronic voting equipment used in Wisconsin must be approved by the State Elections Board.

Part of Wisconsin's approval process requires that the equipment be tested by an independent laboratory against voluntary national standards for accuracy, durability and security.

Once that process is completed, the vendor can apply for Elections Board approval of its equipment.

The SEB requires the vendor to demonstrate a series of three mock elections to determine if the equipment meets Wisconsin's elections requirements.

A public meeting of Wisconsin's Election Administration Council (made up of municipal and county clerks, and representatives of the disability community) is then convened to evaluate how the proposed equipment functions.

When the equipment is approved, municipalities can then view and purchase it.

### *The current situation*

Six vendors have applied for approval by the State Elections Board. The Board's staff tested equipment produced by Populex LLP in late July. As configured at that time, the Populex equipment could not properly run an election in Wisconsin. Consequently, the

Board denied the request for approval and asked the vendor to reapply when its equipment mirrored Wisconsin's election practices.

The Elections Board staff is currently testing three pieces of equipment from two other vendors. Diebold has submitted for approval a touch-screen system with a paper record, and an optical scan system that would upgrade the Diebold optical scan system already in use in Wisconsin. ES&S (Elections Systems and Software) also has submitted a ballot-marking device that would enable people with disabilities to mark a paper ballot which could be hand-counted or tabulated using the current ES&S optical scan equipment available in the state.

Three other vendors submitted applications for approval in Wisconsin last week, and all three voting systems are designed to serve all voters, including those with accessibility needs due to disability. Sequoia Voting Systems has requested approval for both optical scan and touch screen equipment. Voting Technologies International has asked for approval of its touch screen equipment, and AccuPoll also has submitted touch screen equipment for acceptance.

Elections Board staff will review the applications and schedule testing for all three systems. The staff expects that a list of several approved vendors will be available for municipalities to use to select and order equipment before the end of the year.

### *Funding for equipment*

The State Elections Board has received HAVA funds to assist municipalities in acquiring one piece of accessible voting equipment for each of the state's 2772 polling places. The state has budgeted approximately \$6000 per polling place to assist municipalities with their purchases.

### CALENDAR

(continued from p.1)

Chief Inspector  
Training sessions in  
Wisconsin:

Dane County:

1:00 - 4:00 p.m. and  
6:00 - 9:00 p.m., Oct.  
25 & 26 (4 sessions),  
City Building, Sun  
Prairie.

Oconto County:

2:00 - 5:00 p.m. and  
6:00 - 9:00 p.m.,  
Nov. 1, Oconto Falls  
Municipal Building.

Portage County:

2:00 - 5:00 p.m. and  
6:00 - 9:00 p.m.,  
Nov. 2, Portage  
County Courthouse  
Annex, Stevens  
Point.

Winnebago County:

2:00 - 5:00 p.m. and  
6:00 - 9:00 p.m.,  
Nov. 3, and 10:00  
a.m. - 1:00 p.m.,  
Nov. 4, JP Coughlin,  
Oshkosh.

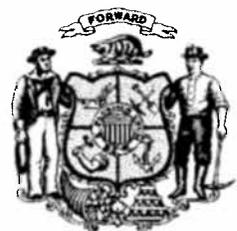
Racine County:

12:00 - 3:00 p.m.,  
Nov. 7, and 8:00  
- 11:00 a.m. and  
12:00 - 3:00 p.m.,  
Nov. 8, Ives Grove  
Post Office Complex,  
Sturtevant.

*Check SEB web site for  
more listings.*



# WISCONSIN STATE LEGISLATURE





WISCONSIN STATE LEGISLATURE

Joint Legislative Audit Committee

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

November 2, 2005

Mr. Matthew J. Frank, Secretary  
Department of Corrections  
3099 East Washington Avenue  
Madison, Wisconsin 53707

Dear Mr. Frank:

As you know, convicted felons are not eligible to vote until they have completed their sentences, including probation or parole. At that time, their right to vote is restored under s. 304.078(3), Wis. Stats. In September 2005, the nonpartisan Legislative Audit Bureau released its evaluation of voter registration (report 05-12). In its report, the Legislative Audit Bureau identified 98 ineligible felons who may have voted in the November 2004 election and recommended that the Elections Board change the voter registration form so that registrants must certify that they are not currently serving a sentence, including probation or parole, for a felony conviction.

On October 18, 2005, the Joint Legislative Audit Committee held a public hearing on the Legislative Audit Bureau's report. During the testimony and the ensuing discussion, the Committee was unclear about the steps currently taken by the Department of Corrections to ensure that inmates placed on probation or parole understand that their voting rights have been revoked. Therefore, by November 17, 2005, we ask that you provide the Committee with information describing the methods taken by the Department to inform felons of their voting rights while on probation or parole. This information will assist us in planning for appropriate follow-up to ensure the integrity of the voting process in Wisconsin.

Thank you for your cooperation. We look forward to reviewing your report in November.

Sincerely,

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

Representative Suzanne Jeskewitz, Co-chair  
Joint Legislative Audit Committee

cc: Janice Mueller  
State Auditor





WISCONSIN STATE LEGISLATURE

Joint Legislative Audit Committee

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

November 2, 2005

Mr. Kevin Kennedy, Executive Director  
State Elections Board  
17 West Main Street, Suite 310  
Madison, Wisconsin 53701

Dear Mr. Kennedy:

Thank you for your testimony before the Joint Legislative Audit Committee at its public hearing on the nonpartisan Legislative Audit Bureau's evaluation of voter registration (report 05-12). We appreciate your participation in the hearing on October 18, 2005.

In follow-up to the public hearing, we ask that you submit a written report to the Joint Legislative Audit Committee by March 1, 2006, which summarizes the Elections Board's progress in implementing each of the recommendations enumerated by the Legislative Audit Bureau. In your report, please also plan to update the Committee on the current status of the Statewide Voter System and implementation of provisions prescribed by the Help America Vote Act of 2002.

Thank you for your cooperation. We look forward to reviewing your report in March 2006.

Sincerely,

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

Representative Suzanne Jeskewitz, Co-chair  
Joint Legislative Audit Committee

cc: Janice Mueller  
State Auditor





WISCONSIN STATE LEGISLATURE

Joint Legislative Audit Committee

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

November 2, 2005

Ms. Karen Peters, President  
Wisconsin Municipal Clerks Association  
1414 Montclair Place  
Fort Atkinson, Wisconsin 53538

Dear Ms. Peters:

In September 2005, the State's nonpartisan Legislative Audit Bureau released an audit of voter registration (report 05-12). In order to gather the best available information, auditors surveyed municipal clerks in the 172 municipalities that are currently required by statute to maintain voter registration lists concerning voter registration practices, including their use of address verification cards and other processes to verify voter eligibility, special registration deputies, and training provided to local election officials. In total, municipal clerks representing 33 towns, 34 villages, and 83 cities responded to the survey, which yielded an overall response rate of 87.2 percent.

The response and cooperation of the municipal clerks to this survey effort is both appreciable and appreciated. Due, in part, to information gathered through this survey process, the Legislative Audit Bureau's report included 11 specific recommendations to improve the consistency and accuracy of the voter registration process. On behalf of the Joint Legislative Audit Committee, we extend our thanks to the members of the *Wisconsin Municipal Clerks Association* who provided such valuable assistance by responding to the survey. Wisconsin's communities are well served by municipal clerks who are so attentive to the importance of information sharing, evaluation, and careful study.

We hope that you will share our thanks with your membership. Thank you, again, for your assistance.

Sincerely,

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

Representative Suzanne Jeskewitz, Co-chair  
Joint Legislative Audit Committee

cc: Members, Joint Legislative Audit Committee

Janice Mueller  
State Auditor



# State of Wisconsin \ Elections Board

Post Office Box 2973  
17 West Main Street, Suite 310  
Madison, WI 53701-2973  
Voice (608) 266-8005  
Fax (608) 267-0500  
E-mail: seb@seb.state.wi.us  
<http://elections.state.wi.us>



CARL HOLBORN  
Chairperson

KEVIN J. KENNEDY  
Executive Director

March 6, 2006

Senator Carol Roessler, Co-Chair  
Joint Legislative Audit Committee  
Room 8 South, State Capitol  
Madison, WI 53702

Representative Suzanne Jeskewitz, Co-Chair  
Joint Legislative Audit Committee  
Room 314 North, State Capitol  
Madison, WI 53702

Dear Senator Roessler and Representative Jeskewitz:

Following the October 18, 2005 hearing before the Legislative Joint Audit Committee on the report of the Legislative Audit Bureau evaluation of voter registration in Wisconsin, you requested that I provide a report on the Elections Board's progress in implementing each of the recommendations enumerated by the Legislative Audit Bureau.

You also requested that I update the Committee on the current status of the Statewide Voter Registration System (SVRS) and implementation of provisions prescribed by the Help America Vote Act of 2002 (HAVA).

This correspondence provides a status report on the progress of the State Elections Board in implementing recommendations of the Legislative Audit Bureau. Also included is an update on the current status of SVRS and implementation of provisions prescribed by HAVA. Additionally, there have been a number of legislative proposals introduced that have had an impact on the approach of the State Elections Board in addressing voter registration administration issues.

## **Legislative Audit Bureau Recommendations**

The Legislative Audit Bureau made six specific recommendations for the State Elections Board's possible implementation.

- 1. The Legislative Audit Bureau recommended the State Elections Board change the voter registration form so that registrants must certify that they are not currently serving a sentence, including probation or parole, for a felony conviction.*

The State Elections Board staff has included this change in the design of the voter registration and absentee ballot application forms. These forms have been distributed to local election officials, incorporated into our business process and chief inspector training and are available on our website. A copy of the revised forms is included in the accompanying materials.

The staff has received considerable feedback on the design of the voter registration forms. Local election officials would like us to eliminate the hash marks that facilitate data entry. We have permitted self-providers, municipalities that do all their own work in SVRS, to use a voter registration form of their own design at the polls on election day and in their office for registering voters. The form must be reviewed by the State Elections Board staff to ensure it captures the basic requirements for voter registration including the language alerting individuals who are ineligible to vote due to a felony conviction.

We will continue to work with local election officials to develop the appropriate form for use in voter registration.

2. *The Legislative Audit Bureau recommended the State Elections Board:*

- *develop a training curriculum for municipal clerks that explains their roles and responsibilities in elections, including voter registration requirements; and*
- *ensure municipal clerks have access to sufficient training opportunities, including Internet-based courses or courses offered through other organizations such as technical colleges or the University of Wisconsin System.*

Since the fall of 2005, the State Elections Board staff has conducted 102 training sessions for county and municipal clerks. This includes business process training for all local election officials. Application training on the SVRS has been provided for Regions 1, 4, 8 and 9. The staff has also conducted thirty two training sessions for more than 1,630 chief election inspectors on election day registration.

Ongoing training will continue to be an essential element of the mission of the State Elections Board. We are in the process of developing a platform where training sessions can be accessed through SVRS by local election officials. The State Elections Board staff will be able to monitor participation by local election officials, so that they are given credit for the training.

The staff continues to explore other ways to provide video and internet based training to local election officials. The staff already utilizes the WisLine network of the University of Wisconsin Extension. We have also distributed a training DVD/Video on accessibility for poll workers.

3. *The Legislative Audit Bureau recommended the State Elections Board promulgate administrative rules as required by S. 6.26 (3), Wis. Stats., that:*

- *specify procedures for appointing and revoking the appointments of special registration deputies; and*
- *establish training requirements and procedures to verify that all special registration deputies are properly instructed.*

At the two State Elections Board meetings that have occurred since the October 18, 2005 Joint Audit Committee hearing, the Board has had a report from its staff on the development of administrative rules relating to voter registration on its agenda. The purpose of the report was

to solicit direction from Board members and the public on the development of administrative rules related to voter registration.. Unfortunately, the State Elections Board was unable to take up the staff report because of the large number of items on its agenda at those meetings. The report along with an initial draft of the proposed administrative rules will be on the agenda for the Board's March 22, 2006 meeting.

The State Elections Board staff has begun preparation of proposed administrative rules that specify procedures for appointing and revoking the appointments of special registration deputies. The proposed rules will establish training requirements and procedures to verify that all special registration deputies are properly instructed. The State Elections Board staff will also detail the procedures for appointing, training and monitoring special voter registration deputies in an informational manual for local election officials.

These proposed rules will be the subject of a series of public hearings to obtain additional feedback and will be presented to the legislature as emergency rules so that the rules can be in place for the fall election cycle.

4. *The Legislative Audit Bureau recommended the State Elections Board:*

- *specify procedures in administrative rule for sending address verification cards, validating returned cards, and forwarding questionable cards to district attorneys;*
- *and conduct post election reviews to ensure municipalities are sending cards consistently.*

The State Elections Board recognized address verification cards as a place to leverage the benefits of SVRS. The State Elections Board plans to mail the verification cards to ensure that this follow up is done consistently. We expect that this will reduce costs for municipalities.

However, this may require a change in current law. At my request the Legislative Council's Special Committee on Election Law Review inserted a provision in its package of recommendations that authorizes the State Elections Board to send address verification cards on behalf of municipal clerks. This provision is contained in 2005 Senate Bill 612.

While the cards would be sent by the State Elections Board, follow-up on returned cards would be done by local election officials. As part of the SVRS procedures, local election officials will be provided with direction on what action to take with respect to returned cards. SVRS will have the capability to record municipal clerk follow-up on address verification, including referrals to district attorneys. At this point, this does not seem to be a good use of the administrative rule making process.

5. *The Legislative Audit Bureau recommended the State Elections Board, in cooperation with local election officials, promulgate administrative rules specifying procedures for:*

- *detecting and preventing common data entry errors, such as duplicate registration records and invalid birth dates;*
- *revising and updating voter information; and*

- *automating the identification of improper and illegal votes.*

This is not a good use of the administrative rulemaking process. As part of the operation of SVRS, municipal clerks have been given a detailed set of business processes that describe the procedures for handling voter registration forms, entering information into the system and reviewing reports generated by SVRS that identify data entry errors and inconsistencies. These processes will change with more experience on the system. It would significantly reduce administrative flexibility if administrative rules had to be promulgated and amended to reflect changes in business processes. Training has already been conducted on SVRS business processes throughout the state.

At this point the State Elections Board is not planning to develop administrative rules because the business process procedures provide direction for detecting and preventing data entry errors, and revising and updating voter registration information. The software application design of SVRS will assist in the identification of illegal votes in the form of duplicate voting and voting by individuals ineligible to vote.

6. *The Legislative Audit Bureau recommended the State Elections Board promulgate administrative rules to clarify the responsibilities of all local election officials in registering voters.*

As a part of the implementation of SVRS, local election officials are required to enter into a memorandum of understanding (MOU) that delineates the responsibilities of local election officials and the State Elections Board with respect to the use of SVRS. At this point the State Elections Board is not planning to develop administrative rules because these MOUs establish the roles and responsibilities, along with the associated costs for performing various functions related to voter registration, absentee voting and election administration.

### **Status of the Statewide Voter Registration System**

The Wisconsin State Elections Board is continuing to make progress on the implementation of its Statewide Voter Registration System (SVRS). The database and application are currently in operation in some Wisconsin municipalities. Unlike most states where elections and voter registration are managed by counties, Wisconsin has the additional challenge of implementing at the municipal level. Before January 1, 2006, only 309 out of 1,851 municipalities had an existing voter registration system. Now 1,542 municipalities are required to register voters for the first time.

To address this challenge, the SVRS project is deploying the application across the state iteratively through twelve distinct regions. These regions, as seen on the accompanying materials, encompass multiple counties, municipalities, and voting age populations. The Statewide Voter Registration System is currently in operation in approximately 1/3 of Wisconsin's municipalities.

The deployment of the application includes the following activities:

- Workstation Readiness

- Security certificates are required to be installed on approximately 1,500 computer workstations statewide.
- Over 600 certificates have been installed.
- Conversion
  - 309 Wisconsin municipalities had legacy systems from which data needed to be converted. Data from 96 of these municipalities has been converted.
  - 1,542 Wisconsin municipalities had only manual voter registration records to convert. Records from 497 of these municipalities have been populated in SVRS.
- Training
  - Training for the statewide voter registration includes SVRS application training and business process training to staff of all 1,851 municipalities statewide.
  - More than 2,500 local elections staff have attended one or both of the training courses.
- Go-Live and Election Readiness
  - 593 municipalities are currently live with SVRS and will be using SVRS for the April election.
  - 153 of these municipalities used SVRS for the Wisconsin February primary elections.

The Wisconsin State Elections Board is now focusing on assisting live Regions with the post February and upcoming April election cycle. Following the April 4 statewide election, the State will begin deployment of the application to the remaining nine regions, with the goal of full implementation prior to the fall election cycle.

The State Elections Board is currently implementing data verification procedures associated with cross-referencing identification with the Wisconsin Department of Transportation and the Social Security Administration. Interface programs are currently undergoing testing and are anticipated to be operational in April 2006. The State Election Board has entered into all necessary data exchange agreements with the Wisconsin Department of Transportation and the Social Security Administration.

First-time voters whose identity can be confirmed through this matching process will not be required to show identification in order to vote. In addition, Wisconsin has Election Day registration which enables voters to register at the polling place with the required identifying document.

The State Elections Board is currently implementing the list maintenance functionality associated with identifying and removing deceased and felon voters from the registration lists. Interface programs are currently undergoing testing and are anticipated to be operational in April 2006. The State Election Board has entered into all necessary data exchange agreements with the Wisconsin Department of Corrections and the Wisconsin Department of Health and Family Services.

The primary impediment to having a fully operational SVRS at this time is the failure of the software vendor to provide an acceptable application in a timely manner. The State Elections Board staff has diligently tested the versions of the application submitted by the vendor and provided detailed direction on how the application needs to be improved. The State Elections Board and local election officials are frustrated by the delayed implementation of SVRS. However, we are determined to have a viable application in use for the fall 2006 election cycle.

### **Status of the Implementation of the Help America Vote Act of 2002**

Aside from the establishment of a statewide voter registration system, HAVA requires all polling places to have an accessible component to its voting system that enables an individual with disabilities to vote privately and independently. HAVA also requires that all voting systems meet certain standards including accessibility and that the state have clearly defined provisions on what constitutes a vote in the event of a recount.

Wisconsin has an established set of procedures for approving voting equipment. S. 5.91, Wis. Stats., EIBd Chapter 7, Wis. Adm. Code. This approach reflects a commitment to provide participants in the electoral process with confidence that their votes are counted accurately, the opportunity to review and correct their choices before casting a ballot and the opportunity to vote privately and independently.

Immediately following the 2000 presidential election, the State Elections Board acted to revoke the approval of punch card voting equipment in Wisconsin. The Board and its staff had worked with local election officials and units of government to shift from approximately 362 municipalities in 35 counties using punch card voting in 1993, to only one county (Green County with 24 municipalities) planning to continue the use of punch card voting after the 2000 presidential election.

As of July, 2001, approximately 83.3 % of the Wisconsin voting age population used optical scan voting equipment, 13.7 % voted using paper ballots and 3 % used lever voting machines. One municipality with a voting age population of 2,641 used a direct record electronic voting system. This has remained the case through December, 2005. These voting systems comply with the standards of HAVA Section 301(a), with the exception of providing an individual with disabilities the opportunity to vote privately and independently.

Municipalities with paper ballot and central count optical scan will utilize a voter education program developed by the State Elections Board pursuant to HAVA Section 301(a)(1)(B) to meet the notification and second chance voting requirements of HAVA Section 301(a)(1). Not all of the lever voting machines, however, produce a paper record that meets the audit capacity standard provided in HAVA Section 301(a)(2)(B).

All voting equipment must be approved by the State Elections Board before it may be used to conduct an election in Wisconsin. The requirements for approval are set out in S. 5.91, Wis. Stats., and EIBd Chapter 7, Wis. Adm. Code.

One condition for approval is that the voting system must be tested by an independent testing authority (ITA), approved by the National Association of State Election Directors (NASD) and qualified to the 2002 Federal Election Commission's (FEC) Voluntary Voting System

Standards. EIBd 7.01 (1)(e), Wis. Adm. Code. Wisconsin will not approve a voting system for use in the state until it has completed testing with a NASED approved ITA, been qualified to the 2002 FEC Voluntary Voting System Standards and issued a NASED qualification number.

In August, 2005, legislation (2005 Assembly Bill 627) was introduced that proposed sweeping changes in the requirements for the approval and use of electronic voting equipment in Wisconsin. The public debate on that legislation reinforced the deliberate approach taken by the State Elections Board in reviewing and approving voting systems for use in Wisconsin. After considerable discussion with our staff, members of the public and advocacy groups, the proposed legislation was substantially modified and passed by the Legislature. It became law on January 20, 2006. (2005 Wisconsin Act 92)

The approved legislation requires a voter verified paper audit trail which is treated as the official ballot in an election contest. This is a significant change from the treatment of the voting system generated paper record required before enactment of 2005 Wisconsin Act 92.

In complying with its statutory requirements for approval of voting systems, the State Elections Board has closely monitored the qualification of voting systems through the NASED ITA process and has worked with the Legislature as it deliberated sweeping changes to voting system requirements. Several vendors were unable to meet Wisconsin's approval requirements because their 2002 qualified voting systems were tailored to specific states which have different rules for conducting elections.

The State Elections Board has approved three voting systems for use in the state that meet the requirements of Wisconsin law:

On November 30, 2005, the State Elections Board approved the AccuPoll electronic voting system. This vendor, however, filed for bankruptcy on January 30, 2006. The State Elections Board staff has revoked the approval of the AccuPoll electronic voting system, subject to appeal by the vendor to the State Elections Board.

On January 18, 2006, the State Elections Board approved the AutoMARK ballot marking device marketed by Election Systems and Software (ES & S). This device may be used at a polling place by an individual with a disability to vote privately and independently.

On January 18, 2006, the State Elections Board approved the Vote-PAD voting assist device for use in hand-counted paper ballot municipalities. This device may be used at a polling place by an individual with a disability to vote privately and independently.

There are three additional vendors who have submitted applications for approval of their voting systems:

Diebold Election Systems has completed its testing with the State Elections Board. However, the vendor has not supplied some of the documentation required by state administrative code as part of the approval process. In addition, a key component of the Diebold voting system has been identified as not having been tested in the NASED ITA qualification process. As a consequence, the State Elections Board cannot approve the Diebold voting equipment until the company complies with the state requirements

and completes the qualification process. Diebold has completed this process. The Diebold equipment will be reviewed by the State Elections Board at its March 22, 2006 meeting.

Sequoia Voting Systems equipment was tested by the State Elections Board staff on March 3, 2006 and reviewed by the Election Administration Council on March 4, 2006. Although the software for the Sequoia voting system has not received a NASED number, the State Elections Board directed staff to test vendors' voting systems and recommend approval subject to final qualification and assignment of a NASED qualification number. The Sequoia voting equipment will be reviewed by the State Elections Board at its March 22, 2006 meeting.

Populex was the first vendor tested by the State Elections Board. On August 3, 2005, the Board directed the vendor to make several changes to ensure that its voting system was accessible to voters with disabilities and to ensure that the system could meet certain requirements for conducting elections in Wisconsin. The vendor was also affected by the enactment of 2005 Wisconsin Act 92. The vendor is completing the NASED ITA qualification process for its system.

The State Elections Board has distributed information to all municipal and county clerks describing the approved vendors, the process for acquiring approved voting equipment and the process for receiving reimbursement with HAVA funding for the accessible component for their voting system. We have been monitoring their progress.

As of the date of this report we have received indications that the following eleven counties are considering acquiring the ES & S AutoMARK ballot marker: Ashland, Bayfield, Brown, Dane, Douglas, Jefferson, La Crosse, Lincoln, Marathon, Rock and Wood.

On Friday, February 10, 2006, we met with the County Clerks of the following fifteen counties concerning the status of the Diebold voting systems approval: Calumet, Chippewa, Dodge, Door, Green, Kenosha, Oneida, Ozaukee, St. Croix, Sauk, Vilas, Walworth, Washington, Waupaca and Winnebago. Representatives of Diebold were present to provide assurances that the company will meet the approval requirements described earlier in this letter. These counties currently use Diebold optical scan equipment and are interested in acquiring the Diebold touch screen voting device for disability access.

All municipalities in Wisconsin have a voting system that meets the HAVA voting system standards with the following exceptions:

None of the systems meet the accessibility standard of Section 301(a)(3) as of the date of this report, but counties and municipalities are moving forward to comply now that the State Elections Board has approved accessible voting components that comply with Wisconsin law.

Paper ballot and central count optical scan municipalities will utilize a voter education program developed by the State Elections Board pursuant to Section 301(a)(1)(B) to meet the requirements of Section 301(a)(1)(iii). This program will be in place by June 30, 2006 in preparation for the next federal election on September 12, 2006.

Not all of the lever voting machines produce a paper record that meets the audit capacity standard set out in Section 301(a)(1)(A)(iii). The lever voting machines will be replaced before the next federal election on September 12, 2006. The following municipalities currently have lever voting machines:

City of Ashland (Ashland County)  
City of Washburn (Bayfield County)  
Town of Necedah (Juneau County)  
City of Kenosha (Kenosha County)  
Town of Center, Town of Ellington; Town of Freedom, Town of Grand Chute, Village of Combined Locks, City of Seymour (Outagamie County)  
City of Durand (Pepin County)  
Village of Whiting (Portage County)  
City of Shawano (Shawano County)  
City of Hartford (Dodge County and Washington County).

We expect that all municipalities will have HAVA compliant voting systems by the September 12, 2006 partisan primary. Each municipality is responsible for the testing of the equipment, training poll workers and educating voters. Since most voters will continue to use existing equipment, the State Elections Board will work with disability organizations and local election officials to provide voter education regarding the accessible voting components that will be available in September.

Wisconsin law clearly specifies what constitutes a vote. Section 7.50 (2), Wis. Stats. The State Elections Board also has in place uniform procedures for conducting a recount which include how to count votes in contested elections. These documents are available on our website at the following links:

<http://elections.state.wi.us/docview.asp?docid=2307&locid=47>  
<http://elections.state.wi.us/docview.asp?docid=2466&locid=47>

All of our planning and preparation are dependent on the vendors' ability to provide and deliver voting systems that meet the criteria for approval in Wisconsin. The State Elections Board will not approve investment in equipment that cannot conduct a Wisconsin election.

## **Conclusion**

The State Elections Board has made significant progress in addressing the issues identified by the Legislative Audit Bureau in its examination of voter registration in Wisconsin. As I pointed out last fall, the report is a picture of where voter registration was following the 2004 election. State and local election officials are currently immersed in the implementation of SVRS along with the new HAVA voter registration and voting equipment requirements.

This is a period of significant change in how local election officials conduct voter registration. The Legislative Audit Bureau report provides an excellent guide post for implementing this change. The State Elections Board will continue to work with the Committee, the Legislative Audit Bureau and local election officials to meet these challenges and provide Wisconsin's voters with a sense of confidence in the administration of elections in this state.

Respectfully submitted,

**State Elections Board**

A handwritten signature in cursive script that reads "Kevin J. Kennedy". The signature is written in black ink and is positioned to the left of the typed name.

Kevin J. Kennedy  
Executive Director



# Application for Absentee Ballot

Confidential Elector ID# (NMCV - sequential #) (Office Use Only)

SVRS ID # (Office Use Only)

### General Instructions: Please Review Fully

Please use uppercase (CAPITAL) letters only. Fill in circles as appropriate. Return completed form to municipal clerk. This document can be made available in accessible formats to persons with disabilities, upon request.

**Voter Declaration:** I certify that I am a qualified elector, a U.S. citizen, at least 18 years old, having resided at the below residential address for at least 10 days immediately preceding this election, not currently serving a sentence including probation or parole for a felony conviction, and not otherwise disqualified from voting.

### Required Information (NOTE: In order to receive an absentee ballot, you must be a registered elector)

1	Municipality	<input type="radio"/> Town <input type="radio"/> Village <input type="radio"/> City	
	County		

2	Last Name		Suffix (e.g. Jr, II, etc.)
	First Name		Middle Name
	Date of Birth (MM/DD/YYYY)	/ /	Telephone

3	Residence Address: Street Number & Name	
	Apt. Number	City
	State (WI Only)	ZIP + 4

**If Mailing Address is different than the Residence Address, Send Ballot To:**

4	Name	C / O
	Nursing Home Name (If applicable)	
	Mailing Address: Street Number & Name	
	Apt. Number	City
	State & ZIP + 4	

5	<b>Elections</b>
	<input type="radio"/> I request that an absentee ballot be sent to me for the elections I have listed below: Primary Date: <input type="text"/> Election Date: <input type="text"/> <input type="radio"/> I certify that I am indefinitely confined because of age, illness, infirmity or disability, and request an absentee ballot be sent to me for every subsequent election until I am no longer confined or fail to return a ballot for an election.

6 If you are a military or overseas elector, fill in the appropriate circle (see instructions for definitions):  Military  Overseas

7	Hospitalized Only	<b>Hospitalized Voter Information</b> (Only for those electors who are not indefinitely confined; please fill in circle.)		
		<input type="radio"/> I certify that I cannot appear at the polling place on election day because I am hospitalized, and appoint the following person to serve as my agent, pursuant to s.6.86(3), Wis. Stats:		
		Agent Last Name		
		Agent First Name	Agent Middle Name	
		AGENT: I certify that I am the duly appointed agent of the hospitalized absentee elector, that the absentee ballot to be received by me is received solely for the benefit of the above named hospitalized elector, and that such ballot will be promptly transmitted by me to that elector and then returned to the municipal clerk or the proper polling place.		
		Agent Signature	X	Agent Address
		WITNESS: I certify that I am a resident of this absentee elector's municipality, and that the statements contained in this application are true to the best of my knowledge.		
Witness Signature		X	Witness Address	

Signature of Elector	X	Date (MM/DD/YYYY)	/ /
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Office Use Only:	Ward	Sch. Dist.	Alder	Cty. Supr.	Ct. of App.	Assembly	St. Senate	Congress	Other
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THE INFORMATION ON THIS FORM IS REQUIRED BY SS.6.85, 6.86, 6.87, WIS. STATS. PROVIDING FALSE INFORMATION ON THIS FORM IS PUNISHABLE BY A FINE OF \$1,000, IMPRISONMENT OF 6 MONTHS OR BOTH SS.12.13(3)(1), 12.60(1)(B), WIS STATS.

Confidential Elector ID# (NINCI - optional #) (Office Use Only) SVRS ID # (Office Use Only)

**General Instructions: Please Review Fully**  
 Please use uppercase (CAPITAL) letters only. Fill in circles as appropriate. Return completed form to municipal clerk. This document can be made available in accessible formats to persons with disabilities, upon request.  
 NOTE: If this is a change of address, then upon completion of this application, your voting rights will be canceled at your previous residence.  
 If you are registering to vote in Wisconsin for the first time and submitting this application by mail, you must provide identification with this application. If you do not provide identification with this application, you will be asked for identification the first time that you vote. Please see reverse side for a list of acceptable forms of identification.

1  New WI Voter  
 Name Change  
 WI Address Change

Municipality  Town  
 Village  
 City

County

2 Wisconsin Driver License/ID Number - - - - -

Social Security Number - Last Four Digits (if no license/ID number) X | X | X | - | X | X | -

I have neither a WI Driver License/ ID nor a Social Security Number.

3 Last Name Suffix (e.g. Jr, II, etc.)

First Name Middle Name

Date of Birth (MM/DD/YYYY) / /

4 **Current**

Residence Address: Street Number & Name

Apt. Number City

State ZIP + 4 -

5 Mailing Address: Street Number & Name

Apt. Number City

State & ZIP + 4

6 **Previous**

Last Name Suffix (e.g. Jr, II, etc.)

First Name Middle Name

7 Address: Street Number & Name

Apt. Number City

State & ZIP + 4

8 Please answer the following questions by filling in "Yes" or "No":  
 1. Are you a citizen of the United States of America?  Yes  No  
 2. Will you be 18 years of age on or before election?  Yes  No  
 If you filled in 'No' in response to EITHER of these questions, do **not** complete this form.

9  I certify that I am a qualified elector, a U.S. citizen, at least 18 years old, having resided at the above residential address for at least 10 days immediately preceding this election, not currently serving a sentence including probation or parole for a felony conviction, and not otherwise disqualified from voting. I certify that all statements on this form are true and correct. If I have provided false information I may be subject to fine or imprisonment under State and Federal laws. If completed on election day, I further certify that I have not voted at this election. (Please fill in circle)

10 Corroborating Witness/ Assistant Signature X Corroborating Witness/ Assistant Address

11 Elector Telephone Number  I am interested in being a poll worker.

Accommodation needed at poll location (e.g. wheelchair access):

12 If you do not have a street number or if you have no address, please use the map to show where you live:  
 > Write the names of the crossroads (or streets) nearest to where you live.  
 > Draw an 'X' to show where you live.  
 > Use a dot to show any schools, churches, stores or other landmarks where you live and write the name of the landmark.

Example: Woodchuck Road, High School, Library, X

Signature of Elector X Date (MM/DD/YYYY) / /

Official Use Only: Election Day Voter #

Official Use Only: Proof of Residence/ID Official Use Only: Proof #:

Official's Signature (election official, or special registration deputy (with ID number))	Official Use Only:	Ward	Sch. Dist.	Alder.	Cty. Supr.	Ct. of App.	Assembly	St. Senate	Congress	Other
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# County Map

