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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ...  
PUBLIC HEARING - COMMITTEE RECORDS

2005-06

(session year)

Senate

(Assembly, Senate or Joint)

Committee on Labor and Election Process  
Reform...

**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) (June 2012)

# Senate

## Record of Committee Proceedings

### Committee on Labor and Election Process Reform

#### Senate Bill 419

Relating to: mailing and transmittal of absentee ballots.

By Senators Darling, Kanavas, Olsen, Roessler, Zien, Reynolds, Leibham, A. Lasee, Stepp, Lazich, Harsdorf and Cowles; cosponsored by Representatives Stone, Jeskewitz, Lothian, LeMahieu, Kerkman, Gunderson, Gielow, Gottlieb, Vos, Van Roy, Albers, Kreibich, Freese, Hahn, Petrowski, McCormick, Musser, Vukmir, Nass, Hines, Ott, Townsend, Underheim and Honadel.

November 03, 2005 Referred to Committee on Labor and Election Process Reform.

January 25, 2006 **PUBLIC HEARING HELD**

Present: (4) Senators Reynolds, Kanavas, Hansen and Carpenter.  
Absent: (1) Senator Lazich.

#### Appearances For

- Alberta Darling — Senator
- Patricia Grillot, Madison — 25 S. Owen Drive

#### Appearances Against

- None.

#### Appearances for Information Only

- None.

#### Registrations For

- Joe Leibham — Senator

#### Registrations Against

- None.

February 2, 2006 EXECUTIVE SESSION - POLLING

Moved by Senator Reynolds, seconded by Senator Kanavas that **Senate Bill 419** be recommended for passage.

Ayes: (5) Senators Reynolds, Lazich, Kanavas, Hansen and Carpenter.  
Noes: (0) None.

PASSAGE RECOMMENDED, Ayes 5, Noes 0

Patrick Henneger  
Committee Clerk

SENATE COMMITTEE ON LABOR AND ELECTION PROCESS  
REFORM

Paper Ballot: Senator Carpenter

Please return your vote via ballot to Senator Reynolds' office (306 South) by **4:00 p.m.**  
on **Thursday February 2<sup>nd</sup>, 2006.**

Thank you.

MOTION

Recommend Assembly Bill 377 for passage?

Aye  \_\_\_\_\_      Nay \_\_\_\_\_

MOTION

Recommend Senate Bill 419 for passage?

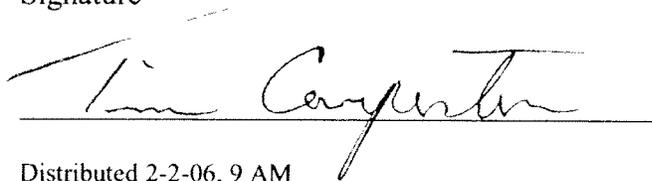
Aye  \_\_\_\_\_      Nay \_\_\_\_\_

MOTION

Recommend Senate Bill 474 for passage?

Aye  \_\_\_\_\_      Nay \_\_\_\_\_

Signature

  
\_\_\_\_\_

Distributed 2-2-06, 9 AM

SENATE COMMITTEE ON LABOR AND ELECTION PROCESS  
REFORM

Paper Ballot: Senator Hansen

Please return your vote via ballot to Senator Reynolds' office (306 South) by **4:00 p.m.**  
**on Thursday February 2<sup>nd</sup>, 2006.**

Thank you.

MOTION

Recommend Assembly Bill 377 for passage?

Aye   X              Nay           

MOTION

Recommend Senate Bill 419 for passage?

Aye   X              Nay           

MOTION

Recommend Senate Bill 474 for passage?

Aye   X              Nay           

Signature

  David Hansen

SENATE COMMITTEE ON LABOR AND ELECTION PROCESS  
REFORM

Paper Ballot: Senator Kanavas

Please return your vote via ballot to Senator Reynolds' office (306 South) by **4:00 p.m. on Thursday February 2<sup>nd</sup>, 2006.**

Thank you.

MOTION

Recommend Assembly Bill 377 for passage?

Aye  \_\_\_\_\_      Nay \_\_\_\_\_

MOTION

Recommend Senate Bill 419 for passage?

Aye  \_\_\_\_\_      Nay \_\_\_\_\_

MOTION

Recommend Senate Bill 474 for passage?

Aye  \_\_\_\_\_      Nay \_\_\_\_\_

Signature

  
\_\_\_\_\_

Distributed 2-2-06, 9 AM

SENATE COMMITTEE ON LABOR AND ELECTION PROCESS  
REFORM

Paper Ballot: Senator Lazich

Please return your vote via ballot to Senator Reynolds' office (306 South) by **4:00 p.m.**  
**on Thursday February 2<sup>nd</sup>, 2006.**

Thank you.

MOTION

Recommend Assembly Bill 377 for passage?

Aye  \_\_\_\_\_ Nay \_\_\_\_\_

MOTION

Recommend Senate Bill 419 for passage?

Aye  \_\_\_\_\_ Nay \_\_\_\_\_

MOTION

Recommend Senate Bill 474 for passage?

Aye  \_\_\_\_\_ Nay \_\_\_\_\_

Signature

Mary Lazich

Distributed 2-2-06, 9 AM

SENATE COMMITTEE ON LABOR AND ELECTION PROCESS  
REFORM

Paper Ballot: Senator Reynolds

Please return your vote via ballot to Senator Reynolds' office (306 South) by **4:00 p.m.**  
**on Thursday February 2<sup>nd</sup>, 2006.**

Thank you.

MOTION

Recommend Assembly Bill 377 for passage?

Aye   X             Nay \_\_\_\_\_

MOTION

Recommend Senate Bill 419 for passage?

Aye   X             Nay \_\_\_\_\_

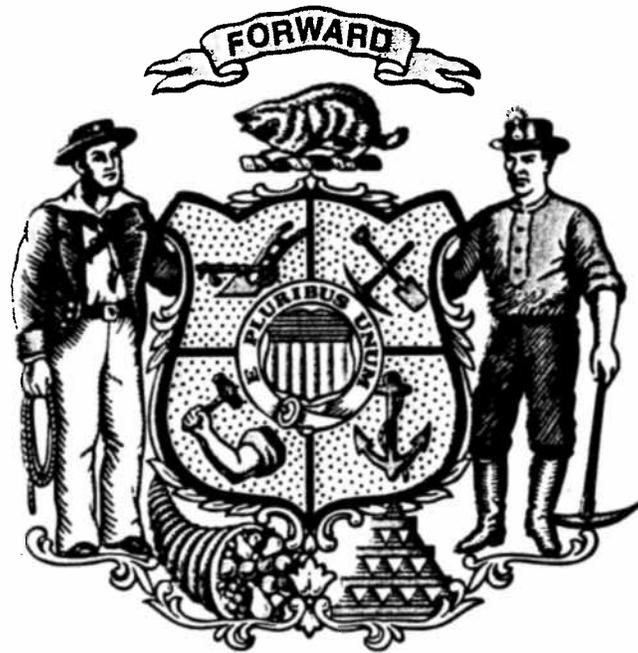
MOTION

Recommend Senate Bill 474 for passage?

Aye   X             Nay \_\_\_\_\_

Signature





FORWARD  
**Alberta Darling**  
**Wisconsin State Senator**  
Joint Committee on Finance

**TESTIMONY BEFORE THE SENATE COMMITTEE ON ELECTION  
REFORM  
SENATE BILL 419  
JANUARY 25, 2006**

Good morning Chairman Reynolds and members of the committee. Thank you for scheduling SB 419 for a public hearing.

Senate bill 419 requires that absentee ballots may only be mailed to a permanent or "temporary" residence. [Example: homeless shelters, military bases, hospitals, and vacation homes.] Current law allows a voter to request their absentee ballot be mailed to a third-party organization, who can then go door-to-door, delivering the ballots to individuals at their homes. In 2003, that loophole allowed Milwaukee election officials to turn over voter-requested absentee ballots to a private business hired by a candidate.

The idea for this legislation originally leapt to the forefront in the spring of 2003 when a candidate for Milwaukee County Board was the victim of voter fraud. A loophole in Wisconsin's election laws negatively affected her chances to win a recall election against Board Chairman Lee Holloway. In the Milwaukee County case, Chairman Holloway's campaign manager, who ran a non-profit political organization at the time, asked for and received absentee ballots.

Consequently, it was legal to have supporters of one political campaign handle and deliver an absentee ballot to the homes and businesses of potential voters. Because of this obviously fraudulent act, I feel this aspect of Wisconsin's election laws should change. The shenanigans even led the Milwaukee County DA to file several criminal charges against several people who handled the ballots.

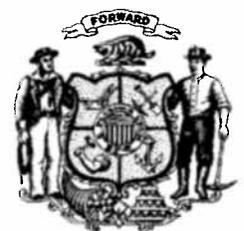
My grave concerns about access to absentee ballots by so-called "middle men" will result in more and more accusations and allegations by those who feel they are victims of this campaign loophole. Therefore, the obvious potential for vote fraud moved me and Representative Jeff Stone to introduce the bill.

The bill does not change current law as it pertains to witnesses. Current law requires just one witness be present when an absentee ballot is filled out. I believe that the greatest concern is where the ballots are mailed, and I didn't want the more controversial witness requirement provision to stall this vital legislation.

I believe that Senate Bill 419 is a move in the right direction for absentee ballot reform.



WISCONSIN STATE LEGISLATURE



SB 419

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## Lawmakers rush to fix absentee voting

### Increased use raises the political stakes

By DAVE UMHOEFER  
[dumhoefer@journalsentinel.com](mailto:dumhoefer@journalsentinel.com)

*Last Updated: March 9, 2003*

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

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

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

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

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

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

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

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

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

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

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

### By The Numbers

**25%**

Increase in absentee voting in Wisconsin since November 1998.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



5B 419

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

## Absentee ballot dispute erupts in recall race

### Holloway's opponent calls for investigation, election delay

By DAVE UMHOEFER  
[dumhoefer@journalsentinel.com](mailto:dumhoefer@journalsentinel.com)

*Last Updated: March 2, 2003*

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

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

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

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

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

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

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

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

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

### Warning given

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

### Recall Race



Photo/File

Holloway

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

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

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

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

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

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

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

Holloway said Sunday night he would have no immediate comment.

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

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

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

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

## DA alerted

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

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

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

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

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

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



Photo/File

Staples-Lassiter

☑ **Yolanda Staples-Lassiter, 46**

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

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

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

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

☑ **Family:** Divorced, four children

## Recent Coverage

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

do."

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

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

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

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