

☞ 07hr_JC-Au_Misc_pt37



☞ Details: Legislative Audit Bureau Report 07-16: An Evaluation: Compliance with Election Laws, Elections Board

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2007-08

(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) (October 2012)



STATE OF WISCONSIN


Legislative Audit Bureau

22 East Mifflin Street, Suite 500
Madison, Wisconsin 53703
(608) 266-2818
Fax (608) 267-0410
leg.audit.info@legis.wisconsin.gov

Janice Mueller
State Auditor

DATE: November 27, 2007

TO: Lewis Rosser and Pamela Matthews
Committee Clerks to the Joint Legislative Audit Committee

FROM: Paul J. Stuibler 
Deputy State Auditor for Program Evaluation

SUBJECT: Report 07-16: An Evaluation of Compliance with Election Laws

Enclosed is our evaluation of state and local governments' compliance with election laws. The Elections Board enforces election laws and supports and trains the municipal clerks who register voters and administer elections. Early next year, however, the Government Accountability Board will replace and assume the duties of the Elections Board.

Following the national elections in November 2000 and November 2004, concerns were raised about the accuracy of voting systems and the conduct of election officials nationwide. To help address these concerns, federal and state laws were changed in recent years. This evaluation was required by 2003 Wisconsin Act 265.

Our report includes a number of findings. To identify individuals who are ineligible to vote, such as those who are serving felony sentences, the Elections Board planned to match data in the statewide voter registration system with data maintained by the departments of Corrections, Health and Family Services, and Transportation. However, electronic matching failed for the November 2006 general election and spring 2007 election. Elections Board officials now believe that the data matching will not work during Wisconsin's presidential primary in February 2008. Municipal clerks we contacted also raised concerns about difficulty in using the system and the system's slow operating speed.

We also found other issues that need to be addressed. For example:

- Because the data matching did not work, the Elections Board provided municipal clerks with paper lists of 35,013 individuals who were ineligible to vote in November 2006 because they were serving felony sentences, including probation and parole. We found that the lists included 1,537 individuals whose sentences ended before Election Day and who were likely eligible to vote.
- The Elections Board mails address verification cards to verify the accuracy of information provided by individuals registering to vote. In October 2006, it mailed only 25.4 percent of the cards within the ten-day period required by statutes.

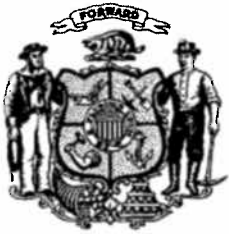
- Federal and state laws require voting systems and polling places to be accessible to individuals with disabilities. We visited 36 polling places in 20 municipalities on Election Day in November 2006 and found numerous accessibility problems.
- Individuals may report election-related problems to municipal and county clerks. We surveyed all clerks statewide and received responses for 427 of Wisconsin's 1,851 municipalities. Respondents indicated that 78.5 percent of those municipalities had no election-related problems. Although widespread problems were not reported, some clerks reported some allegations of voter fraud and individuals denied the right to vote.
- The Elections Board has not promulgated many of the administrative rules related to training local election officials that are required by statutes or that we had recommended in a 2005 report on voter registration.

We include numerous recommendations for improving the administration of elections, including several that require the Elections Board or the Government Accountability Board to report to the Joint Legislative Audit Committee on efforts to address the issues we identified.

The report will be released on Wednesday, November 28, at 9:00 a.m. Please contact us if you have any questions.

PS/bm

Enclosures

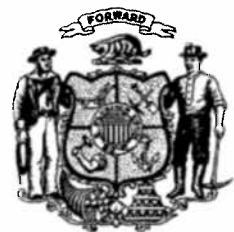


The following document was too large to scan into the committee record. The cover and table of contents, if available, have been scanned for your convenience.

Most large publications have been added to the Theoblad Legislative Library's collections. Search LRBCat (<http://lrbeat.legis.wisconsin.gov/>) for availability.

For further assistance, contact the reference desk at (608) 266-0341 or lrb.reference@legis.wisconsin.gov.

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



**Report 07-16
November 2007**

An Evaluation

Compliance with Election Laws

Elections Board

2007-2008 Joint Legislative Audit Committee Members

Senate Members:

Jim Sullivan, Co-chairperson
Julie Lassa
Mark Miller
Alan Lasee
Robert Cowles

Assembly Members:

Suzanne Jeskewitz, Co-chairperson
Samantha Kerkman
Kitty Rhoades
David Cullen
Joe Parisi

LEGISLATIVE AUDIT BUREAU

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

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

State Auditor – Janice Mueller

Audit Prepared by

Paul Stuibler, *Deputy State Auditor and Contact Person*

Dean Swenson

Jennifer Klippel

Phoebe Scheel

Director of Publications – Jeanne Thieme

Report Design and Production – Susan Skowronski

CONTENTS

Letter of Transmittal	1
Report Highlights	3
Introduction	9
Elections Board	14
Staffing	14
Revenue and Expenditures	16
Status of Federal Funds	18
Government Accountability Board	19
Verifying Eligibility to Vote	21
Data Matches	22
Felony Data	22
Vital Statistics Data	27
Driver License Data	28
Individuals Voting Multiple Times	29
Address Verification Cards	30
Undeliverable Address Verification Cards	31
Processing Information Obtained on Election Day	34
Concerns with the Statewide Voter Registration System	36
Provisional Ballots	37
Absentee Ballots	37
Suspension of Voter Registration	38
Polling Place Accessibility	41
Accessibility Requirements	41
Accessible Voting Machines	42
Other Accessibility Issues	44
Parking	45
Pathways to Polling Places	47
Polling Place Entrances	48
Travel within the Building	50
Voting Areas	50
Review of Accessibility Surveys	52

l
re
ly, and
l the
agency

t
ose
gov.

Elector Concerns and Complaints Filed	55
Elector Concerns	55
Complaints Filed with the Elections Board	58

Future Considerations	63
Training for County and Municipal Clerks	63
Training for Chief Inspectors	65
Training for Other Local Election Officials	66
Clarifying Responsibilities	67

Appendices

Appendix 1—Municipalities Visited on November 7, 2006	
Appendix 2—Locations of Polling Places for Which We Reviewed Accessibility Surveys	
Appendix 3—Respondents to Our Survey Related to the November 2006 General Election	
Appendix 4—Additional Information Related to Selected Concerns Reported in Our Survey of the November 2006 General Election	
Appendix 5—Complaints Filed with the Elections Board Related to the Improper Treatment of Electors	

Response

 From the Elections Board



STATE OF WISCONSIN
Legislative Audit Bureau

22 East Mifflin Street, Suite 500
Madison, Wisconsin 53703
(608) 266-2818
Fax (608) 267-0410
leg.audit.info@legis.wisconsin.gov

Janice Mueller
State Auditor

November 28, 2007

Senator Jim Sullivan and
Representative Suzanne Jeskewitz, Co-chairpersons
Joint Legislative Audit Committee
State Capitol
Madison, Wisconsin 53702

Dear Senator Sullivan and Representative Jeskewitz:

We have completed an evaluation of state and local governments' compliance with election laws, as required by 2003 Wisconsin Act 265. The Elections Board enforces election laws and supports and trains the municipal clerks who register voters and administer elections. Early next year, however, the Government Accountability Board will replace and assume the duties of the Elections Board.

Federal law requires Wisconsin to implement an electronic statewide voter registration system, in part to prevent ineligible individuals from voting. Available information indicates there were few problems with ineligible individuals voting in November 2006; however, ongoing problems with the electronic system continue to make it difficult to identify such individuals.

Federal and state laws require voting systems and polling places to be accessible to individuals with disabilities. However, we noted numerous problems when we visited 36 polling places in 20 municipalities on Election Day in November 2006. As a result, we question whether some polling places are adequately accessible.

We have followed up on the recommendations in our 2005 evaluation of voter registration and provide a number of new recommendations for improving the administration of elections and enhancing the statewide voter registration system. We also note that additional efforts are needed to ensure that municipal clerks and other local election officials receive statutorily required training in administering elections effectively and appropriately.

We appreciate the courtesy and cooperation extended to us by the Elections Board and local election officials. A response from the Elections Board follows the appendices.

Respectfully submitted,

Janice Mueller
State Auditor

JM/PS/ss

Report Highlights ■

The statewide voter registration system continues to have problems verifying voter eligibility.

Some polling places are not fully accessible to individuals with disabilities.

Individuals did not report widespread concerns about the November 2006 general election.

Additional efforts are needed to ensure that local election officials receive statutorily required training.

Responsibility for administering elections is shared between state and local election officials. At the state level, the Elections Board administers and enforces election and campaign finance laws and supports and trains the 1,851 municipal clerks who are statutorily responsible for registering voters, ensuring that elections are administered properly, and training poll workers. Its duties will soon be assumed by the Government Accountability Board.

County clerks also train municipal clerks and may assist them in administering elections. In addition, county clerks provide municipalities with ballots and election supplies and receive and examine election returns as part of the canvassing process.

2003 Wisconsin Act 265 directed us to evaluate compliance with election laws and the appropriateness of their implementation. Therefore, we visited polling places in November 2006, surveyed municipal and county clerks, and reviewed the Elections Board's efforts to:

- ensure that electors are allowed to vote and that ineligible individuals are prevented from voting;
- ensure that polling places are accessible to individuals with disabilities;
- address election-related concerns and complaints reported by individuals;

- train local election officials; and
- implement recommendations in our 2005 evaluation of voter registration (report 05-12).

Verifying Voting Eligibility

The federal Help America Vote Act (HAVA) of 2002 requires all states to have a centralized statewide voter registration system. To identify individuals who are ineligible to vote, the Elections Board planned to match data in the system with data maintained by the departments of Corrections (DOC), Health and Family Services (DHFS), and Transportation (DOT). However, electronic matching failed for the November 2006 general election and the spring 2007 election. As a result, the Elections Board took other action to identify ineligible individuals. For example, it provided municipal clerks with paper lists of 35,013 individuals who were ineligible to vote in November 2006 because they were serving felony sentences, including probation or parole.

We found that 16 municipal clerks we contacted did not use the lists consistently. We also found that the lists included 1,537 individuals whose sentences ended before Election Day and who were likely eligible to vote. Elections Board officials now believe that the data matching will not work during Wisconsin's presidential primary in February 2008. The Elections Board is contemplating legal action against the vendor that developed the \$22.7 million statewide voter registration system.

Municipal clerks we contacted noted problems with the statewide voter registration system's ability to process absentee ballots and suspend voter registrations. Close scrutiny is warranted because of these implementation difficulties and the Elections Board's dispute with the vendor.

The Elections Board mails address verification cards to verify the accuracy of addresses provided by individuals registering to vote by certain methods, such as on Election Day. Undeliverable cards are returned by the postal service to municipal clerks, who are responsible for reviewing them and determining whether to designate individuals as ineligible to vote. We followed up on concerns in our 2005 audit, which found that cards were not consistently used as required to verify residency or investigate improper registrations.

In October 2006, the Elections Board mailed 106,620 cards to registered voters. We reviewed 874 cards returned to nine municipal clerks and found that the clerks had received them too late for review before the November 2006 general election.

Polling Place Accessibility

Federal and state law require voting systems and polling places to be accessible to individuals with disabilities in a manner that provides the same opportunity for participation accorded to other voters.

Polling places must have at least one voting machine equipped for individuals with disabilities. Using federal HAVA funds, the Elections Board spent \$14.7 million through fiscal year (FY) 2006-07 to reimburse municipalities up to \$6,000 per polling place to purchase the machines. Before issuing reimbursements, the Elections Board requires municipalities to complete a survey addressing polling place accessibility issues. However, it has not verified the accuracy of the surveys submitted by municipalities.

To independently determine compliance with accessibility requirements, we visited 36 polling places in 20 municipalities on Election Day in November 2006. We found numerous accessibility problems, as shown in Table 1. As a result, we question whether some polling places are adequately accessible.

Table 1

Accessibility Problems at 36 Polling Places

Problem	Number of Polling Places
Parking	13
Pathways to Polling Places	8
Polling Place Entrances	17
Travel within the Building	4
Voting Areas	15

To improve accessibility, we include a recommendation that the Elections Board modify its survey to require more definitive answers and require municipalities to complete a new survey for each polling place.

Concerns and Complaints

Individuals may informally report election-related problems to municipal or county clerks, or they may file official complaints with the Elections Board. We surveyed all clerks statewide and received responses for 427 of Wisconsin's 1,851 municipalities.

Respondents indicated that 78.5 percent of their municipalities had no election-related problems. However, some clerks reported some allegations of voter fraud and individuals denied the right to vote. For example, one first-time voter was reportedly unable to register or vote in the Village of Mount Pleasant because of erroneous information provided by poll workers, and insufficient ballots were available at some polling places in four municipalities. Municipal clerks who responded to our survey reported forwarding ten concerns to district attorneys' offices.

The Elections Board is statutorily required to determine whether individuals who registered after the poll books were printed were ineligible to vote because of ongoing felony sentences and to notify the relevant district attorneys about those who appear to have voted illegally. In March 2007, it determined that 106 such individuals in 50 municipalities may have voted, but it requested municipal clerks to make a final determination. Not all clerks had completed their investigations at the time of our fieldwork. However, in May 2007, the Milwaukee County District Attorney's office charged one individual who had an ongoing felony sentence in November 2006 with voting in the general election, and this individual pleaded guilty in October 2007. In September 2007, the Racine County District Attorney's office charged four individuals, each of whom had ongoing felony sentences in November 2006, with felonies for allegedly voting in the general election.

From January 2004 through December 2006, 64 complaints were filed with the Elections Board. Most related to issues outside the scope of this evaluation, such as candidates who had filed nomination papers improperly. However, 12 related to electors alleged to have been treated improperly. Statutes and administrative rules do not specify the number of days in which most complaints must be resolved. We found three complaints that each had been unresolved by the Elections Board for more than two years.

Training

Although the Elections Board trains municipal clerks and has created election manuals, it has not promulgated many of the administrative rules related to training that are required by statutes or that we

recommended in 2005. As a result, we found some variation in how clerks interpreted instructions from the Elections Board regarding the November 2006 general election.

Recommendations

We include recommendations for the Elections Board and Government Accountability Board to:

- ☑ request that municipal clerks obtain birth dates from all voters (*p. 27*);
- ☑ indicate on each address verification card the reason it was mailed to a registered voter (*p. 34*);
- ☑ modify the accessibility survey, require municipalities to complete the modified survey, and verify the accuracy of completed surveys (*p. 53*); and
- ☑ establish written policies for resolving complaints in a timely manner (*p. 61*).

We also include recommendations for either the Elections Board or the Government Accountability Board to report to the Joint Legislative Audit Committee by March 31, 2008, on:

- ☑ efforts to match data in the statewide voter registration system with data maintained by DOC, DHFS, and DOT and to train municipal clerks in how to use information from the data matches (*p. 29*);
- ☑ whether a 30-day statutory deadline for entering Election Day information into the statewide voter registration system should be extended (*p. 36*);
- ☑ efforts to improve processing times and enable the statewide voter registration system to track absentee ballots and suspend voter registrations (*p. 39*); and
- ☑ progress in promulgating administrative rules for training local election officials and clarifying their responsibilities in registering voters (*p. 68*).

■ ■ ■ ■



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>



ROBERT J KASIETA
Chairperson

KEVIN J. KENNEDY
Executive Director

DATE: Wednesday, November 21, 2007
TO: Governor Jim Doyle and members of the Legislature
FROM: Kevin Kennedy, Legal Counsel, Wisconsin Government Accountability Board
SUBJECT: Contacting and communicating with the new Government Accountability Board

The State Ethics Board and the State Elections Board will soon merge into one board and one agency, the Government Accountability Board (GAB). As you may know, I was appointed to direct the new agency on November 5.

The six-member GAB will officially begin work 31 days after two division administrators are hired, and staff will be realigned accordingly. The current projected date for its official start is Monday, January 14, 2008.

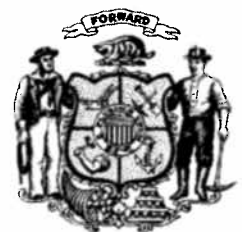
The physical merger of the staffs, resources and office space of the current boards will take longer. Planning was initiated last summer and staff is now working to create a new space and "face" for the GAB.

While that process is taking place, the contact point for GAB business will be the current Elections Board office, telephone and web site (listed above). The Elections Board Help Desk and Public Information Officer will help you with any questions about the new agency. And, of course, all staff members will continue to provide assistance to people seeking advice or information about campaign finance, elections, ethics and lobbying in Wisconsin.

Thank you.



WISCONSIN STATE LEGISLATURE



Matthews, Pam

From: Handrick, Diane
Sent: Tuesday, November 27, 2007 9:50 AM
To: 'Jim Jeskewitz'; Matthews, Pam
Subject: FYI: Wisconsin State Journal article on voter system

State voter system software can't do required checks

By Jason Stein
608-252-6129
November 26, 2007

With the state's Feb. 19 presidential primary elections less than three months away, a much-delayed voter registration system still can't do federally required checks to help prevent voting by dead people and felons, a state official said Monday.

The head of the state's soon-to-dissolve Elections Board isn't satisfied with that and wants to resolve a dispute with the computer system's contractor soon so the problem isn't passed on to a new elections and ethics board, Elections Board spokesman Kyle Richmond said Monday.

The Elections Board will likely meet for the last time on Wednesday and the board's chairman, Robert Kasieta, and its executive director, Kevin Kennedy, want a solution before the new Government Accountability Board takes over, Richmond said.

"We're still not where we are wanting to be, particularly in the area of the (felons and vital records) interfaces," Richmond said of the voter system. "This isn't something that the Elections Board members want to leave for the (Accountability Board) members to clean up."

Richmond declined to say if that means reaching an agreement with the contractor, Accenture, suing the company or some other option. But he said the state has already had to pay \$1 million in added project costs to another consultant plus more salaries to state workers because of the delays.

The federal government required states to implement statewide systems to register voters by January 2006. Wisconsin started using the Accenture system last year for some of the functions it was designed for, but nearly two years after the federal deadline, the system has not been completed, in spite of the \$23.4 million in mostly federal money that has been spent on Accenture, other consultants and state workers.

Rep. Mark Pocan, D-Madison, said he believes the Elections Board might be near taking action.

"At this point we have a piece of software that doesn't work and a company that's refusing to make it work and as far as I'm concerned, that's an impasse that can only be solved by suing Accenture and getting the state's money back," Pocan said.

Accenture spokesman Jim McAvoy said in a statement that the company remains in discussions with the board and is "hopeful for a positive outcome." The Elections Board is refusing to pay an additional \$2 million to Accenture until the board considers the project finished, but Accenture has said the system is done and has been used in past elections. The company has already received around \$9 million.

Kasieta did not respond to requests for comment. Elections Board member David Anstaett said only that the board is "looking at all our options." Elections Board member John Savage of Milwaukee, the former chairman, said a lawsuit against Accenture would leave a different problem for the Government Accountability Board,

which will take full effect 31 days after filling its remaining two highest positions.

"I personally would be reluctant to start a lawsuit at our last meeting," Savage said.

Other board members either could not be reached for comment or declined comment.

Right now the Accenture system can't check voter lists electronically against lists of felons and dead people, though the state can help local clerks do the checks with a paper method, Richmond said. The system also has had trouble printing mailing labels for absentee ballots in larger cities such as Madison and Milwaukee, he said.

Problems with voter system

The news: A statewide voter system still isn't fully functioning and the state's presidential primary is less than three months away.

The fix: The state Elections Board wants to solve the problem before a new board takes its place.

The catch: One Elections Board member said he'd be reluctant to sue the computer system contractor right before that board dissolves.

Return to story

Diane Handrick

Office of Rep. Sue Jeskewitz

608-266-3796

1-888-529-0024 toll free in Wisconsin only

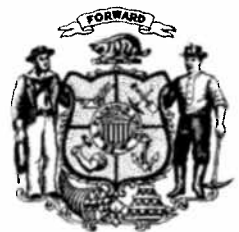
314N, State Capitol

Madison WI 53708

Have you looked for unclaimed property in your name? www.missingmoney.com



WISCONSIN STATE LEGISLATURE



THE WHEELER REPORT
111 W. Wilson St. #UL-11 - Madison, WI 53703 - 608-287-0130
E-Mail: wheeler@thewheelerreport.com

Wednesday, November 28, 2007

AUDIT BUREAU EVALUATION RELEASED ON COMPLIANCE WITH ELECTION LAWS

The Legislative Audit Bureau today found shortcomings in the Elections Board compliance with election laws. The evaluation found:

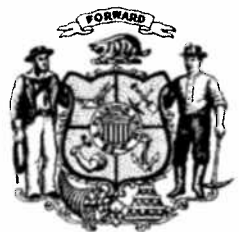
- The statewide voter registration system continues to have problems verifying voter eligibility.
- Some polling places are not fully accessible to individuals with disabilities.
- Individuals did not report widespread concerns about the November 2006 general election.
- Additional efforts are needed to ensure local election officials receive statutorily required training.

The evaluation made the following recommendations:

- Request that municipal clerks obtain birth dates from all voters.
- Indicate on each address verification card the reason it was mailed to a registered voter.
- Modify the accessibility survey to require municipalities to complete the modified survey and verify the accuracy of completed surveys.
- Establish written policies for resolving complaints in a timely manner.

The evaluation also suggested either the Elections Board of Government Accountability Board report to the Audit Committee by next March on:

- Efforts to match data in the statewide voter registration system with data maintained by the Dept of Corrections, Dept of Health and Family Services and Dept of Transportation and to train municipal clerks in how to use information from the data matches.
- Whether a 30-day statutory deadline for entering election day information into the statewide voter registration system should be extended.
- Efforts to improve processing times and enable the statewide voter registration system to track absentee ballots and suspend voter registration.
- Progress in promulgating administrative rules for training local election officials and clarifying their responsibilities in registering voters.





Thank you for using our printer friendly story page.

Return to story

State voter system misses felons

By Jason Stein
608-252-6129
November 28, 2007

The state 's voter system failed to weed out some active felons who might have been ineligible to vote a year ago while also labelling 1,537 felons as ineligible when they were likely free to cast ballots under state law, an audit has found.

The Legislative Audit Bureau report released Wednesday said the problems in the November 2006 elections stemmed from a statewide voter registration system that has been delayed nearly two years past a federal deadline.

Earlier this week the State Journal reported the system remains unable to remove active felons and dead people from voter lists for the Feb. 19 presidential primary.

With the state voter system unable to perform electronic eligibility checks in 2006, the state Elections Board sent to clerks lists of names from the 35,000 active felons who were then ineligible to vote.

The audit found that about 4.4 percent of those felons, or 1,537, likely would have been eligible to vote by the time of the elections because their sentences were expected to end by then. The audit came to that conclusion using data available to the Elections Board prior to the 2006 election.

"Those names shouldn 't have been on the list. I can 't say that they went to the polls and were turned away. We don 't know that, " state auditor Jan Mueller said.

Audit committee co-chairman Sen. Jim Sullivan, D-Wauwatosa, said the mistake "effectively disenfranchised " those potential voters.

Elections Board spokesman Kyle Richmond said it received the list of felons from the Department of Corrections, and that the agency had the responsibility to provide an accurate list.

The audit found that some local clerks didn 't consistently check their voter lists against the paper lists of ineligible felons. Following up on the November 2006 election, the elections board identified as many as 84 felons who may have voted in spite of being ineligible, the audit found. The audit found other problems with the voter system such as slow processing speed, in spite of the \$23.4 million in mostly federal money that has been paid to the contractor Accenture, other consultants and state workers on the project.

Accenture spokesman Jim McAvoy said that the company has delivered a system that works but the state has been slow to put all of its functions into operation.

The soon-to-dissolve Elections Board met for what is likely the last time Wednesday but did not take any action in open session on the voter system, Richmond said. It will be replaced in coming weeks by a new Government Accountability Board.

On related issues, the audit said some state polling places aren't accessible to disabled voters and that additional efforts are needed to ensure local election officials receive training required by state voting laws.

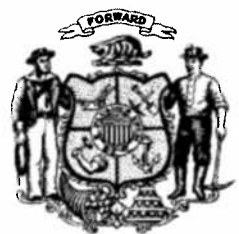
Richmond said that the agency is responding to those concerns.

Return to story

madison.com is operated by Capital Newspapers, publishers of the Wisconsin State Journal, The Capital Times, Agri-View and Apartment Showcase. All content Copyright ©2007, Capital Newspapers. All rights reserved.



WISCONSIN STATE LEGISLATURE





www.jsonline.com | [Return to regular view](#)

Original Story URL:

<http://www.jsonline.com/story/index.aspx?id=691258>

Audit finds voting issues

State driver, death, felony records won't be accessible by February's primary

By **PATRICK MARLEY** and **STEVEN WALTERS**
pmarley@journalsentinel.com

Posted: Nov. 28, 2007

Madison - An audit warned Wednesday that the new statewide voter registration system won't be able to check records on drivers, death certificates and felons by the February presidential primary - and there is no guarantee it will work by the November presidential election.

The second critical audit in two years of how the state runs elections also found that:

- Three out of four address-verification postcards the State Elections Board sent to local election officials for the February 2007 primary were mailed after the election, so clerks could not use them to check whether someone voted at an incorrect address.
- As of April, birthdates were not included for 171,500 voters in the system, making it difficult to verify their identities.
- A lack of parking and other problems may have prevented some of the disabled from voting in the November 2006 election.

Legislators were outraged at the findings, noting that \$22.7 million has been spent on a statewide voter system - and no one knows when it will work.

"It's just troubling that you can't certify that felons aren't voting and that people aren't using deceased people's names to vote," said Sen. Rob Cowles (R-Green Bay).

The problems mean "the will of people in a representative democracy is thwarted, just as surely as if voters were denied a ballot," said Sen. Jim Sullivan (D-Wauwatosa), co-chairman of the Legislature's Joint Audit Committee.

Cowles said the state should sue Accenture, the vendor that built the computer system. The State Elections Board has been contemplating such a lawsuit, according to the audit.

The audit also said that as many as 1,500 felons who could have legally voted may have been incorrectly listed

as ineligible to do so.

"Everyone should feel outraged at that fact," said Rep. Joe Parisi (D-Madison). "We're denying the right to vote to 1,500 people."

Republicans said the audit proved a photo ID should be required to vote because auditors found that up to 84 felons voted in the November 2006 election. Democratic Gov. Jim Doyle repeatedly has vetoed a photo ID requirement, saying it would disenfranchise elderly and low-income residents who he says would have difficulty obtaining an ID.

The audit said the biggest problem is that the voter registration system cannot access other state records that could catch voter fraud - including Department of Corrections records on felons, death certificates on file with the state Department of Health and Family Services, and Department of Transportation records on drivers.

For example, because the system does not work, the Elections Board had to compile its own list of more than 35,000 felons ineligible to vote during the November 2006 election. But that list included 1,537 people who had served their sentences by election day, meaning they should have been allowed to vote, auditors found.

Rep. Sue Jeskewitz (R-Menomonee Falls), co-chairwoman of the Joint Audit Committee, said the continuing problems suggest that Elections Board Executive Director Kevin J. Kennedy should not have been named legal counsel of the new Government Accountability Board. That agency will take over the duties of the Elections and Ethics boards in January. The merged board was created earlier this year to improve enforcement of election and ethics laws.

Jeskewitz said many problems identified in the audit were first reported to the Elections Board by a similar review two years ago, so that agency should have corrected those problems under Kennedy's leadership. "There is an accountability problem" with Kennedy, she said.

Responding, Kennedy said many problems documented in the audit result from failures by Accenture.

Kennedy said he doesn't know when the system will be fully operational. "I can't say whether they'll be fixed by November," he said of the problems.

The Elections Board took no action against Accenture on Wednesday after discussing the situation in closed session at what could be the board's last meeting.

Jim McAvoy, a spokesman for Accenture, said that his firm has completed all of the work it is under contract to do and that the state owes the company about \$2 million. He said the Elections Board's latest concerns were raised almost a year after Accenture performed that work.

Kennedy said a full-time campaign administrator will be appointed next year to work only on election laws and voter registration issues.

R. Thomas Cane, a retired state Court of Appeals judge who is chairman of the Government Accountability Board, said things will be different when his board officially runs the new department next year.

"There will be six judges who will be watching the whole system and making sure things are done correctly," Cane said.





www.jsonline.com | [Return to regular view](#)

Original Story URL:

<http://www.jsonline.com/story/index.aspx?id=691258>

Audit finds voting issues

State driver, death, felony records won't be accessible by February's primary

By PATRICK MARLEY and STEVEN WALTERS
pmarley@journalsentinel.com

Posted: Nov. 28, 2007

Madison - An audit warned Wednesday that the new statewide voter registration system won't be able to check records on drivers, death certificates and felons by the February presidential primary - and there is no guarantee it will work by the November presidential election.

The second critical audit in two years of how the state runs elections also found that:

- Three out of four address-verification postcards the State Elections Board sent to local election officials for the February 2007 primary were mailed after the election, so clerks could not use them to check whether someone voted at an incorrect address.
- As of April, birthdates were not included for 171,500 voters in the system, making it difficult to verify their identities.
- A lack of parking and other problems may have prevented some of the disabled from voting in the November 2006 election.

Legislators were outraged at the findings, noting that \$22.7 million has been spent on a statewide voter system - and no one knows when it will work.

"It's just troubling that you can't certify that felons aren't voting and that people aren't using deceased people's names to vote," said Sen. Rob Cowles (R-Green Bay).

The problems mean "the will of people in a representative democracy is thwarted, just as surely as if voters were denied a ballot," said Sen. Jim Sullivan (D-Wauwatosa), co-chairman of the Legislature's Joint Audit Committee.

Cowles said the state should sue Accenture, the vendor that built the computer system. The State Elections Board has been contemplating such a lawsuit, according to the audit.

The audit also said that as many as 1,500 felons who could have legally voted may have been incorrectly listed

as ineligible to do so.

"Everyone should feel outraged at that fact," said Rep. Joe Parisi (D-Madison). "We're denying the right to vote to 1,500 people."

Republicans said the audit proved a photo ID should be required to vote because auditors found that up to 84 felons voted in the November 2006 election. Democratic Gov. Jim Doyle repeatedly has vetoed a photo ID requirement, saying it would disenfranchise elderly and low-income residents who he says would have difficulty obtaining an ID.

The audit said the biggest problem is that the voter registration system cannot access other state records that could catch voter fraud - including Department of Corrections records on felons, death certificates on file with the state Department of Health and Family Services, and Department of Transportation records on drivers.

For example, because the system does not work, the Elections Board had to compile its own list of more than 35,000 felons ineligible to vote during the November 2006 election. But that list included 1,537 people who had served their sentences by election day, meaning they should have been allowed to vote, auditors found.

Rep. Sue Jeskewitz (R-Menomonee Falls), co-chairwoman of the Joint Audit Committee, said the continuing problems suggest that Elections Board Executive Director Kevin J. Kennedy should not have been named legal counsel of the new Government Accountability Board. That agency will take over the duties of the Elections and Ethics boards in January. The merged board was created earlier this year to improve enforcement of election and ethics laws.

Jeskewitz said many problems identified in the audit were first reported to the Elections Board by a similar review two years ago, so that agency should have corrected those problems under Kennedy's leadership. "There is an accountability problem" with Kennedy, she said.

Responding, Kennedy said many problems documented in the audit result from failures by Accenture.

Kennedy said he doesn't know when the system will be fully operational. "I can't say whether they'll be fixed by November," he said of the problems.

The Elections Board took no action against Accenture on Wednesday after discussing the situation in closed session at what could be the board's last meeting.

Jim McAvoy, a spokesman for Accenture, said that his firm has completed all of the work it is under contract to do and that the state owes the company about \$2 million. He said the Elections Board's latest concerns were raised almost a year after Accenture performed that work.

Kennedy said a full-time campaign administrator will be appointed next year to work only on election laws and voter registration issues.

R. Thomas Cane, a retired state Court of Appeals judge who is chairman of the Government Accountability Board, said things will be different when his board officially runs the new department next year.

"There will be six judges who will be watching the whole system and making sure things are done correctly," Cane said.



Audit: Voter system still can't track ineligible

By TODD RICHMOND

MADISON, Wis. - Wisconsin's statewide voter registration system still can't track ineligible voters, even though the state Elections Board has pumped nearly \$23 million into the project, a report released Wednesday said.

The Legislative Audit Bureau's review found more than 1,500 ex-felons were wrongly branded ineligible to vote in November 2006 because the Elections Board used paper voter lists instead of the electronic system. Their sentences ended before Election Day, likely making them eligible, but no one caught it.

Board officials say they probably won't get the problems solved by the February 2008 election and are pondering legal action against the software vendor, Accenture, the audit said.

"It is absolutely inexcusable that we still will not have a working system for the upcoming 2008 spring presidential primary and even possibly the November 2008 presidential election," state Rep. Suzanne Jeskewitz, co-chair of the legislative Joint Audit Committee, said in a statement.

The 2002 federal Help America Vote Act mandated each state develop a voter registration database by January 2006. But Accenture missed some deadlines and its software has been plagued by mistakes.

Colorado, Kansas and Wyoming canceled their voter registration contracts with Accenture. Most of Wisconsin's system wasn't up and running until September 2006, and even then many components didn't work, the audit said.

A portion of the program designed to weed out ineligible voters still doesn't function, the audit said. The system was supposed to match voter names with information from the state Corrections, Transportation and Health and Family Services departments to detect felons, but so far hasn't successfully completed the matches.

In fact, failed test runs created more technical problems, the audit said.

As a result, the Elections Board sent municipal clerks paper lists of about 35,000 felons compiled through Corrections data ahead of the November 2006 election. The list included 1,537 felons whose sentences ended before Election Day, which likely made them eligible to vote, the audit said.

Elections Board Executive Director Kevin Kennedy said municipal clerks should have caught those names. But of the 16 clerks the Audit Bureau contacted, only five did.

Postelection information from the Elections Board indicated 106 felons in 50 municipalities may have voted the audit found. The report didn't say how many actually voted because auditors didn't conduct investigations into each case, but noted the board said no more than 84 went to the polls.

Kennedy said the state is still trying to get Accenture to fulfill its contract.

"We're trying to extract the appropriate value we contracted for," he said.

Accenture spokesman Jim McAvoy said the company has fulfilled its contract. State workers may not be entering data in the system correctly, he said, adding the audit bureau never talked to the company.

"For that reason, we think the report is missing some of the critical information it needs to be accurate," McAvoy said.

State Auditor Janice Mueller said her team reviewed the state's contract with the company.

"It's a fact that the matches did not work," Mueller said. "It is our responsibility to evaluate the situation in 2007, and right now there are serious problems with verifying voter eligibility."

The Elections Board and state Ethics Board are scheduled to merge early next year in the new Government Accountability Board, with Kennedy serving as director.

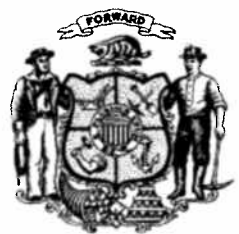
The new board must clean up this mess, and fast, said Jay Heck, executive director of Common Cause in Wisconsin, a government watchdog group.

"The voter list fiasco is very serious in light of the upcoming election," Heck said. "Wisconsin needs to have a reliable listing of all voters so we know who's eligible and who's not. That all should have been resolved by now."

A service of the Associated Press(AP)



WISCONSIN STATE LEGISLATURE



Matthews, Pam

From: Handrick, Diane
Sent: Friday, November 30, 2007 1:22 PM
To: Matthews, Pam; Chrisman, James
Subject: On WisOpinion, just happened to see

Refers to Audit on voter regis system

Friday, November 30, 2007

If Your Car Doesn't Start, Change Your License Plates

It was inevitable. The same day a state audit was released showing Wisconsin's voter registration system has big problems, a renewed call was made to require a photo ID in order to vote.

Two things jump out about this leap of logic. First, backers of a photo ID requirement are crowing about the audit's finding that as many as 84 felons *might* have voted in the November 2006 election in spite of being ineligible. The auditors couldn't determine if they did vote, but they could have because of flaws in the system. Meanwhile, ID supporters are conveniently overlooking the audit's finding that the system put 1,537 people on the ineligible list who had been convicted of felonies but served their full sentences and should have had their voting rights restored. The auditors could not determine how many of these eligible voters tried to cast a ballot and were denied, but noted they should not have been on the list disqualifying them in the first place.

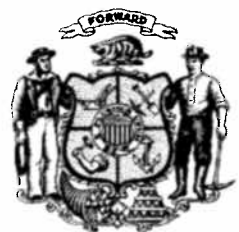
Second, there is no evidence in this audit or elsewhere that felons who voted illegally tried to pass themselves off as someone else. Requiring a photo ID to vote would not have stopped them from voting. Saying a photo ID requirement will stop felons from voting is like saying if your car's battery is dead, the solution is new license plates.

The thing that could stop ineligible convicted felons from voting is a voter registration system that can compare the statewide voter list to corrections records showing whether someone has a felony conviction and, if so, whether the full sentence has been served. Such cross-checking is required under federal law, and Wisconsin was supposed to be in compliance with that federal law on January 1, 2006. The state Elections Board and the private company the board hired for this project – the global outsourcing firm Accenture – haven't been able to figure out how to do it.

Wisconsin voters are not to blame here. A bumbling state agency and a private computer software developer that can't program its way out of a paper bag are to blame. So making voters jump through another hoop is not the answer. Holding state officials and one incompetent company accountable is.



WISCONSIN STATE LEGISLATURE





LEAGUE OF WOMEN VOTERS® OF WISCONSIN EDUCATION FUND

122 State Street, #201A
Madison, WI 53703-2500

Phone: (608) 256-0827
Fax: (608) 256-1761

<http://www.lwvwi.org>
lwvwisconsin@lwvwi.org

December 3, 2007

Contact: Andrea Kaminski, Executive Director
(608) 256-0827, kaminski@lwvwi.org

487 Words

GREATER INVESTMENT NEEDED TO IMPROVE ELECTIONS

The League of Women Voters is proud of Wisconsin's long tradition of open and fair elections, as well as of our relatively high turnout of voters compared to other states. We have no doubt the two are related. That said, we know the system has never been perfect and there have always been errors and, yes, some rare and isolated instances of illegal voting. It is good that the Legislative Audit Bureau (LAB) has scrutinized the election process and identified areas where we need to continue to strive for improvement.

Particularly disturbing are the findings in the LAB report released last week that people with disabilities had significant difficulties exercising their right to vote and that 1,537 citizens were incorrectly classified as ineligible to vote because the matching lists were not up-to-date. Also, we need to improve our system for verifying addresses to be sure people are voting at the correct polling place.

The League of Women Voters is working with state and local election officials and others to encourage municipalities to conduct voluntary audits following the spring election. This is a way to identify any common or recurring problems so they can be fixed in time for the fall elections when a record turnout is expected.

These improvements will require a greater investment in our election system, but it is an investment worth making. At a recent national conference on post-election audits, one election official noted that it costs upwards of \$3.30 per vote cast to run an election. She estimated that an audit typically costs 8 cents per vote cast.

There is a staff of 11 at the State Elections Board, and many of the 1,851 municipal clerks – who really administer the elections – are part-time employees. Even if they're full-time and have staff support, running elections is only a part of the clerk's job. Our election officials and poll workers do a remarkable job, and Wisconsin is blessed to have a long-standing tradition of free and fair elections. It is essential that Wisconsin expend the efforts and dollars to improve and support the Statewide Voter Registration System because it is a key tool in the fight against illegal voting.

The League of Women Voters of the United States has identified four steps for improving the election system:

- Professionalize election management with uniform standards, training to the standards, and accountability.
- Adopt a "service" focus that places the voter at the center of the election system. The voting process should be convenient, accessible and efficient.
- Establish a wide-ranging research and development effort to improve every aspect of elections and adapt to the ongoing process of change in election management.
- Increase funding to implement these improvements.

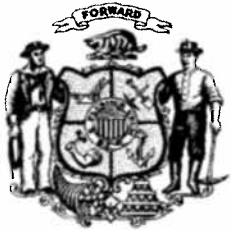
We strongly believe that the Congress of the United States should provide substantial, additional, ongoing funding, on top of Wisconsin's investment, to ensure that elections are secure, accurate, recountable and accessible.

Andrea Kaminski, Executive Director





WISCONSIN STATE LEGISLATURE



F/U

- have CB report back on DOC data match issues
- copy of survey in 3/30 follow-up
- JFC reports - please CC
- Rpt to SLAK on Accenture