



State Senator
Rick Gudex

District 18

April 9, 2015

To: The Senate Committee on Elections and Local Government
From: Sen. Rick Gudex
Re: Senate Bill 71

Mr. Chairman, members of the committee, thank you for hearing this bill today and for allowing me to speak on its behalf.

This bill makes two small changes to the way we register voters on election day. First, it lets municipal clerks register voters at the polling place, unless that clerk is on the ballot him or herself. This only makes sense. The municipal clerk can register voters on any other day of the year, except election day itself. That means the municipality has to acquire another body to do that work, at small but significant cost in time and money.

Second, the bill gives municipal clerks the authority to appoint special registration deputies without a resolution from their local board. Currently a local government must pass a resolution, allowing the clerk to appoint registration deputies. That works just fine most of the time, but not always. It can happen and has happened that a municipality will find itself short handed with election day right around the corner, and no time to get a resolution passed. The special registration deputies will still have to be trained – this bill does not remove any training or other requirements – but making this change will give clerks more flexibility to have the help they need on election day.

This is a simple bill that makes a simple change that will help our local clerks run their elections a little more smoothly, with a little less stress over having enough people.

Thank you for your attention. I will be happy to answer any questions.

Members of the Senate Elections and Local Government Committee,

I would urge you to not support Senate Bill 71 as written but to require that election clerks appoint Special Registration Deputies only when authorized to do so by their municipal government. If a clerk's name is on the ballot, that clerk should not serve as a registration deputy.

If a clerk requires additional help registering voters at a polling place the clerk should plan for that as they hire and train their poll workers for each election. No person should be allowed to serve as a Special Registration Deputy unless they have been hired, trained in advance and certified by the clerk to perform that task. The statutes were recently revised (Wisc. Stat. 6.26) to assign to the clerks that responsibility and to prevent the chaos that voter registration had become. Ultimately, the clerk is accountable for all election inspectors at a polling place and, therefore, the training of those registrars is fully the responsibility of the clerk.

The position of Special Registration Deputy is a very important position as it is the gateway to a ballot. This is not a position that should be filled by an untrained, uncertified individual. This is not a task that should be assigned to someone who just happens to be in the voting area when the need arises.

Same-day voter registration requires that the potential voter fill out a voter registration application and allows that person to receive a ballot to vote on the very day of an election. Verification of the accuracy of that registration form takes place after the ballot was voted and been counted. A Special Registration Deputy has a duty to be sure that the form is completed according to Wisconsin law and that the required Proof of Residence is acceptable and noted on the registration form. Failure to perform these duties according to statutes is not acceptable and the SRD, like every other poll worker, must take an oath swearing to uphold the statutes that govern our elections.

Further, current law requires that both majority parties who have submitted poll worker nominees to the municipality be give equal opportunity when more than one poll worker is assigned to a task. Registration Deputies from both majority parties should be trained when partisan nominees are available.

Planning ahead for extra Special Registration Deputies should be a normal course of a clerk's preparations for Election Day. Any poll worker may become ill or otherwise be unable to perform their duties. An available trained and certified substitute for the various poll worker positions but, especially for the position of Special Registration Deputy, is a necessary preparation for a successful Election Day.

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COUNTY OF MANITOWOC

COUNTY CLERK

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Date: April 9, 2015
To: Members of the Senate Committee on Elections and Local Government
From: Jamie J. Aulik, Manitowoc County Clerk
Re: Testimony supporting SB-47, SB-73/AB-82, SB-71, and SB-96

Dear members of the Senate Committee on Elections and Local Government:

As a local government official charged with carrying out election laws, I am frequently faced with an amalgamation of confusing, conflicting, and sometimes unworkable statutes. Ensuring election laws make sense is in the interest of voters, election officials, and the election administration system as a whole. A number of bills at today's hearing bring much needed common sense reforms to our election administration system, and I wanted to ask for your support for the following items:

Senate Bill 47

Relating to: responding to a request for an absentee ballot

Since the last legislative session, in-person absentee voting has not been conducted on weekends or holidays, so it makes too much sense to give our municipal clerks a break from having to deal with by-mail absentee voting on the same days. In Manitowoc County, all of our town clerks and half of our village clerks are part time, so please support these dedicated public servants by giving them a breather during an otherwise very busy time preceding each election.

Senate Bill 73/Assembly Bill 82

Relating to: instruments filed or recorded with, and fees charged by, the register of deeds

We're all fans of modernizing government and making it more efficient. This bill helps my fellow Register of Deeds do just that, and it mirrors many modernizing provisions that affected the county clerk's office, which were passed last session in 2013 Act 373. This bill allows for electronic storage of records, updates a number of statutes affecting their office which are desperately in need of updating, and generally helps the Register of Deeds office operate in the 21st century. If enacted, the result is a more efficient and effective Register of Deeds office, and better served constituents.

Senate Bill 71

Relating to: allowing municipal clerks to register voters on Election Day

Municipal Clerks are authorized to register voters every day of the year except the three days preceding each election, and Election Day. On the three days preceding each election, it makes sense for them to take a break because they are busy preparing for Election Day. But having a barrier on Election Day makes absolutely no sense. Municipal Clerks are Wisconsin's voter registration experts, and in order to ensure that voter registration laws are followed and quality voter registration forms are produced, we need encourage them to do it as much as possible.

Cost savings to local government will also result. A municipal clerk could substitute for a paid poll worker on Election Day, thereby saving the cost of a paid position. Also, correcting errors on voter registration applications can be time consuming and costly; where entering a correct voter registration form into the Statewide Voter Registration System takes only a couple of minutes, incorrect forms can sometimes take up to an hour or longer because the voter has to be contacted and the information needs to be tracked down and corrected.

Senate Bill 96

Relating to: fees for election recounts

For local governments, recounts are usually unbudgeted items. I support this bill because it simplifies the fee structure while discouraging the sometimes frivolous recount requests that clerks sometimes encounter (e.g. recounts where there is a very wide margin between the winning and losing candidates, but the losing candidate doesn't trust the voting equipment, or the election officials, or both). This bill also accounts for a loophole in the current structure where it is virtually impossible for election officials to recoup costs when less than 1,000 votes are being recounted.

**Testimony of Kevin J. Kennedy
Director and General Counsel
Wisconsin Government Accountability Board**

Senate Committee on Elections and Local Government

April 9, 2015

**Room 201 Southeast, State Capitol
Public Hearing**

**Senate Bill 47/Assembly Bill 58
Senate Bill 71/Assembly Bill 79
Senate Bill 96/Assembly Bill 124**

Chairperson LeMahieu and Committee Members:

Thank you for the opportunity to comment on the bills before you today. I am appearing here for information purposes and to answer any questions you or Committee members may have. The Government Accountability Board has not taken a position on this legislation.

2015 Senate Bill 47/2015 Assembly Bill 58

In its original form this legislation directed municipal clerks to respond to an absentee ballot request no later than one business day after receiving the request. The substitute amendment reflects changes to provide more practical direction on responding to absentee ballot requests. Instead of general directive to “respond” municipal clerks are directed to send or transmit no later than the statutory deadlines and within one business of receiving the request. The substitute amendment also provides a clear definition of business day. We appreciate the authors’ willingness to address the practical issues raised in the initial legislation.

2015 Senate Bill 71/2015 Assembly Bill 79

This legislation permits a municipal clerk who is not a candidate on the ballot to assist poll workers with Election Day registration activities. It does not require the governing body to adopt a resolution authorizing the clerk to perform the duties. Municipalities will find this flexibility very helpful when facing last minute staffing changes or a surge in voter turnout.

Senate Bill 96/Assembly Bill 124

This legislation makes significant changes in the calculation of fees for recounts. Wisconsin law does not provide for an automatic recount. It has to be requested. Only a candidate, usually a losing candidate, may request a recount for that particular contest. Any elector who voted in an election may request a recount of a referendum question.

The legislation reduces the threshold for a free recount from one half of one percent (.5%) to one quarter of one percent (.25%). We are not aware of any recount changing the initial outcome when the difference was half that amount (.125%) or more. The legislation also provides that no fee is required in a contest where 4,000 votes or fewer were cast and the difference is less than 10 votes.

The legislation also removes the \$5 per ward partial reimbursement for the petitioner if the difference is greater than the free recount threshold but less than 2%. A petitioner will have to pay a fee equal to the estimated costs for conducting the recount if the difference in the votes exceeds the .25% threshold.

The legislation permits the petitioner to receive a refund of the fee the outcome changes as a result of the recount.

Conclusion

Thank you for the opportunity to share my thoughts with you. I hope this testimony will help inform the Legislature's consideration of these bills. As always, we are available to answer questions and work with you in developing proposed legislation.

Respectfully submitted,



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