

An Evaluation

Compliance with Election Laws

Elections Board

2007-2008 Joint Legislative Audit Committee Members

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From the Elections Board	
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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](#)).

■ ■ ■ ■

Introduction ■

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. In Wisconsin, the accuracy of the voter registration lists maintained by some municipalities was questioned based on allegations of improprieties in the City of Milwaukee and elsewhere. In addition, there were concerns about the use of verification cards to determine the accuracy of home addresses provided by voters; the role of special registration deputies; and the processes used to verify individuals' eligibility to vote, including the potential use of inappropriate practices to prevent or discourage individuals from voting. To address these concerns, we evaluated the voter registration process in 2005 (report 05-12).

HAVA requires each state to have an electronic statewide voter registration system.

HAVA creates standards for conducting elections and requires each state to operate an electronic statewide voter registration system. To incorporate these standards into Wisconsin law, the Legislature enacted 2003 Wisconsin Act 265, which:

- establishes a mandatory, centralized, statewide voter registration system maintained by the Elections Board and used by every Wisconsin municipality;
- requires voter registration in every Wisconsin municipality;
- requires individuals registering to vote to provide their birth dates and either their operator's license number, state identification card number, or the last four digits of their Social Security number;

- requires that voting equipment used at each polling place allow individuals with disabilities to vote without the need for assistance; and
- establishes procedures for filing written, sworn complaints with the Elections Board regarding alleged noncompliance with HAVA provisions, including those relating to voter registration procedures and voter identification.

Although Act 265 became effective in April 2004, many of its provisions, including requiring voter registration in all municipalities and implementing the statewide voter registration system, did not take effect until January 2006. Before then, voter registration had been mandatory in only 172 larger municipalities.

2003 Wisconsin Act 265 also directed the Legislative Audit Bureau to evaluate state and local governments' compliance with election laws and the appropriateness of their procedures for implementing those laws, including:

- compliance with polling place accessibility requirements;
- the treatment of any elector complaints concerning alleged violations of the law, specifically including complaints relating to denial of the right to vote and denial of the right to corroborate registration information on behalf of electors;
- the appropriateness and legality of procedures used to identify ineligible individuals whose names appear on the registration list;
- attempts to require electors to provide identification that is not authorized by law;

- any incidence of inadequate availability of ballots for electors; and
- any allegation of elector fraud and the treatment of those allegations.

To fulfill the audit requirements specified in Act 265, we:

- interviewed Elections Board officials, advocacy groups that represent individuals with disabilities, and others who monitor elections in Wisconsin;
- interviewed 16 municipal clerks about how they conducted the November 2006 general election, and reviewed 874 address verification cards that were returned to 9 of the clerks as undeliverable;
- visited 36 polling sites in 20 municipalities on November 7, 2006, the day of the general election, in order to determine the extent to which they were accessible to people with disabilities;
- surveyed all 1,851 municipal clerks and 72 county clerks on concerns they received about the November 2006 general election; and
- determined whether recommendations we made to the Elections Board in report 05-12 have been implemented.

Figure 1 shows the 16 municipalities whose municipal clerks we contacted and the 20 municipalities whose polling places we visited in November 2006.

Figure 1

Municipalities We Contacted and Visited



The Legislature has made additional changes to election laws since HAVA's implementation. Based on recommendations from the Joint Legislative Council's Special Committee on Election Law Review, 2005 Wisconsin Act 451 was enacted in May 2006. It:

- requires the Elections Board to create a uniform voter registration form to be used statewide;
- establishes a uniform list of documents that an individual can use to establish proof of residence for registration or voting purposes;

- requires individuals who register to vote by mail and have never voted in an election in Wisconsin to provide proof of residence;
- changes the voter registration deadline for those who register by mail from the second to the third Wednesday before an election, although individuals may always register in person at a municipal clerk’s office at any time before the election or at the polls on Election Day; and
- requires the Elections Board to provide election training to municipal clerks at least once every two years.

Statutes provide four primary methods for registering to vote: by mail, in person at a municipal clerk’s office, with a special registration deputy appointed by a municipal clerk, or on Election Day. Registration by mail or with a special registration deputy is not allowed within 20 days of an election.

Regardless of the method used, all individuals must complete a voter registration form that requests personal information such as name, address, and birth date. In addition, registrants are generally required to provide either a valid operator’s license number or, if they are not licensed drivers, either their state identification card number or the last four digits of their Social Security number.

However, as shown in Table 2, the degree to which individuals must also provide proof of residence varies depending on how and when they register. Section 6.34(3), Wis. Stats., specifies the documents that may be used as proof of residence, including an operator’s license, an official identification card issued by a Wisconsin governmental body, a bank statement, a paycheck, or a utility bill for the period within 90 days of the day of registration.

Table 2
Proof of Residence Required to Register to Vote

Registration Method	More than 20 Days Before an Election	Within 20 Days of an Election
By Mail ¹	None	Not applicable
In Person with Clerk	None	Proof of residence
Special Registration Deputy	None	Not applicable
Election Day	Not applicable	Proof of residence

¹ Mail-in registrants must provide proof of residence only if voting for the first time in Wisconsin.

Elections Board

The Elections Board is made up of eight members, including four designated by leaders in the Senate and the Assembly, the chief officers of the two political parties whose gubernatorial candidates received at least 10.0 percent of the vote in the most recent election, one member designated by the Chief Justice of the Supreme Court, and one selected by the Governor. All members are appointed by the Governor and serve two-year terms. To carry out its duties, the Elections Board employs several types of staff, including:

- executive and administrative staff, who include the Executive Director, legal counsel, and others who manage the agency;
- campaign finance staff, who audit campaign finance reports submitted by candidates in order to ensure that applicable laws are followed;
- elections administration staff, who interpret state and federal election laws for local election officials, train local election officials in election requirements and procedures, and ensure that state and federal election laws are followed; and
- statewide voter registration system staff, who help local election officials use the system, provide training, resolve technical problems, and generate information from the system to help state and local officials administer elections.

Staffing

In January 2007, the Elections Board was authorized 41.0 FTE staff positions.

As shown in Table 3, the Elections Board's authorized staffing increased from 16.0 full-time equivalent (FTE) positions in July 2004 to 41.0 FTE positions in January 2007. The increase occurred primarily to fulfill HAVA requirements, including implementing the statewide voter registration system. HAVA funding covers the cost of most of these positions.

Table 3

Authorized Elections Board Staff Positions¹

	FTE Positions		
	Statewide Voter Registration System	Other	Total
July 2004	2.0	14.0	16.0
July 2005	14.0	17.0	31.0
July 2006	14.0	14.0	28.0
January 2007	27.0	14.0	41.0

¹ Includes full-time and project positions.

As shown in Table 4, 30.0 Elections Board positions were federally funded in January 2007, while 11.0 were funded with general purpose revenue (GPR). All of the federally funded positions are project positions, most of which are scheduled to end in October 2008 or early in 2009.

Table 4

Position Types and Funding Sources¹
January 2007

	Federal	GPR	Total
Executive and Administrative	0.0	4.0	4.0
Campaign Finance	0.0	4.0	4.0
Elections Administration	4.0	2.0	6.0
Statewide Voter Registration System	26.0	1.0	27.0
Total	30.0	11.0	41.0

¹ Includes full-time and project positions.

As shown in Table 5, almost one-half of the Elections Board's authorized positions were vacant in January 2007. However, the Elections Board employed 24 limited-term employees in that month.

Table 5

Filled and Unfilled Elections Board Positions¹
January 2007

	Number of Positions		
	Filled	Unfilled	Total
Executive and Administrative	4.0	0.0	4.0
Campaign Finance	3.0	1.0	4.0
Elections Administration	3.0	3.0	6.0
Statewide Voter Registration System	12.0	15.0	27.0
Total	22.0	19.0	41.0

¹ Includes full-time and project positions.

Revenue and Expenditures

The Elections Board is funded primarily by federal HAVA grants.

As shown in Table 6, the Elections Board is funded primarily by federal grants and interest on those grants, as well as by GPR and program revenue. Federal grants are entirely from HAVA, while program revenue is primarily from the Election Campaign Fund, as described in s. 11.50, Wis. Stats., and to which individuals may voluntarily contribute on their income tax returns. To secure the federal grants, the State provided \$2.3 million in GPR matching funds from FY 2002-03 through FY 2006-07.

Table 6

Elections Board Expenditures, by Funding Source

	FY 2003-04	FY 2004-05	FY 2005-06	FY 2006-07 ¹
Federal Grants and Interest	\$ 632,300	\$4,441,500	\$12,142,000	\$22,934,500
GPR ²	845,200	960,200	2,735,900	1,155,900
Program Revenue	55,000	383,400	63,300	322,200
Total	\$1,532,500	\$5,785,100	\$14,941,200	\$24,412,600

¹ Estimated.

² Includes \$2.3 million in matching funds.

The Elections Board's expenditures increased from \$1.5 million in FY 2003-04 to an estimated \$24.4 million in FY 2006-07.

As shown in Table 7, the Elections Board's expenditures increased from \$1.5 million in FY 2003-04 to an estimated \$24.4 million in FY 2006-07. Aid to local governments increased significantly in FY 2006-07, largely because of the one-time assistance provided for purchasing new voting machines. Through FY 2006-07, the Elections Board paid an estimated:

- \$14.7 million to reimburse 489 municipalities and counties for the purchase of accessible voting machines and associated costs;
- \$1.2 million to reimburse 41 municipalities and 5 counties for the purchase of voting equipment to replace punch card and lever machines; and
- \$122,600 to improve the physical accessibility of polling places in 99 municipalities.

Table 7

Elections Board Expenditures, by Type

Type	FY 2003-04	FY 2004-05	FY 2005-06	FY 2006-07 ¹
Aid to Local Governments	\$ 0	\$ 0	\$ 288,300	\$15,814,100
Professional Services	495,700	2,177,600	10,885,500	4,784,200
Staff Salaries and Fringe Benefits	801,900	1,162,200	2,296,900	2,621,200
Supplies and Services	184,700	557,100	835,100	639,700
Election Campaign Fund	10,700	327,400	5,600	266,300
Travel and Training	39,500	67,000	196,400	244,100
Computer Software and Equipment	0	1,493,800	433,400	43,000
Total	\$1,532,500	\$5,785,100	\$14,941,200	\$24,412,600

¹ Estimated.

Professional services are primarily payments to private contractors to develop and manage the statewide voter registration system, which is expected to cost \$22.7 million, as reported in our 2007 evaluation of information technology projects (report 07-05). In November 2004, the Elections Board contracted with Accenture, LLP, for \$9.8 million to develop the statewide voter registration system that was expected to be completed in March 2006; however, some contract payments have been held back because of ongoing difficulties with its implementation and a dispute with the firm. Through FY 2006-07,

Accenture was paid an estimated \$8.0 million to develop the system, including \$6.3 million in HAVA funds and \$1.7 million in GPR, as well as \$1.5 million for software maintenance and support. In spite of implementation difficulties, the Elections Board plans to purchase ongoing software maintenance and support from Accenture for an additional \$2.4 million from FY 2007-08 through FY 2009-10 because it believes the system designer is most qualified to provide ongoing technical support. Because the system is a large, complex database, the Elections Board also paid Deloitte Consulting, LLP, \$5.2 million to manage the project's implementation, test the system to identify any operational problems, and enter into the system certain voter registration information. Final contract payments were made in December 2006.

Election Campaign Fund expenditures are payments to qualified candidates for state office that may be used for allowable costs incurred while running for election, and computer software and equipment expenditures are largely related to the Elections Board's costs to implement the statewide voter registration system.

Status of Federal Funds

An estimated \$14.9 million in HAVA funds is available for spending in FY 2007-08 or later.

The HAVA funds awarded to Wisconsin, which totaled \$50.7 million, were placed in a segregated fund and along with interest earnings can be expended for any activity allowed by federal law, such as to implement the statewide voter registration system and purchase accessible voting machines. As shown in Table 8, the Elections Board spent an estimated \$40.2 million in HAVA funds through FY 2006-07. An estimated \$14.9 million is available for spending in FY 2007-08 or later, and the Elections Board anticipates using these funds to support the system's ongoing operations.

The Department of Administration (DOA) maintains and supports the statewide voter registration system. Through FY 2006-07, these costs were covered with federal funds. Because DOA is expected to continue to charge \$931,500 annually for services that include hosting the system's computer servers, 2007 Wisconsin Act 20, the 2007-09 Biennial Budget Act, appropriates \$1.8 million in GPR and program revenue to cover these costs during the biennium.

Table 8

Status of the Elections Board's HAVA Funds¹

Planned Use	Amount Awarded	Expenditures through FY 2006-07 ²	Amount Remaining
Statewide Voter Registration System	\$25,063,900	\$22,855,900	\$ 2,208,000
Accessible Voting Machines	18,000,000	14,693,400	3,306,600
Election Administration	5,694,000	1,421,000	4,273,000
Replacing Lever and Punch Voting Machines	1,308,800	991,100	317,700
Polling Place Accessibility	677,900	188,900	489,000
Interest on HAVA Funds			4,336,600
Total	\$50,744,600	\$40,150,300	\$14,930,900

¹ As of August 2007.

² Estimated.

Government Accountability Board

2007 Wisconsin Act 1 created the Government Accountability Board, a new agency that will replace and assume the duties of the Elections Board and the Ethics Board 31 days after a director and two division administrators are hired. All FTE positions of the Elections Board and all staff, except for the Executive Director, will transfer to the Government Accountability Board. Under Act 1, the Government Accountability Board shall review every rule, order, formal opinion, and all internal operating procedures of the Elections Board within one year of the Elections Board being replaced. This review must reaffirm, modify, or repeal each rule, order, and formal opinion.

As of November 2007, all six members of the Government Accountability Board had been appointed, and they had hired a director. It is anticipated that the two division administrators will soon be hired and that the Government Accountability Board will begin operation early in 2008.

■ ■ ■ ■

Verifying Eligibility to Vote ■

There are ongoing problems with the statewide voter registration system.

The Wisconsin Constitution and s. 6.02(1), Wis. Stats., define “eligible electors” as individuals who are United States citizens, are at least 18 years old on Election Day, and meet Wisconsin residency requirements prescribed by law. Statutes prohibit individuals convicted of felonies and serving a sentence, including being on probation or parole, from voting. Section 6.325, Wis. Stats., states that an individual may not be disqualified as an elector unless it is demonstrated beyond a reasonable doubt that he or she is not qualified or is not properly registered. Available information indicates there were few problems with ineligible individuals voting in the November 2006 general election; however, ongoing problems with the statewide voter registration system continue to make it difficult for local election officials to identify such individuals.

The statewide voter registration system is an information technology system that has received attention recently, in part because of our recent review of the increased costs and compromised time lines associated with the State’s large, high-risk information technology projects (report 07-5). The system contains personal information—including name, birth date, and current voting address—and assigns a unique identifying number that can be used by Elections Board staff and local election officials to ensure that each voter is registered at only one polling place and votes only once in each election. Poll books, which are lists of all individuals registered to vote at each polling place, are generated from the system’s information. The system is also intended to contain information on the training histories of local election officials; to generate various election-related reports for the Elections Board and local election officials; and to manage various election functions,

such as issuing absentee ballots and assigning poll workers to work at polling places. Although the system was first used statewide during the September 2006 primary, some of its components do not yet operate as intended.

Data Matches

The statewide voter registration system is intended, in part, to identify ineligible individuals and prevent them from voting.

The statewide voter registration system is intended, in part, to allow municipal clerks and other election officials to prevent ineligible individuals from voting. HAVA requires the Elections Board to make reasonable efforts to remove such individuals from the official list of eligible individuals in the system. To meet this requirement and identify such individuals, the Elections Board planned to match data in the system with data maintained by DOC, DHFS, and DOT. However, electronic matching failed for the November 2006 general election and the spring 2007 election. It should be noted that although some have raised concerns about noncitizens voting, neither the statewide voter registration system nor any other state database contains information that would allow the Elections Board or municipal clerks to identify these individuals and prevent them from voting.

Felony Data

In report 05-12, we recommended changes to the voter registration form that would require individuals to declare they are not felons. By January 2006, the Elections Board had changed both the voter registration form and the form to request an absentee ballot to require individuals to affirm they are not currently serving a sentence, including probation or parole, for a felony conviction and are not disqualified from voting. Enactment of 2005 Wisconsin Act 451 in May 2006 required the voter registration form to also include such an affirmation. It should be noted that 2007 Assembly Bill 390, which was introduced in June 2007, would allow individuals who committed felonies to vote if they are on probation, parole, or extended supervision, but the bill would continue to prohibit those who are incarcerated from voting.

Statutes contain a number of provisions regarding identifying and treating individuals who have committed felonies:

- Section 301.03(20m), Wis. Stats., requires DOC to transmit to the Elections Board the name and address of each individual convicted of a felony in Wisconsin whose civil rights have not been restored, as well as the date that civil rights are anticipated to be restored.

- Section 6.36(1)(a), Wis. Stats., requires the statewide voter registration system to include this information. In effect, names appearing in the DOC data are not to be included on the registration lists that are generated from the system and used at polling places.
- Section 6.29(2)(am), Wis. Stats., states that if an individual registers at a clerk's office after the close of registration (which is 20 days before an election) until the day before an election, the clerk must ascertain whether that individual's name appears on a list that the Elections Board prepares based on the DOC data. If an individual nevertheless maintains a right to vote, the clerk is to register the individual, note that he or she is ineligible, and challenge his or her ballot.
- Section 6.55(2)(cs), Wis. Stats., requires the Elections Board to use the DOC data to provide each municipal clerk with a list of the names and addresses of individuals who are ineligible to vote on Election Day. Poll workers are to ascertain whether individuals registering to vote appear on the list and must challenge the ballots of those who nevertheless maintain a right to vote.

The Elections Board indicated that in December 2005 it provided DOC with a draft agreement stipulating each agency's responsibilities regarding the transmission of felony-related information. As of November 2007, however, the agreement had still not been executed. The Elections Board anticipates the agreement will stipulate that DOC will provide updated data each month and that the names and birth dates of individuals in those data will be compared with all individuals' records in the statewide voter registration system. Each night, the names and birth dates of new registrants whose information was entered into the statewide voter registration system that day will be compared to the DOC data. Municipal clerks will be notified of potential matches and will be responsible for determining whether the individuals are ineligible to vote.

Matches using the statewide voter registration system and DOC's felony data have not been successful.

Despite the lack of an agreement, the Elections Board began testing the match process between the statewide voter registration system and DOC data in May 2006. The tests have not been successful, in part because approximately 450,000 records in the system did not include birth dates as of October 2006. In addition, the unsuccessful match attempts created technical problems with the computer system at DOA that runs the statewide voter registration system.

In 2006, the Elections Board provided municipal clerks with paper lists of individuals who had committed felonies.

Because the match process did not work before the November 2006 general election, the Elections Board relied on DOA, which used DOC's data, to provide each county clerk with a paper list of individuals who had committed felonies and whose last known residence was in the clerk's county. Each municipal clerk in Dane and Milwaukee counties received a list for his or her municipality, and clerks in the cities of Madison and Milwaukee received lists for each ward. All clerks received two lists before the election. The first, which was mailed on September 29, 2006, contained a number of errors, including incorrect municipalities for some individuals. However, the second, which was mailed on October 24, 2006, corrected many of the errors and provided updated information. In total, the lists contained 35,013 individuals who were said to be ineligible to vote because they were serving felony sentences, including probation or parole. Individuals who were incarcerated were not supposed to be included on the lists.

The Elections Board instructed municipal clerks to check both lists before issuing absentee ballots or registering individuals before the election. It also instructed them to use the lists to modify registration lists before printing poll books, and if a poll book had already been printed, to manually note on it that an individual was ineligible to vote. Finally, it instructed poll workers to check the lists before registering voters on Election Day and when processing absentee ballots.

Municipal clerks we contacted expressed concerns with the accuracy and usefulness of the lists, including that:

- the lists contained names of some individuals who had completed their sentences before Election Day and were, therefore, eligible to vote; and
- many addresses on the lists were for jails or correctional facilities, even though the individuals were no longer incarcerated.

The lists included 1,537 individuals whose felony sentences ended before Election Day in 2006 and who were likely eligible to vote.

To determine the extent to which these problems occurred, we examined the lists that poll workers received. These lists included the ending date of each individual's sentence. The Elections Board notified municipal clerks in writing in September 2006 that in rare instances some individuals on the lists had completed their sentences before Election Day and, therefore, should be allowed to vote. In fact, 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 indicated that some of these individuals may have absconded while their sentences were ongoing and, therefore, remained ineligible to vote. However, we were unable to quantify the extent to which this occurred.

We attempted to determine whether clerks erroneously labeled any of these 1,537 individuals as ineligible to vote but could not readily do so. However, we chose a later date—March 2007—and identified 1,318 individuals whom the statewide voter registration system had designated as ineligible to vote because of an ongoing felony sentence. We then determined whether any of these individuals were among the 1,537 individuals included in the DOC data. We found ten possible matches, including two individuals with the same names, birth dates, and addresses, and eight individuals with the same names and birth dates but different addresses. According to DOC, six of the ten have not had an ongoing felony sentence since October 2006 and, therefore, should not have been designated as ineligible to vote, but it is unclear whether the other four should have been so designated. We were unable to readily determine whether any of the ten individuals voted in the November 2006 general election.

Addresses in the lists that municipal clerks received before the November 2006 general election were not always accurate or complete. We found 5,077 records, or 8.2 percent of the total, contained incomplete or incorrect address information; 613 records, or 1.0 percent, did not include any address information; and only the addresses of correctional institutions were listed for 4,464 records, or 7.2 percent. It should be noted that some individuals had multiple records in the lists because of aliases and alternative spellings of their names.

Municipal clerks we contacted did not consistently use the lists of individuals serving felony sentences.

The 16 municipal clerks we contacted did not consistently use the lists of individuals serving felony sentences, and many did not follow the Elections Board’s instructions:

- Five clerks followed the Elections Board’s instructions because they reviewed the lists, designated individuals as ineligible to vote before printing poll books, and instructed poll workers to consult the lists before registering voters.
- Seven clerks did not use the lists to designate individuals as ineligible to vote before printing poll books but did instruct poll workers to consult the lists before registering voters on Election Day.
- Four clerks were from smaller municipalities that were not required to register voters until 2006 and, therefore, did not have complete poll books. Two of them provided poll workers with the lists, while two did not.

Fifteen of the 16 clerks reported that no individuals with ongoing felony sentences attempted to vote in their municipalities in November 2006, although 1 reported that an individual attempted to vote but left the polling place when informed that his name was on the lists. A local election official at 1 of the 16 municipalities we contacted is also the clerk of a nearby municipality. This official stated that an individual with an ongoing felony sentence was able to vote in that nearby municipality because poll workers neglected to check the lists.

After an election, clerks enter information about new registrants into the statewide voter registration system. The Elections Board is required by s. 6.56(3m), Wis. Stats., to determine as soon as possible after all such information has been entered whether individuals who registered after the poll books were printed were included on the lists. In March 2007, it determined that 106 such individuals in 50 municipalities may have voted in the November 2006 general election, but it requested municipal clerks to examine the information in order to make a final determination. Not all clerks had completed their investigations at the time of our fieldwork, but according to information provided by the Elections Board, no more than 84 of the individuals voted. Statutes require the Elections Board to notify the relevant district attorneys about individuals who appear to have voted illegally. 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.

The electronic match between the statewide voter registration system and DOC data also did not work during the spring 2007 election. In November 2007, Elections Board officials stated that although Accenture had provided software in July and August 2007 to address the problems, the data matching still does not work. They now believe that the data matching will not work during Wisconsin's presidential primary in February 2008, and the Elections Board is contemplating legal action against Accenture.

Data matching will not be fully successful until all individuals provide their birth dates.

Records in the statewide voter registration system must contain individuals' birth dates in order for data matching to be useful. As of April 2007, 171,500 of the 3.3 million eligible electors' records, or 5.2 percent, did not contain a birth date, in part because statutes did not require individuals to provide this information until 2004. Although the Elections Board instructed municipal clerks to ask voters to provide their birth dates, only one clerk we contacted had

instructed poll workers to do so in November 2006. Clerks indicated that poll workers are busy with other tasks, but that the collection of this information could be facilitated by allowing, for example, the statewide voter registration system to indicate on the poll books which individuals had not yet provided their birth dates so poll workers could know from which voters to request this information.

Recommendation

We recommend the Elections Board and, after it is replaced, the Government Accountability Board request that municipal clerks obtain birth dates from voters during future elections and consider ways to more easily facilitate the collection of this information.

Vital Statistics Data

In December 2005, the Elections Board and DHFS executed an agreement stipulating that DHFS will electronically provide a cumulative list each month of those who died in the current calendar year. This information is known as the vital statistics data. The Elections Board intends to compare all records in the statewide voter registration system with the names and birth dates of individuals on the DHFS list. Municipal clerks will receive notification of any potential matches and will be responsible for determining whether individuals are ineligible to vote and should be removed from the voter registration list.

Matches using the statewide voter registration system and DHFS vital statistics data have been unsuccessful.

Since May 2006, the Elections Board has unsuccessfully attempted to compare the vital statistics and voter registration data, in part because of the large number of voter registration records lacking birth dates. In September 2006, therefore, each county clerk was given a paper list of individuals who had died between January 2003 and August 2006 and whose last known residence was in the county. County clerks provided the list, which was organized by municipality, to municipal clerks. The Elections Board instructed municipal clerks to determine whether the names and birth dates of those on the list matched any registered voters. If so, municipal clerks were to remove the individuals from the voter registration list before printing poll books for the November 2006 general election.

Twelve of the 16 municipal clerks we contacted reviewed the DHFS lists and removed the names of deceased individuals before printing the poll books, while 4 did not, in part because the lists arrived too late for them to do so. They noted that because the lists reflected cumulative deaths and did not highlight newly added names, they needed to review all names each time they received a list, which was cumbersome. However, they generally used at least one other

method of identifying deceased individuals. For example, 8 of the 16 municipal clerks relied on notification by relatives, 6 searched newspaper obituary notices, and 2 searched county vital records. In November 2007, the Elections Board indicated that it has addressed the clerks' concerns and now denotes the names that have been newly added to the lists.

The electronic match between the statewide voter registration information and DHFS vital statistics data also failed to work during the spring 2007 election. Elections Board officials now believe that the data matching will not work during Wisconsin's presidential primary in February 2008 and, as noted, the Elections Board is contemplating legal action against Accenture.

Driver License Data

As noted, individuals registering to vote are generally required to provide either a valid operator's license number or, if they are not licensed drivers, either their state identification card number or the last four digits of their Social Security number. HAVA and statutes also require the Elections Board to execute an agreement with DOT under which the accuracy of information provided by registrants can be verified against personally identifiable information maintained by DOT. In addition, they require DOT to execute an agreement with the federal Commissioner of Social Security in order to verify that a new registrant's name, birth date, and Social Security number matches information the federal government maintains.

In December 2005, the Elections Board and DOT executed an agreement stipulating that the statewide voter registration system will, at the end of each weekday, electronically transmit to DOT the operator's license number, state identification card number, or the last four digits of the Social Security number provided by new registrants. DOT will attempt to verify the operator's license and state identification numbers and then forward the last four digits of the Social Security numbers, if provided by registrants, to the Social Security Administration, which will attempt to verify that the Social Security numbers are valid and that the name and birth date in its records match information in the statewide voter registration system.

Since July 2006, the Elections Board has unsuccessfully attempted to facilitate the data match, which is still not working. Elections Board officials now believe that the data matching will not work during Wisconsin's presidential primary in February 2008. However, in order to take advantage of the statewide voter registration system's ability to identify ineligible individuals, the Elections Board and,

after it has been replaced, the Government Accountability Board need to resolve the matching problems and train clerks.

☑ Recommendation

We recommend either the Elections Board or the Government Accountability Board report to the Joint Legislative Audit Committee by March 31, 2008, on the status of efforts to match data in the statewide voter registration system with data maintained by the departments of Corrections, Health and Family Services, and Transportation, and to train clerks in how to use information obtained from the data matches.

Individuals Voting Multiple Times

Section 6.56(4), Wis. Stats., requires municipal clerks to perform a post-election audit to determine whether individuals voted multiple times in the election. A clerk who believes this occurred is required to send the individuals letters by first-class mail, with return service requested, indicating that their registration status may be changed to ineligible within seven days unless they contact the clerk to clarify the matter. Statutes require the clerk to forward copies of the letters and any subsequent information received from the individuals to the district attorney.

The statewide voter registration system is intended to help clerks identify those who voted multiple times. Because individuals are registered to vote at only one polling place, voting multiple times during the same election typically requires an individual to register on Election Day. Whenever a new registrant’s personal information is entered into the statewide voter registration system, the clerk is notified if that information potentially matches the information of an individual who had previously registered. In addition, the system is supposed to alert a clerk if an individual may have voted multiple times.

The statewide voter registration system lacks readily available information about individuals who may have voted more than once in an election.

Because the statewide voter registration system lacks complete personal information for many individuals, such as birth dates, it was not possible for us to accurately determine the extent to which any individuals voted multiple times in the November 2006 general election. Fourteen of the 16 municipal clerks we contacted were not aware of any individuals voting more than once in November 2006. However, the names of two individuals who may have voted more than once were forwarded to district attorneys by clerks in the cities of La Crosse and Milwaukee. In April 2007, a Milwaukee resident was charged with voting in two municipalities. The district attorney was still investigating the La Crosse individual at the time of our fieldwork.

We attempted to determine whether this part of the statewide voter registration system is working as intended. Municipal clerks we contacted indicated that although the system does allow them to determine if individuals voted multiple times, the process for doing so is cumbersome and can be time-consuming.

Address Verification Cards

Address verification cards verify the accuracy of addresses provided by individuals registering to vote.

When individuals register to vote by mail, with a special registration deputy appointed by the municipal clerk, through independent voter registration drives, or at the polls on Election Day, address verification cards are used to verify the accuracy of addresses they have provided. The process for mailing cards varies, depending on the registration method:

- Section 6.32(4), Wis. Stats., requires that if an individual registers by mail or with a special registration deputy, the municipal clerk shall send the individual a first-class postcard within ten days that is marked so that it will be returned if the individual does not reside at the address. Individuals who register through a voter registration drive are also sent first-class postcards. If a postcard is returned as undeliverable, statutes require the clerk to indicate on the registration list that the individual is ineligible to vote.
- Section 6.56(3), Wis. Stats., requires municipal clerks to mail each individual who registered on Election Day a first-class postcard marked to be returned if the individual does not reside at the given address, unless the Elections Board indicates that it will mail the postcards. If a postcard is returned as undeliverable, the individual's registration status must be changed from eligible to ineligible, and the individual's name must be provided to the district attorney. There is no time period by which this must be done.

In 2006, the Elections Board, not the municipal clerks, mailed all address verification cards because the statewide voter registration system contains registration information for the entire state. We followed up on concerns in our 2005 audit, which found that address verification cards were not consistently used as required to verify residency or investigate improper registrations.

In October 2006, the Elections Board mailed 106,620 address verification cards to individuals who had registered earlier in the year.

In October 2006, the Elections Board mailed 106,620 address verification cards to individuals who had registered to vote since February 2006. As shown in Table 9, three-fourths of the cards were mailed to individuals who had registered on an Election Day earlier in the year.

Table 9

Address Verification Cards Mailed¹
October 26, 2006

Registration Method	Number	Percentage of Total
Election Day	79,952	75.0%
Special Registration Deputy	14,783	13.9
Mail	11,885	11.1
Subtotal	26,668	
Total	106,620	100.0%

¹ Includes cards mailed to individuals who registered between February 21 and October 26, 2006.

We analyzed the extent to which the Elections Board mailed address verification cards within the statutorily required ten days to the 26,668 individuals who had registered through special registration deputies or by mail. We found that the Elections Board mailed only 6,770 cards, or 25.4 percent of the total, within the statutorily required period. In November 2007, the Elections Board indicated that it now mails cards weekly.

Undeliverable Address Verification Cards

The address verification cards that the Elections Board sent in October 2006 were addressed so that the postal service returned undeliverable cards to the municipal clerks. The Elections Board instructed municipal clerks to compare the address on each returned card with the information provided on the registration forms. If clerks could confirm that cards had been sent to the correct addresses, they were to designate the individuals as ineligible to vote.

We attempted to review undeliverable address verification cards in ten municipalities that we visited during the course of our fieldwork. Cards for La Crosse had already been filed by the city clerk, which is an appropriate practice after an election, and were not readily available. As shown in Table 10, we found that 874 address verification cards were returned as undeliverable to nine municipalities. This represents 3.8 percent of the 22,866 cards that were mailed for those nine municipalities. No cards were returned to the Village of Cedar Grove, while 572 cards were returned to the City of Milwaukee.

Table 10
Address Verification Cards Returned as Undeliverable
 October 26, 2006

Municipality	Cards Sent	Cards Returned ¹	Percentage Returned
City of Milwaukee	9,657	572	5.9%
City of Green Bay	898	34	3.8
City of Madison	9,380	223	2.4
Village of Eagle	172	3	1.7
City of Stevens Point	728	16	2.2
City of Janesville	517	8	1.5
City of Lancaster	465	10	2.2
City of Waukesha	871	8	0.9
Village of Cedar Grove	178	0	0.0
Total	22,866	874	3.8

¹ Does not include 89 cards that were mislabeled by a program error in the statewide voter registration system.

The Elections Board mailed cards too late for municipal clerks to review returned cards before the November 2006 general election.

The Elections Board mailed address verification cards only 11 days before the November 2006 general election. The postal service takes at least several days to attempt to deliver cards, and it often date stamps cards that are undeliverable before returning them to municipal clerks a few days later. We reviewed 791 returned cards that were date stamped and found that 311, or 39.3 percent, were date stamped three or fewer days before the election, while 480, or 60.7 percent, were date stamped on Election Day or later. As a result, municipal clerks did not have sufficient time before the general election to review any of the returned cards and determine if the individuals should have been designated as ineligible to vote.

We also attempted to determine whether the 874 individuals for whom address verification cards were returned actually voted in November 2006 using the address on the card. As shown in Table 11, the best available information indicates that 227 of them, or 26.0 percent, voted. This suggests that clerks either determined that the individuals actually lived at the addresses to which the cards were sent or neglected to designate the individuals as ineligible to vote. It should be noted that the 227 individuals represent 1.0 percent of all 22,866 individuals to whom cards were sent.

Table 11
Number of Individuals Who Voted in November 2006 by Using the Address on a Returned Address Verification Card

Municipality	Number of Cards Returned	Number of Individuals Who Voted	Percentage of Individuals Who Voted
City of Lancaster	10	4	40.0%
City of Madison	223	75	33.6
City of Green Bay	34	11	32.4
City of Janesville	8	2	25.0
City of Milwaukee	572	132	23.1
City of Stevens Point	16	2	12.5
City of Waukesha	8	1	12.5
Village of Eagle	3	0	0.0
Village of Cedar Grove	0	0	0.0
Total	874	227	26.0

Municipal clerks processed undeliverable cards in different ways.

Although we reviewed returned address verification cards at nine municipalities we visited, we asked all 16 municipal clerks we contacted how they processed undeliverable cards returned to them after the October 2006 mailing. Two of the 16 municipal clerks did not receive any returned cards. Among the others:

- 7 clerks received cards but did not designate any individuals as ineligible to vote;
- 6 clerks received cards and designated as ineligible those individuals whose cards did not contain obvious address errors; and

- 1 clerk received undeliverable cards, did not check them for address errors, and designated all of the individuals as ineligible.

In February 2007, the Elections Board mailed another 322,325 address verification cards. Although we did not determine the number returned to municipal clerks, approximately 80,000 cards were mailed four days before the February 2007 primary, while the other cards were mailed after the election. As a result, clerks could not review any returned cards before the primary, thereby minimizing the effectiveness of the cards at preventing individuals from voting at incorrect addresses.

Municipal clerks do not know the specific reasons why the Elections Board mails cards.

Before the statewide voter registration system was implemented, municipal clerks mailed all address verification cards, which allowed them to know if any cards returned as undeliverable had been mailed because of a registration on Election Day. As noted, statutes require clerks to notify district attorneys when this occurs. Currently, cards mailed by the Elections Board do not indicate the registration method used by individuals. None of the 16 municipal clerks we contacted forwarded any cards to a district attorney as a result of the October 2006 mailing.

Recommendation

We recommend the Elections Board and, after it is replaced, the Government Accountability Board indicate on each address verification card the reason the card was mailed to a registered voter.

Processing Information Obtained on Election Day

Concerns have been raised that municipal clerks do not always enter information into the statewide voter registration system in a timely manner, in part because of the various problems associated with the system. Sections 6.33(5) and 7.15(4), Wis. Stats., provide that municipal clerks have up to 30 days after an election to enter into the system:

- changes of an individual's registration status from eligible to ineligible;
- valid registrations;
- valid requests from individuals to change their names or addresses; and
- the names of each individual who voted.

As shown in Table 12, 108,425 individuals registered on Election Day in November 2006 in the 16 municipalities we contacted. However, the 16 municipal clerks we contacted entered information within 30 days for only 40.1 percent of them. Six clerks, including those in the cities of Madison and Milwaukee, entered registration information on a timely basis for less than 30.0 percent of the individuals who had registered on Election Day.

Table 12

Election Day Registrations
November 2006

Municipality	Number Entered in the Statewide Voter Registration System within 30 Days	All Election Day Registrations	Percentage of Election Day Registrations Entered within 30 Days
Village of Eagle ¹	342	342	100.0%
City of Lancaster	261	262	99.6
City of Waukesha	4,042	4,075	99.2
City of Janesville	3,246	3,321	97.7
Town of Eagle Point ¹	677	710	95.4
City of Green Bay	3,318	3,547	93.5
City of La Crosse	4,565	4,977	91.7
Town of Grand Chute	1,061	1,195	88.8
City of Stevens Point	2,172	2,878	75.5
City of Eau Claire	2,186	5,912	37.0
City of Madison	8,543	29,687	28.8
City of Kenosha	1,222	4,328	28.2
City of Milwaukee	10,676	39,693	26.9
Village of Menomonee Falls	511	1,983	25.8
City of Oshkosh	610	4,978	12.3
Village of Cedar Grove ¹	0	537	0.0
Total	43,432	108,425	40.1

¹ Information is entered by county clerks, as allowed by the Elections Board.

Twelve municipal clerks we contacted believe the considerable quantity of information that must be entered into the statewide voter registration system, as well as the system's often slow operating speed, make it infeasible to enter all information within

the statutorily required 30 days. As a result, seven clerks paid existing staff overtime or hired temporary staff to help enter the information. The Elections Board has acknowledged that entering information in a timely manner has created hardships for some municipal clerks.

Nevertheless, it is important for municipal clerks to enter Election Day registration information into the statewide voter registration system in a timely manner, particularly when two elections occur in a short period of time. For example, in the approximately 60 days between a September primary and a November general election, municipal clerks must enter the registration information, the Elections Board must mail address verification cards to those who registered to vote in the primary, clerks must investigate and designate as ineligible to vote individuals whose cards are returned as undeliverable, and then clerks must print the poll books for the November general election.

***In November 2006,
415,587 individuals
statewide registered to
vote on Election Day.***

As noted, the Elections Board waited until February 2007 to mail address verification cards for individuals who registered on Election Day in November 2006. It does not have formal written policies specifying when cards should be mailed, but officials indicate that more than 90 days were taken to do so, in part, because many municipal clerks required additional time to enter information into the statewide voter registration system for the 415,587 individuals statewide who registered on Election Day.

Because it may not be feasible for municipal clerks, particularly those in larger cities, to meet the 30-day statutory deadline for entering information, the deadline may need to be extended. However, extending the deadline will make it more difficult to mail and process address verification cards, particularly between a primary and the general election.

Recommendation

We recommend either the Elections Board or the Government Accountability Board report to the Joint Legislative Audit Committee by March 31, 2008, on whether it believes the 30-day statutory deadline for entering into the statewide voter registration system all information obtained on Election Day should be extended.

Concerns with the Statewide Voter Registration System

Eleven municipal clerks we contacted raised concerns with the statewide voter registration system's slow operating speed, particularly during normal working hours, and indicated that the

system can be cumbersome to use and tends to frequently shut down. In addition, as noted, clerks we contacted indicated that it is time-consuming to determine information about individuals who may have voted multiple times in the same election.

Municipal clerks we contacted noted additional problems with the statewide voter registration system, including with the system's ability to:

- track provisional ballots;
- process absentee ballots; and
- suspend voter registration for individuals who have not recently voted.

Provisional Ballots

Section 6.97, Wis. Stats., stipulates that an individual without an allowable document verifying his or her identity and address may still be allowed to vote with a provisional ballot but must present the appropriate identification to the municipal clerk on the day after the election for the ballot to be counted. The statewide voter registration system is intended to allow municipal clerks to record a provisional ballot and a voter's name, address, birth date, and document used for identity and address verification, but computer software problems prevented them from doing so in 2006. Therefore, the Elections Board required municipal clerks to report the number of provisional ballots cast and counted in November 2006. As of February 2007, clerks reported that 271 provisional ballots were cast and 168, or 62.0 percent, were counted. In November 2007, however, the Elections Board indicated that this feature of the system is now operating.

Absentee Ballots

Statutes allow any qualified, registered elector to vote by absentee ballot. Because of ongoing difficulties with the statewide voter registration system, the Elections Board instructed most clerks statewide not to use the system to manage absentee ballots before the November 2006 general election. As a result, six clerks we contacted used their own municipalities' voter registration systems to do so. The clerks who did use the statewide voter registration system experienced problems that included:

- improper processing and printing of address labels for mailing absentee ballots;
- allowing multiple ballots to be sent to the same individual; and
- allowing ballots to be sent to individuals who were ineligible to vote because they were serving felony sentences, had died, or were no longer registered in the municipality.

Suspension of Voter Registration

Ongoing software problems prevent the statewide voter registration system from automatically identifying nonvoting electors.

Within 90 days after a general election, municipal clerks are required by s. 6.50, Wis. Stats., to notify electors who have not voted in the past four years that unless they apply for a continuation within 30 days, their registration will be suspended, which makes them ineligible to vote. The statewide voter registration system is intended to automatically identify all electors who have not voted in the past four years, suspend their registration, and generate a postcard to be mailed to each elector. If an individual indicates he or she wants to remain eligible to vote, the municipal clerk must reverse the suspension of his or her registration. However, ongoing software problems prevent the system from automatically identifying nonvoting electors. As a result, municipal clerks must ask the Elections Board to provide them with lists of electors, mail those electors postcards, and suspend the registration of those who do not respond. Some municipal clerks we contacted were unaware that they were required to request this list.

Twelve of the 16 clerks we contacted registered voters before 2006 and, therefore, could have suspended registrations after the November 2006 general election. We found that:

- seven clerks did not suspend registrations in 2006;
- three clerks asked the Elections Board to provide them with lists of electors who had not voted in the prior four years, notified those electors by mail, and suspended the registration of those who did not respond; and
- two clerks suspended registrations in 2006 before their municipalities began using the statewide voter registration system.

Election Board officials are aware that the statewide voter registration system is unable to correctly track absentee ballots or suspend voter registrations. Close scrutiny is warranted because of these implementation difficulties and the Elections Board’s dispute with Accenture.

Recommendation

We recommend either the Elections Board or the Government Accountability Board report to the Joint Legislative Audit Committee by March 31, 2008, on the status of efforts to improve processing times and enable the statewide voter registration system to process absentee ballots and suspend voter registrations.

■ ■ ■ ■

Polling Place Accessibility ■

Federal and state laws require voting systems and polling places to be accessible to individuals with disabilities in a manner that provides the same opportunity for participation, including privacy and independence, accorded to other voters. To independently determine compliance with these accessibility requirements, we visited 36 polling places in 20 municipalities statewide on Election Day in November 2006. We also reviewed a random sample of 100 responses to an Elections Board survey that addressed accessibility at 45 polling places in Wisconsin towns, 39 polling places in cities, and 16 polling places in villages.

Accessibility Requirements

Voting machines and polling places are required by law to be accessible to individuals with disabilities.

HAVA requires each polling place to have at least one voting machine equipped for individuals with disabilities, and s. 5.25(4)(a), Wis. Stats., requires the Elections Board to ensure that individuals with disabilities are able to vote at each polling place without the need for assistance and with the same degree of privacy accorded to non-disabled individuals. Similarly, the Americans with Disabilities Act of 1990 (ADA) prohibits discrimination against individuals with disabilities, including while voting, and state statutes require each polling place to be accessible to all individuals with disabilities. Federal regulations provide accessibility requirements that apply to parking at polling places, pathways to polling places, polling place entrances, travel within buildings that house polling places, and voting areas.

If federal and state accessibility laws are not followed, voting at polling places may be onerous for individuals with disabilities and may not provide them with the same privacy and independence that is provided to other voters. In addition, some individuals with disabilities may not vote if they believe that visiting a polling place would be unsafe or excessively difficult.

To help ensure compliance with federal and state law, the Elections Board designed an accessibility survey that is based on ADA requirements and addresses various accessibility issues at each polling place. The Elections Board mailed the first of these surveys in January 2002. Questions can be answered “yes,” “no,” or “not applicable.” If a polling place’s location changes, a municipality must submit a new survey. The Elections Board reviewed the surveys submitted by every municipality but did not verify their accuracy before indicating that all polling places statewide were accessible.

Accessible Voting Machines

The Elections Board budgeted \$18.0 million in federal HAVA funding to refund municipalities for the purchase of one accessible voting machine at each polling place statewide and, as was shown in Table 8, spent \$14.7 million through FY 2006-07. It required the machines to be operational beginning with the September 2006 primary. Municipalities receive up to \$6,000 per polling place to cover the cost of a machine and related software, programming, and maintenance costs. Before refunding the cost of a machine for a given polling place, the Elections Board requires the municipality to complete its accessibility survey and indicate that all aspects of the polling place are accessible.

The Elections Board required municipalities to purchase machines from a list of several types that were compliant with Federal Elections Commission standards; had been tested by an independent, accredited testing authority; and had successfully handled three mock elections conducted by the Elections Board. As shown in Table 13, municipalities used seven types of accessible voting machines in the November 2006 general election.

Table 13

**Accessible Voting Machines in Use in Wisconsin
November 2006**

Machine Type	Number of Municipalities Using the Machine ¹	Percentage of Total
SEQ-AVC Edge II 5.0.24	1,020	54.8%
ES&S AutoMARK	466	25.1
Diebold AccuVote TSX	251	13.5
ES&S iVotronic	71	3.8
Vote-Pad	26	1.4
Voting Technologies International	24	1.3
Populex	2	0.1
Total	1,860	100.0%

¹ Information provided by the Elections Board indicates nine municipalities used multiple types of accessible voting machines.

We noted a number of problems with the accessible voting machines at polling places in November 2006.

During our November 2006 visits to 36 polling places listed in Appendix 1, we noted numerous problems with accessible voting machines. For example:

- at 15 polling places, machines were situated where individuals using them could be observed while voting; and
- at 7 polling places, the accessible voting machines were not operational when we visited, either because poll workers had assembled but had not turned the machines on (four polling places in the cities of Appleton, Green Bay, and Janesville), poll workers did not know how to assemble a machine (one polling place in the City of Milwaukee), poll workers could not locate a machine that was likely secured in a locked closet (one polling place in the City of Milwaukee), or a machine could not be used because it was not printing properly (one polling place in the City of Madison).

At three polling places in the City of Milwaukee, we found that the Milwaukee Election Commission had instructed poll workers not to insert print cartridges, which cost approximately \$30 to \$40 each and

last for only one day, into accessible voting machines until the first voter wanted to use a machine. Several municipal clerks outside of Milwaukee also indicated that ink cartridges in accessible voting machines dried out quickly, although most had instructed their poll workers to insert the cartridges on the morning of Election Day. We note that advocacy groups for individuals with disabilities believe that individuals should be able to vote with the machines without the need to ask poll workers to insert an ink cartridge.

According to the Elections Board and some advocates, accessible voting machines should be located in the same room as the main voting area in order to avoid stigmatizing individuals with disabilities. In contrast, federal guidelines indicate it is acceptable to have a separate voting area if the main area cannot be made accessible, and some individuals familiar with accessibility issues indicated that a separate area is preferable if the main area does not provide privacy. We found that the machine at the City of Mineral Point's polling place was in a separate room, and the City of Madison's clerk informed us that the machines at two polling places were moved to other rooms in order to provide privacy, which was not possible in the main voting areas.

Four of the 16 municipal clerks we contacted experienced problems with their accessible machines during the September primary or the November 2006 general election, including paper ballots that were incompatible with the machines, defective machines, and printing problems. Seven were dissatisfied with the training they received from the firms that sold the machines, while four noted that few or no voters used them.

Other Accessibility Issues

During visits to 36 polling places in November 2006, we also reviewed the Election Board's accessibility survey requirements, observed accommodations at each polling place, and compared our observations to the results of the surveys that had been submitted to the Elections Board for those 36 polling places. Based on these visits and a review of 100 other accessibility surveys, we question whether some places are adequately accessible to individuals with disabilities. We identified problems related to accessible parking, pathways, polling place entrances, interior routes, and voting areas.

Parking

We identified parking-related accessibility problems at 13 polling places.

The Elections Board’s survey requires municipalities to assess the adequacy of parking at polling places. As shown in Table 14, we identified parking-related accessibility problems at 13 polling places, including all 9 that we visited in the City of Milwaukee.

Table 14

Problems with Accessible Parking
November 2006

Municipality	Polling Place	Type of Problem
City of Green Bay	Kennedy School	Accessible parking not nearest to the entrance
City of Madison	Mendota Elementary	Accessible parking not nearest to the entrance
City of Milwaukee	Academy of Accelerated Learning	No van-accessible spaces, inadequate signage
	Arlington Court	No accessible spaces
	Children’s Outing Association	No accessible spaces, blocked path
	Milwaukee School of Languages	No van-accessible spaces, inadequate signage
	Milwaukee Public Schools North 76 th Street Building	No accessible spaces
	Parklawn Assembly of God Church	No accessible spaces, blocked path
	Pulaski Park Pavilion	No accessible spaces, inadequate parking surface
	65 th Street School	No van-accessible spaces, inadequate signage
	South Division High School	No van-accessible spaces, inadequate signage
Village of Lone Rock	Fire Station	Accessible parking not nearest to the entrance
Village of Spring Green	Community Library	Inadequate signage

Federal regulations specify that accessible parking must be provided if parking is provided for voters, staff, and volunteers. Accessible parking spaces must be at least eight feet wide, and one in every eight, but not less than one accessible space, must be served by an access aisle that is at least eight feet wide and designated as “van accessible.” The accessibility survey asked municipalities to indicate whether polling places have off-street parking designated as accessible, but federal regulations do not specify that parking must be off-street. Advocates with whom we spoke did not agree about whether parking must be off-street, but they did agree that on-street parking on busy streets is potentially dangerous to voters with disabilities.

Five polling places in the City of Milwaukee did not have accessible parking.

We found that 31 of the 36 polling places had on- or off-street parking designated as accessible, but 5 polling places in the City of Milwaukee did not have accessible parking. On the Elections Board’s surveys, the Milwaukee Election Commission had indicated that accessible parking was available at three of the five polling places and was not applicable at the other two polling places.

We found that four polling places in Milwaukee had only on-street parking designated as accessible, and some spaces may have been unsafe for individuals with disabilities because they were located on busy streets. None of these four polling places had van-accessible parking spaces. On the Elections Board’s surveys, the Milwaukee Election Commission had indicated that accessible off-street parking and van-accessible spaces were available at two of the four polling places and not applicable at the other two polling places.

Federal regulations require accessible parking spaces to be the spaces nearest to an accessible building entrance. They were not at a total of three polling places in the cities of Green Bay and Madison and the Village of Lone Rock. On the Elections Board’s surveys, all three municipalities had indicated that designated parking was nearest to the accessible entrance. We note that the question was not answered on two surveys completed by the Milwaukee Election Commission and one by the Village of Spring Green.

Federal regulations require ground and floor surfaces along accessible routes to the voting area to be stable, firm, and slip-resistant. In effect, exterior surfaces should be paved, and interior surfaces should be uncarpeted or have low-pile carpets. We found that parking at one City of Milwaukee polling place was on wet, muddy grass, but the Milwaukee Election Commission indicated on its survey that this question was not applicable.

A curb ramp must be provided if there is a curb between accessible parking and the accessible pathway to the building. However, at one City of Milwaukee polling place, the curb ramp connecting a drop-off area to the pathway was blocked by a vehicle during the entire

hour we were on-site. At another Milwaukee polling place without accessible parking, a parked vehicle blocked the sidewalk leading to the accessible entrance for the entire hour we were on-site.

According to federal regulations, accessible parking spaces must be designated by a sign showing the symbol of accessibility. We found that accessible parking spaces at four City of Milwaukee polling places were designated by temporary signs that did not include this symbol. At the Village of Spring Green's polling place, the accessible parking space was designated only by markings on the pavement, which would have been obscured by a parked car. According to disability advocates, it can be difficult to enforce parking restrictions without fully compliant signage. At two of these five polling places, we observed cars without handicapped parking tags in the accessible spaces. On the Elections Board's surveys, the Milwaukee Election Commission had indicated that two polling places had appropriate signs but that appropriate signage was not applicable at the other two polling places. The Village of Spring Green indicated its polling place was compliant.

Pathways to Polling Places

Federal regulations stipulate that an accessible route cannot have abrupt changes in level greater than one-half inch unless a ramp is provided and that it must have at least 80 inches of clear headroom. Advocates indicated that uneven walkways can be hazardous and a deterrent to individuals with disabilities. The Elections Board's survey also requires municipalities to certify that the accessible route is well-marked by large-print signs if it differs from the main route and that the walkways to a polling place are well lighted.

We identified problems with the pathways to eight polling place buildings.

As shown in Table 15, we identified problems with the pathways at eight polling places. However, on their surveys, the cities of Dodgeville and Wausau and the villages of Barneveld and Lone Rock had indicated there were no pavement problems. The City of Waukesha had indicated there were no concerns with overhanging objects, although at one polling place a low-hanging flag created a potential hazard for voters with visual impairments. The Village of Arena had indicated the question regarding marked entrances was not applicable, while the Village of Plainfield had indicated its polling place was compliant. In addition, the City of Oshkosh had indicated on its survey that the walkway for one polling place is well lighted, but "the walkway from the parking lot is dark." Because we visited the polling place during the day, we did not document whether the walkway is adequately lighted after dark.

Table 15

Problems with Accessible Pathways
November 2006

Municipality	Polling Place	Type of Problem
City of Dodgeville	City Hall	Uneven pavement
City of Madison	Mendota Elementary	Inadequate lighting
City of Waukesha	City Hall	Overhanging object
City of Wausau	Rose Garden Banquet Hall	Uneven pavement
Village of Arena	Village Hall	Unmarked entrance
Village of Barneveld	Immaculate Conception Church	Uneven pavement
Village of Lone Rock	Fire Station	Uneven pavement
Village of Plainfield	Municipal Building	Unmarked entrance

Polling Place Entrances

Federal regulations specify that:

- ramps and landings must have curbs or other similar features at least two inches high to prevent individuals from slipping off;
- ramp tops must have at least 60 inches of level space, in order to provide individuals with disabilities adequate room to maneuver;
- all doorways along the accessible route must be at least 32 inches wide; and
- individuals must be able to open doors with only a minimum of force, and handles or latches must be easy to grasp with one hand and must not require twisting of the wrist.

We identified accessibility problems with the building entrances at 17 polling places.

As shown in Table 16, we identified problems with the accessible entrances at 17 polling places in 11 municipalities. The accessible entrances in the villages of Arena and Plainfield are separate from the main entrances, but we found them both locked. Doors at 14 polling places could not be easily opened; at 9 of them, there were neither automatic openers, buzzers, doorbells, nor poll workers nearby to help, while the doors at five of them also could not be

easily opened but had buzzers or doorbells. Some advocates believe a doorbell is an acceptable accommodation, while others expressed concern that voters with limited mobility could have difficulty in reaching a doorbell. At two polling places in the cities of Janesville and Milwaukee, we observed individuals with disabilities who needed help in opening polling place doors.

Table 16

Problems with Accessible Entrances
November 2006

Municipality	Polling Place	Type of Problem
City of Appleton	Good Shepherd Lutheran Church	Heavy door (with buzzer)
City of Green Bay	Trinity Lutheran Church	Heavy door
City of Janesville	First Lutheran Church	Heavy door
City of Milwaukee	Academy of Accelerated Learning	Heavy door (with buzzer)
	Arlington Court	Heavy door
	Children’s Outing Association	Narrow door
	Parklawn Assembly of God Church	Narrow door
	Pulaski Park Pavilion	Heavy door
	65 th Street School	Heavy door
City of Mineral Point	Fire Station	Heavy door
City of Platteville	National Guard Armory	Heavy door (with buzzer)
City of Wausau	The Rose Garden	Heavy door (with buzzer)
	Wausau West High School	Heavy door
Village of Arena	Village Hall	Locked entrance, heavy door
Village of Barneveld	Immaculate Conception Catholic Church	Heavy door (with buzzer)
Village of Lone Rock	Fire Station	Insufficient space at ramp top
Village of Plainfield	Municipal Building	Locked entrance, heavy door, ramp curb too low, insufficient space at ramp top

In their surveys, the Village of Arena had indicated that the polling place does not have a separate accessible entrance, the Village of Plainfield had indicated that the polling place did not have a ramp, and the Village of Lone Rock had indicated the top of the ramp had sufficient level space. In addition, the surveys that the municipalities had completed for all 36 polling places indicated that polling place doors complied with the regulations.

Travel within the Building

Federal regulations require directional signs at key points if the interior route to the voting area is not directly inside the building. As with the requirements for exterior doors, individuals must be able to open interior doors with only a minimum of force.

We identified problems with the interior route to the voting area at four polling places.

As shown in Table 17, we identified problems at four polling places. On their surveys, the cities of Eau Claire and Wausau had indicated that the accessible routes, which differed from the main routes, were clearly marked. The City of Wausau had indicated on its survey that the voting area was in a hallway outside of the auditorium, but we found that it was actually in a different location in the school. The Village of Arena had indicated on its survey that an interior door at the polling place would be propped open, but we found it closed, while the Milwaukee Election Commission had indicated that the interior door at the polling place complied with regulations.

Table 17

Problems with Accessible Interior Routes
November 2006

Municipality	Polling Place	Type of Problem
City of Eau Claire	Our Savior’s Lutheran Church	Unclear route
City of Milwaukee	65 th Street School	Heavy door
City of Wausau	Wausau West High School	Unmarked route
Village of Arena	Village Hall	Heavy door

Voting Areas

Federal regulations require polling places to have an unobstructed space of five feet by five feet, in order to allow individuals in wheelchairs sufficient room to maneuver. In addition, voting booths

or tables must be sufficiently wide and high to allow individuals in wheelchairs to vote. The Elections Board’s survey requires municipalities to certify that the entrance to an accessible voting machine or booth is at least 36 inches wide and that the tabletop is 28 to 34 inches high.

We identified accessibility problems with the voting areas at 15 polling places.

As shown in Table 18, we identified accessibility problems with the voting areas at 15 polling places in 11 municipalities. On their surveys, the 11 municipalities had indicated that all of the polling places complied with the regulations pertaining to the voting area.

Table 18

**Problems with Accessibility in the Voting Area
November 2006**

Municipality	Polling Place	Type of Problem
City of Appleton	Good Shepherd Lutheran Church	Voting table too low
City of Beloit	Central Christian Church	Insufficient space
City of Madison	Kennedy School	Insufficient space
City of Milwaukee	65 th Street School	Voting booth too narrow
	Milwaukee Public Schools North 76 th Street Building	Voting booth too narrow
	Milwaukee School of Languages	Voting booth too narrow
	Arlington Court	Voting booth too narrow
	Children’s Outing Association	Voting booth too narrow, voting table too low
City of Mineral Point	Fire Station	Insufficient space
City of Platteville	National Guard Armory	Insufficient space, voting table too low
Village of Arena	Village Hall	Insufficient space
Village of Barneveld	Immaculate Conception Catholic Church	Voting table too low
Village of Lone Rock	Fire Station	Insufficient space, voting table too high
Village of Plainfield	Municipal Building	Insufficient space
Village of Spring Green	Community Library	Voting table too high

We found concerns with a random sample of 100 accessibility surveys that we reviewed.

Review of Accessibility Surveys

During our review of a random sample of 100 Elections Board accessibility surveys completed by the cities, towns, and villages listed in Appendix 2, we found a number of instances in which the answers indicate that polling places were not accessible and that municipalities should have been required to rectify problems and submit new surveys. For example, the Milwaukee Election Commission indicated that doors at one polling place were too heavy to be opened by individuals with disabilities. The Town of Washburn indicated both that the parking lot and pathways at its polling place were gravel and unpaved and that the survey questions addressing these issues were not applicable.

Municipalities frequently indicated that survey questions were not applicable to their polling places, even when the questions could be answered affirmatively or negatively. For example:

- The Town of Wells had indicated that 34 of the 44 survey questions were not applicable to its polling place, including those related to accessible parking spaces and correct signage.
- The Milwaukee Election Commission had indicated that one polling place had accessible parking that was off-street, but it had also indicated that questions regarding whether parking was on level and paved ground, clearly marked, and located nearest the accessible entrance were not applicable.
- The Milwaukee Election Commission, the towns of Maplehurst and Wells, and the Village of Darien had indicated that four polling places did not have accessible parking that was off-street. However, they had indicated that the question regarding an accessible drop-off area, which is required if there is no off-street parking, was not applicable.

These problems could be prevented if the accessibility survey were modified by removing “not applicable” as a response for questions that require a definitive answer. Similarly, the intentions regarding some survey questions could be clarified. For example, neither federal regulations nor the Elections Board requires polling places to have accessible parking that is off-street.

Requiring municipalities to complete a new survey for each polling place would provide additional assurances that individuals with disabilities are able to vote without undue hardship. The Elections Board and, after it has been replaced, the Government Accountability Board should carefully review the surveys to ensure the information provided is logical and does not raise concerns. Finally, although the Elections Board does not have sufficient staff to inspect each of the approximately 2,750 polling places, a sample could be visited each year, and municipalities could be provided with guidance for improving accessibility concerns.

Recommendation

We recommend the Elections Board and, after it is replaced, the Government Accountability Board:

- *modify the accessibility survey so that municipalities must wherever possible indicate affirmatively or negatively whether a polling place complies with accessibility requirements;*
- *require municipalities to complete the modified accessibility survey for each polling place that will be used in November 2008; and*
- *take steps to verify the accuracy of the completed accessibility surveys, such as annually visiting a sample of polling places.*

■ ■ ■ ■

Elector Concerns and Complaints Filed ■

Election-related problems can be reported informally to clerks or filed officially with the Elections Board.

Individuals can report election-related problems in one of two ways. First, they may informally notify municipal or county clerks about their concerns. Because they handle most concerns, we surveyed all clerks statewide on the number and nature of complaints they received related to the November 2006 general election. Although widespread problems were not reported, some clerks reported some allegations of voter fraud and individuals denied the right to vote. Second, individuals may file official complaints with the Elections Board. We reviewed the disposition of the official complaints filed from January 2004 through December 2006 to determine whether the Elections Board handled them in a timely manner.

Elector Concerns

Because 2003 Wisconsin Act 265 directed us to evaluate how electors' complaints of alleged violations of election laws were treated, we surveyed the clerks in all of Wisconsin's 1,851 municipalities and 72 counties and asked them to report to us any concerns about the November 2006 general election, as well as how they addressed those concerns. The Milwaukee County District Attorney's office, which investigated election-related concerns, also provided us with information. Information was provided on a total of 427 municipalities—including 262 towns, 111 villages, and 54 cities that are listed in Appendix 3—which is 23.1 percent of all Wisconsin municipalities. However, respondents indicated that there were no election-related problems at 78.5 percent of the 427 municipalities.

Clerks who responded to our survey reported 191 election-related concerns in 92 municipalities.

Survey respondents reported a total of 191 election-related concerns in 92 municipalities. As shown in Table 19, we grouped the 191 concerns in two broad categories: those pertaining to specific provisions of state and federal election laws that clerks cannot change and are required to enforce, and those pertaining to decisions and actions taken by clerks and poll workers.

Table 19

Concerns Reported about the November 2006 General Election¹

Type of Concern	Total	Percentage of Total
Election Laws		
Registration Requirements	31	16.1%
New Voting Machines	11	5.8
Proof of Residence Requirements	7	3.7
Other Election Laws ²	16	8.4
Subtotal	65	34.0
Election Administration		
Operation of Voting Equipment	22	11.5
Behavior of Poll Workers	17	8.9
Location of Polling Places	13	6.8
Waiting Time to Vote	10	5.2
Alleged Voter Fraud	8	4.2
Behavior of Election Observers and the News Media	8	4.2
Alleged Misapplication of Voting Requirements	8	4.2
Ballot Control Procedures	7	3.7
Campaign Materials at Polling Place	7	3.7
Wrong Ballot Provided to Voter	5	2.6
Insufficient Ballots	4	2.1
Other ³	17	8.9
Subtotal	126	66.0
Total	191	100.0%

¹ As reported by municipal and county clerks and the Milwaukee County District Attorney’s office.

² Includes concerns about absentee ballot requirements, hours polling places are required to be open, and wording of referendum questions.

³ Includes concerns about polling place accessibility, special registration deputies, order of names appearing on voter registration lists, incorrect polling place information mailed to voters, and procedures for obtaining an absentee ballot.

The 65 concerns about election laws related to:

- registration requirements that for the first time required voters in all municipalities statewide to register. For example, some individuals expressed concerns about being required to register in November 2006 even though they had voted in the same municipality for many years.
- new voting machines required by HAVA. For example, some individuals questioned the necessity of spending taxpayer funds to purchase these machines, while others believed that the machines were not being used.
- proof of residence requirements. For example, some individuals preferred that all voters be required to provide identification before voting, which is currently prohibited by law.

The 126 concerns about election administration included 20 that we were specifically directed to review under 2003 Wisconsin Act 265:

- 8 allegations of voter fraud, such as individuals who provided poll workers with an incorrect home address or who used a former home address to vote;
- 8 allegations that voting requirements had been misapplied, such as because poll workers had requested inappropriate identification; and
- 4 instances of insufficient ballots at polling places.

Municipal clerks forwarded ten concerns to district attorneys' offices for investigation.

Municipal clerks reported that they forwarded 10 of the 20 concerns to district attorneys' offices for investigation. The Milwaukee County District Attorney's office filed felony charges of voting more than once against one individual who was convicted in August 2007 of providing poll workers with false information when registering and of voting in two municipalities. In addition, 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 the City of Milwaukee, Village of Mount Pleasant, and towns of Abrams and Stiles. Each of the 20 concerns is summarized in Appendix 4.

In most instances, county and municipal clerks reported that they had intervened promptly after being notified about concerns reported on our surveys, including those related to the operation of voting equipment, the behavior of poll workers, and the location of polling places, and that they planned to prevent problems from reoccurring by providing training or taking other appropriate action. For example, voters in eight municipalities noted that poll workers had made inappropriate comments, such as about referenda questions; voters in six municipalities reported concerns with ballot control procedures, such as poll workers leaving ballots unattended or providing a voter with a ballot that had already been marked; and voters in seven municipalities reported concerns about the time they waited to vote.

We also interviewed 16 municipal clerks and asked whether they were aware of any concerns. Most did not note any that they had not already reported on our survey. However, the clerk of the Village of Menomonee Falls was informed on Election Day that poll workers had required an individual to present an operator's license to corroborate the registration form, even though doing so is not required if another form of acceptable identification is presented. The village clerk explained identification requirements to poll workers, who stopped requesting operator's licenses.

Complaints Filed with the Elections Board

Under s. 5.06, Wis. Stats., an elector who believes a local election official acted contrary to the law in administering elections may file a complaint with the Elections Board. Under s. 5.061, Wis. Stats., an individual who believes a violation of HAVA has occurred with respect to the administration of a national election may file a complaint with the Elections Board.

From 2004 through 2006, 64 complaints were filed with the Elections Board.

As shown in Table 20, 64 complaints were filed with the Elections Board from January 2004 through December 2006. Most related to allegations that candidates had filed nomination papers improperly or that campaign finance laws were violated, which are issues outside the scope of this evaluation. However, 12 complaints related to electors alleged to have been treated improperly. These complaints and their outcomes are summarized in Appendix 5.

Table 20

Complaints Filed with the Elections Board
January 2004 through December 2006

Allegation	Number	Percentage of Total
Electors Treated Improperly		
Local Election Officials Acted Inappropriately	9	14.0%
HAVA Interpreted Inappropriately	1	1.6
State and Federal Laws Deny the Right to Vote	1	1.6
Voter Fraud	1	1.6
Subtotal	12	18.8
Other Complaints		
Nomination Paper Problems	15	23.4
Campaign Finance—Inappropriate Actions by Candidate	11	17.2
Campaign Finance—Inappropriate Actions by Third Party	8	12.5
Inappropriate Candidate Behavior	6	9.4
Recall and Recount Problems	4	6.2
Referendum Concerns	2	3.1
Other ¹	6	9.4
Subtotal	52	81.2
Total	64	100.0%

¹ Includes complaints such as that of an individual who was concerned that the party affiliation of a candidate for office was not properly worded on ballots.

Section 5.061(3), Wis. Stats., requires the Elections Board to decide HAVA-related complaints within 89 days. However, we found that the Elections Board took 136 days to decide the one HAVA-related complaint it received during the three-year period we reviewed. The complainant alleged that it was a violation of HAVA for the Elections Board to allow individuals the option of providing either the last four digits of their Social Security number or their operator's license number when completing the registration form. The Elections Board subsequently reversed its decision and now requires individuals with a valid operator's license to provide the license number.

Statutes and administrative rules do not specify the number of days in which complaints filed under s. 5.06, Wis. Stats., must be resolved, and the Elections Board does not have formal policies that

stipulate such a deadline. As of May 2007, 8 of the 11 complaints we reviewed had been resolved, including:

- 4 complaints relating to issues over which the Elections Board does not have jurisdiction, of which 3 were disposed of within six days, while the fourth was disposed of within two months; and
- 4 complaints involving issues under the Elections Board's jurisdiction, of which 1 was decided within one day, 1 within two months, 1 in approximately eight months, and 1 in approximately nine months.

As of May 2007, three complaints had each been unresolved by the Elections Board for more than two years.

As of May 2007, three complaints had each been unresolved by the Elections Board for more than two years:

- In October 2004, an individual alleged that he had not received his primary and general election absentee ballots from the City of Milwaukee in a timely manner. The Milwaukee Election Commission subsequently acknowledged the oversight and indicated it had occurred, in part, because of a large number of requests for absentee ballots. The Elections Board was unable to order the official responsible for the oversight to modify how she administers elections because she is no longer employed by the Milwaukee Election Commission, and it believes the statewide voter registration system will prevent such problems from reoccurring. However, it has not issued a final opinion regarding the complaint.
- In October 2004, an individual alleged that 5,600 individuals were registered to vote at improper addresses and, as a result, challenged the Milwaukee Election Commission's decision to allow them to remain on the poll books for the November 2004 general election. Although the Milwaukee Election Commission agreed to take steps on Election Day to prevent fraud, the Elections Board indicated that the complaint had not been dismissed and that it would review the addresses. However, it has not taken any additional action.

- In March 2005, an individual alleged that several municipalities had administered elections improperly, including by their use of canvassing procedures. The Elections Board has not yet taken any action to resolve this complaint.

To facilitate fair elections, the Elections Board prioritizes the investigation of complaints involving campaign finance and nomination paper issues. As a result, it may not always be able to quickly resolve other types of complaints, particularly those that involve complex or contentious issues. In addition, it may take steps to prevent similar problems from reoccurring, although it may not be possible to resolve the initial complaint. However, if a complaint cannot be resolved within a reasonable amount of time, such as within six months, the complainant should be informed of this as soon as possible.

Recommendation

We recommend the Elections Board and, after it is replaced, the Government Accountability Board establish formal written policies for resolving complaints in a timely manner or acknowledging to the complainant that it is unable to resolve the complaint.

■ ■ ■ ■

Future Considerations ■

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

Additional efforts are needed to ensure that local election officials—county and municipal clerks, the chief inspectors who are in charge of individual polling places on Election Day, and others such as special registration deputies and poll workers—receive statutorily required training in administering elections effectively and appropriately. Although the Elections Board does provide training to 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 report 05-12. As a result, we found some variation among clerks in how they interpreted instructions from the Elections Board regarding the November 2006 general election.

Training for County and Municipal Clerks

The Elections Board is statutorily responsible for training municipal clerks.

Section 5.05(7), Wis. Stats., requires the Elections Board to conduct regular information and training meetings for county and municipal clerks, while s. 7.10(9), Wis. Stats., requires county clerks to help the Elections Board provide this training. In report 05-12, we found that municipal clerks did not consistently complete several of their statutorily required duties. Therefore, we recommended that the Elections Board:

- develop a training curriculum for municipal clerks that explains their election-related roles and responsibilities, and ensure they have access to sufficient training opportunities;

- promulgate administrative rules that specify procedures for detecting and preventing common data entry errors in the statewide voter registration system, and revising and updating voter registration information; and
- promulgate administrative rules for sending address verification cards, validating cards returned as undeliverable, and forwarding cards to district attorneys.

In July 2006, the Elections Board's Executive Director indicated to the Joint Legislative Audit Committee that the Elections Board would promulgate the administrative rules we had recommended, but it has not yet done so. However, Elections Board officials believe that our recommendations have been addressed, in part, through existing training opportunities, such as training sessions provided at the annual Wisconsin Towns Association's conference. They also note that the Elections Board trains municipal clerks to train chief inspectors, and it trains local election officials, including municipal clerks, in voter registration procedures and in how to use the statewide voter registration system. In addition, they note that the Elections Board mailed address verification cards, although municipal clerks are responsible for handling returned cards, including deciding whether to designate individuals as ineligible to vote.

Subsequent to our 2005 report's publication, 2005 Wisconsin Act 451 specified additional training requirements. Each municipal clerk must attend a training program sponsored by the Elections Board for chief inspectors and other election officials at least once every two years, beginning with elections in 2008. Act 451 also requires the Elections Board to promulgate administrative rules for training municipal clerks, including a method for tracking which municipal clerks do not attend.

The Elections Board has developed training opportunities for municipal clerks.

The Elections Board had not yet promulgated the administrative rules as of August 2007 but indicated that it is working to do so. In addition, it has trained municipal clerks in election procedures since August 2007, although officials were unable to provide information indicating the number of clerks who have completed the training.

We questioned 16 municipal clerks about the usefulness of training they received from the Elections Board on using the statewide voter registration system. Three of the 16 municipal clerks rely on their county clerks to manage the statewide voter registration system and, therefore, did not attend the training; 7 indicated they were adequately trained, and 6 indicated they were not.

We attempted to determine the extent to which municipal clerks attended various training sessions offered in recent years, but complete information was not readily available. However, the Elections Board maintains information on those who registered to attend training on the statewide voter registration system. It conducted 206 training sessions between October 2005 and February 2007, and 1,115 individuals, including at least 450 municipal and county clerks, registered to attend at least one session.

Training for Chief Inspectors

2001 Wisconsin Act 16, the 2001-03 Biennial Budget Act, required the Elections Board to certify qualified individuals to serve as chief inspectors at polling places, beginning with the September 2002 primary, and to promulgate rules for certifying chief inspectors. Subsequently, 2005 Wisconsin Act 451 specified that chief inspectors must attend at least one training session before beginning service and then at least one session every two years, beginning with elections in 2008.

The Elections Board submitted the required administrative rules to the Joint Legislative Rules Clearinghouse in September 2005 and to the appropriate legislative committees in January and February 2006. The legislative committees took no action on the proposed rules within 30 days, indicating that they were acceptable. However, the Elections Board waited until July 2007 to promulgate the rules. Before that time, it had requested municipal clerks, who are responsible for maintaining the relevant training records, and chief inspectors to operate as if the rules were in effect. The rules require each chief inspector to be certified by completing an initial training course and to attend at least six hours of training during his or her term of office. All training must be approved by the Elections Board.

The Elections Board has developed comprehensive training materials for chief inspectors.

The Elections Board has developed comprehensive training materials for the initial training sessions for chief inspectors, including an Election Day manual, a guide for completing forms used on Election Day, and a manual for registering voters on Election Day. Training is provided by the Elections Board and the Wisconsin Municipal Clerks Association, as well as by 34 municipal and county clerks who have been certified to provide it. In addition, the Elections Board reviews and tracks coursework reported by municipal clerks, who are responsible for ensuring their chief inspectors are certified and comply with ongoing training requirements.

Training for Other Local Election Officials

1987 Wisconsin Act 391 required the Elections Board to develop administrative rules for appointing, training, and revoking the appointments of special registration deputies. In 2005, we reported that it had not done so and discussed several concerns related to the submission of inaccurate or duplicate registration forms by special registration deputies and the submission of registration forms to the wrong municipalities. Because these problems may have been avoided if the special registration deputies had received better instruction, we recommended the Elections Board promulgate administrative rules that specify procedures for appointing and revoking the appointments of special registration deputies and that establish training requirements and procedures to verify all special registration deputies have been properly instructed.

In March 2006, the Elections Board's Executive Director indicated to the Joint Legislative Audit Committee that emergency rules for special registration deputy training would be in effect for the November 2006 general election and that the Elections Board was working to promulgate administrative rules. However, the emergency rules were not put into effect, and the Elections Board had not promulgated the rules as of August 2007.

2005 Wisconsin Act 451 prescribes that several types of election officials attend one session at least once every two years. These officials include special registration deputies; poll workers other than chief inspectors; and special voting deputies, who assist voters in nursing homes and other locations. Act 451 requires municipal clerks to provide this training, beginning with elections in 2008, and the Elections Board to promulgate administrative rules for the contents of the training. As of August 2007, these rules had not been promulgated.

However, we found that 11 of the 16 municipal clerks we contacted had offered formal training opportunities to their chief inspectors before the November 2006 general election on topics such as recent changes in election laws and operating accessible voting equipment. In addition, at least 4 of the 11 municipal clerks provided training to all poll workers.

Clarifying Responsibilities

In our 2005 evaluation, we recommended the Elections Board promulgate administrative rules to clarify the responsibilities of local election officials in registering voters. Subsequently, the Elections Board's Executive Director informed the Joint Legislative Audit Committee that local election officials are required to enter into a memorandum of understanding that delineates responsibilities of local election officials and the Elections Board regarding the use of the statewide voter registration system, including entering registration information. In addition, the Executive Director indicated that administrative rules would be promulgated regarding the registration of voters. This had not been done as of August 2007.

Information the Elections Board provided to local election officials in 2006 was confusing.

While memoranda and similar forms of information can be useful, they do not contain the force of law and may be confusing to local election officials. As noted, before the November 2006 general election the Elections Board provided municipal clerks with paper lists of individuals who had committed felonies, along with written instructions on how to identify individuals ineligible to vote because of ongoing felony sentences. However, the 16 municipal clerks we contacted used this information in different ways. For example:

- the City of Madison's clerk designated individuals whose names appeared on the list as ineligible to vote and provided poll workers with the lists to use when registering voters;
- the Milwaukee Election Commission did not designate individuals whose names appeared on the list as ineligible to vote but provided poll workers with the lists; and
- the Town of Eagle Point's clerk did not designate individuals whose names appeared on the list as ineligible to vote or provide poll workers with the lists.

Similarly, before the November 2006 general election, the Elections Board twice provided clerks with instructions for handling undeliverable address verification cards, but the 16 municipal clerks we contacted handled this information in different ways. For example:

- the City of Green Bay's clerk did not designate individuals for whom he received undeliverable cards as ineligible to vote;

- the City of Janesville’s clerk contacted a local utility provider to determine whether individuals were still receiving service at the addresses listed on the cards before designating them as ineligible to vote; and
- the City of Stevens Point’s clerk designated all individuals for whom he received undeliverable cards as ineligible to vote.

Local election officials need clear guidance for administering elections. Administrative rules are an effective way to provide a consistent message statewide and ensure that the statutorily required training provides useful information.

☑ Recommendation

We recommend either the Elections Board or the Government Accountability Board report to the Joint Legislative Audit Committee by March 31, 2008, on progress in promulgating administrative rules that are required by statutes and that we recommended in our 2005 evaluation, including rules that:

- *describe training requirements for municipal clerks, special registration deputies, and other local election officials; and*
- *clarify the responsibilities of local election officials in registering voters.*

■ ■ ■ ■

Appendix 1

Municipalities Visited on November 7, 2006

Municipality	Polling Places Visited
Cities	
Appleton	1
Beloit	2
Dodgeville	1
Eau Claire	3
Edgerton	1
Green Bay	2
Janesville	2
Madison	2
Milwaukee	9
Mineral Point	1
Oshkosh	1
Platteville	1
Richland Center	1
Waukesha	2
Wausau	2
Villages	
Arena	1
Barneveld	1
Lone Rock	1
Plainfield	1
Spring Green	1
Total	36

Appendix 2

Locations of Polling Places for Which We Reviewed Accessibility Surveys

Municipality	County	Number of Surveys
Cities		
Arcadia	Trempealeau	1
Brookfield	Waukesha	1
Colby	Marathon	1
Cudahy	Milwaukee	1
De Pere	Brown	1
Eau Claire	Eau Claire	1
Fond du Lac	Fond du Lac	1
Fountain City	Buffalo	1
Green Bay	Brown	2
Jefferson	Jefferson	1
Juneau	Dodge	1
La Crosse	La Crosse	1
Madison	Dane	2
Mellen	Ashland	1
Mequon	Ozaukee	1
Milwaukee	Milwaukee	15
Oak Creek	Milwaukee	1
Oshkosh	Winnebago	1
Pewaukee	Waukesha	2
Superior	Douglas	1
Washburn	Bayfield	1
Wisconsin Rapids	Wood	1
Subtotal		39
Towns		
Apple River	Polk	1
Aurora	Florence	1
Bangor	La Crosse	1
Berry	Dane	1
Blue Mounds	Dane	1
Brookfield	Waukesha	1
Cassel	Marathon	1
Cleveland	Taylor	1
Commonwealth	Florence	1

Municipality	County	Number of Surveys
Towns (continued)		
Cooks Valley	Chippewa	1
Cranmoor	Wood	1
Delmar	Chippewa	1
Easton	Adams	1
Egg Harbor	Door	1
Gordon	Douglas	1
Green Lake	Green Lake	1
Hammond	St. Croix	1
Hampden	Columbia	1
Hartland	Pierce	1
Holland	Brown	1
Hull	Marathon	1
Knight	Iron	1
Lake Holcombe	Chippewa	1
Langlade	Langlade	1
Maple	Douglas	1
Maplehurst	Taylor	1
Millston	Jackson	1
Navarino	Shawano	1
Oconomowoc	Waukesha	1
Prairie Lake	Barron	1
Ridgeway	Iowa	1
Sanborn	Ashland	1
Sand Lake	Sawyer	1
Scott	Columbia	1
Seneca	Wood	1
Spencer	Marathon	1
Stockholm	Pepin	1
Tomahawk	Lincoln	1
Washburn	Clark	1
Washington	Green	1
Washington	Shawano	1
Wells	Monroe	1
Williamstown	Dodge	1
Wilton	Monroe	1
Worcester	Price	1
Subtotal		45

Municipality	County	Number of Surveys
Villages		
Almena	Barron	1
Blanchardville	Lafayette	1
Darien	Walworth	1
Fontana	Walworth	1
Forestville	Door	1
Germantown	Washington	1
Knapp	Dunn	1
Lena	Oconto	1
Livingston	Iowa	1
Marshall	Dane	1
Merrimac	Sauk	1
Mount Horeb	Dane	1
North Prairie	Waukesha	1
Shiocton	Outagamie	1
Steuben	Crawford	1
Twin Lakes	Kenosha	1
Subtotal		16
Total		100

Appendix 3

**Respondents to Our Survey
Related to the November 2006 General Election**

County	Municipality	Reported No Concerns	Reported Concerns
Adams	City of Adams	■	
	City of Wisconsin Dells ¹	■	
	Town of Colburn	■	
	Village of Friendship	■	
Ashland	Town of La Pointe	■	
	Village of Butternut	■	
Barron	City of Chetek	■	
	Town of Cedar Lake	■	
	Town of Clinton	■	
	Town of Cumberland	■	
	Town of Doyle	■	
	Town of Lakeland		■
	Town of Sumner	■	
	Town of Vance Creek	■	
	Village of Almena	■	
	Village of Dallas	■	
	Village of Haugen	■	
	Bayfield	Town of Barksdale	■
Town of Bayfield			■
Town of Keystone		■	
Town of Tripp		■	
Brown	Town of Glenmore	■	
	Town of Ledgeview		■
	Village of Ashwaubenon		■
	Village of Wrightstown ¹	■	
Buffalo	City of Fountain City	■	
	Town of Canton	■	
	Town of Maxville	■	
	Town of Waumandee	■	

County	Municipality	Reported No Concerns	Reported Concerns
Burnett	Town of Anderson	■	
	Town of Daniels	■	
	Town of Dewey	■	
	Town of Jackson	■	
	Town of Lincoln	■	
	Town of Rusk	■	
	Town of Sand Lake	■	
	Town of Scott	■	
	Town of Trade Lake	■	
	Town of West Marshland	■	
	Village of Grantsburg	■	
	Village of Siren	■	
	Village of Webster	■	
Calumet	City of Appleton ¹	■	
Chippewa	City of Bloomer	■	
	City of Chippewa Falls	■	
	City of Cornell	■	
	City of Eau Claire ¹		■
	Town of Eagle Point		■
	Town of Goetz	■	
	Town of Lafayette	■	
	Town of Sampson	■	
	Town of Wheaton	■	
Clark	City of Neillsville	■	
	Town of Colby		■
	Town of Grant	■	
	Town of Hendren		■
	Town of Pine Valley	■	
	Town of Reseburg	■	
Columbia	City of Wisconsin Dells ¹	■	
	Town of Arlington	■	
	Town of Caledonia	■	
	Town of Fort Winnebago	■	
	Town of Otsego	■	

County	Municipality	Reported No Concerns	Reported Concerns
Columbia <i>(continued)</i>	Town of Pacific	■	
	Town of Wyocena	■	
	Village of Arlington	■	
	Village of Doylestown	■	
Crawford	Village of Bell Center	■	
	Village of Lynxville	■	
Dane	City of Fitchburg		■
	City of Madison		■
	City of Verona		■
	Town of Blooming Grove	■	
	Town of Burke		■
	Town of Christiana	■	
	Town of Dane		■
	Town of Deerfield	■	
	Town of Middleton		■
	Town of Perry	■	
	Town of Pleasant Springs	■	
	Town of Springdale		■
	Town of Sun Prairie	■	
	Town of Verona	■	
	Town of Westport	■	
	Town of York	■	
	Village of Belleville ¹		■
	Village of Dane	■	
	Village of Maple Bluff		■
	Village of Oregon		■
Village of Shorewood Hills		■	
Dodge	City of Beaver Dam	■	
	City of Horicon	■	
	City of Juneau	■	
	City of Watertown ¹	■	
	Town of Beaver Dam		■
	Town of Clyman	■	
	Town of Theresa		■
	Village of Iron Ridge	■	

County	Municipality	Reported No Concerns	Reported Concerns
Door	City of Sturgeon Bay	■	
	Town of Clay Banks	■	
	Town of Gardner	■	
	Town of Nasewaupée	■	
	Town of Washington	■	
	Village of Ephraim		■
	Village of Forestville	■	
Douglas	City of Superior		■
	Town of Wascott	■	
Dunn	Town of New Haven		■
	Town of Otter Creek		■
	Town of Red Cedar		■
	Town of Sand Creek		■
	Town of Sherman	■	
	Town of Spring Brook	■	
	Town of Stanton	■	
	Town of Tiffany	■	
Eau Claire	City of Eau Claire ¹		■
	Town of Lincoln	■	
Florence	Town of Commonwealth	■	
	Town of Long Lake	■	
Fond du Lac	City of Fond du Lac		■
	Town of Alto	■	
	Town of Ashford	■	
	Town of Auburn	■	
	Town of Byron	■	
	Town of Eldorado	■	
	Town of Empire	■	
	Town of Marshfield	■	
	Town of Metomen	■	
	Town of Osceola	■	
	Town of Rosendale	■	
	Town of Springvale	■	
	Town of Waupun	■	
	Village of Brandon	■	
Village of Campbellsport	■		

County	Municipality	Reported No Concerns	Reported Concerns
Fond du Lac (continued)	Village of Fairwater	■	
	Village of Mount Calvary	■	
	Village of North Fond du Lac	■	
	Village of Oakfield	■	
	Village of St. Cloud	■	
Forest	Town of Blackwell	■	
	Town of Ross	■	
Grant	Town of Hickory Grove	■	
	Town of Waterloo	■	
	Village of Bagley	■	
	Village of Cassville	■	
	Village of Hazel Green ¹	■	
	Village of Livingston ¹	■	
	Village of Montfort ¹	■	
	Village of Patch Grove	■	
Green	City of Monroe	■	
	Town of York	■	
	Village of Belleville ¹		■
Green Lake	City of Berlin ¹		■
	City of Green Lake	■	
	Town of Brooklyn		■
	Town of St. Marie	■	
	Village of Kingston	■	
	Village of Marquette	■	
Iowa	City of Mineral Point	■	
	Town of Eden	■	
	Town of Pulaski	■	
	Town of Wyoming	■	
	Village of Livingston ¹	■	
	Village of Montfort ¹	■	
Iron	City of Hurley	■	
	Town of Gurney	■	
	Town of Mercer	■	

County	Municipality	Reported No Concerns	Reported Concerns
Jackson	City of Black River Falls	■	
	Town of Knapp	■	
	Town of Melrose		■
	Village of Alma Center	■	
	Village of Melrose		■
	Village of Merrilan	■	
Jefferson	City of Lake Mills	■	
	City of Watertown ¹	■	
	Town of Palmyra	■	
Juneau	Town of Lindina	■	
	Town of Lisbon	■	
	Village of Necedah	■	
	Village of Wonewoc	■	
Kenosha	Town of Bristol	■	
	Town of Wheatland	■	
	Village of Pleasant Prairie		■
	Village of Twin Lakes	■	
Kewaunee	Town of Franklin	■	
La Crosse	Town of Greenfield		■
	Town of Washington	■	
Lafayette	Town of Lamont	■	
	Town of Wiota	■	
	Village of Hazel Green ¹	■	
Langlade	Town of Antigo		■
	Town of Elcho	■	
	Town of Langlade	■	
	Village of White Lake	■	

County	Municipality	Reported No Concerns	Reported Concerns
Manitowoc	City of Manitowoc		■
	Town of Cooperstown	■	
	Town of Gibson	■	
	Town of Manitowoc	■	
	Town of Mishicot		■
	Town of Schleswig	■	
	Town of Two Creeks	■	
	Village of Francis Creek	■	
	Village of Kellnersville		■
	Village of Mishicot	■	
	Village of Valders	■	
Marathon	Town of Bevent	■	
	Town of Emmet	■	
	Town of Harrison	■	
	Village of Rothschild	■	
	Village of Spencer	■	
	Village of Weston		■
Marinette	City of Marinette	■	
	City of Peshtigo		■
	Town of Athelstane	■	
	Town of Dunbar		■
	Village of Pound	■	
Marquette	Town of Moundville	■	
	Town of Westfield	■	
Milwaukee	City of Glendale		■
	City of Greenfield		■
	City of Milwaukee ¹		■
	City of Oak Creek		■
	City of Wauwatosa		■
	City of West Allis		■
	Village of Bayside ¹	■	
	Village of Hales Corners	■	
Monroe	Town of Lincoln		■
	Town of Oakdale		■
	Village of Kendall	■	

County	Municipality	Reported No Concerns	Reported Concerns
Oconto	City of Oconto	■	
	City of Oconto Falls	■	
	Town of Abrams		■
	Town of Little Suamico		■
	Town of Maple Valley	■	
	Town of Morgan		■
	Town of Mountain	■	
	Town of Oconto	■	
	Town of Riverview	■	
	Town of Stiles		■
	Town of Townsend		■
Oneida	Town of Cassian		■
	Town of Enterprise	■	
	Town of Nokomis	■	
	Town of Piehl	■	
	Town of Pine Lake	■	
	Town of Woodruff	■	
Outagamie	City of Appleton ¹	■	
	City of Seymour	■	
	Town of Black Creek	■	
	Town of Bovina	■	
	Town of Center	■	
	Town of Dale	■	
	Town of Ellington		■
	Town of Liberty	■	
	Town of Maine		■
	Town of Oneida		■
	Village of Kimberly	■	
	Village of Nichols	■	
	Village of Shiocton	■	
	Village of Wrightstown ¹	■	
Ozaukee	City of Cedarburg	■	
	City of Mequon		■
	Town of Cedarburg	■	
	Village of Bayside ¹	■	
	Village of Fredonia		■
	Village of Newburg ¹	■	

County	Municipality	Reported No Concerns	Reported Concerns
Pepin	Town of Frankfort	■	
	Town of Lima	■	
	Village of Pepin	■	
	Village of Stockholm	■	
Pierce	City of River Falls ¹	■	
	Town of Gilman	■	
	Town of Isabelle	■	
	Town of Trimble	■	
	Village of Elmwood	■	
	Village of Plum City	■	
Polk	City of St. Croix Falls		■
	Town of Beaver	■	
	Town of Georgetown		■
	Town of Sterling	■	
	Village of Dresser	■	
Portage	Town of Lanark	■	
	Town of Pine Grove		■
	Town of Stockton	■	
	Village of Amherst Junction	■	
	Village of Milladore ¹	■	
	Village of Park Ridge	■	
	Village of Rosholt	■	
	Village of Whiting	■	
Price	Town of Catawba	■	
	Town of Georgetown	■	
	Town of Hackett	■	
	Town of Harmony	■	
	Town of Kennan	■	
	Town of Knox	■	
	Town of Worcester	■	
	Village of Catawba	■	
Racine	Town of Raymond	■	
	Town of Rochester	■	
	Village of Mount Pleasant		■
	Village of Rochester	■	
	Village of Wind Point	■	

County	Municipality	Reported No Concerns	Reported Concerns
Richland	Town of Dayton	■	
	Town of Henrietta	■	
Rock	City of Janesville		■
	Town of Beloit	■	
	Town of Clinton	■	
	Town of Fulton		■
	Town of Harmony	■	
	Town of La Prairie	■	
	Town of Magnolia	■	
	Town of Milton	■	
	Town of Rock		■
	Town of Spring Valley		■
	Town of Turtle	■	
	Village of Clinton	■	
	Village of Footville	■	
	Village of Orfordville		■
Rusk	City of Ladysmith		■
	Town of Lawrence	■	
	Town of Richland	■	
	Town of Stubbs	■	
	Town of Willard	■	
	Town of Wilson	■	
	Village of Hawkins	■	
	Village of Ingram	■	
	Village of Weyerhaeuser	■	
Sauk	City of Wisconsin Dells ¹	■	
	Town of Delton	■	
	Town of Excelsior		■
	Town of Franklin	■	
	Town of Greenfield	■	
	Village of Plain	■	
	Village of West Baraboo	■	
Sawyer	Village of Exeland	■	

County	Municipality	Reported No Concerns	Reported Concerns
Shawano	Town of Aniwa	■	
	Town of Grant		■
	Town of Lessor	■	
	Town of Pella	■	
	Village of Bonduel	■	
	Village of Cecil		■
Sheboygan	Town of Greenbush	■	
	Town of Holland		■
	Town of Mosel	■	
	Town of Scott		■
	Village of Cascade	■	
	Village of Howards Grove	■	
	Village of Kohler	■	
St. Croix	City of Hudson		■
	City of River Falls ¹	■	
	Town of Cylon	■	
	Town of Erin Prairie	■	
	Town of Pleasant Valley	■	
	Town of Springfield	■	
	Village of North Hudson		■
Taylor	City of Medford	■	
	Town of Goodrich	■	
	Town of Holway	■	
	Town of Molitor	■	
	Village of Gilman	■	
Trempealeau	City of Arcadia	■	
	City of Osseo	■	
	Town of Arcadia	■	
	Town of Chimney Rock	■	
	Town of Gale	■	
	Town of Hale	■	
	Town of Trempealeau	■	
	Village of Eleva		■
	Village of Ettrick	■	
	Village of Pigeon Falls		■
	Village of Trempealeau		■

County	Municipality	Reported No Concerns	Reported Concerns
Vernon	City of Viroqua	■	
	Town of Christiana	■	
	Town of Clinton	■	
	Town of Coon	■	
	Town of Stark	■	
	Town of Union		■
	Town of Wheatland		■
	Town of Whitestown	■	
	Village of La Farge	■	
Vilas	Town of Boulder Junction	■	
	Town of Land O'Lakes	■	
Walworth	Town of Delavan	■	
	Town of East Troy	■	
	Town of Geneva	■	
	Town of Lafayette	■	
	Town of Linn	■	
	Town of Lyons		■
	Town of Richmond	■	
	Town of Spring Prairie	■	
	Town of Troy		■
	Town of Whitewater	■	
	Village of Darien	■	
	Village of Mukwonago ¹	■	
	Village of Sharon	■	
	Village of Walworth	■	
Washburn	City of Spooner	■	
	Town of Bass Lake	■	
	Town of Frog Creek	■	
	Town of Gull Lake	■	
	Town of Minong	■	
	Town of Trego	■	
Washington	City of West Bend	■	
	Town of Erin		■
	Town of Hartford	■	
	Town of Polk	■	
	Village of Germantown		■
	Village of Newburg ¹	■	
Village of Slinger		■	

County	Municipality	Reported No Concerns	Reported Concerns
Waukesha	City of Milwaukee ¹		■
	City of Muskego	■	
	Town of Genesee	■	
	Town of Ottawa	■	
	Town of Summit		■
	Village of Big Bend	■	
	Village of Dousman	■	
	Village of Lannon	■	
	Village of Menomonee Falls	■	
	Village of Merton	■	
	Village of Mukwonago ¹	■	
Waupaca	Town of Bear Creek	■	
	Town of Dupont	■	
	Town of Fremont	■	
	Town of Lebanon	■	
	Town of Lind	■	
	Town of Weyauwega	■	
	Village of Big Falls	■	
	Village of Scandinavia	■	
Waushara	City of Berlin ¹		■
	Town of Poy Sippi	■	
	Town of Springwater	■	
Winnebago	City of Appleton ¹	■	
	City of Omro	■	
	Town of Omro		■
	Town of Poygan	■	
	Town of Wolf River	■	
Wood	Town of Cary	■	
	Town of Grand Rapids	■	
	Town of Remington		■
	Town of Saratoga	■	
	Town of Seneca		■
	Town of Sherry	■	
	Village of Biron		■
	Village of Milladore ¹	■	
Village of Vesper	■		

¹ Located in multiple counties.

Appendix 4

**Additional Information Related to Selected Concerns Reported
in Our Survey of the November 2006 General Election**

Allegations of Voter Fraud

Municipality	Description	Number of Allegations
City of Hudson	A voter was concerned that an individual provided poll workers with an incorrect home address when voting. The district attorney's office found that no crime had been committed and, therefore, declined to file charges.	1
City of West Allis	When entering information into the statewide voter registration system after the November 2006 election, the city clerk noticed that an individual had voted in two municipalities. In December 2006, the district attorney charged the individual with registering fraudulently and voting multiple times. The individual was convicted in August 2007.	1
City of West Allis	An individual allegedly voted improperly using a former home address in West Allis. The district attorney's office investigated and determined that although the individual did not vote improperly in November 2006, she would be ineligible to vote at that address in future elections.	1
City of West Allis	Two individuals allegedly discussed that they had been paid \$50 to vote in West Allis. The district attorney's office investigated and was unable to determine the individuals' names and, therefore, declined to file charges.	2
City of Milwaukee	Two women were alleged to have intentionally provided incorrect names to poll workers in order to obtain ballots and illustrate the need for voter identification. The district attorney's office determined that the women had not actually received ballots under the incorrect names and, therefore, declined to file charges.	2
City of Milwaukee	When attempting to vote, an individual found that a ballot had already been cast in his name. The district attorney's office determined that the individual's son, who has a similar name, had voted earlier in the day and his vote was erroneously attributed to the individual. No charges were filed.	1
Total		8

Allegations of Misapplication of Voting Requirements

Municipality	Description	Number of Allegations
City of Fond du Lac	A poll worker allegedly failed to verify an individual's proof-of-residence information. The city clerk subsequently discussed the incident with the polling place's chief election inspector and plans to discuss proper registration procedures in training sessions to prevent future problems.	1
City of West Allis	Poll workers allegedly refused to accept an individual's newly issued operator's license as appropriate proof-of-residence and, as a result, directed him to vote at his former polling place in the City of West Allis. The city clerk contacted the Milwaukee Election Commission to resolve the situation, but it is unclear if the individual was able to vote.	1

Municipality	Description	Number of Allegations
Village of Mount Pleasant	A first-time voter arrived at a polling place with proper proof-of-residence information in order to register and vote. Poll workers erroneously stated she was at the wrong polling place and directed her to another polling place, which subsequently and correctly directed her back to the original polling place. The polls had closed by the time she returned, and she was unable to register or vote. The village clerk discussed the incident with the polling place's chief election inspector, who resigned after the election.	1
Town of Little Suamico	Poll workers asked registered voters to present an operator's license in order to vote. When the county and town clerks learned from voters on Election Day that this was occurring, they instructed the poll workers to stop requesting identification in this manner.	3
City of Milwaukee	While voting, an individual thought he witnessed the inappropriate distribution of a ballot to an unregistered voter. The district attorney's office investigated and found that the voter was a same-day registrant who voted appropriately.	1
City of Milwaukee	A poll worker reported that individuals were being registered to vote without appropriate proof-of-residence. The district attorney's office investigated and found that individuals were registered properly, but that an uncertified individual registered voters at the polling place. It reported this matter to the Milwaukee Election Commission.	1
Total		8

Allegations of Insufficient Ballots

Municipality	Description	Number of Allegations
Village of Mount Pleasant	One polling place ran out of ballots and registration forms and, as a result, approximately 50 electors waited 30 minutes to vote. The polling place's chief election inspector resigned after the election.	1
Town of Stiles	The township ran out of paper ballots and directed voters to use the accessible voting machine, which resulted in some voters waiting in line to vote, and some voters leaving because they did not want to wait.	1
City of Milwaukee	A police officer advised the Milwaukee Election Commission that some polling places were running out of ballots and experiencing long waiting times to vote.	1
Town of Abrams	The township ran out of paper ballots and, as a result, some voters waited up to 90 minutes to vote.	1
Total		4

Appendix 5

Complaints Filed with the Elections Board Related to the Improper Treatment of Electors

Case Number	Date Filed	Complainant	Respondent
2004-04	4/14/2004	Citizen	Town of Little Falls

A candidate for a position as county board supervisor alleged that election workers were suggesting the name of a write-in candidate to voters. The Elections Board informed the town clerk about the allegation but indicated that such an allegation should instead be filed with the district attorney. It dismissed this complaint on April 20, 2004, because it said the district attorney handles this type of allegation.

Case Number	Date Filed	Complainant	Respondent
2004-18	10/18/2004	Citizen	City of Milwaukee

An individual alleged that he did not receive his primary and general election absentee ballots in a timely manner. The Milwaukee Election Commission acknowledged the oversight and indicated it occurred because of the volume of requests for absentee ballots. Because the Milwaukee Election Commission no longer employs the official responsible, the Elections Board is unable to order that individual to change her administrative processes. The Elections Board had not resolved this complaint as of May 2007.

Case Number	Date Filed	Complainant	Respondent
2004-22	10/28/2004	Citizen	City of Milwaukee

An individual challenged the Milwaukee Election Commission's decision to allow 5,600 electors to remain on the poll books for the November 2004 election, alleging that they were registered to vote at improper addresses. While the Elections Board did not dismiss the complaint, it believes many of the registration list problems will be mitigated by the statewide voter registration system.

Case Number	Date Filed	Complainant	Respondent
2004-25	12/22/2004	Citizen	City of Greenfield

An individual alleged that she had registered to vote six weeks before the November 2004 general election. However, her registration was lost, and her name was not on the poll books on Election Day. She initially sent her complaint letter to the Attorney General's office, which forwarded it to the Elections Board. After investigating, the Elections Board could not determine why the registration error had occurred, which it acknowledged in a resolution letter to the complainant on February 28, 2005.

Case Number	Date Filed	Complainant	Respondent
2005-03	2/23/2005	Citizen	Employee of Wauwatosa School District

An individual alleged that the school district's community relations director abused her discretion by discouraging reform-minded candidates from running for the school board. The Elections Board dismissed this complaint on February 28, 2005, indicating that it was an employment-related issue that should be addressed with the respondent's employer, the Wauwatosa School District.

Case Number	Date Filed	Complainant	Respondent
2005-07	3/8/2005	Citizen	Various municipalities

An individual made allegations against various municipalities, including improper canvassing procedures and improper approval of electronic voting machines. As of May 2007, the Elections Board had not yet resolved this complaint because of the size and scope of the issues involved.

Case Number	Date Filed	Complainant	Respondent
2005-11	4/14/2005	Citizens	Clerk, Town of Fairchild

Several individuals alleged that the town clerk, who was running for re-election, served as an elections inspector and witnessed ballots as a special voting deputy. The Elections Board determined that the town clerk violated statutes by witnessing absentee ballots and acting as an elections inspector at the polling place on Election Day. The complaint was resolved on January 5, 2006, by the Elections Board, which ordered the clerk to refrain from such actions in the future.

Case Number	Date Filed	Complainant	Respondent
2005-15	7/8/2005	Citizen	Unspecified

An inmate at Waupun Correctional Institution challenged the constitutionality of denying incarcerated individuals the right to vote. The Elections Board dismissed this complaint on September 9, 2006, because the Wisconsin Constitution allows the enactment of laws to prohibit those convicted of felonies from voting.

Case Number	Date Filed	Complainant	Respondent
2006-05	4/7/2006	Citizen	Town of Rusk

A candidate for the town board alleged that the individual he had asked to observe the ballot count had not been allowed to witness it. Because the complaint was not sworn before a notary public, on April 7, 2006, the Elections Board asked the candidate to file the complaint properly before undertaking an investigation. Because the candidate did not file a formal complaint, the Elections Board did not undertake the investigation.

Case Number	Date Filed	Complainant	Respondent
2006-08	6/20/2006	Citizen	Elections Board

An individual alleged that the Elections Board's decision to allow individuals to use either the last four digits of their Social Security number or their operator's license number when registering to vote violated HAVA's provisions. The Elections Board subsequently reversed its decision on this matter and as a result, all individuals with a valid Wisconsin operator's license number must use that number when registering. On November 3, 2006, the Elections Board dismissed this complaint because it was mooted by the new requirement.

Case Number	Date Filed	Complainant	Respondent
2006-15	8/10/2006	All Children Matter	Candidate for State Senate

An interest group alleged that a candidate for State Senate voted twice in the November 2000 presidential election. On August 14, 2006, the Elections Board forwarded the complaint to the Waukesha County District Attorney and the U.S. Attorney for the Eastern District of Wisconsin. The respondent pleaded no contest to charges of election fraud in December 2006.

Case Number	Date Filed	Complainant	Respondent
2006-16	8/23/2006	Citizens	Clerk, Town of Ridgeville

Several individuals alleged improper election administration procedures against a town clerk during a recall election, including the use of improper canvassing procedures and not securing ballots properly. In May 2007, the Elections Board resolved this complaint.

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ROBERT KASIETA
Chairperson

KEVIN J. KENNEDY
Executive Director

November 19, 2007

Janice Mueller, State Auditor
Legislative Audit Bureau
22 East Mifflin Street, Suite 500
Madison, WI 53703

Subject: Response to Legislative Audit Bureau Report on Election Law Compliance

Dear Ms. Mueller:

We have reviewed the report prepared by the Legislative Audit Bureau (LAB) on state and local governments' compliance with election laws. This audit was directed by 2003 Wisconsin Act 265. We appreciate the courtesy and professionalism of the LAB staff in the conduct of the audit and preparation of the audit report.

Our response addresses the eight recommendations set out in the report, and is organized in order according to the report's table of contents. The response was prepared by the State Elections Board staff, under the direction of its Executive Director, and does not represent a formal position taken by the Board or its members.

Verifying Eligibility to Vote

Data Matches

LAB recommendation #1 (page 27): *That the Elections Board, and after it is replaced, the Government Accountability Board request that municipal clerks obtain birth dates from voters during future elections and consider ways to more easily facilitate the collection of this information.*

The Elections Board endorses this recommendation and has already made progress in cleaning up voter data in the Statewide Voter Registration System (SVRS). The date of birth is a required field in the SVRS. If a voter record did not contain a date of birth, a default date of January 1, 1900 was assigned to the voter record.

In November 2006, there were nearly 500,000 default dates of birth (DOB) in the SVRS. At that time, the Elections Board requested local officials to ask voters with inaccurate DOB to provide correct dates, and the new data be entered into the system regularly.

Clerks' efforts have helped substantially to correct the problem. In January 2007, there were approximately 359,000 default DOB in the system; on November 9, 2007, there were 171,539. Elections Board staff continues to stress the value of clean voter data so that the matching process can work effectively.

Staff will also pursue other strategies, such as requesting clerks highlight on the poll books the names of voters whose DOB are still incorrect, and make further corrections. Because Wisconsin law now requires the date of birth for voter registration, this problem should disappear almost completely during future elections.

LAB recommendation #2 (page 29): *That either the Elections Board or the Government Accountability Board report to the Joint Legislative Audit Committee by March 31, 2008, on the status of efforts to match data in the Statewide Voter Registration System with data maintained by the departments of Corrections, Health and Family Services, and Transportation, and to train clerks in how to use information obtained from the data matches.*

The Elections Board will comply with this recommendation as it continues to work for successful resolution of SVRS application problems. To date, Elections Board efforts to resolve those data interface problems with the software contractor have not been successful. The Elections Board is pushing for a fully functioning application, as was agreed to in the software contract with Accenture.

As for clerk training preparedness, the Elections Board has aggressively prepared for on-line training for local election officials across Wisconsin, and will be prepared to make electronic training opportunities available when the interfaces are ready. Clerks will learn to process data matches independently from their own offices. They will also be able to consult with Elections Board staff for further help.

Address Verification Cards

LAB recommendation #3 (page 34): *That the Elections Board and, after it is replaced, the Government Accountability Board indicate on each address verification card the reason the card was mailed to a registered voter.*

The Elections Board has already begun work to solve this problem and can respond, ultimately, in several ways. Since the launch of the SVRS, the Elections Board has taken over responsibility for issuing address verification cards to Wisconsin voters, and, in fact, does so each week. This has resulted in overall improvement in voter data.

However, the challenge of adding, for example, a new code to the verification cards for easier follow-up by local election officials again lies with the SVRS application. Currently, a change in the hard-coded postcard now generated by the system would require a change order request with the vendor and is not the most timely or penny-wise course of action.

Instead, Elections Board staff recommends the immediate solution of color-coding the address verification card to reflect the three types of registrants: Mail-in, by special registration deputy, and Election Day. This will quickly help clerks determine which returned cards must trigger notification of a district attorney.

A third solution also exists. The Elections Board can pull data from the system into a newly designed and properly coded verification card, designed by the State's Division of Enterprise Technology. While this solution would not be immediate, it would be a system-based solution that would likely be more cost-effective than the first option.

LAB recommendation #4 (page 36): *That either the Elections Board or the Government Accountability Board report to the Joint Legislative Audit Committee by March 31, 2008, on whether it believes the 30-day statutory deadline for entering into the Statewide Voter Registration System all information obtained on Election Day should be extended.*

The Elections Board supports this recommendation and will make this report.

The challenges for local election officials in entering post-election information pre-date the existence of the SVRS. Larger municipalities, such as the cities of Milwaukee and Madison often have been tested by their post-election responsibilities due to the volume of voter participation. However, entry of Election Day registrations and scanning of poll books to update voter records must occur before the next election so that proper cross-checking of voter records can take place in the interim.

The State of Minnesota currently has a 42-day deadline for entry of such data. Local election officials who are unable to meet this deadline must report the reason to the Minnesota Secretary of State.

However, if Wisconsin were to adopt the same deadline, the period between its September partisan primary and November general election would be too short to allow proper preparation of poll books for the second election event. In that case, only lengthening the period between the primary and the general election would provide clerks enough preparation time.

Concerns with the Statewide Voter Registration System

LAB recommendation #5 (page 39): *That either the Elections Board or the Government Accountability Board report to the Joint Legislative Audit Committee by March 31, 2008, on the status of efforts to improve processing times and enable the Statewide Voter Registration System to process absentee ballots and suspend voter registrations.*

The Elections Board will report to the Committee about its efforts to improve processing times and to obtain full functionality of the SVRS in the areas of absentee ballots and suspension of voters.

The Board is in dispute with the software vendor, Accenture, about the status of the product contracted for by the Board. While some requested corrections of the software have been carried out in the absentee ballot function – the City of Milwaukee can now sort absentee voters by ward, for example – the system still does not work as expected. In addition, reports on absentee voters can now be produced and absentee ballots can be properly cancelled. Yet, more corrections must occur.

Pertaining to the suspension of voters, most of the process can currently be carried out without problems for clerks, but the notification letter that should be produced within the system still does not appear. Local election officials who use the system to purge inactive voters require help from Elections Board staff, and the cities of Madison and Stevens Point have recently done so. Again, correction of the software's "defects" should allow this process to proceed smoothly.

Polling Place Accessibility

Other Accessibility Issues

LAB recommendation #6 (page 53): *That the Elections Board and, after it is replaced, the Government Accountability Board:*

- *Modify the accessibility survey so that municipalities must wherever possible indicate affirmatively or negatively whether a polling place complies with accessibility requirements;*
- *Require municipalities to complete the modified accessibility survey for each polling place that will be used in November 2008; and*
- *Take steps to verify the accuracy of the completed accessibility surveys, such as annually visiting a sample of polling places.*

The Elections Board agrees with these recommendations and can fulfill them, on a modified schedule.

Revision of the accessibility survey can be carried out immediately. However, completion of the administration of the newly revised survey is not feasible before the February 2008 primary election, due to time constraints. Beginning in January 2008, Elections Board staff will proceed with administration of the revised survey with completion anticipated before the September 2008 election.

Random visits to polling places to verify compliance with accessibility requirements can begin in the spring of 2008. We are considering utilizing staff to conduct some of the Election Day accessibility reviews. Additionally, staff has had initial discussions about the possibility of contracting with organizations in the disability community to carry out Election Day accessibility reviews.

Elector Concerns and Complaints Filed

Complaints Filed with the Elections Board

LAB recommendation #7 (page 61): *That the Elections Board and, after it is replaced, the Government Accountability Board establish formal written policies for resolving complaints in a timely manner or acknowledging to the complainant that it is unable to resolve the complaint.*

The Elections Board acknowledges that in some cases resolution of complaints has been delayed. This can be addressed immediately as part of the transition to the Government Accountability Board (GAB).

A revision of administrative rules pertaining to complaints will be on the agenda of the first meeting of the GAB in 2008. The new Board must harmonize the requirements of 2007 Wisconsin Act 1 with existing administrative rules of the Elections and Ethics Boards on processing complaints. This will include a process of acknowledging complaints and procedures for informing complainants of the status of their complaints.

Future Considerations

Clarifying Responsibilities

LAB recommendation #8 (page 68): *That either the Elections Board or the Government Accountability Board report to the Joint Legislative Audit Committee by March 31, 2008, on progress in promulgating administrative rules that are required by statutes and that we recommended in our 2005 evaluation, including rules that:*

- *Describe training requirements for municipal clerks, special registration deputies, and other local election officials; and*
- *Clarify the responsibilities of local election officials in registering voters.*

The Elections Board agrees with this recommendation and will fulfill it.

Because of the development of the SVRS, Elections Board staff has not yet been able to define and institutionalize some of the processes encompassed by this recommendation. However, staff has addressed municipal clerk training requirements in a new administrative rule that has been approved by the Board, and an administrative rule, curriculum and forms pertaining to the training of special registration deputies. The Legislature recently completed its review of the rules on training special registration deputies. It will be published immediately.

Concerning the registration of voters and clarification of that process for local election officials, Elections Board staff has communicated frequently with Wisconsin's clerks through memoranda, e-mail alerts and training sessions. These directions will be incorporated into administrative rules as recommended.

Conclusion

The LAB Report provides a valuable benchmark for evaluating state and local governments' compliance with election laws following the significant changes required by 2003 Wisconsin Act 265, 2005 Wisconsin Acts 92, 303 and 451 as well as the Help America Vote Act of 2002. These extensive changes have presented a challenge to state and local election officials.

The changes reflect a legislative intent to make the administration of elections more transparent and to hold state and local election officials accountable. The implementation of the LAB recommendations by the Government Accountability Board will further these objectives.

Respectfully submitted,

State Elections Board



Kevin J. Kennedy
Legal Counsel
Government Accountability Board