

Meeting of the Board

Tuesday, December 18, 2012

Agenda  
Open Session

9:00 A.M.

G.A.B. Board Room

212 East Washington Avenue, Third Floor

Madison, Wisconsin

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**Tuesday, December 18, 2012**

**9:00 A.M.**

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- B. Director’s Report of Appropriate Meeting Notice**
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  - 1. October 23, 2012 Meeting** **3**
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- E. Elections Division Report on Conduct of General Election in the City of Racine** **10**
- F. Elections Division Report on Possible Elimination of Election Day Registration** **18**
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- H. Proposed Change to GAB 6.05 (6) Eliminating Requirement for Duplicate Paper Filing of Campaign Finance Reports** **29**
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**J. Closed Session**

5.05 (6a) and 19.85 (1) (h)      The Board’s deliberations on requests for advice under the ethics code, lobbying law, and campaign finance law shall be in closed session.

19.85 (1) (g)      The Board may confer with legal counsel concerning litigation strategy.

19.85 (1) (c)      The Board may consider employment, promotion and performance evaluation data of a public employee over which it exercises responsibility or has jurisdiction.

The Government Accountability Board has scheduled its next meeting for Tuesday, January 14, 2013. The meeting will be conducted by teleconference from the Government Accountability Board offices, 212 East Washington Avenue, Third Floor in Madison, Wisconsin beginning at 9:00 a.m.

The Government Accountability Board may conduct a roll call vote, a voice vote, or otherwise decide to approve, reject, or modify any item on this agenda.

# State of Wisconsin\Government Accountability Board

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JUDGE DAVID G. DEININGER  
Chair

KEVIN J. KENNEDY  
Director and General Counsel

## Wisconsin Government Accountability Board

212 East Washington Avenue, Third Floor  
Madison, Wisconsin  
October 23, 2012  
9:00 a.m.

### Open Session Minutes

<u>Summary of Significant Actions Taken</u>	<u>Page</u>
A. Approved Minutes of Previous Meeting	1
B. Reaffirmed Staff Guidance on Use of Electronic Proof of Residence Documents and Election Observer issues	3
C. Received Reports of Election Preparedness	4

Present: Judge David G. Deininger, Judge Michael Brennan, Judge Gerald C. Nichol, Judge Thomas H. Barland, Judge Thomas Cane and Judge Timothy Vocke

Staff present: Kevin Kennedy, Nathaniel E. Robinson, Jonathan Becker, Shane Falk, Michael Haas, Ross Hein, Sharrie Hauge, Katie Mueller, David Buerger, Jason Fischer, Megan McCord-Wolfe, Colleen Adams and Reid Magney

#### **A. Call to Order**

Judge Deininger called the meeting to order at 9:00 a.m.

#### **B. Director's Report of Appropriate Meeting Notice**

Director and General Counsel Kevin Kennedy informed the Board that proper notice was given for the meeting.

Director Kennedy recognized Elections Specialist Katie Mueller, a valued employee who is leaving the G.A.B. in early November for a position at the Wisconsin Department of Transportation. He said Ms. Mueller will be greatly missed.

#### **C. Minutes of Previous Meeting**

**August 28, 2012 Meeting**

**MOTION:** Approve the Open Session minutes of the meeting of June 8, 2012 with correction of March 2013 meeting dates. Moved by Judge Cane, seconded by Judge Barland. Motion carried unanimously.

#### **D. Personal Appearances from Members of the Public**

**Walt Hadcock** of Mequon, an election inspector, appeared on his own behalf to express concerns about the Board's prior decision to allow the use of electronic devices to display proof of residence documents for voter registration. He was concerned that it would be hard for election inspectors to use a stranger's phone due to the large number of diverse devices on the market. He was concerned about having to view small documents and trying to determine whether they were forged. He was concerned about the age of election inspectors and their ability to use and see electronic documents. He advocated that the website, password and user name should be identified on the GAB 131.

**Carol Boettcher** of Cedarburg, a chief election inspector, appeared on her own behalf to express concern about electronic proof of residence. She said election inspectors in their upper 60s and low 70s are unfamiliar with smartphone technology, and she asked the Board to reconsider its decision. She was concerned that the increased use of smartphones may result in more violations of the no photo policy. She indicated that she stresses accuracy over speed and this new policy will slow the process. She indicated that election inspectors are stressed enough, this adds another thing to be concerned about, and reminded us that we are losing election inspectors at an alarming rate.

**Susan Maguire** of Grafton, an election inspector, appeared on her own behalf to express concern about electronic proof of residence and whether documents could be forged. She also expressed concern about how voters in line might use their smartphones.

**Barbara Struck** of Mequon, an election inspector, appeared on her own behalf to express concern about electronic proof of residence, and a lack of training for accepting POR on a smartphone.

**Chris Korinek** of Grafton appeared on his own behalf to comment on election observer and electronic proof of residence rules, urging the Board to reconsider guidance regarding the distance observers must be from the registration table if they are to see what is on cell phones. He demonstrated the size of a regular paper utility bill versus the size of two cell phones. He indicated that at six feet away, you can see the logo on the paper utility bill, along with the name and account number, but on a cell phone there is no way an observer can view those things from six feet away.

**Kenneth Dragotta** of Milwaukee appeared on his own behalf to comment on election observer issues. He advocated for observer access to Election Day registration forms and discussed an overlay to voter registration forms that would allow observers to see non-confidential fields on the form. He was critical of the October 15, 2012 letter to the RPW regarding observers and emphasized that if the GAB 131 is not subject to public access at

the polling place, then observers cannot ensure adherence to state policy and statutes. He also emphasized that observers should not have limited access to in-person absentee documents because Wis. Stat. Sec. 6.84(1) establishes a legislative policy that specifically notes that absentee voting occurs outside the normal safeguards of the polling place and additional scrutiny is permitted.

**Attorney Richard Esenberg** of Milwaukee appeared on behalf of the Wisconsin Institute for Law and Liberty and We Are Watching Wisconsin Elections to comment about the rule that observers be at least six feet away from registration tables, and the difficulty this will cause with electronic proof of residence. He said the public has a right to see what is going on. He acknowledged that the voting process should be efficient, observers should be permitted to verify the integrity of the documents presented and that election inspectors are following proper processes. He emphasized that observers should be placed as close as possible to the process so they can identify document types and verify that they satisfy statutory requirements. He stressed that the only exception to this is when an observer is disruptive.

Discussion. Judge Vocke asked Mr. Esenberg to assume the proof of residence a voter was presenting was a drivers license and asked Mr. Esenberg how close the observers should be permitted, especially since the driver's license is so small. Mr. Esenberg acknowledged that the observers do not need to do the job of election inspectors, but they need to be close enough to identify the document type. Judge Vocke then inquired about having 6 to 12 observers and whether that would impact the proximity to the election inspectors. Mr. Esenberg advocated that the Board could limit the number of observers.

**Mary Ann Hanson** of Brookfield appeared on her own behalf to comment on electronic proof of residence documents. She said the Board should have waited until after the election to study electronic proof of residence before implementing it. She emphasized that Presidential elections have the largest turnout and it is already hard to keep up, now election inspectors will have to deal with electronic proof of residence documents which will slow the process further. She also indicated that observers that are six feet away from the registration table cannot see or hear the process. Ms. Hanson also objected to using volunteers in polling places because there are only three statutorily recognized election officials: clerks, election inspectors/greeters, and observers.

**Ardis Cerny** of Pewaukee appeared on her own behalf to comment on a number of issues including procedures for returning ballot bags to the clerk's office, taking pictures outside absentee voting locations, and difficulty in observing absentee voting in certain locations. She objected to in-person absentee voters having no requirement to state name and address before receiving a ballot.

**Attorney Kristina Seseck** of Madison appeared on behalf of the Republican Party of Wisconsin to express concerns about election observer rules and guidance issued by the Board. She expressed appreciation for the Board having established clearly that within 100 feet of a polling place entrance, voter advocacy groups and others may not interact with voters.

**Bob Spindell** of Milwaukee, a Milwaukee election commissioner, appeared on his own behalf to comment on election issues, and said 80 percent of problems revolve around groups trying to assist voters by filling out forms and getting ballots. Mr. Spindell requested the Board issue a memo indicating that observers may not solicit voters for assistance. Mr. Spindell also noted that the public should be informed of how many absentee ballots were collected as of the Friday before an election, then the weekend and Monday too.

Discussion.

**Andrea Kaminski** of Madison appeared on behalf of the League of Women Voters of Wisconsin to support electronic proof of residence. She also said observers should not be allowed closer than six feet to the registration table. She indicated that her bank statement is not a public document and observers certainly do not need to see her account number. She emphasized that observers should be able to see that the election inspector requested a valid identifying document and that the voter provided one. She explained that voters should be the focus and should come first, observers should not be doing the job of the election inspectors. She indicated if observers wanted access to the identifying documents on election day, the observers should become election inspectors.

Discussion. Judge Barland inquired whether Ms. Kaminski thought that the 6-12 foot rule for observers was obsolete now that electronic proof of residence documents were permitted. Ms. Kaminski emphasized that cell phones are back lit and so it may actually be easier to see those documents.

**Attorney Jim Mueller** of Cross Plains appeared on behalf of Wisconsin Counts to express concerns about the possibility of election fraud due to manipulation of electronic voting equipment.

Judge Deininger called a recess at 10:15 a.m. The Board reconvened at 10:24 a.m.

## **E. Legal Team Report on Observer and Proof of Residence Issues**

Director Kennedy introduced Staff Counsel Michael Haas and Elections Specialist David Buerger, who presented oral and written reports regarding polling place issues. Attorney Haas said staff has spent a great deal of time in the past few weeks responding to political parties and other groups involving the election observer rules and electronic POR. Mr. Buerger said the Republican Party of Wisconsin has asked the Board to reconsider its August 28, 2012 decision to allow electronic forms of proof of residence documents.

Discussion.

**MOTION:** Reaffirm staff guidance contained in the memorandum provided in the Board materials to the Republican Party of Wisconsin, in the informational guides regarding

acceptable proof of residence and electronic proof of residence, and in the staff response to the correspondence from the Wisconsin Institute for Law & Liberty Inc.

Moved by Judge Brennan, seconded by Judge Vocke. Motion carried.

Judge Barland said he agreed with 99 percent of the motion, but felt troubled about the role of observers and dissented.

Attorney Haas next directed the Board to the memo on page 53 of the meeting materials and presented an oral and written report regarding voter advocacy groups at polling places on Election Day. He said groups have been assisting at polling places in unstructured and inconsistent ways, and clerks want to know what these groups can and cannot do.

Director Kennedy discussed the difference between volunteers used by clerks at polling places and in other capacities, versus outside groups who show up at polling places on their own and try to help voters. The problem is that well-meaning individuals may provide incorrect guidance to voters.

Discussion.

**MOTION:** Adopt the October 17, 2012 staff memo to clerks. Moved by Judge Cane, seconded by Judge Nichol.

Discussion.

**AMENDMENT:** Adopt Pages 1 and 2 of the memo, and delete paragraphs two and three on Page 3 of the memo. Moved by Judge Cane, seconded by Judge Barland.

Discussion.

Roll call vote: Barland:	Aye	Brennan:	No
Cane:	Aye	Deininger:	No
Nichol:	No	Vocke:	No

Amendment failed.

Discussion.

Judge Cane withdrew his original motion, and Judge Nichol withdrew his second.

Judge Deininger called a lunch recess at 12:20 p.m. The Board reconvened at 1:10 p.m.

Judge Deininger stated that with the original motion withdrawn, no motion is pending and the Board took no further action related to staff's memo beginning on page 53 of the meeting materials.

## **F. Elections Division Preparedness Report**

Elections Division Administrator Nat Robinson introduced Election Specialists Jason Fischer, Meagan McCord-Wolfe and Colleen Adams, who presented oral and written reports regarding the “Back to Basics” plan for a successful Presidential and General Election November 6, 2012.

Discussion.

Judge Cane was excused from the meeting at 1:36 p.m.

Mr. Robinson assured the Board that staff, working in close conjunction with local clerks, were prepared to administer and conduct a successful November 6 General and Presidential Election. He also informed the Board about staff activities involving international observers for the upcoming election.

## **G. Ethics and Accountability Division Demonstration of Lobbying Website**

Campaign Finance Auditor Nathan Judnic and Ethics and Accountability Specialist Molly Sessler demonstrated the division’s new lobbying website, which was launched on October 15 to lobbyists and legislators. Judnic said the new website allows lobbyists to register online. Previously, they were only able to report lobbying activities online.

## **H. Director’s Report**

### **Ethics and Accountability Division Report – campaign finance, ethics, and lobbying administration**

Written report from Division Administrator Becker was included in the Board packet.

### **Elections Division Report – election administration**

Written report from Division Administrator Robinson was included in the Board packet.

### **Office of General Counsel Report – general administration**

Written report from Kevin J. Kennedy, Sharrie Hauge, and Reid Magney was included in the Board packet.

**MOTION:** Accept reports as submitted in writing. Moved by Judge Vocke, seconded by Judge Barland. Motion carried unanimously.

## **M. Closed Session**

Adjourn to closed session to consider written requests for advisory opinions and the investigation of possible violations of Wisconsin’s lobbying law, campaign finance law, and Code of Ethics for Public Officials and Employees; and confer with counsel concerning pending litigation.

**MOTION:** Move to closed session pursuant to §§5.05(6a), 19.85(1)(h), 19.85(1)(g), and 19.85(1)(c), to consider written requests for advisory opinions and the investigation of possible violations of Wisconsin’s lobbying law, campaign finance law, and Code of Ethics for Public Officials and Employees; and confer with counsel concerning pending litigation . Moved by Judge Vocke, seconded by Judge Brennan.

Roll call vote: Barland:	Aye	Brennan:	Aye
Cane:	Aye	Deiningner:	Aye
Nichol:Aye		Vocke:	Aye

Motion carried unanimously. The Board recessed at 2:23 p.m. and convened in closed session at 2:32 p.m.

## H. Adjourn

The Board adjourned in closed session at 3:56 p.m.

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The next regular meeting of the Government Accountability Board is scheduled for Tuesday, December 18, 2012, at the Government Accountability Board office in Madison, Wisconsin beginning at 9 a.m.

October 23, 2012 Government Accountability Board meeting minutes prepared by:

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Reid Magney, Public Information Officer

November 14, 2012

October 23, 2012 Government Accountability Board meeting minutes certified by:

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Judge Gerald Nichol, Board Secretary

December 18, 2012

# State of Wisconsin \ Government Accountability Board

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JUDGE DAVID G. DEININGER  
Chairperson

KEVIN J. KENNEDY  
Director and General Counsel

## MEMORANDUM

**DATE:** For the December 18, 2012 Board Meeting

**TO:** Members, Government Accountability Board

**FROM:** Kevin J. Kennedy  
Director and General Counsel  
Government Accountability Board

Prepared and Presented by:  
Michael Haas, Staff Counsel  
Ross Hein, Elections Supervisor

**SUBJECT:** City of Racine Election Review

At the August 28, 2012 Board meeting, Board staff provided information regarding issues which arose during the June 5, 2012 recall election in the City of Racine, some of which were highlighted during the recount of the 21<sup>st</sup> Senate District election. This memorandum summarizes steps which the G.A.B. and the City of Racine took to address those issues in preparation for 2012 fall elections.

Based upon a review of media accounts, minutes of the recount canvass, and conversations with the Racine City Clerk, several key issues and challenges were identified regarding the June 5, 2012 Recall Election. There appeared to be a significant shortage of election inspectors and support staff available to work at the polls. Some election inspectors apparently issued ballots without the voter signing the poll list and incorrectly interpreted the rules regarding the required form of proof of residence. At some polling places election observers behaved inappropriately and election inspectors had difficulty exercising control of and maintaining order at polling places.

While these issues may not have been unique to the City of Racine, they attracted more attention due to the close recall election. G.A.B. staff worked with the Racine Mayor, City Clerk, and Police Department, prior to the August 14, 2012 Partisan Primary in an effort to boost recruitment and training of election inspectors, and to achieve more orderly polling places in which aggressive election observers did not interfere with inspectors or voters. As reported at the Board's meeting of August 28, 2012, G.A.B. staff visited City of Racine polling places during the Partisan Primary and noted an improvement in the polling place procedures, although that was an election with relatively light turnout. G.A.B. staff reviewed its observations with the City Clerk who incorporated them into training for the General Election.

The issue of overly aggressive and disruptive observers also became a focal point of the G.A.B.'s statewide public information efforts during the fall elections. Prior to August and November elections, correspondence was sent to organizations which sponsor election observers to remind

them of the rules governing observers and requesting their cooperation in training observers regarding appropriate conduct. Before the November 6<sup>th</sup> election, the correspondence made special note of the rules regarding the use of electronic proof of residence documents and the limited ability of observers to view registration applications or proof of residence documents.

At the November 6, 2012 General Election, G.A.B. accessibility auditors visited polling places in Racine County, Kenosha County, and the City of Milwaukee. In addition to recording the usual data regarding the accessibility of the polling place, the auditors also completed a brief survey about activity at the site, including information about the number of voters in line, whether specific required procedures were being followed, the number and conduct of observers, and any activity immediately outside the building. That information has been compiled and summarized in the attached memorandum. The survey results indicate that Racine polling places appeared to be orderly and well-run, at least during the time that G.A.B. auditors were present.

G.A.B. staff has provided its observations to the Racine City Clerk. Overall, election inspectors appeared to make significant progress in their Election Day operations, probably attributable to a renewed focus on training and a concentrated effort to recruit a large number of new inspectors, which hopefully will add to the pool of available poll workers for future elections. There was also evidence that election observers were more consistently abiding by the rules and that inspectors took action to maintain order when necessary.

This memorandum is provided for information only to provide a final report to the Board regarding staff's involvement with election preparations in Racine, and no Board action is requested.

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JUDGE DAVID G. DEININGER  
Chair

KEVIN J. KENNEDY  
Director and General Counsel

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**DATE:** December 12, 2012

**TO:** Kevin J. Kennedy, Director and General Counsel  
Nathaniel E. Robinson, Elections Division Administrator  
Michael R. Haas, Staff Counsel  
Ross D. Hein, Elections Supervisor

**FROM:** Michael W. Lind, Accessibility Audit Team

**SUBJECT:** Summary of 2012 General Election City of Racine Observation Forms

This memorandum summarizes the results of 22 observation reports gathered by representatives of the Government Accountability Board (G.A.B.) at polling places in the City of Racine between 7:00 a.m. and approximately 4:00 p.m. on Election Day, November 6, 2012 (see attached City of Racine Polling Place Observation Form Numerical Totals). The small number of data points and the fact that they were collected by different individuals at different times throughout the day does make it difficult to draw any broad, statistically relevant conclusions from this information. This memorandum does indicate where there are apparent correlations between pieces of information, but it does not speculate on issues of causation or purport to provide broad conclusions with any degree of statistical certainty. Despite the size of the data sample, the information from the forms does paint a picture of the polling places within the City of Racine from which specific and localized usable information is apparent.

Auditors submitted 22 observation reports from 16 of the City's 17 polling locations. An observation report is completed for each ward listed in SVRS as a separate polling place as long as there are observable differences between the wards. Four of the Racine polling sites contained wards that fit these criteria, which accounts for the difference between the number of observation reports and the number of physical polling sites. In those cases, the observation reports reflected data specific to each of the wards voting at the location, as well as the information which was common to all of the wards, such as the activity outside of the building.

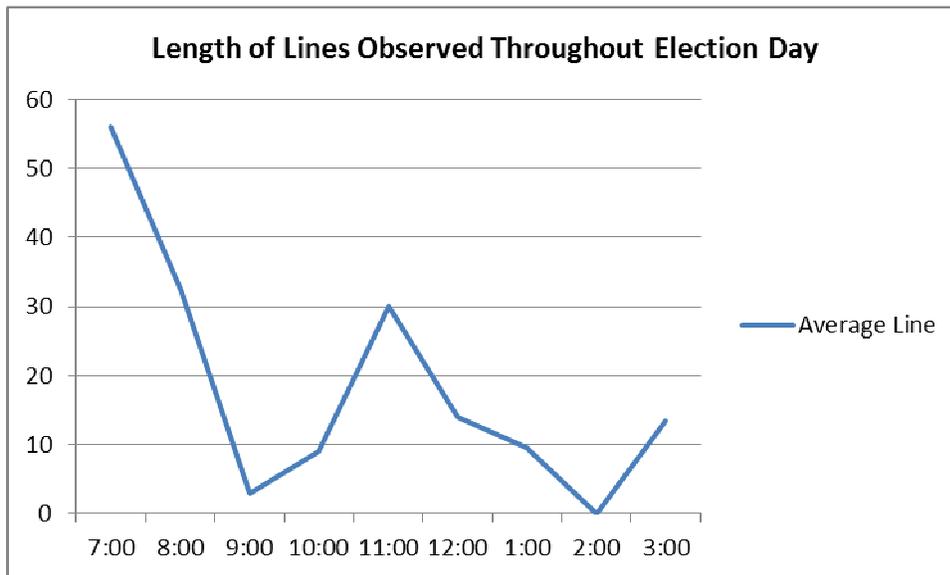
**Background:** On November 6, 2012, the G.A.B., following its usual practice, sent out 13 temporary staff to perform accessibility audits of polling places in southeastern Wisconsin. For this election, auditors were asked to fill out a form recording a number of general observations about each individual polling place that they visited (see attached Polling Place Observation Form). Auditor training was augmented to cover this new requirement. The additional training focused on ensuring that auditors understood the nature of observations they were being asked to make and that, to the maximum extent possible, they would interpret the data in the same way. Auditors were informed of management expectations: that they would observe without interfering and that they would carefully record their observations.

The decision to record this information was prompted by the knowledge that voter turnout would be high, polling places were likely to have multiple election observers from varied

organizations, and tensions within the polling places could be quite intense. The G.A.B. hoped to gather a snapshot of the activity within each polling place during a busy election and to use this information to help advise election officials on ways to improve efficiency and compliance within their polling places.

**Overall Impressions:** The most heartening fact reported by the accessibility auditors was that all 16 of the observed locations within the City of Racine appeared to be orderly and efficient. Over 77% had a line of voters during the time that the auditor was present and 95.5% had at least one election observer. Fifty-seven percent (57%) of the polling places were perceived as busy by the auditor on site. Only one of the 22 polling places had individuals from outside groups spending time within 100 feet of the entrance; specifically, representatives from Election Protection were active at the Jefferson School polling place.

**Busyness and Lines:** There were lines at 77.3% of the polling places visited by accessibility auditors. The average line at those polling places was just under 24 people. The maximum number in line at any location was 87 people at 8:30 a.m. at the Emmanuel Lutheran Church polling place. The Racine City Clerk has indicated that several attempts were made to reduce the waiting time at this location and ultimately the Clerk directed inspectors to split the poll books to remedy the situation. The polling places visited in the first couple of hours of voting had the longest lines (see Figure 1). It would be expected that the number of voters in line would have trended upward into the evening had auditors been present to record it.



(Figure 1)

The perceived busyness of polling places was generally supported by hard data. The average line length at busy polling places was over 31 people while the lines at polling places not perceived as busy averaged seven (7) people. There were, however, two anomalous polling places. The Festival Park Hall polling place had 47 people in line but was characterized as not busy; it was visited at 7:00 a.m., and those in line had arrived prior to the polling place opening. On the other hand, the Martin Luther King, Jr., Community Center Ward 17 polling place was characterized as busy but did not have any voters waiting in line.

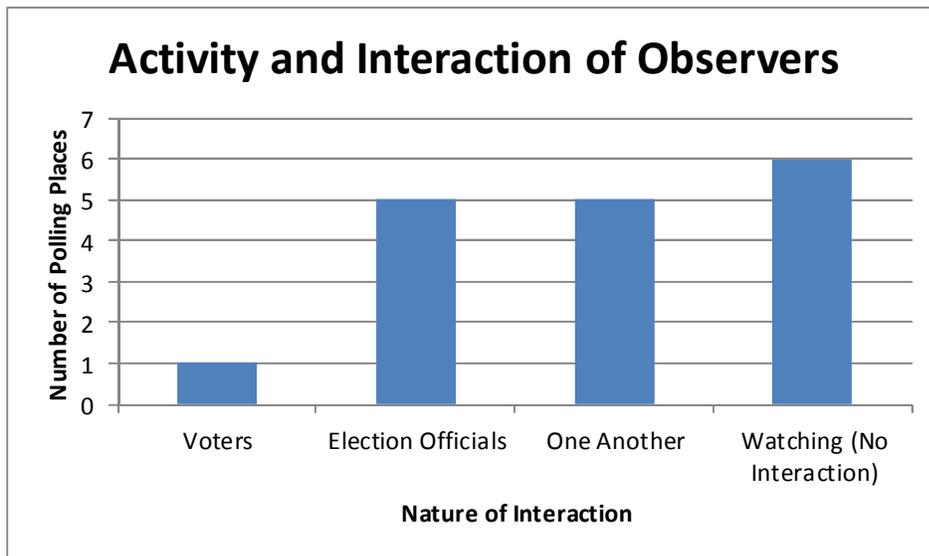
**Internal Operations:** As evinced by the fact that auditors found that 100% of the observed City of Racine polling places appeared to be orderly and efficient, the majority of the audited

polling places appeared to be following the appropriate procedures in the specific areas under observation. Voters were required to sign poll books at each polling place. In all polling places, voters were asked to state their name and address.

Over ninety percent (90%) of polling places had clearly marked observer areas. This does mean that two polling places, both wards voting at the Second Presbyterian Church, had not clearly marked an area for observers. Although election inspectors at over 95% of the polling places were wearing easily identifiable badges or name tags, those at one polling place, the Jerstad-Agerholm School, were not.

**Observers:** There were election observers at 95.5% of the polling places when they were visited by auditors. The largest number of observers at any polling place was 15 at both the Humble Park Community Center and Jerstad-Agerholm School polling places. The smallest number of observers present at any polling place was the single observer at the Cesar Chavez Community Center Ward 12 polling place. The average number of observers per polling place was six (6), it would be 5.7 if the polling places with no observers are included in the calculation.

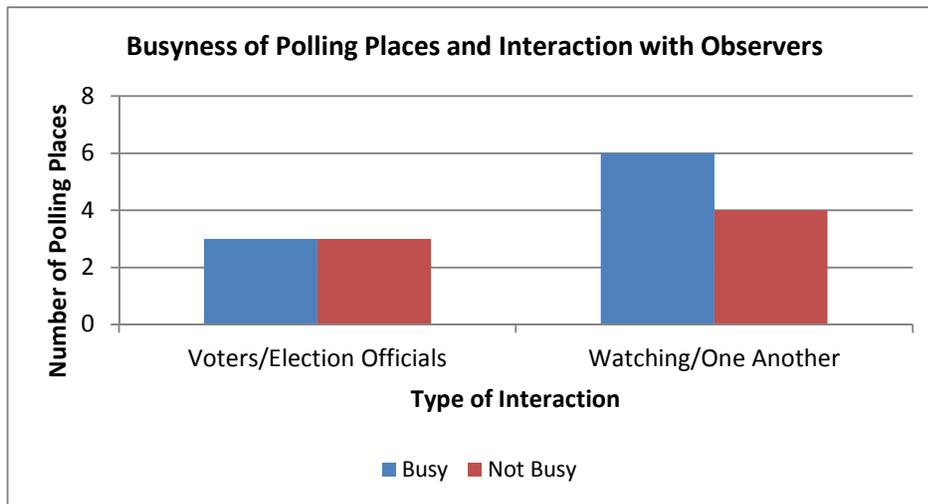
The auditor reports indicate that observers were required to sign in at all but one of the polling places, the Cesar Chavez Community Center Ward 15 polling place. The City Clerk reported that observers at that ward signed the observer log for other wards at the same polling place. At all of the polling places with observers, observers were wearing observer name tags. At the majority of polling places, observers interacted primarily with one another or simply watched the proceedings. When they did interact within the polling place, it was primarily with elections officials (see Figure 2).



(Figure 2)

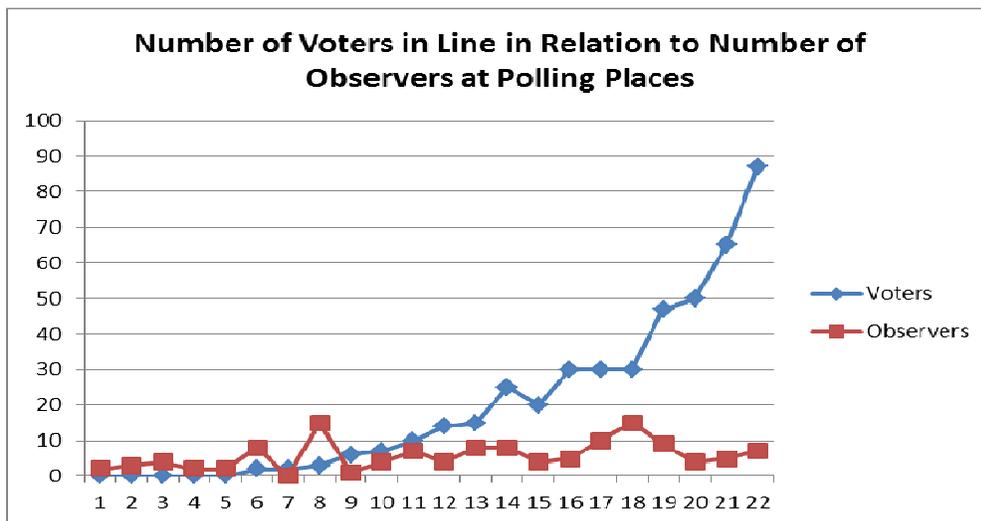
With the exception of the Jefferson School polling place, all auditors reported that the interaction between observers and others was orderly and respectful. At Jefferson School, the auditor reported that one observer was involved in a dispute with election officials over access to proof of residence documents. An election inspector told the observer to move back or leave the polling place. The auditor reported that the Racine City Attorney was present for this interaction.

There appears to be some correlation between the busyness of polling places and the number of observers present. The average busy polling place had almost twice as many observers (6.1) as the average not busy polling place (3.5). The data does not give any indication as to causation. Observers could have chosen polling places that were likely to be busy, the presence of observers could have added to the perceived busyness of the polling place, other outside factors could have led to busyness and the presence of observers, or some combination of these factors could have been involved. In addition, the character of the interaction by observers does not seem to have a significant correlation with the busyness of polling places (see Figure 3). Polling places with observers who interacted with voters and/or election officials were not more likely to be busy than those where observers interacted among themselves or simply watched. Indeed, the limited number of data points collected lean the other direction.



(Figure 3)

At the same time, there does not appear to be any correlation between the number of observers and the number of voters in line (see Figure 4).



(Figure 4)

Finally, there does seem to be a correlation between the actions of observers and the number of voters in line. Where observers interacted primarily with voters or election officials, the

average line was 21.5 people. Where observers interacted only with one another or simply watched, the average line was less than 12 people.

**Auditor Comments:** In addition to making largely objective observations regarding the polling places, auditors were given an opportunity to record any other comments or observations that they might have had regarding the polling place. Auditors added comments on 17 of the forms (see attached City of Racine Observation Form Comments). They ranged from a simple “Great/nice staff. Very cooperative,” at the Festival Park Hall polling place to detailed explanations of special circumstances or incidents such as the description of the dispute with an observer at the Jefferson School polling place.

The majority of the comments were very positive about the overall operation of the polling places. Over 35% of the comments specifically complimented friendliness or helpfulness of the election inspectors. More than 23% noted that the polling place was well organized. Two polling places, Cesar Chavez Community Center Ward 12 and Fratt School, were complimented on both their staff and their organization.

Over 23% of the comments noted that the polling place was busy. In addition, 29.48% of the comments mentioned long lines. Interestingly, only one polling place, Sacred Heart (John Paul Academy) Ward 14, had comments that mentioned both lines and busyness. At the same time, two polling places, Sacred Heart (John Paul Academy) Ward 13 and Emmanuel Lutheran church, had comments indicating that they were both busy and organized.

More than 35% of the polling places had comments that indicated that observers were being aggressive or straying outside designated observer areas. None of these polling places were locations where the auditor had commented on how well organized the polling places were or where the quality of the election inspectors had been complimented.

WISCONSIN GOVERNMENT ACCOUNTABILITY BOARD  
City of Racine Polling Place Observation Form Numerical Totals

1.	Are any voters waiting in line?	YES: 17 NO: 5
	If yes, approximately how many?	Average: 23.7 Maximum: 87 Minimum: 2
2.	Are election inspectors wearing easily identifiable badges or name tags?	YES: 21 NO: 1
3.	Are voters asked to state their name and address?	YES: 22 NO: 0
4.	Are there clearly designated observer areas?	YES: 20 NO: 2
5.	Are voters signing the poll list before receiving a ballot?	YES: 22 NO: 0
6.	Are there observers?	YES: 21 NO: 1
	A) If yes, how many?	Average: 6.0 (5.7) Maximum: 15 Minimum: 1
	B) If yes, are they signing in?	YES: 16 NO: 1
	C) If yes, are they wearing observer tags?	YES: 20 NO: 0
	D) If yes, are they interacting with?	Voters: 1 Election Officials: 5 One Another: 5 Watching: 6
	E) If yes, does the interaction appear orderly and respectful?	YES: 16 NO: 1
7.	Is there anyone hanging around within approximately 100 feet of the voting area/polling place?	YES: 1 NO: 21
	A) If yes, are they doing any of the following?	Literature Distribution: 0 Arguing/Debating: 0 Trying to assist voters: 1
	B) If yes, do they appear to be associated with	Municipal election officials: 0 Other groups/organizations: 1
	C) If yes, what is that organization?	Election Protection
8.	Does the polling place appear busy?	YES: 12 NO: 9
9.	Does the polling place appear	Orderly/efficient: 22 Chaotic/disorganized: 0

# State of Wisconsin \ Government Accountability Board

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JUDGE DAVID G. DEININGER  
Chairperson

KEVIN J. KENNEDY  
Director and General Counsel

## MEMORANDUM

**DATE:** For the December 18, 2012 Board Meeting

**TO:** Members, Government Accountability Board

**FROM:** Kevin J. Kennedy  
Director and General Counsel  
Government Accountability Board

Prepared and Presented by:  
Michael Haas, Staff Counsel  
Richard Rydecki, Elections Specialist

**SUBJECT:** Election Day Registration Preliminary Report

On December 7, 2012, Board staff completed its *Preliminary Report on the Impacts and Costs of Eliminating Election Day Registration in Wisconsin*. The research described in the report was requested by Director and General Counsel Kevin Kennedy in anticipation of legislative consideration of the possibility of eliminating Election Day Registration (EDR). Subsequently, the Legislative Fiscal Bureau requested that the G.A.B. provide an estimate of the financial costs and savings related to the elimination of EDR. The full Report was delivered separately to the Board and is available on the G.A.B.'s website. Attached is the executive summary of the Preliminary Report along with a transmittal letter addressed to interested parties.

As indicated in the Report, if EDR is eliminated as part of State law, Wisconsin will become subject to provisions of federal law from which it is currently exempt because Wisconsin voters have had the opportunity to register to vote, or update their existing registration, since elections in 1976. If EDR is eliminated, Wisconsin will be required to implement the National Voter Registration Act of 1993 (NVRA), also known as the Motor Voter Law. Voter registration would need to be offered at offices of the Division of Motor Vehicles as well as other agencies which provide public assistance or assistance to persons with disabilities. The Report also concludes that the elimination of EDR would result in a significant increase in the number of provisional ballots cast in Wisconsin.

The Preliminary Report has been distributed to the Legislative Fiscal Bureau and elected officials. The G.A.B. staff is continuing to work on a Final Report regarding the ramifications of EDR, which it expects to complete by the end of December. While the Preliminary Report attempts to quantify costs of the G.A.B., the Final Report will attempt to include costs of the DMV and other state agencies if EDR were to be eliminated. As part of its Final Report, G.A.B. staff is also soliciting input from local election officials regarding the anticipated impact on their operations in administering elections. The Board of Directors of the Wisconsin Municipal Clerks Association has passed a resolution opposing the elimination of EDR, and a copy of that

resolution is also included in the Board materials, as that organization asked that it be forwarded to the Board.

The Report is provided to the Board as an informational document regarding potential changes to the laws regarding the administration of elections, and no action is required of the Board other than to determine whether the Board wishes to accept the report.

**Recommended Motion:** The Board accepts the staff's Preliminary Report on the Impacts and Costs of Eliminating Election Day Registration in Wisconsin

## I. Executive Summary

Permitting individuals to register to vote on Election Day, or to update their address or name as shown on their voter registration, has been a key feature of Wisconsin elections since 1976. If Election Day Registration (EDR) were to be eliminated, Wisconsin would immediately become subject to federal laws, including the National Voter Registration Act of 1993 (NVRA) and the Help America Vote Act of 2002 (HAVA). NVRA requires that voter registration take place at the Division of Motor Vehicles (DMV) as well as at agencies that provide federal or state public assistance or administer programs that primarily assist persons with disabilities.

This Report analyzes the anticipated impacts on the administration of Wisconsin elections and the procedures of several State agencies, if Wisconsin Statutes were amended to eliminate the opportunity for EDR. This Report also provides preliminary estimated costs related to additional responsibilities of the Government Accountability Board which would result from the elimination of EDR.

Highlights of this Report include:

- During major statewide elections, 10 – 15 percent of Wisconsin electors register to vote or update their voter registration on Election Day. Those registrants are required to present a driver license or other valid document establishing proof of their current residence.
- If EDR is eliminated, federal law would require Wisconsin to establish a system for offering voter registration services at the DMV and at agencies which provide public assistance or administer programs that assist persons with disabilities. Employees of those partner agencies would need to transmit voter registration applications and other voter data to the appropriate election officials.
- If EDR is eliminated, federal law would require poll workers to continue to allow voters who have moved within their jurisdiction to update their voter registration on Election Day and to cast a ballot. Poll workers would also be required to issue provisional ballots to individuals who do not appear on the poll list as qualified electors but who declare that they are registered voters, and possibly to individuals who have moved outside of their previous voting jurisdiction. Procedures for election officials to issue, process, and canvass provisional ballots are more complex and time-consuming than are those for regular ballots.
- If EDR is eliminated, the processes for maintaining the accuracy and currency of poll lists also would become more complex and costly. The names of voters who have moved and who have not voted in recent elections will remain on poll lists much longer than required under current Statutes. If EDR is eliminated, substantial technological changes would be required to the Statewide Voter Registration System as well as to facilitate the transfer of voter registration applications and other information from partner agencies to election officials.

- If EDR is eliminated, additional Government Accountability Board staff positions would be required to administer provisions of federal laws, coordinate voter registration activities with other State agencies, develop and implement IT solutions, provide training to local election officials and partner agencies, compile registration data and satisfy federal reporting requirements, and implement a public information and outreach program to educate the public about significant changes to voter registration procedures and provisional ballot rules.
  
- Preliminary cost estimates to implement the elimination of EDR and to administer the resulting federal law requirements would depend upon the specific provisions of any enabling legislation, which would need to include several key policy determinations. The G.A.B. staff has calculated preliminary cost estimates for its agency only over an initial two-year period to be \$5,193,796, as summarized in the table below.

<b>Major Cost Areas</b>	<b>Cost</b>
<b>Voter List Maintenance</b>	<b>\$1,936,445</b>
<b>Information Technology</b>	<b>\$1,231,371</b>
<b>Training and G.A.B. Staffing</b>	<b>\$802,980</b>
<b>Public Education and Outreach Campaign</b>	<b>\$1,223,000</b>
<b>TOTAL G.A.B. PRELIMINARY COST*</b>	<b>\$5,193,796</b>

\*Cost estimates for other State agencies will be provided in a final report.

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JUDGE DAVID G. DEININGER  
Chairperson

KEVIN J. KENNEDY  
Director and General Counsel

December 7, 2012

Dear Interested Parties:

The attached Preliminary Report is the product of extensive research and analysis completed by Government Accountability Board staff regarding the expected impacts and costs if Election Day Registration were eliminated in Wisconsin. At my direction, G.A.B. staff initiated this study in anticipation of possible consideration by the Wisconsin Legislature of amending the Statutes which authorize individuals to register to vote on Election Day or during in-person absentee voting leading up to an election. Subsequently, the Legislative Fiscal Bureau requested that the G.A.B. provide an estimate of the fiscal costs and benefits of eliminating Election Day Registration.

Assessing such costs requires a thorough understanding of the many significant changes in election administration procedures that would result from eliminating the opportunity for voters to register on Election Day. This Preliminary Report will assist in understanding the anticipated impacts and costs, and will contribute to any discussion by policymakers and the public regarding these issues. This report does not focus on evaluating the policy pros and cons of eliminating Election Day Registration, but rather describes the practical consequences on the operations of local election officials, the G.A.B., and other State agencies, as well as the impact on voters.

One of the main impacts is that the Division of Motor Vehicles and several state agencies which provide public assistance and programs to aid persons with disabilities would be directly subject to federal law requirements to offer voter registration services to their customers and clients. That requirement, along with new standards for issuing provisional ballots and for maintaining accurate and current poll lists, would represent a major change in the way that elections and voter registration are conducted.

Our agency will continue and refine our analysis of the anticipated impacts and costs of eliminating Election Day Registration. With the assistance of our partner agencies, we expect to issue a Final Report on this topic by the end of this month. As Wisconsin's chief election officer, I trust that this information is helpful, and I encourage policymakers and other readers of this Report to carefully consider all factors and policy implications that it describes. Please feel free to contact the G.A.B. if you have any questions regarding this Report.

**Government Accountability Board**

A handwritten signature in cursive script that reads "Kevin J. Kennedy".

Kevin J. Kennedy  
Director and General Counsel

## **RESOLUTION BY THE WMCA BOARD OF DIRECTORS**

WHEREAS, Election Day Registration was established in 1976 as part of a comprehensive legislative package by the Wisconsin Legislature that found voting was the single most critical act in our democratic system of government; that voter registration was not intended to and should not prevent voting; that registration should simply be a remedy against fraud and its burden should be placed upon administrators, not the electorate.

WHEREAS, Election Day Registration (EDR) provides a valuable service to Wisconsin voters and is consistent with the legislative policy to reduce the burden on voters to participate in the electoral process. Voters registering using EDR provide strong proof of eligibility by using a State driver license or ID card which ensures the voter is eligible to vote.

WHEREAS, EDR exempts Wisconsin from the costs and requirements of the National Voter Registration Act of 1993. Currently, the responsibility of voter registration falls on local municipalities and not on the Division of Motor Vehicles or other state agencies as required by the NVRA. These agencies are already experiencing fiscal cutbacks with reduced staffing and funding and are not familiar with or invested in election administration requirements and responsibilities.

WHEREAS, the EDR exemption allows state and local election officials to maintain a more accurate list of voters, while exempting them for expensive and restrictive NVRA requirements for voter registration list maintenance.

WHEREAS, EDR also limits the number of provisional ballots that would be required under the NVA requirements. Provisional ballots require more work for election inspectors at the polling place and for municipal clerks following the election. The delayed processing of these ballots could drastically change the election results, which would cause confusion and mistrust by the voters in the integrity of the voting process.

WHEREAS, EDR should not be an unnecessary financial burden to municipalities that are experiencing limited and restrained budgets. The elimination of EDR would require more staff at the polls and the municipal clerk's office to handle the additional pre and postelection requirements. Wisconsin municipalities have experienced a historic number of elections and election law changes in the past year. These law changes have provided added integrity and accuracy to the election process and administration while also straining the municipal budget.

NOW THEREFORE BE IT RESOLVED, the Wisconsin Municipal Clerk's Association Board of Directors whereby opposes the elimination of Election Day Registration because it is not in the best interest of the voters, municipalities or the integrity of election administration.

APPROVED:

  
Vikki Zuehlke, WCMC/CMC, President  
December 7, 2012

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JUDGE DAVID G. DEININGER  
Chairperson

KEVIN J. KENNEDY  
Director and General Counsel

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## MEMORANDUM

**DATE:** For the December 18, 2012 Board Meeting

**TO:** Members, Government Accountability Board

**FROM:** Kevin J. Kennedy  
Director and General Counsel  
Government Accountability Board

Prepared and Presented by:  
Sarah Whitt, SVRS Functional Lead  
Ross Hein, Elections Supervisor

**SUBJECT:** Final Report of the SAVE Fact-Finding Team:  
Recommendations for the Use of the SAVE Program in Wisconsin

### Background

On December 11, 2012, Board staff completed its *Final Report of the SAVE Fact-Finding Team: Recommendations for Use of the SAVE Program in Wisconsin*. The research described in the report was requested by Elections Division Administrator Nathaniel E. Robinson based on staff's monitoring of efforts in Florida to use the federal SAVE database to remove the voter records of alleged non-citizens from Florida's voter registration list.

Subsequently, Director and General Counsel Kevin J. Kennedy received a request from a member of the Legislature to compare data from the SAVE Program with voter records in the Statewide Voter Registration System (SVRS) in order to "promote greater election integrity." The final report was provided to Board Members on December 12, 2012 in advance of its December 18, 2012 meeting. The Executive summary of that report is attached to this memorandum.

The SAVE Fact-Finding Team has thoroughly researched the Systematic Alien Verification for Entitlements (SAVE) Program maintained by the United States Department of Homeland Security (USDHS), U.S. Citizenship and Immigration Services (USCIS). This Report provides the results of this research, as well as recommendations for how the SAVE Program could be used in Wisconsin for the purpose of voter registration list maintenance. Costs are also provided to help anticipate the financial impact of such use.

### Findings and Cost

The SAVE Fact-Finding Team has determined that the SAVE Program could be used in Wisconsin as a list maintenance function to assist in the determination of citizenship for certain

voters. SAVE cannot be used en masse to verify the citizenship of all voters on the statewide voter registration list. To implement the use of the SAVE Program, legislative authorization and a hearing process must be established to satisfy USDHS requirements for access to the SAVE Program. In addition, state resources would need to be appropriated for implementation and administration of this new list maintenance process. Total costs for the use of SAVE, including start-up and the first 5 years of operation are estimated to be \$1.19 million. The ultimate decision on whether and how Wisconsin would use the SAVE Program is a policy determination to be made by the Wisconsin Legislature

**Recommended Motion:** The Board accepts the staff's *Final Report of the SAVE Fact-Finding Team: Recommendations for Use of the SAVE Program in Wisconsin*, and authorizes its submission to the Legislature and Governor.

## Executive Summary

The SAVE Fact-Finding Team has thoroughly researched the Systematic Alien Verification for Entitlements (SAVE) Program maintained by the United States Department of Homeland Security (USDHS), U.S. Citizenship and Immigration Services (USCIS). This Report provides the results of this research, as well as recommendations for how the SAVE Program could be used in Wisconsin for the purpose of voter registration list maintenance. Costs are also provided to help anticipate the financial impact of such use. The ultimate decision on whether and how Wisconsin would use the SAVE Program is a policy determination to be made by the Wisconsin Legislature.

### Information about the SAVE Program

- The SAVE Program is essentially a search engine that gives users a single portal to check legal presence and citizenship information stored in 19 different federal databases that track this information.
- To search in the SAVE Program, you must have a person's Alien Verification Number (AVN). Searching by name or other data elements is not possible.
- The SAVE program allows for searching for one AVN at a time (i.e., person by person) on the SAVE website.
- USDHS charges \$0.50 per search through SAVE. The SAVE Program offers three levels of search, depending on the availability and timeliness of the available data.
- Any agency using SAVE must enter into a Memorandum of Agreement (MOA) with USDHS requiring certain privacy protections, notices, appeal procedures and oversight by USDHS.

### Other States Use of SAVE

- Nine states have used or plan to use SAVE to verify citizenship of voters:
  - Colorado, Florida, and five counties in Arizona have used SAVE.
  - Georgia, Iowa, North Carolina, Ohio, Texas, and Virginia are in the process of gaining access to SAVE.
- Most states match voter records with motor vehicle records before using SAVE in order to identify voters who used non-citizenship documents when they obtained their driver license/state ID, and to gather AVNs for those voters to enable the SAVE search.
- Colorado and Florida each identified fewer than 3,000 voters for whom they could complete SAVE searches after a one-time comparison of voter records and motor vehicle records. After the SAVE search, fewer than 200 voters were identified as non-citizens.

## Recommendations for Potential Use of SAVE in Wisconsin

- If Wisconsin were to use SAVE, G.A.B. staff recommends that all voter records first be matched with Wisconsin Department of Transportation, Division of Motor Vehicles (DMV) records to identify voters who used non-citizen documents to obtain their driver license/state ID, and to obtain AVNs for those voters.
  - A one-time “bulk comparison” would be done with DMV records to identify any currently registered voters who may not be citizens.
  - The Help America Vote Act of 2002 (HAVA) requires the G.A.B. to compare voter registration records to DMV records in order to verify name, date of birth and the driver license/state ID number of each voter. G.A.B. staff recommends expansion of the existing HAVA Check to incorporate citizenship information.
- G.A.B. staff would perform individual SAVE searches on each voter with an AVN identified in the HAVA/Citizenship check done with DMV.
- Voters identified as potential non-citizens in SAVE would be sent a notification letter by G.A.B. staff giving them the opportunity to provide documentation proving citizenship, confirm non-citizenship and voluntarily withdraw their voter registration, or request an administrative hearing.
- Administrative hearings would be conducted in Madison by the G.A.B., with an option to participate by phone for voters who cannot appear in person. A determination would be made at the hearing based on evidence and testimony offered.
- Voters would be able to appeal the determination of the administrative hearing to the Wisconsin Circuit Court.
- Voters determined to be non-citizens after exhausting any appeals would be marked inactive in the Statewide Voter Registration System (SVRS) and would not be eligible to vote until citizenship is established and the voter re-registers.
- Voters inactivated as non-citizens would be referred to the District Attorney for the county in which the voter registered for investigation of possible voter registration fraud.

## Changes Required to Accommodate SAVE

- Legislation is necessary to authorize the use of SAVE, additional matching with DMV records, privacy protections and notice requirements, and to accommodate the recommended processes.
- SAVE searches would require technology changes to G.A.B. and DMV systems to facilitate the additional matching and data requirements.

### Costs for Using SAVE

The estimated total cost of using SAVE for the G.A.B. (based on the recommendations in this report) is **\$1.19 million**. This includes **\$544,096.01** for start-up costs and **\$642,176.29** for ongoing costs for the first five years of operation. This does not include any potential costs for county or municipal clerks, DMV, or any other entities potentially involved in this process.

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JUDGE DAVID G. DEININGER  
 Chairperson

KEVIN J. KENNEDY  
 Director and General Counsel

## MEMORANDUM

**DATE:** For the December 18, 2012 Board meeting

**TO:** Government Accountability Board

**FROM:** Kevin J. Kennedy  
 Director and General Counsel  
 Government Accountability Board

Prepared and Presented by:  
 Jonathan Becker, Ethics and Accountability Division Administrator  
 Shane Falk, Staff Counsel

**SUBJECT:** Admin Rule GAB 6.05, Electronic filing of campaign finance reports

In March 2009, The Government Accountability Board approved an administrative rule change that specifically spelled out that electronic filers of campaign finance reports must use the then-new Campaign Finance Information System (“CFIS”). Because of problems with the system at its outset, coupled with negative reaction from legislators, we held off on final promulgation. Also, the Board declined to repeal the requirement that electronic filers must also file a paper copy of reports.

CFIS has now been in general use for close to four years and is functioning appropriately. Below is a chart detailing the number of committees filing electronically in the two major filings of 2012.

Filing Period	Type of committee	E-file and Paper	Paper only	Total paper	# E-filers fail to file paper	TOTAL ALL FILERS Paper and E-file (including those not providing paper)
January	Candidates	234	101	335	116	451
Continuing 2012						
	Non-Candidates (PAC, Party, Sponsoring Orgs, Corporations)	535	275	810	174	984
	<b>TOTALS</b>	<b>769</b>	<b>376</b>	<b>1145</b>	<b>290</b>	<b>1435</b>

July Continuing 2012	Candidates	312	116	428	191	619
	Non-Candidates (PAC, Party, Sponsoring Orgs, Corporations)	483	241	724	264	988
	<b>TOTALS</b>	<b>795</b>	<b>357</b>	<b>1152</b>	<b>455</b>	<b>1607</b>

Of 1059 electronic filers for the January Continuing report, 290 failed to follow-up with a paper copy. Of 1250 electronic filers for the July Continuing report, 455 failed to follow-up with a paper copy. We do not devote staff time seeking paper copies because; (1) they are simply print-outs of electronically filed reports, and (2) because the information is available on-line, we do not get requests to examine paper copies.

Recommendation

Staff recommends that the Board authorize staff to convey the proposed rule (attached) to the Legislature for final approval and promulgation, with the following changes to 6.05 (5):

~~(6)~~(5) Each registrant who files a report in an the electronic format specified by this rule shall file, with the filing officer, a paper copy of the report that complies with the format set forth in Forms EB 2, EB 2a, EB 3, EB 4, EB 7, EB 10, EB 10a, EB 12 or EB 24. That paper copy of the report shall be signed by an individual authorized by the registrant to file and filed no later than the time prescribed by law for filing the report need not file a copy of the report in any other medium and shall be deemed to have satisfied the requirement of s. 11.21 (16), Stats. need not file a copy of the report in any other medium and shall be deemed to have satisfied the requirement of s. 11.21 (16), Stats.

NOTICE OF PROPOSED ORDER ADOPTING RULE  
GOVERNMENT ACCOUNTABILITY BOARD

The Government Accountability Board proposes an order to amend s. GAB 6.05, relating to filing campaign finance reports in electronic format.

ANALYSIS PREPARED BY GOVERNMENT ACCOUNTABILITY BOARD:

1. Statutes interpreted: s. 11.21(16), Stats.
2. Statutory authority: ss. 5.05(1)(f), 11.21(16), and 227.11(2)(a), Stats.
3. Explanation of agency authority: Under the existing statute, s. 11.21(16), Stats., the Government Accountability Board is specifically charged with developing rules to address compliance with the electronic format filing requirement of this statute. Under the existing rule, s. GAB 6.05, the term "electronic format" does not restrict registrants to the electronic filing system currently in use by the Board. Adoption of this rule will create a uniform electronic format filing requirement that is compatible with the Board's current electronic filing system.
4. Related statute(s) or rule(s): ch. 11, Stats.,—Campaign Financing.
5. Plain language analysis: This amended rule, s. GAB 6.05, creates a uniform requirement and restricts registrants to an "electronic format" compatible with the Board's electronic filing system for filing campaign finance reports.
6. Summary of, and comparison with, existing or proposed federal regulations: Federal regulations mandated electronic filing of campaign finance reports with a standard uniform system since January 1, 2001. 11 CFR 104.18.
7. Comparison with rules in adjacent states: Illinois mandates electronic filing of campaign finance reports with a standard uniform system for committees exceeding \$10,000.00 in receipts or expenditures, strongly encouraging all other committees to file electronically. Michigan, Minnesota, and Iowa have optional electronic filing of campaign finance reports.
8. Summary of factual data and analytical methodologies: Adoption of the rule was primarily predicated upon the legislature's previous appropriation of funds to purchase an electronic filing system for campaign finance reports. In addition, the Government Accountability Board approved the use of an electronic filing system for campaign finance reports beginning year end 2008.
9. Analysis and supporting documentation used to determine effect on small businesses: The rule will have no effect on small business, nor any economic impact.
10. Effect on small business: The creation of this rule does not affect business.

11. Agency contact person: Shane W. Falk, Staff Counsel, Government Accountability Board, 212 E. Washington Avenue, 3<sup>rd</sup> Floor, P.O. Box 2973, Madison, Wisconsin 53701-2973; Phone 266-2094; Shane.Falk@wisconsin.gov
12. Place where comments are to be submitted and deadline for submission: Government Accountability Board, 212 E. Washington Avenue, 3<sup>rd</sup> Floor, P.O. Box 2973, Madison, Wisconsin 53701-2973; Shane.Falk@wisconsin.gov. Comments should be submitted by July 31, 2009.

FISCAL ESTIMATE: The creation of this rule has no new fiscal effect. The legislature has previously appropriated funds to purchase the electronic filing system for campaign finance reports.

INITIAL REGULATORY FLEXIBILITY ANALYSIS: The creation of this rule does not affect business.

TEXT OF PROPOSED RULE:

SECTION 1. GAB 6.05 is amended to read:

**GAB 6.05 Filing campaign finance reports in electronic format. (1)**

Definitions: As used in this section:

- (a) "Campaign period" for a candidate, personal campaign committee or support committee has the same meaning as provided in s. 11.26 (17), Stats., and for any other registrant begins on January 1 of an odd-numbered year and ends on December 31 of the following year.
- (b) "Contribution" has the same meaning as provided in s. 11.01 (6), Stats.
- (c) "Electronic format" means ~~computer diskette or a computer data file created using Access or Excel software or software that produces a delimited text file~~ the government accountability board's internet-based Campaign Finance Information System.
- (d) "Filing officer" means the government accountability board.
- (e) "Registrant" has the same meaning as provided in s. 11.01 (18m), Stats.
- (f) "Report" means any filing required by ss. 11.05, 11.06, 11.12 (5) and (6), 11.20, and 11.23, Stats.

(2) Any registrant who files with the government accountability board and who accepts contributions or makes disbursements in a total amount or value of \$20,000 or more during a campaign period shall file each campaign finance report that is required to be filed by ch. 11, Stats., ~~in the~~ electronic format specified by this rule.

(3) Any registrant not required to file reports electronically may elect to file any campaign finance report in ~~an~~ the electronic format specified by this rule.

(4) Any campaign finance report filed in an--electronic format shall be transmitted in time to be received by the filing officer no later than the time provided by law for filing the report. Any registrant who files a campaign finance report electronically shall, thereafter, file electronically all campaign finance reports required to be filed by the registrant.

~~(5) A registrant shall submit a trial report to the board before the end of the report period to determine if the report is in a format that meets the board's requirements set out in this rule.~~

~~(6)~~(5) Each registrant who files a report in ~~an~~ the electronic format specified by this rule shall also file, with the filing officer, a paper copy of the report ~~that complies with the format set forth in Forms EB-2, EB-2a, EB-3, EB-4, EB-7, EB-10, EB-10a, EB-12 or EB-24.~~ That paper copy of the report shall be signed by an individual authorized by the registrant to file and filed no later than the time prescribed by law for filing the report.

## SECTION 2. INITIAL APPLICABILITY.

This rule first applies to reports that are submitted on the effective date of this rule.

## SECTION 3. EFFECTIVE DATE.

This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2) (intro.), Stats.

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JUDGE DAVID G. DEININGER  
Chair

KEVIN J. KENNEDY  
Director and General Counsel

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## **MEMORANDUM**

**DATE:** For the December 18, 2012 Board Meeting

**TO:** Members, Wisconsin Government Accountability Board

**FROM:** Kevin J. Kennedy, Legal Counsel  
Wisconsin Government Accountability Board

Prepared by: Jonathan Becker and Nathan Judnic  
Ethics and Accountability Division

**SUBJECT:** Ethics and Accountability Division Program Activity

### **Campaign Finance Program**

Richard Bohringer, Nate Judnic, Adam Harvell and Molly Sessler,  
Campaign Finance Auditors

### **Special Election Reports – Senate District 33**

Materials for the Special Pre-Election filing were sent to all candidates participating in the Special Election – 33<sup>rd</sup> Senate District. Since the primary for this election was held on the same day as the Fall Election, the Pre-Primary reports for this special election were filed as Fall Pre-Election 2012 reports. The Special Pre-Election report covered campaign finance activity October 23, 2012 through November 19, 2012 and was due on or before November 26, 2012. 45 special pre-election reports were filed with the G.A.B., 14 of those reports were filed by candidates. All candidates required to file this report have filed.

### **Fall Pre-Election Reports**

Materials for the Fall Pre-Election filing were sent to all candidates participating in the Fall Election and to all non-candidate committees. This report covered campaign finance activity from July 31 through October 22, 2012 and was due on or before October 29, 2012. 817 pre-election reports were filed with the G.A.B., 343 of those reports were filed by candidates. 29 candidates required to file a Fall Pre-Election report have not filed. Staff will continue to follow up with the non-filers and do so until all required reports have been filed.

### **Fall Pre-Primary Reports**

Materials for the Fall Pre-Primary filing were sent to candidates participating in the Fall Primary election and to all non-candidate committees. This report covered campaign finance activity from July 1 through July 30, 2012 and was due on or before August 6, 2012. 608 pre-primary reports were filed with the G.A.B., 356 of those reports were filed by candidates. 18 candidates required to file a Fall Pre-Primary report have not filed. Staff will continue to follow up with the non-filers and do so until all required Fall Pre-Primary reports are received.

### **July Continuing Reports**

A number of July Continuing campaign finance reports still outstanding. Staff has followed up on all non-filers on several occasions via phone, email and formal letters. Staff has begun pursuing monetary penalties for failure to file campaign finance reports and an update on the amount collected will be provided at the next meeting.

### **Upcoming Campaign Finance Reports**

Staff will begin preparing for the January Continuing 2013 campaign finance reports and tracking of filing fees for 2012 activity. All active registrants must file a report (approximately 1600). Any non-candidate registrant with total disbursements over \$2,500 must pay a \$100 filing fee by January 31, 2013.

### **Data Entry**

Staff continues to work through the backlog of paper campaign finance reports and complete data entry into the Campaign Finance Information System.

### **Audits for 2011 Filing Fee and 10,000 Annual Contribution Limits**

486 non-candidate committees spent more than \$2500 in 2011 and were required to pay a \$100 filing fee to the G.A.B.

- 49 committees with outstanding filing fees were contacted beginning in August. 15 of those committees did not owe filing fees based on further investigation, or were forgiven the filing fee upon termination of their committee or other extenuating circumstances.
- 33 committees paid a total of \$9,300 in late filing fees. 1 committee has late fees still outstanding. Staff will continue to follow up with the remaining committee until all outstanding fees are received.

Twenty-one individuals were contacted about exceeding the \$10,000 individual annual contribution limit in calendar year 2011.

- 16 cases were closed with no forfeiture due after committees corrected their reported transactions to show amounts split between spouses, or amounts applied to recall/recount expenditures, or otherwise reported incorrectly.
- Two forfeitures totaling \$6,069 have been paid. 3 cases are still outstanding. Staff will continue to follow up with these individuals until all cases are resolved.

### **Lobbying Update**

Molly Sessler and Nate Judnic  
Campaign Finance Auditors

### **New Lobbying Website Project Update**

Following a successful soft launch to a small number of lobbyists and selected users in October and early November, the new Eye on Lobbying website went live on Monday, November 26, 2012.

A significant amount of time has been allocated to finishing the development and testing of the new lobbying application. Users are now re-directed from the old lobbying site to the new site located at: <https://lobbying.wi.gov>. All principals and lobbyists will use the system to file the last 6-month SLAE report of 2012 and to register and report interests in the upcoming 2013-2014 legislative session. Staff conducted training sessions on the new system in the GAB office on November 29, December 6 and December 11, 2012. Staff also conducted a training session at the Association of Wisconsin Lobbyists Technology Seminar at the Madison Club on December 4, 2012. Upcoming scheduled training sessions include: December 19, 2012 in Milwaukee at the Hunger Task Force and January 8, 2013 in

the GAB office. Additional training sessions on the new application as well as the lobbying law will be conducted as needed in 2013. Lobbying principals and lobbyists have already begun registering for the 2013-2014 session using the new site. Staff will continue to assist the public, lobbying principals and lobbyists as we transition from the old site to the new site.

**Lobbying Registration and Reporting Information**

Government Accountability Board staff continues to process 2011-2012 lobbying registrations, licenses and authorizations as we prepare for new registrations for the upcoming 2013-2014 session. Processing performance and revenue statistics related to the 2011-2012 session is provided in the table below.

2011-2012 Legislative Session: Lobbying Registration by the Numbers (Data Current as of December 11, 2012)			
	Number	Cost	Revenue Generated
<b>Organizations Registered</b>	764	\$375	\$286,500
<b>Lobbyists Licenses Issued (Single)</b>	665	\$350	\$232,750
<b>Lobbyists Licenses Issued (Multiple)</b>	135	\$650	\$87,750
<b>Lobbyists Authorizations Issued</b>	1752	\$125	\$219,000

**Financial Disclosure Update**

Cindy Kreckow, Financial Disclosure and Ethics Support Specialist

**Statements of Economic Interests and Officials Required to File**

The Statement of Economic Interests forms, instructions and correspondence for the 2013 spring elections and annual filing have been updated. Staff has also identified active reserve judges who need to receive a 2013 statement, as they are required to file within 21 days of taking a case. Mailings are set to begin the second and third weeks of December, beginning with pre-printed Statements to incumbent judges who are up for re-election in the spring, followed by all other judges, the legislature and district attorneys. The remainder of the annual filers of statements of economic interests will be sent in early 2013.

2012 Wisconsin technical college annual board resolutions have all been received and the GAB officials database updated to reflect changes in those officials identified as required to file with the GAB.

**Governor Appointments**

Staff continues to process ongoing appointments by Governor Walker, to include securing statements of economic interests from all appointees and referring copies of their statements to the Senate for future confirmation hearings.

# State of Wisconsin\Government Accountability Board

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JUDGE DAVID G. DEININGER  
Chairperson

KEVIN J. KENNEDY  
Director and General Counsel

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## MEMORANDUM

**DATE:** For the December 18, 2012 Meeting

**TO:** Members, Wisconsin Government Accountability Board

**FROM:** Kevin J. Kennedy  
Director and General Counsel  
Wisconsin Government Accountability Board

Prepared by Elections Division Staff and Presented by:  
Nathaniel E. Robinson  
Elections Division Administrator

**SUBJECT:** Elections Division Update

### Election Administration Update

#### Introduction

1. November 6, 2012 General and Presidential Election

The General and Presidential Election was conducted on November 6, 2012. The offices up for election were:

- President and Vice President of the United States
- United States Senator
- Representative in Congress
- State Senator (even-numbered districts)
- Representative to the Assembly
- District Attorney; and,
- Various county offices.

Additional information about the November 6, 2012 General and Presidential Election:

- There were three slates of presidential candidates representing the Republican, Democratic and Constitution Parties.
- There were four slates of independent candidates representing: Libertarian Party, Party for Socialism and Liberation, Socialist Equality Party and Green Party.
- There were also two slates of registered write-in candidates.
- Fifteen write-in candidates ran for offices other than President and Vice President.

There were no reports of egregious behavior at polling places. Long lines were reported, as expected, but generally, the process moved smoothly. There was one recount for the office of Iron County District Attorney. The recount produced a different winner than the original tally. The incumbent retains his seat.

The election was certified by Judge Deininger on November 29, 2012. Staff is finishing distribution of Certificates of Election to winning candidates. In addition, Federal office elections require additional documentation. The winner of races for United States Senator and Representative in Congress must be certified to the Office of Public Records and the Clerk of the House of Representatives, respectively. After the Presidential Electors cast their votes on December 17, the winning candidates for the office of President and Vice President of the United States must be certified to the Archivist of the United States, the President of the Senate and the Chief Judge of the Federal District Court.

2. November 6, 2012 Special Primary Election in State Senate District 33 (Waukesha County)

A special primary for State Senator, District 33 was conducted on the day of the General and Presidential Election. The special General Election was conducted on December 4. Two Republican candidates were on the ballot for the special election. The 33<sup>rd</sup> Assembly District is only in Waukesha County, and the county canvass is expected to be received by December 11<sup>th</sup>.

3. 2013 Spring Primary and Election

Offices up for election at the April 2, 2013 Spring Election include:

- State Superintendent of Public Instruction
- Supreme Court Justice
- Court of Appeals Judge in Districts 2, 3 and 4
- Circuit Court Judge in several counties, as well as county, municipal and school district offices.

At the time that this Elections Update is finalized, there are 42 candidates registered for the 2013 Spring Election; one candidate has filed nomination papers. Nomination papers are due at 5:00 p.m. on Wednesday, January 2, 2013.

4. Impact of the 2012 Fall Election Strategic Planning Team's Initiatives/Efforts on an Efficiently-Administered and Conducted November 6 General and Presidential Election

Wisconsin's local election officials and voters had the knowledge and tools to navigate the 2012 fall election cycle due in large part to the 2012 Fall Election Strategic Planning Team's Back to Basics campaign.

From mid-June to early-November, G.A.B. staff identified and completed more than 60 special election preparedness projects intended to improve training for election workers and improve the experience for voters. These tasks covered a wide range from instruction on absentee voting and voter registration to a clarification of proof of residency requirements, to rights and responsibilities of voters and observers to updates to the Statewide Voter Registration System, and the launch of My Vote Wisconsin (<http://myvote.wi.gov>).

While there were some challenges, the 2012 Fall Election Strategic Planning Team worked tirelessly to develop and deliver a program focused on the fundamentals (Back-to-Basics) of elections and voting in Wisconsin. The systems created will serve as a good template for future election preparedness efforts.

Provision of Targeted Assistance to Municipalities with Unique Needs

➤ Waukesha County Clerk/Waukesha Municipal Clerks

G.A.B. special assistance to the Waukesha County Clerk and Waukesha County Municipal Clerks concluded with the December 4, 2012 Special Election for State Senate District 33.

➤ City of Milwaukee/Milwaukee Election Commission

G.A.B. staff continued to serve as a resource to the City of Milwaukee Election Commission staff as the Commission developed a U.S. Department of Justice required compliance plan to meet the minority language requirements of their designation under Section 203 of the 1965 Voting Rights Act. The agency provided U.S. Department of Justice with a copy of the surname analysis tool that was developed to assist the Milwaukee Election Commission in determining their need for bilingual election inspectors. U.S. Department of Justice committed to provide feedback to the G.A.B. concerning the accuracy and comprehensiveness of the surname analysis tool. A G.A.B. staff member visited polling places in Milwaukee during the November 6 General and Presidential Election to observe the election process and provide feedback to the Milwaukee Election Commission about their Section 203 compliance initiative.

➤ Collaborating with the University of Wisconsin System-Madison

At the invitation of Matt Lind, Associate Legal Counsel for the UW System, GAB staff participated in a teleconference on student residency on August 3, 2012. The purpose of the teleconference meeting was to bring together UW staff, municipal and county clerks, and the GAB staff to clarify when a student can establish residency, proof of residency documents provided by UW schools, and different scenarios students face in establishing residency for voting. Representatives from public universities and municipalities in Madison, Oshkosh, Milwaukee, Green Bay, Stevens Point, Eau Claire and La Crosse attended. Before the teleconference, GAB staff also distributed an updated student residency document and a new student residency guide to get the participants' feedback and suggestions. Overall, UW staff and municipal clerks reported the teleconference was useful, and the documents on student residency will help students when they register to vote this fall.

The 2012 Fall Election Strategic Planning Team recognizes the importance of swiftly addressing issues and problems that arise in the administration of elections, and to ensure election procedures are implemented uniformly throughout Wisconsin. Implementing the "Back-to-Basics" initiative will continue to enhance and advance Wisconsin's proud tradition of ensuring open and fair elections.

7. The GAB-190 Form: G.A.B. Election Voting and Registration Statistics Report, and Elections Cost

G.A.B. staff successfully gathered election cost data from all of Wisconsin's 1,851 municipalities and 72 counties for the April 3<sup>rd</sup> Presidential Preference and Spring Election, the May 8<sup>th</sup> Recall Primary Election, the June 5<sup>th</sup> Recall Election, and the August 14<sup>th</sup> Partisan Primary. For each statewide election, the table below provides a summary of the reported county and municipal costs of these elections.

<b>Election</b>	<b>Statewide Costs</b>	<b>County Costs</b>	<b>Municipality Costs</b>
April 3, 2012	\$7,676,264.02	\$1,845,134.76	\$5,831,129.26
May 8, 2012	\$6,290,247.98	\$1,554,726.22	\$4,735,521.76
June 5, 2012	\$7,190,974.56	\$1,539,193.33	\$5,651,781.23

August 14, 2012	\$5,873,124.27	\$1,530,509.64	\$4,342,614.63
<b>YTD TOTAL</b>	<b>\$27,093,750.32</b>	<b>\$6,469,563.95</b>	<b>\$20,561,046.88</b>

G.A.B. staff continues to collect cost data for the November 6, 2012 Presidential and General Election.

An analysis of these cost data is being conducted. Staff will provide a full report on the cost of all the 2012 statewide elections at a subsequent meeting.

Note: On Monday, December 10, 2012, Director Kennedy participated in a panel discussion on the cost of elections at the Voting in America 2012 Conference, held in Washington, DC and hosted by the Pew Center on the States. The supplemental materials contain a copy of the presentation.

8. Status of Wisconsin's Compliance with the Military and Overseas Voter Empowerment (MOVE) Act

Board staff has worked with municipal and county clerks to complete the second set of four reporting requirements of the 2012 Consent Decree, specific to the 2012 Presidential and General Election. The first reporting requirement asked municipal clerks to report on their municipality's capability to email and fax absentee ballots to military and overseas voters. After follow up from Board staff, all municipalities responded to this reporting requirement and confirmed that they had the capability to email and fax absentee ballots, or would be able to work with another jurisdiction to email or fax ballots.

The second reporting requirement was verification from county clerks that they had their ballot prepared on September 19, 2012; 48 days before the Presidential and General Election. Board staff received information from all 72 counties that their ballots were prepared and ready for municipalities on or before September 19, 2012. State law requires county clerks to have ballots prepared for municipal clerks no later than 48 days before the November General Election. Municipal clerks are required to transmit absentee ballots to military and overseas voters no later than 47 days before the November General Election according to state law. The 2012 Consent Decree requirements however, focused on the 45 day ballot transit deadline required by the Federal MOVE Act.

The next reporting requirement was a survey to municipal clerks requesting the number of absentee ballot requests from military and overseas on file for the 2012 Presidential and General Election as of September 20, 2012, how each elector requested their ballot be transmitted, when the ballot was transmitted, and if all absentee ballots were transmitted to military and overseas voters by the 45 day MOVE Act deadline.

Board staff and temporary staff hired specifically to assist the complying with this Federal reporting stipulation, were required to make hundreds of phone calls and repeat calls to municipal clerks in order to get 100% compliance with this reporting requirement. G.A.B. staff are currently tracking 26 municipalities that transmitted 34 ballots after the 45-day deadline. There were only five ballots that would not have the 45-day transit time when taking into account state law that allows ballots to be counted if they are postmarked by Election Day and received by 4 p.m. on the Friday after the election. Of those five, four were transmitted electronically, and these voters should have ample time to return their vote ballot. Only one of these five ballots was transmitted by mail, which was sent to a military voter in the State of Georgia. Subsequently, the voter accessed a ballot via the My Vote Wisconsin Online Absentee Balloting System on October 10, 2012.

The Federal Consent Decree required Municipal clerks to report on the number of absentee ballot requests they received for the 2012 General and Presidential Election from military and overseas voters between September 21, 2012 and October 7, 2012. This final reporting requirement for the

2012 consent decree had the shortest deadline for municipal clerks; the information was due to the USDOJ on October 8, 2012. Again, Board and temporary staff made hundreds of phone calls and spent well over 200 hours following up with municipal clerks to acquire 100% compliance with this reporting requirement. An estimated 700 total staff hours have been spent on gathering responses to all four of the surveys.

9. Federal Voting Assistance Program (FVAP) Grant and the MyVoteWisconsin Website

The new Online Absentee Balloting System created with funds received from the \$1.9 million grant the Government Accountability Board was awarded to improve transmitting absentee ballots to military and overseas voters was launched on Thursday, September 13, 2012. The grant awarded from the Department of Defense and administered by the Federal Voting Assistance Program, allowed Board staff to develop a variety of tools for military and overseas voters. These tools interfaced with the Voter Public Access website that was available for all voters to view their voter information.

The voter resources that were available on the Voter Public Access were incorporated and expanded into the new site created from the FVAP Grant. The new website is My Vote Wisconsin is available at <http://myvote.wi.gov>. The site is meant to deliver information to voters based on the type of voter so their information provided is the most relevant and helpful.

Military and permanent overseas voters may apply for and access their absentee ballots using My Vote Wisconsin. All voters can view their registration status, find their polling place and clerk information, and view a sample ballot. Non-registered voters or voters who need to change their name or address can begin the registration process at MyVoteWisconsin. Their registration forms will still need to be delivered to the appropriate municipal clerk. Municipal clerks are sent nightly notifications informing the clerk of any activity from voters in their municipality using My Vote Wisconsin. It also informs the clerk if any action is needed on their part. MyVoteWisconsin has incorporated the Voter Public Access (VPA) website.

With the introduction of MyVoteWisconsin, many new features were introduced to assist voters and G.A.B. in the Elections Management Process. A list of new features available in MyVoteWisconsin includes:

- A new navigation and website look and feel was introduced to give the voter a better experience online.
- When voters first access the website, they are asked to indicate what type of voter they are, e.g. Regular, Temporary Overseas, Permanent Overseas, or Military. This information is used to assist the voter in selecting which options are available to them. Once voters indicate who they are, the site will then ask them to search for themselves in the database. This will help the site understand if they are a registered voter or not. Having the “Type of Voter” and “Registration Status” helps the site determine which options are available. For example, if a voter is a Permanent Overseas Voter but are not registered, the voter will not be able to cast a ballot online until the pre-requisite registration is complete.
- The new MyVoteWisconsin site allows Permanent Overseas voters the ability to request an absentee ballot online.
- The new MyVoteWisconsin site allows Military and Registered Permanent Overseas voters the ability to mark a ballot online, print, and mail in a ballot.

- Voters can submit comments online regarding their experience with the website. These comments are collected in G.A.B.'s Customer Relationship Management (CRM) software and assigned internally to be followed-up with voters.
- All activity done by voters online is recorded such as the IP address, name searched, and type of voter they indicated. This information is used to report back for the FVAP Grant but also allows G.A.B. to investigate any claims of misuse with the website.
- The MyVoteWisconsin site was launched September 17, 2012. The usage of the site during the General and Presidential Election between September 17 and November 6, 2012 was:
 

▪ Number of Visitors:	440,297
▪ Online Registrations Received: (This includes new registrations, address or name changes).	29,359
▪ Online Absentee Requests Received:	3,644
▪ Ballots Downloaded:	2,790

All military and overseas voters with absentee requests on file in the Statewide Voter Registration System (SVRS) were sent an email or letter informing them of the option to access their absentee ballot online. Board staff have been in contact with different military agencies requesting their assistance in promoting the use of MyVoteWisconsin among Wisconsin's military voters.

The availability of absentee ballots online assisted clerks in providing absentee ballot electronically and quickly. The ability for military and permanent overseas voters to access their absentee ballot immediately has also assisted in the Board's work with the U.S. Department of Justice to comply with the MOVE Act.

10. Appointment of a G.A.B. Staff Team to Conduct Research on the Systematic Alien Verification for Entitlements (SAVE) Program Administered by the Federal Department of Homeland Security.

The Elections Division Administrator appointed a team of Board staff to research the Systematic Alien Verification for Entitlements (SAVE) program administered by the Federal Department of Homeland Security. Several states have recently been reported in the news media for using (or investigating use of) the SAVE database to verify citizenship, including Florida, Ohio, Colorado, and Arizona. The Team is charged with gathering information and facts on the SAVE database, its purpose, how it is used for election integrity purposes, etc., and preparing reports on findings to be presented to the Board at the Board's December 18, 2012 meeting.

11. Appointment of an Inter-Organizational Taskforce to Addressing Clerks' Election Administration Workload Concerns

The Elections Division Administrator solicited recommendations and appointed an Inter-Organizational Taskforce that is in the process of developing an action plan that will address clerks' election administration workload concerns. The G.A.B. staff is leading and providing administrative support to the Taskforce. Participating organizations include the:

- Wisconsin County Clerk Association;
- Wisconsin Municipal Clerk Association;
- Wisconsin Counties Association;
- Wisconsin Towns Association;

- Wisconsin League of Municipalities; and,
- Government Accountability Board's staff.

12. Appointment of an Inter-Organizational Taskforce to Study the Impact, Nature and Scope of the Effects of the National Voter Registration Act (NVRA) requirements on Wisconsin Election Administration Process

The Elections Division Administrator solicited recommendations and appointed a team of Board staff and county and municipal Clerk representatives to an Inter-Organizational Fact-Finding Taskforce to study the impact, nature and scope of the effects of the National Voter Registration Act (NVRA) requirements if the Legislature and Governor were to rescind Election Day Registration (EDR) in Wisconsin. A copy of the Charge Statement is included as Attachment #1.

The G.A.B. Director and General Counsel solicited nominees from State Agency Secretaries that would be affected by the NVRA requirements.

13. The AccessElections! G.A.B.'s Accessibility Compliance Program

In 2012, the following number of Accessibility Audits were completed:

▪ For the February 21, 2012, Spring Primary:	105
▪ For the April 3, 2012, Spring Election and Presidential Preference Vote:	95
▪ For the May 8, 2012, Recall Primary:	192
▪ For the June 5, 2012, Recall Election:	162
▪ For the August 14, 2012, Partisan Primary	128
▪ For the November 6, 2012, General Election	213
▪ For the December 4, 2012, Special Election (State Senate District 33)	30
<b>Total:</b>	<b>925</b>

This number constitutes 34.5% of the total number of polling places statewide (based on an estimate of 2,678 polling places opened for the April 3, 2012, Statewide Spring Election<sup>1</sup>).

The November 6, 2012, General and Presidential Election

Thirteen (13) temporary workers (contract staff) were hired and trained to conduct Onsite AccessElections! Accessibility Compliance Audits in the following counties: Kenosha, Milwaukee and Racine, during the November 6, 2012, General Election. Two hundred thirteen (213) Audits were completed thirty (30) municipalities. A list of municipalities is delineated in Attachment #2-A.

The December 4, 2012, Special Election (State Senate District 33)

Three (3) temporary workers (contract staff) were hired and trained to conduct Onsite AccessElections! Accessibility Compliance Audits in the 33d State Senate District during the December 4, 2012, Special Election. Thirty (30) Audits were completed in twenty-two (22) municipalities in Waukesha County, State Senate District 33. A list of municipalities is delineated in Attachment #2-B.

Analysis of Accessibility Audit Results:

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<sup>1</sup> The polling place totals from the April 3, 2012, Statewide Spring Election have been used for this calculation to ensure consistency with previous calculations from this and prior years.

Board contract staff have analyzed Audit results from the May Election and reported findings to the municipalities, including clerks and executive officers. To date, these contract staff have received and are processing twenty-three (23) plans of actions for polling places audited during that election. The contract staff currently are analyzing Audit results and preparing to report findings from audits performed outside the City of Milwaukee during the June and August Elections. These staff will continue to process plans of action received from municipalities audited during the February and April Elections. To date, one hundred fifteen (115) plans of action have been received for polling places audited during those elections.

**Ongoing Effort to Ensure the Rights of Voters who have Disabilities are Able to Access the Polling Place and Mark and Cast their Ballot Independently and Privately:**

Staff continue to coordinate with municipal clerks to ensure that Accessibility problems uncovered during previous Onsite AccessElections! Accessibility Compliance Audits are resolved as quickly and cost-effectively as possible. In addition, staff arranged the distribution of grant funded accessibility supplies to sixty-seven (67) municipalities in response to documented need. At the same time, staff are monitoring the use and effectiveness of previous Accessibility grant funding by municipalities. Staff are also working with the agency IT Development Team to automate multiple aspects of the AccessElections! Compliance Audit administrative process.

**Emerging Top Ten Accessibility Compliance Issues**

- Required election notices are not always posted and those posted are not printed in 18-point font.
- Lack of accessible parking spaces and/or insufficient signage for accessible parking spaces.
- Insufficient signage for accessible entrances.
- Doors that require more than 8 lbs. of force to open.
- Gaps and uneven pavement in the pathway from the parking area to the accessible entrance.
- Lack of privacy for voters casting a paper ballot
- Interior routes that had obstacles, were poorly lit, and/or were not clearly marked.
- Accessible voting equipment that was not functional or was not clearly available for voters to use.
- Doors that do not have lever door handles or an electronic feature such as an automatic opener, power-assist, or bell/buzzer.
- Pathways to the accessible entrance that were not clearly marked.

**Elections Division’s 2012 Election Administration Major Achievements**

Please refer to Attachment #3 titled, “2012 Election Administration Major Achievements.”

**Education/Training/Outreach/Technical Assistance**

Please refer to Attachment #4 titled “Training Summary,” for a summary of information on core and special election administration training conducted by staff.

**Other Noteworthy Initiatives**

1. Voter Data Interface

Clerks continue to use SVRS to run HAVA Checks to validate against Department of Transportation (DOT) and Social Security Administration (SSA) records, and confirm matches with Department of Corrections (DOC) felon information and Department of Health Services (DHS) death data, as part of on-going HAVA compliance.

Clerks process HAVA Checks and confirm matches on a continuous basis during the course of their daily election administration tasks. This process has been followed since the Interfaces became functional in SVRS on August 6, 2008. Since the last Board meeting, clerks processed approximately 52,959 HAVA Checks with DOT/SSA on voter applications in SVRS.

## 2. Retroactive HAVA Checks Status

There has been no update on this project since the last Board Meeting. The G.A.B. Help Desk continues to provide assistance to clerks with HAVA check non-matches using DOT's driver license look-up tool (the PARS system). Now that the 2012 fall elections have concluded, Board Staff will resume discussions with DOT on enhancing the HAVA Check to include more information for clerks to assist in resolving non-matches.

## 3. Voter Registration Statistics

As of Friday December 7, 2012, there were:

- **3,662,980** active voters in the Statewide Voter Registration System
- **952,236** inactive voters
- **337,736** cancelled voters
- **7,770** voters that had been merged by clerks as duplicates since the last report.

### Definitions of Voters

- An active voter is one whose name will appear on the poll list.
- An inactive voter is one who may become active again, e.g. convicted felon or someone who has not voted in four years.
- A cancelled voter is one who will not become active again, e.g. deceased person.

## 4. G.A.B. Customer Service Center

The G.A.B. Customer Service Center is supporting over 2,000 active SVRS users, the public and election officials. The Customer Service Center staff assisted with processing the canvass, and the GAB-190 Form data reporting and testing SVRS improvements. The Customer Service Center is continuing to upgrade and maintain the two training environments that are being utilized in the field. Staff are monitoring state enterprise network changes and statuses, assisting with processing data requests and processing voter verification postcards. Customer Service Center staff assisted clerks with configuring and installing SVRS and WEDCS (GAB-190) on new computers.

Overall, the majority of inquiries the G.A.B. Customer Service Center received from clerks during this period regarded assistance with setting-up the November 6 General and Presidential Election; absentee processing; POR questions; running SVRS reports; and, related election processes. Customer Service staff assisted and contacted clerks for correcting verification postcard addresses and for the mandatory USDOJ Consent Decree reporting surveys. There was a large volume of calls from clerks regarding the Military and Overseas Absentee applications.

Public and elector inquiries consisted of a substantial number received in the last few weeks leading up to the November 6 Election. For the 2012 Presidential and General Election, 12,600 call

contacts were received at the G.A.B. Customer Service Desk beginning October 7<sup>th</sup> through November 7<sup>th</sup> 2012. These inquiries came primarily from the Wisconsin electorate who had questions about absentee voting; registration requirements, registration locations, EDR requirements, acceptable proof of residence documents, and other election-related inquiries. On Election Day the service desk received 1.6 calls per minute over the course of the 17-hour business day.

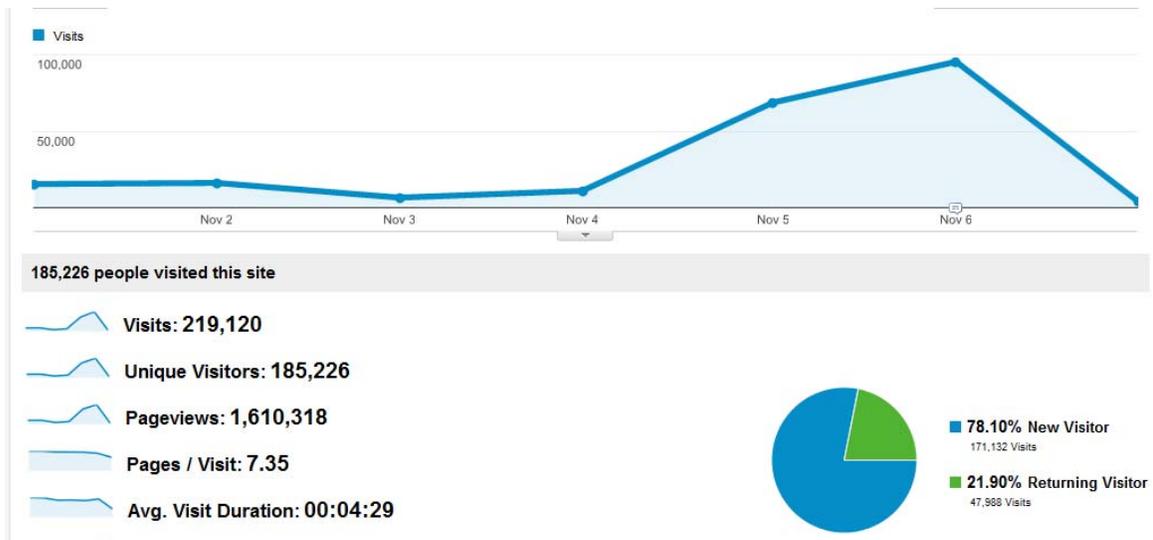
In addition, callers voiced concerns about mailings, robo-calls and campaign materials they had received. Staff assisted a number of electors with navigating the new MyVote.wi.gov website. Post-election, call volume has been unusually quiet.

Calls for this period also consisted of campaign finance reporting issues, lobbyist reporting and the Statement of Economic Interest filing. The Ethics Division’s CFIS and Lobbying systems also generated a measurable amount of call traffic prior to the filing deadlines.

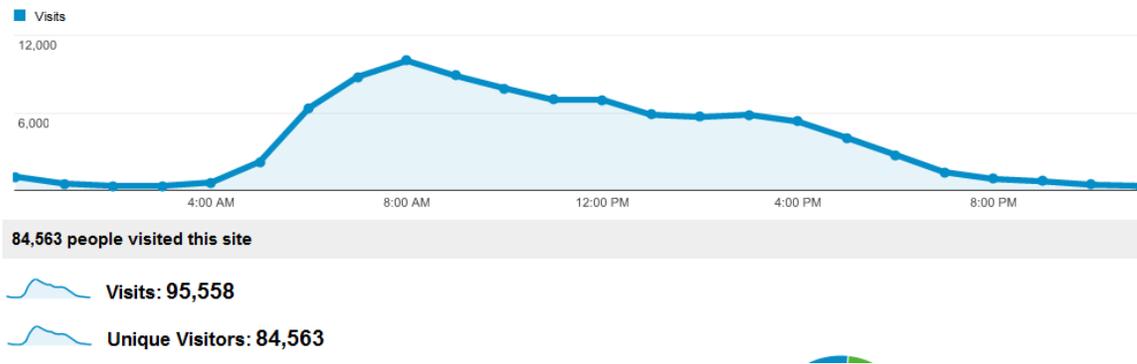
G.A.B. Customer Service Center Call Volume  
(608-261-2028)

October 2012	6,895
November 2012	6,011
December 2012 (Through December 10)	338
<b>Total Calls for Reporting Period</b>	<b>13,244</b>

The graph below illustrates unique voter visits accessing the G.A.B. MyVote.wi.gov website for the week prior to and including the November 6, 2012 Presidential Election. Election Day had 84,563 unique visitors or 78.1%, typically viewing 7.35 pages per visit. Note that the Monday prior, November 5, saw 63,816 unique visitors for a combined total of 148,379.



The graph on the following page illustrates traffic by the hour just on Election Day, November 6, 2012.



For comparison purposes, previous VPA traffic statistics are as follows:

Tuesday, **June 5, 2012** = 82,726

Tuesday, **November 2, 2010** = 69,885

Monday, June 4 = 36,693

Monday, November 1 = 37,348

Combined = 119,419 - 81% of November 2012

Combined = 107,233 – 73% of November 2010

## 5. SVRS Core Activities

### A. Software Upgrade(s)

Several updates have been made to SVRS applications:

- On October 16, 2012, an update was made to the Absentee Ballot Log Report and to the ballot instruction language in SVRS. This update was necessary for the online ballot program initiative that was provided to military and overseas voters on myvote.wi.gov.
- On October 25, 2012, web system updates for the November 6, 2012 Presidential and General Election were installed. This update improved performance in the geocoding and address update features of SVRS. The update also included tweaks to the Provisional Ballot Tracker, the Absentee Ballot Tracker. An issue in SVRS that affected the entry of Presidential Only Voters in SVRS was resolved.
- A new automated process was created to generate the post-audit letters sent to local election officials from the AccessElections! System.

### B. System Outages

On Sunday, November 4, 2012 at 9:15 a.m., a network device failed at the DET Datacenter rendering the SVRS servers unavailable. Network traffic was re-routed and connectivity re-established at 10:10 a.m. after approximately 55 minutes. There were no other unscheduled outages of the SVRS system during this reporting period.

### C. Data Requests

Staff regularly receives requests from customers interested in purchasing electronic voter lists. SVRS has the capability and capacity to generate electronic voter lists statewide, for any county or municipality in the state, or by any election district, from congressional districts to school districts. The voter lists also include all elections that a voter has participated in, going back to 2006 when the system was first deployed.

The following statistics demonstrate the activity in this area since the last Elections Division Update (for the October 23, 2012 G.A.B. meeting) through December 7, 2012:

- Fifty-nine (59) inquiries were received requesting information on purchasing electronic voter lists from the SVRS system.
- Forty-four (44) electronic voter lists were purchased.
- \$44,825.00 was collected for SVRS voter data.

The following statistics demonstrate the activity in this area year-to-date:

- Three-hundred and eighty-four (384) electronic voter lists were purchased
- \$255,355.00 was collected for SVRS voter data.

### **30-45-60 Day Forecast**

Elections Division staff will:

1. Finalize the Report on the fiscal impact if the Legislature and Governor were to eliminate the 1976 Election Day Registration (EDR) law. Submit the Final Report to the Legislature and Governor.
2. Finalize the Report on the Systematic Alien Verification for Entitlements (SAVE) program administered by the Federal Department of Homeland Security, and submit it to the Legislature and Governor.
3. Review nomination papers for the April 2, 2013 Spring Primary and Election. Nomination papers are due at 5:00 p.m. on Wednesday, January 2, 2013.
4. Continue implementation of the \$1.9 million dollar grant award received from the US Department of Defense, Federal Voter Assistance Program (FVAP). The purpose of the grant is to create an Online Ballot Delivery System for Military and Overseas Electors. A major milestone of the grant was met on Thursday, September 13, 2012, when the MyVoteWisconsin (<http://myvote.wi.gov>) website was launched. The first program report is due to FVAP by January 5, 2013.
5. Continue to lead and provide administrative support a G.A.B.-appointed Inter-Organizational Taskforce that will develop an action plan for addressing clerks' election administration workload concerns.
6. Continue to implement the 2012-2013 Four-Year Voter Record Maintenance Charge Statement and Program Initiative.

### **Action Items**

None.

# State of Wisconsin \ Government Accountability Board

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JUDGE DAVID G. DEININGER  
Chairperson

KEVIN J. KENNEDY  
Director and General Counsel

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**DATE:** November 19, 2012

**TO:** Members, Election Day Registration (EDR) Inter-Organizational Fact-Finding Taskforce  
(Please refer to **Attachment #1** for List of Taskforce Members)

**FROM:** Nathaniel E. Robinson  
Elections Division Administrator  
Government Accountability Board

**SUBJECT:** Election Day Registration (EDR) Inter-Organizational Fact-Finding Taskforce

An Inter-Organizational Fact-Finding Taskforce is appointed to gather the facts and analyze the impact of eliminating Election Day Registration (EDR) in Wisconsin and becoming subject to the requirements of the National Voter Registration Act (NVRA) and the provisional voting requirements of the Help America Vote Act of 2002 (HAVA).

## Election Day Registration in Wisconsin

In 1976, Wisconsin became the second state in the nation to allow Election Day Registration (which is also known as Same Day Voter Registration when the process refers to permitting voters to register at the same time they complete an absentee ballot at the municipal clerk's office). Minnesota was the first state to offer Election Day Voter Registration. Election Day Registration was enacted by Chapter 85, Wisconsin Laws, 1975, with an implementation date of July 1, 1976. The first election that was affected by Wisconsin's Election Day Registration was in the fall of 1976. The legislative intent of Chapter 85 reads:

- *The legislature finds that the vote is the single most critical act in our Democratic system of government; that voter registration was not intended to and should not prevent voting; that registration should simply be a remedy against fraud and its burden should be placed upon administrators, not the electorate.*
- *The legislature further finds that it is extremely difficult for workers to find time to visit a registration office that is open only during working hours; that transportation costs to remote locations impede registration; and that the act of personal registration is a major cause of limited electoral participation.*
- *Therefore, pursuant to the policy of this state and nation to ensure all people the right to vote, the legislature finds it imperative to expand voter registration procedures.*

Election Day registrants must provide a Proof of Residence document as specified by statute. Clerks audit Election Day registrants by sending a verification mailing. If the mailing is returned, the name of the voter is submitted to the District Attorney and the Government Accountability Board, the voter is inactivated in the Statewide Voter Registration System, and the elector is mailed a notice of change in their status. In addition, an elector who is registering to vote is required to provide a driver license

number or the last four digits of their Social Security Number. Voter registration information is subsequently compared to a database at the Wisconsin Department of Transportation.

New registrations completed on Election Day are compared by Poll Workers or a Special Registration Deputy to a list of felons who are incarcerated or under Department of Corrections' supervision. The voter is informed if they are determined to be ineligible. If the voter agrees that they are still serving the terms of their felony sentence, the election inspectors shall NOT give the elector a ballot. If the elector claims that they are not a felon or have completed the terms of their felony sentence, then the election inspectors follow the challenge process which allows the elector to vote after the inspectors complete documentation and mark the ballot as a challenged ballot. If determined to be ineligible, clerks mark the ineligible voter's record "Inactive" following the election. The District Attorney is notified if a vote is cast by an ineligible voter.

Studies have consistently shown that Election Day Registration is a factor in ensuring a high voter turnout, and based upon the use of Election Day Registration since it became available in 1976, it appears that voters overwhelmingly support the process. It removes a barrier to voting which was a stated goal in the legislative intent. It also ensures that elections are completed with virtually no provisional ballots, which require local election officials to complete additional administrative procedures. If EDR is eliminated, Wisconsin will become subject to additional provisions of the Help America Vote Act of 2002 (HAVA) which will likely result in an increase in provisional ballots and will require changes to the post-election and canvassing activities of Local Election Officials.

Other jurisdictions that allow Election Day Registration or Same Day Registration include:

- District of Columbia
- Connecticut (For Presidential Elections Only)
- Idaho
- Iowa
- Maine (In Municipal Clerk's Office)
- Minnesota
- Montana (In County Clerk's Office)
- New Hampshire
- North Carolina (At the Polls before but not on Election Day)
- Wyoming

#### Help America Vote Act (HAVA) and the National Voter Registration Act (NVRA)

Section 302 of the Help America Vote Act of 2002 (HAVA) contains provisions requiring states to allow voters to cast provisional ballots if they declare that they are registered voters but do not appear on the poll list. Their registration status is subsequently verified and if the local election official determines that the individual was registered, the ballot is counted. Wisconsin has been exempt from this provisional ballot requirement because it permits Election Day Registration. As a result, Wisconsin elections consistently involve a small number of provisional ballots compared to other states. If EDR is eliminated, Wisconsin will become subject to the HAVA provisional ballot requirement. Instead of having the option to register to vote on Election Day, voters claiming to be registered will be given a provisional ballot. The number of provisional ballots cast may increase significantly, requiring municipal clerks to investigate the registration status of those individuals after the election and possibly causing delays in canvassing ballots.

The National Voter Registration Act (NVRA), also known as the Motor Voter Act, was passed in 1993, but was not mandatory until 1995. The intent of the law was to encourage greater access to voter registration for citizens who need further assistance registering to vote. The NVRA requires states to provide an opportunity for voter registration whenever an individual applies for or renews a driver's license, changes the address for their driver's license, or applies for social services or services to persons with disabilities. In addition, all federal Armed Forces recruitment offices in states subject to the NVRA must provide voter registration services.

The NVRA also expanded the use of mail-in registration and voter registration drives by providing for a uniform voter registration form. States could be exempted from the requirements of NVRA by either not requiring voter registration or providing the opportunity to register to vote at the polling place. Wisconsin was one of six states which became exempt from NVRA because they either offer Election Day Registration or have no voter registration requirements, including Idaho, Minnesota, New Hampshire, North Dakota, and Wyoming. The NVRA applies to elections for federal office, but states have extended its procedures to all elections in order to implement consistent practices. The former State Elections Board initiated the request of Congress in 1993 which resulted in the EDR exemption, and that request was also supported by the Governor and Wisconsin's Congressional delegation,

Additional background information about the NVRA is found in **Attachment #2**; a memorandum dated November 18, 2010, and titled, "Summary of National Voter Registration Act Requirements."

### The Charge for the Election Day Registration Inter-Organizational Fact-Finding Taskforce

The Election Day Registration Inter-Organizational Fact-Finding Taskforce is charged with the task of conducting a thorough fact-finding review of the National Voter Registration Act (NVRA) which includes determining the impact, nature and scope of the effects of the NVRA requirements on Wisconsin's election administration process if the Legislature and Governor were to rescind Election Day Registration (EDR) in Wisconsin. The Taskforce will also assess the effects and any costs associated with elimination of EDR which are independent of the NVRA requirements, including the impact of complying with the provisional ballot provisions of HAVA.

This assignment should include the following actions:

1. Evaluate the anticipated changes in polling place procedures which would occur in the event that EDR is eliminated under Wisconsin law, including the effect on the number of provisional ballots, and any fiscal impact of those changes. Identify changes required by Section 302 of HAVA in the investigation and processing of provisional ballots and in canvass procedures.
2. Use the attached document ("Summary of National Voter Registration Act Requirements") as a starting point, but conduct more thorough and comprehensive research regarding all of the criteria, standards and requirements of the NVRA which would change election administration in Wisconsin.
3. Determine exactly what Wisconsin agencies would need to do to comply with each NVRA standard and requirement.
4. Estimate the costs of implementing NVRA and HAVA provisional ballot requirements at the State and Local levels.
5. In the event that the Wisconsin Legislature and Governor were to rescind Election Day Registration in Wisconsin, specifically evaluate and summarize the following:
  - A. Required Collaboration with Partner Agencies
    - Specify the Wisconsin agencies, including Department of Transportation, agencies providing social services and assistance to persons with disabilities, and Armed Forces branches described under the NVRA with which the G.A.B. would need to consult and collaborate.
    - Identify the kind, nature, frequency and scope of consultation and collaboration which would be needed with these agencies, including the duties of those agencies to offer voter registration and to transmit applications to appropriate election officials.

- Identify the nature and delivery mechanisms for the G.A.B. to train partner agencies and monitor compliance with the NVRA, including any staffing implications.

B. Required New Procedures for Maintenance of Voter Information in SVRS, Removal of Inactive Voter Names, and Reporting Requirements

- Outline the NVRA requirements for registration list maintenance, as compared to Wisconsin's current statutory procedures.
- Outline the NVRA requirements for retention of records related to the maintenance of the voter registration list.
- Identify NVRA reporting requirements and the steps required for complying with those requirements.

C. Impact on Local Election Officials

- Identify the impact of implementing NVRA/HAVA requirements on local government and Local Election Officials in terms of increased workload and time, including requirements for voter notification and record retention, and estimate the costs of implementing NVRA/HAVA at the municipal level.
- Evaluate the approach and timeframe for informing Local Election Partners about the NVRA/HAVA requirements and implementation procedures, and bringing these officials into the discussion regarding NVRA/HAVA and its impact on local election administration.
- Identify the kinds of education, training and technical assistance that would be required for Local Election Officials.

D. Required IT Technical Capacity/Capability

- Identify what changes would be needed in our election management tool (the Statewide Voter Registration System) – its current and future capability and capacity – in order to manage the coordination of voters' registration forms received under the provisions of the NVRA/HAVA. This includes consideration of the impact of NVRA/HAVA on the process of SVRS modernization as currently envisioned. This also includes additional requirements related to expanded use of provisional ballots.
- Identify the kinds of upgrades and retrofits that would be necessary, and the estimated amount of time it would take to engineer the upgrades/ retrofit, and to test and ready them for implementation.
- Determine the format of the NVRA voters' registration forms, i.e. paper, electronic, etc., and the responsibility (G.A.B. or Municipalities) for receipt, processing and maintenance of registration forms.
- Determine if the G.A.B.'s interfacing with DOT, DHS and DOC would continue in its present form in terms of voter information matching procedures.

E. Possible Assistance of the PEW Charitable Trust's Voter Registration Modernization Project in Implementing NVRA Requirements

- Research PEW's Voter Registration Modernization (VRM) Project and its Electronic Registration Information Center (ERIC) initiative. Assess ERIC's capabilities, capacity and functionalities, and determine its utility in playing an effective role with

coordinating, managing and processing Wisconsin's voter registrations that would be received under the NVRA.

- Note that the G.A.B. Staff Team appointed to conduct a Fact-Finding Study on the Federal Systematic Alien Verification for Entitlements (SAVE) Database, has already completed research on ERIC's capabilities, capacity and functionalities and will be able to share information with Taskforce members.

F. Required Public Information and Outreach Campaigns to Educate, Inform Wisconsin's Citizenry, and the Estimated Costs of this Public Education and Outreach Initiative.

6. Identify and contact representative states that are implementing NVRA/HAVA requirements and gather facts such as the following:

- How does the state handle provisional ballots under Section 302 of HAVA, including its investigation of voter eligibility and applicable timelines for that investigation and for canvassing of provisional ballots?
- How long has the state been implementing NVRA requirements?
- Which and how many agencies and organizations are involved with the NVRA implementation process?
- How many staff persons are assigned to administer and monitor compliance with the NVRA requirements?
- What are the major barriers and challenges involved in implementing NVRA requirements?
- What do they identify as their successes and best practices?
- How many NVRA voter registration forms are collected each year by the partner agencies?
- How does the collecting agency process the voter registration forms and which election official ultimately receives the forms to complete the registration process?
- What process is used to evaluate and assess compliance with NVRA by the partner agencies?
- Does the state election agency designate a dedicated staff person to oversee compliance with NVRA?
- Has the state been sued regarding NVRA requirements? If so, what were the issues and the outcome?
- What are the state's costs for implementing the NVRA requirements, broken down by:
  - ❖ Personnel.
  - ❖ Program operations/coordination with other required agencies.
  - ❖ Education/Training/Outreach/Technical Assistance.
  - ❖ Postage and processing of voter registration forms.
  - ❖ Any other fiscal information that will be helpful.

7. The intent is for this assignment to be as comprehensive as possible. As such, the Fact-Finding Taskforce is not limited to the "letter" of this Charge Statement. Please provide any other information that is germane to understanding the impacts and ramifications of rescinding Election Day Registration (EDR) in Wisconsin, for G.A.B. management, members of the G.A.B. and members of the Legislature.

The Taskforce is encouraged to go beyond the scope of the Statement as necessary in carrying out the intent of this Charge. As time permits, the Taskforce is encouraged and expected to explore related issues and make recommendations accordingly, that may go beyond the specifics of this Charge Statement. This Charge Statement may be amended as deemed necessary by the Elections Division Administrator.

Priorities

The Government Accountability Board's staff and the Taskforce will be operating under an expedited schedule. It is anticipated that due to the time limitation, most of the meetings involving any members

other than G.A.B. staff will need to be conducted via teleconferencing or webinars. Taskforce members are expected to be assigned tasks to research and report back to the membership. Taskforce members are expected to devote the necessary time to these tasks in order to be able to submit a Preliminary and a Final report as indicated in the Timelines below.

### Timelines

1. Regular Verbal Updates: The Taskforce Co-Leads should be prepared to provide verbal updates at the Weekly Elections Divisional Staff Meetings.
2. Preliminary Report Due Friday, November 30, 2012: The Fact-Finding Team is asked to present a preliminary report that should at least include a summary of the National Voter Registration Act, its requirements, impact, nature and scope and any other noteworthy findings that may affect election administration in Wisconsin if the Legislature and Governor were to rescind Election Day Registration (EDR) in Wisconsin. The Preliminary Report should also include any effects on the Elimination of EDR which may be independent of the NVRA requirements, such as the provisional ballot requirements of HAVA.

This Preliminary Report should also include the best available estimated fiscal impact information to date on how much it would cost the State to implement NVRA in Wisconsin, by at least identifying cost areas that will need further study.

3. Final Report Due Friday, December 28, 2012: The Final Report should build upon and expand the Preliminary Report. The Final Report should be more comprehensive and contain a detailed fiscal impact estimate including but not limited to the following:
  - Staffing, program operations and program administration costs.
  - The kinds of policies and procedures that will be needed for program implementation.
  - Program outreach, public education, training and technical assistance costs.
  - Identification of coordination and technical issues among the affected agencies.
  - Role of and costs for participation by local government and their election officials.
  - Challenges as well as options and recommendations for consideration.
  - Identify and specify the technical issues, including IT modifications that would have to be addressed.
  - Include any other information that will be helpful to fully understanding the ramifications and impact of eliminating Election Day Registration (EDR) in Wisconsin.

### Team's Leadership

There are many areas of the National Voter Registration Act to be researched and explored in order for the data-gathering and fact-finding process to be as thorough and complete as possible. Each appointed Taskforce member has an expertise that will bring value to the data-gathering, fact-finding, and analysis process. An organizational meeting was held on November 15, 2012, at which time the Director and General Counsel and the Elections Division Administrator formally charged the Taskforce. The Taskforce is encouraged to call upon its members and other Elections Division staff as necessary to assist with addressing and fulfilling the provisions of the Charge Statement.

### Policy Directions/Oversight Guidance/Legal Assistance

Kevin J. Kennedy, Director and General Counsel of the Wisconsin Government Accountability Board is the project sponsor, and will provide overall policy direction for this fact-finding task. Staff Counsel Haas and Elections Supervisor Hein will provide oversight responsibilities and guidance. Staff Counsel Falk will provide legal assistance as required.

## Appendix E

### **EDR Study Taskforce Membership**

#### Government Accountability Board Staff Members

- Richard Rydecki, Elections Specialist, Co-Lead
  - Brian Bell, Elections Data Manager, Co-Lead
  - Ross Hein, Elections Supervisor
  - Diane Lowe, Lead Elections Specialist
  - Allison Coakley, Elections Training Officer
  - Adam Harvell, Campaign Finance Auditor and Ethics Specialist
  - Ann Oberle, SVRS UAT Lead Tester
  - Meagan Wolfe, Voter Services and Outreach Elections Specialist
  - Steve Rossman, IS Technical Services Senior
  - Sharrie Hauge, Chief Administrative Officer
  - David Grassl, IT Development Team Director
  - Reid Magney, Communications Director
  - Ashley Davis, UW Law Student Intern
  - Kathleen Marschman, UW Law Student Intern
  - Michael Haas, Staff Counsel
- Project Sponsor: Kevin Kennedy, Director and General Counsel

#### Members Representing Other State Agencies

- Kristina Boardman, Director of DMV Field Services, Department of Transportation, representing Secretary Mark Gottlieb
- Georgia Maxwell, Executive Assistant, Department of Workforce Development, representing Secretary Reggie Newson
- Joan Hanson, Deputy Secretary, Department of Children and Families, representing Secretary Eloise Anderson
- Kevin Moore, Executive Assistant, Department of Health Services, representing Secretary Dennis Smith

#### Organizations Representing Local Government Interests on a Statewide Basis

- Wisconsin Towns Association
- Wisconsin County Clerks Association
- Wisconsin Municipal Clerks Association

**ATTACHMENT #1-A**

**Accessibility Compliance Audits Conducted  
During the November 6, 2012 General and Presidential Election**

<b>County</b>	<b>City</b>	<b>Town</b>	<b>Village</b>
<b>Dane</b>	Madison		
<b>Kenosha</b>	Kenosha	Wheatland, Paris	Pleasant Prairie
<b>Milwaukee</b>	Cudahy, Franklin, Glendale, Milwaukee, Oak Creek, St. Francis, Wauwatosa		Brown Deer, Whitefish Bay
<b>Racine</b>	Burlington, Racine	Burlington, Dover, Norway, Raymond, Waterford, Yorkville	Caledonia, Elmwood Park, Mount Pleasant, North Bay, Rochester, Sturtevant, Union Grove, Waterford, Wind Point

Four (4) Counties  
Thirty (30) Municipalities

**ATTACHMENT #1-B**

**Accessibility Compliance Audits Conducted  
During the December 4, 2012 Special Election in the  
State Senate 33 District**

<b>County</b>	<b>City</b>	<b>Town</b>	<b>Village</b>
<b>Waukesha</b>	Delafield, Pewaukee, Waukesha	Delafield, Genesee, Lisbon, Merton, Mukwonago, Oconomowoc, Ottawa, Waukesha	Chenequa, Dousman, Hartland, Merton, Nashotah, North Prairie, Oconomowoc Lake, Pewaukee, Summit, Sussex, Wales

One (1) County  
Twenty-two (22) Municipalities

# State of Wisconsin\Government Accountability Board

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JUDGE THOMAS H. BARLAND  
Chair

KEVIN J. KENNEDY  
Director and General Counsel

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## ATTACHMENT #3

### 2012 Election Administration Major Achievements

(Strategic Achievements from a Historic Year in Wisconsin's Election Administration)

1. Administered Six Successful Statewide Elections: The G.A.B. administered a historic number of statewide elections during the 2011-2012 cycle which required extensive preparations by G.A.B. staff. The G.A.B. worked in conjunction with our 1,851 municipal clerk partners, 72 county clerk partners, and over 30,000 other local election officials to successfully conduct six elections statewide. In addition, the G.A.B. also provided administrative guidance to local election officials for local and special elections.
2. 2012 Recall Process: The G.A.B. successfully reviewed approximately two million Petition signatures for the Recall of the State's Governor, Lieutenant Governor and four State Senators during 2012. This detailed, high-public profile and time-sensitive task was a huge and complex undertaking with no model available to address the scope of the unprecedented responsibility. Operating policies, procedures and standards had to be developed for the quality assessment and successful review and analysis of the 2012 Recall Review Process. This task was performed under the scrutiny and watchful eye of an interested and curious public via a video feed that was available nationwide.

The GAB also conducted and assisted in several other local recalls including a mayor, Town Board Chairs, Town Board Supervisors, two Sanitary Districts and Special Referenda.

3. Voter Photo Identification (ID) and Other Legislative Changes: The G.A.B. implemented Wisconsin Act 23, the Voter Photo ID Bill, which became law on June 9, 2011 and fully effective with the February 21, 2012 Spring Primary. Act 23 was a sweeping change in the State's election administration. From making presentations to the Legislature starting in January 2011 until the bill became law on June 9, 2011, through a team approach, the Government Accountability Board (G.A.B) staff implemented a comprehensive strategy that included the development of educational materials and tools for administering the Voter Photo ID Law. To educate the public about this significant change, the G.A.B. launched a statewide media education/informational campaign which included television ads, radio spots, and print media. The theme of this public campaign was "Bring it to the Ballot!"

The G.A.B. also provided administrative guidance to local election officials and members of the public on major legislative changes to election law. Some of the most notable changes include:

- Act 227: Legislative change limiting persons who have completed an absentee ballot from voting at the polling place.
- Act 115: Legislative change to county and municipal canvassing procedures, provisional ballot information, recount petition deadlines, and more.
- Act 75: Legislative change that moved the date of the Presidential Preference Primary and the Partisan Primary election to ensure time for military and permanent overseas voters to cast their ballots.

4. Implementation of the 2012 Decennial Census Results (Redistricting): The G.A.B. implemented the Wisconsin State Legislature's new district boundaries. Administration of the new districts included a complete revamp of the Statewide Voter Registration System (SVRS) to include mapping tools to assign voters to their respective districts. The new districts created as a result of redistricting were implemented in SVRS using these tools which allowed clerks immediate access to the new districts without having to spend months manually updating address ranges and voter assignments.
5. Development of a Comprehensive MyVoteWisconsin Website: For the first time, Wisconsin voters can use the G.A.B.'s voter portal to answer basic questions about themselves and generate a voter registration form that can be signed and delivered to their local municipal clerk. All data gathered on the website is fed directly into SVRS and electronically accessed by local election officials. This new workflow allows for more efficient and accurate registration information without the need to hand-key voter registration forms. The system automatically adjusts the instructions to the voter based on registration deadlines and provides voters with the correct municipal clerk to send or hand-deliver their form to. Voters can use this system 24 hours a day, 7 days a week, and 365 days a year.
6. Compliance with the Federal MOVE Act Consent Decree: The G.A.B. worked with the U.S. Department of Justice to ensure that Wisconsin's military and permanent overseas voters were able to receive absentee ballots in a timely manner, in accordance with the 2009 Military and Overseas Voter Empowerment Act, e.g. 45 days prior to an election in which a Federal Office is on the ballot. The G.A.B. ensured absentee ballot deadlines were met through a series of required reports and surveys of all municipal and county clerks. Surveys were completed before the April 2 Presidential Preference Primary, the August 14 Partisan Primary, and the November 6 Presidential and General Election regarding compliance with the transmittal of ballots to military and permanent overseas voters. G.A.B. also reported findings to the U.S. Department of Justice. Four reports were required before each election with three of those reports necessitating responses from all 1,851 municipal clerks.
7. G.A.B. Awarded a Federal Voting Assistance Program (FVAP) Competitive Grant: The G.A.B. was successful in preparing a \$1.9 million dollar nationally competitive grant application that was submitted to the U.S. Department of Defense, Federal Voting Assistance Program (FVAP). Grant funds enabled the State to provide significantly improved customer services to the State's military and overseas voters, by supporting the development of an Online Absentee Ballot Delivery System for these electors. This new system allows military and overseas voters to access their voter information and an absentee ballot on their own schedule with immediate turnaround. These improvements facilitate the State's capacity and ability to serve our military and overseas voters more efficiently and effectively. The online absentee ballot delivery system also enables Wisconsin to comply with the Federal MOVE Act and with the 2011 Wisconsin Acts 45 and 75 regarding the Presidential Preference Primary and the Partisan Primary.
8. Improved Mechanism for Delivering Effective Education and Training Programs for Clerk Partners: The G.A.B. developed and utilized an additional Elections Administration Training series utilizing webinar software to conduct training sessions, host teleconferences and develop educational modules for providing critical and up-to-date election administration information about current processes and procedures as well as rapidly changing legislative proposals and new state statutes. Election officials have the option to attend training live or review recorded webinars available for download from our website on-demand at no charge. Using a combination of certified clerk-trainers and live, online webinars, the G.A.B. conducted 25 Municipal Clerk Core training classes for 360 new municipal clerks and staff and 81 Baseline Chief Inspector training classes for 1,990 Chief Inspectors. The webcasts were posted shortly after each training session for refresher training for municipal clerks and for poll worker training.

In addition, the G.A.B. produced and distributed new election administration manuals to clerks including an Election Administration Manual, Election Day Manuals and the SVRS Manual. How-to videos on various election administration topics were also produced and distributed to local election officials.

9. Improved Services to Voter Customers: The G.A.B. launched and continued development of a comprehensive initiative focused on voter education and technical assistance. The goal of the initiative was to inform Wisconsin electors about important aspects of election law and their rights and responsibilities. Some of the highlights of this initiative to “get the word out” to our customers include:

- The use of social media including Facebook and Twitter;
- Development of voter materials including a reference guide on photo ID, a comprehensive document on election law, and a voter rights and responsibilities document;
- Development and implementation of a speaker’s series in which G.A.B. staff gave presentations to voter groups across the state.

To further meet the needs of Wisconsin electors, the G.A.B. also developed two systems to aid in responding to customers in a more timely and efficient manner. The G.A.B. created two separate databases for the improved management of customer complaints and of public records requests.

10. Assistance Provided to the City of Milwaukee Regarding Section 203 Compliance: The G.A.B. assisted and advised the City of Milwaukee concerning compliance with their Spanish language designation under Section 203 of the Voting Rights Act. G.A.B. facilitated the translation of election administration forms and polling place notices from English to Spanish and created a surname analysis tool to assist the Milwaukee Election Commission in determining their need for bilingual poll workers. G.A.B. staff monitored Milwaukee polling places for Section 203 compliance over the course of three elections in 2012, and provided feedback to the Commission.

11. Election Cost Data Gathered as Part of Elections Statistics: For the first time, the G.A.B. staff worked with Wisconsin’s 1,851 municipalities and 72 counties to collect actual election cost data (not estimates). Cost data were gathered for five statewide elections during 2012. Municipal and county clerks reported cost data in eleven different pre-determined categories for each election. The cost categories include training, ballots, memory devices, programming of equipment, ballot bags, wages for local election officials, staff costs, polling place rental, notices, polling place documents, and miscellaneous costs which clerks are asked to specify. The G.A.B. incorporated the collection of election cost information into its business practices because these data are a part of, and they complete the reporting on elections results and statistics. In addition, this information:

- Helps municipalities and counties convey the complete cost of conducting election to their respective chief executives, governing boards and voters.
- Assists municipalities and counties in preparing and budgeting for elections.
- Enables the G.A.B. to more accurately inform the State Legislature whenever G.A.B. is asked to perform fiscal impact statements on pending and enacted election-related legislation.
- Enables the G.A.B. to inform the general public about the cost of conducting elections.
- Assist municipalities and counties predict election costs based on voting trends and projected turnout. Election cost information can also help identify potential cost savings.

12. 2012 Fall Election Strategic Cycle Planning Team: To ensure a problem-free Fall Election Cycle, G.A.B. staff developed and launched a comprehensive education and training program for local election officials and voters which focused on the fundamentals of elections and voting in Wisconsin. This “Back to Basics” Campaign supplemented the agency’s ongoing election preparedness effort. In addition to providing routine assistance to clerk partners and elector customers, the “Back to Basics” initiative resulted in the completion of significant special election preparedness projects in advance of the August Partisan Primary and November General and Presidential Election. Projects completed included:

- A comprehensive guide for voters and election officials on how to handle electronic forms of proof of residence;
- A guide for handling student residency requirements;
- A voter rights and responsibilities document, and many more.

While these documents were created for the August and November 2012 elections, they will be useful resources for election officials and voters in future elections.

13. Election Administration Research/Studies: During the last quarter of 2012, the G.A.B. staff conducted two comprehensive studies on issues that if enacted by the Legislature and the Governor, would affect and impact election administration in Wisconsin. Both studies were completed in December 2012.

First, G.A.B. staff researched the Systematic Alien Verification for Entitlements (SAVE) program maintained by the United States Department of Homeland Security (USDHS), U.S. Citizenship and Immigration Services (USCIS) and developed a report that was submitted to members of the Government Accountability Board, the Legislature and the Governor. This report provides the results of this research, as well as recommendations for how the SAVE Program could be used in Wisconsin for the purpose of voter registration list maintenance.

In addition, a study was conducted by G.A.B. staff that determined the cost and administrative impact on elections in Wisconsin if Election Day Registration (EDR) were eliminated. This study included a detailed analysis of the fiscal and administrative impact of implementing requirements from the National Voter Registration Act (NVRA) if EDR were eliminated in Wisconsin.

Both of these studies were accepted by the Government Accountability Board and submitted to the Wisconsin State Legislature and Governor.

14. Ensuring Polling Place Accessibility: Through the agency AccessElections! Accessibility Compliance Program, Accessibility Compliance Audits were conducted at 895 polling places during seven elections in 2012. A total of 456 municipalities were visited in 27 counties. Tablet PCs were incorporated into the audit process to enhance auditors’ ability to conduct audits more efficiently and at a reduced cost.
15. Assessing the Integrity of Wisconsin’s Voting Systems: Pursuant to the Help America Vote Act (HAVA) and Wis. Stat. § 7.08(6), the G.A.B. ordered the audit of a random sample of each voting system that is currently in use in Wisconsin. This audit is designed to assess how the electronic voting equipment performed on Election Day by comparing the system’s vote totals with the actual ballots cast by voters to ensure the system maintains an accurate tally. These audits are required to be conducted publicly.
16. Increased Use of Technology to Improve Program Efficiency and Effectiveness: In 2012, the G.A.B. Information Technology (IT) team released multiple applications that significantly

increased clerk efficiency, resolve issues, and support major initiatives. These IT program initiatives improved the election process for both election officials and voters across the State. Some of the most notable IT improvements include:

- Upgrade of the Canvass Reporting System: The G.A.B. worked with Waukesha County to develop a reliable process for reporting election night results. The new process has worked well and is available for the use of all counties and municipalities. The G.A.B. has encouraged all county and municipal clerks to consider using the expanded functionalities of the Canvass Reporting System for reporting unofficial election night results.
- Improved Access of the Ineligible Voter Lists: Beginning with the April 3, 2012 Presidential Preference and Spring Election, the G.A.B. implemented an online system for distributing ineligible lists provided by the Wisconsin Department of Corrections. The online system allows municipal clerks to print the required list on demand. A clerk or election inspector may also search the online database instead of printing a paper list. By offering an online system for distributing ineligible voting lists, the G.A.B. now provides the most up-to-date information at a significantly lower cost.
- Development of a Comprehensive MyVoteWisconsin Website: Please refer back to page 2, item #5.

**ATTACHMENT #4**  
 GAB Election Division's Training Initiatives  
 10/24/2012 – 12/18/2012

<b>Training Type</b>	<b>Description</b>	<b>Class Duration</b>	<b>Target Audience</b>	<b>Number of Classes</b>	<b>Number of Students</b>
Municipal Clerk	2005 Wisconsin Act 451 requires that all municipal clerks attend a state-sponsored training program at least once every 2 years.	3 hours	All Municipal clerks are required to take the training; other staff may attend.	1 webinar conducted by G.A.B. staff; recordings posted to website for training.	35
Chief Inspector	Instruction for new Chief Inspectors before they can serve as an election official for a municipality during an election.	3 hours	Election workers for a municipality.	4 classes conducted by certified clerk-trainers; recordings posted to website for training.	80
Other	<ul style="list-style-type: none"> <li>• November 30, 2012: Board staff gave an election administration presentation to 65 municipal clerks at the WMCA Districts 6 &amp; meeting in Grand Chute.</li> <li>• Board staff compiled and posted clerk training report for the 2011-2012 term.</li> </ul>				

# State of Wisconsin\Government Accountability Board

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KEVIN J. KENNEDY  
Director and General Counsel

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## MEMORANDUM

**DATE:** For the December 18, 2012 Meeting

**TO:** Members, Wisconsin Government Accountability Board

**FROM:** Kevin J. Kennedy, Director and General Counsel  
Wisconsin Government Accountability Board

Prepared by: Kevin J. Kennedy, Director and General Counsel  
Sharrie Hauge, Chief Administrative Officer  
Reid Magney, Public Information Officer

**SUBJECT:** Administrative Activities

### Agency Operations

#### Introduction

The primary administrative focus for this reporting period has been on financial services activity, procuring goods and services, contract sunshine administration, recruiting staff, communicating with agency customers, and developing legislative and media presentations.

#### Noteworthy Activities

##### 1. Financial Services Activity

- Financial staff prepared the third quarterly SF 425 Report due December 31<sup>st</sup> for the FVAP federal aid grant. Monthly reimbursements totaling \$ 238,665 for October and November expenditures were also claimed online for the FVAP grant, while journal entries were prepared to record these revenue receipts, and the accounting for incoming wire transfers were coordinated with DOA-Treasury staff. Approximately \$ 513,211 of the \$1,919,864 grant has been expended since its inception in March.
- Staff compiled and reconciled all HAVA Sections 101, 251, and 261 revenue and expenditure amounts for the seven annual Federal Financial Reports, due by December 31<sup>st</sup>, 2012 for the federal fiscal year ending on September 30, 2012.
- Staff confirmed the fiscal year-end petty cash and lobbying e-pay depository balances held by our agency and prepared the annual GPR bank account certification for the DOA-Treasury.
- Staff compiled and reconciled the federal grant schedule for the state fiscal year ending on June 30, 2012. This annual schedule of federal award expenditures is requested by the Legislative Audit Bureau for their use in auditing the federal financial assistance received by the State of Wisconsin, which is then compiled with all other agencies in a statewide schedule. Both the Federal 2010 HAVA Section 251 Requirements Payments of \$ 1,285,090 and the Federal

Voting Assistance Program (FVAP) grant allotment of \$ 1,919,864 were added to this schedule for the state fiscal year that just ended.

- Calculated and booked the fourth quarter payroll adjusting entry, to properly allocate salaries and fringe benefits between federal and state programs, in compliance with federal costing standards. Voting equipment testing costs incurred by G.A.B. staff were billed to and received from ES&S, the voting equipment and software vendor, per our cost recovery agreement.
- Staff is working with the U.S. Election Assistance Commission to recover the \$200,686 receivable from the federal government for the final WEDCS grant reimbursements due the G.A.B.
- The \$302,541 unobligated balance from the closed-out Section 102 voting equipment grant was returned to the federal government.
- Journal entries were prepared and booked to properly allocate monthly interest earnings and mixed server usage charges to their appropriate federal or state programs, while monthly DOA General Service Billing charges were audited prior to payments being processed.
- FY13 appropriation budgets were set up and prior year actual expenditures in aggregate were entered into the QuickBooks accounting & budgeting software. Numerous customized reports for both federal & state programs were created to show budget-to-actual results and prior year comparisons. All current fiscal year-to-date transactions have now been entered into QuickBooks and reconciled back to the old Excel files. Purchase orders and associated payments against them are also being entered and tested within QuickBooks, to determine the feasibility of its purchase order features and capabilities.

## 2. Procurements

Since the last Board meeting, the procurement section has purchased various office supplies and printed materials for confidential voters in preparation for the November election. We also purchased a new shredding machine to ensure the security of confidential printed information.

To facilitate the computer needs for the IT Team, we purchased two new computers and monitors. We also renewed the agency's Microsoft Software licenses after a new contract was signed between the Department of Administration and Microsoft.

Additionally, the procurement section hired thirteen temporary employees to conduct Accessibility surveys at polling places on Election Day in Racine, Kenosha and Milwaukee Counties.

## 3. Contract Sunshine

Contract Sunshine officially completed the certification period from July 1 to September 30, 2012 shortly after the last Board Meeting. All agencies that were required to report, plus one optional-reporting agency certified their data. Reminders for the next certification period will be sent out to all agency contacts in mid-December for the certification period of October to December 2012.

4. Staffing

We have made significant progress in our recruitment efforts since the last Board meeting to fill our position vacancies. On December 3, Brian Bell, Reid Magney, Ann Oberle, Richard Rydecki and Megan McCord Wolfe began their new appointments as permanent G.A.B. staff.

We have also completed first and second round interviews for three Elections Specialist vacancies and expect to make position offers next week. Additionally, we are in the process of conducting first-round interviews for four vacant Office Operations Associate positions and hope to have those positions filled by early January.

5. Communications Report

Since the October 23, 2012 Board meeting, the Public Information Officer has engaged in the following communications activities in furtherance of the G.A.B.'s mission:

The PIO continued to respond to a high number of media and public inquiries on a variety of subjects, especially issues related to the November 6, General Election. The PIO set up interviews with print and electronic journalists for Director Kennedy and also gave multiple interviews when he was not available.

Between October 16 and November 30, the PIO has responded to more than 700 requests from news media and the public for information and interviews – 315 telephone calls and 392 emails.

The PIO has been assisting Elections Division and Ethics & Accountability Division with several projects including serving on the team studying use of the SAVE database, and serving on the team studying the impacts of eliminating Election Day Registration, and setting up an online training reservation system for training for the new Eye on Lobbying website.

The PIO has also worked on a variety of other projects including responding to concerns from Legislators on a variety of topics, and communicating with our clerk partners.

6. Meetings and Presentations

During the time since the October 23, 2012 Board meeting, Director Kennedy has been participating in a series of meetings and working with agency staff on several projects. The primary focus of the staff meetings has been to address post-election issues and prepare for the 2013-14 Legislative Session. The Director and G.A.B. staff has consulted with the Governor's office on possible timetables for calling potential special elections in the 1<sup>st</sup> Congressional District and the 98<sup>th</sup> Assembly District. While there will not be a special election in the 1st Congressional District, the planning process identified the need to consider legislative changes in the timing of special elections to fill vacancies in a Congressional office in order to comply with federal law.

Staff Counsel Mike Haas participated in a panel discussion on October 19, 2012 for the Wisconsin Association of School Boards. The subject of the panel was *School District Officials' Roles, Rights and Responsibilities in Conducting Referenda*. On October 24, 2012, Staff Counsel Mike Haas presented a webinar for Wisconsin law enforcement officials focused on Election Day Preparations for Law Enforcement. On November 1, 2012, Director Kennedy presented a webinar for state prosecutors on *Election Day Law: A Practical Guide to Polling Place Issues for the Prosecutor and Investigator*. Director Kennedy also spoke at Carthage College in Kenosha on October 31, 2012.

On November 1, 2012 Director Kennedy participated in a radio call-in program *At Issue* with Ben Merrens. The program focused on the November 6, 2012 election. The media made a number of inquiries on administrative and legal issues associated with the November elections. This led to extended interviews with print journalists and a number of television and radio appearances on the days preceding the election as well as Election Day.

The Organization for Security and Cooperation in Europe/Office of Democratic Institutions and Human Rights (OSCE/ODIHR) placed two observers in Wisconsin for the November 6, 2012 Presidential election. These election observation teams were invited by the U.S. State Department to observe our elections process. Representatives from France and Germany met with agency staff on the day preceding the election. They also observed the Elections Division post-election debriefing on the day following the election. A copy of the OSCE/ODIHR report on U.S. elections can be found at: <http://www.osce.org/odihr/elections/96958>.

On November 9, 2012, Director Kennedy and Ethics and Accountability Division Administrator Jon Becker met with government officials from South America to discuss the role of the Government Accountability Board in administering and regulating aspects of the political process. Representatives from Argentina, Bolivia, Chile, Columbia, Ecuador, El Salvador, Equatorial Guinea, Nicaragua and Venezuela participated in the meeting. A representative of Governor Walker's office also participated in the meeting. The visit was conducted in coordination with the International Visitor Program of the International Institute of Wisconsin. The International Visitor Program is an initiative of the United States Department of State.

Staff Counsel Mike Haas presented information on charging costs to public records requestors. The presentation was part of the quarterly meeting of the state Public Records Attorneys Group.

Staff Counsel Shane Falk, Ethics and Accountability Division Administrator Jonathan Becker and Director Kennedy attended the 34th Annual Conference of The Council on Governmental Ethics Laws (COGEL). Each of them were speakers on different topics at the meeting. Director Kennedy presented the *U.S. Elections Update on Legislation and Litigation*. Administrator Becker participated on a panel on *Communicating ten Agency Mission to the Public*. Staff Counsel Falk participated on a panel focused on *Constitutional Challenges to Watchdog Statutes*. COGEL is a professional organization for government agencies, organizations, and individuals with responsibilities or interests in governmental ethics, elections, campaign finance, lobbying laws and freedom of information.

On December 6, 2012, Director Kennedy provided training for new District Attorneys. This is a program organized by the Wisconsin Department of Justice to provide a foundation for newly elected or appointed District Attorneys. Director Kennedy worked with Professor Edward Foley of Ohio State University and Rebecca Green of William & Mary Law School to develop an election war game exercise as part of judicial education program for Wisconsin judges. The program which included arguments presented to a three judge panel was followed by a discussion involving Attorneys Matt O'Neill and Jim Troupis along with Director Kennedy.

On December 10, 2012, director Kennedy presented information on Managing the Cost of Elections as part of the Pew Center on the States *Voting in America 2012* national conference. The agency data manager, Brian Bell, compiled and organized the information that was presented.

Director Kennedy and Lead Elections Specialist, Diane Lowe, provided administrative support for the presidential elector meeting held in the State Capitol Building. The electors of the presidential ticket receiving the most votes in Wisconsin will meet at noon, on December 17, 2012 to cast their vote as part of the Electoral College selection of the next President and Vice-President of the United

States. Diane Lowe has overseen the organizational details for the meeting of the Electoral College on behalf of the agency and the former State Elections Board for several presidential elections.

On October 12, 2012, Director Kennedy, Elections Division Administrator Nat Robinson, Staff Counsel Mike Haas, along with Election- Specialists Jason Fischer and Meagan McCord Wolfe met with the Elisabeth MacNamara, President of the League of Women Voters of the United States and Andrea Kaminski, Executive Director of the League of Women Voters of Wisconsin. The staff provided a briefing on the agency's preparedness for the November 6, 2012 election. The briefing included an overview of election administration in Wisconsin, our Back-to Basics initiatives, voter education and outreach and our My Vote Wisconsin voter portal on our website. We also discussed election observers and the challenge process.

On October 16, 2012, Director Kennedy led a team to the annual convention of the Wisconsin Towns Association in Appleton to discuss preparations of the November 6, 2012 election. Ross Hein, Allison Coakley and Katie Mueller presented vital information to town clerks and elected officials to enable them to be prepared for the election. Upon his return from Appleton, Director Kennedy was interviewed by Steve Walters of Wisconsin Eye. The focus of the interview was the top 10 questions electors may have as we head into the November 6, 2012 elections for President, Congress, Legislative and County Courthouse offices. The interview can be viewed at this link: <http://www.wiseye.org/Programming/VideoArchive/EventDetail.aspx?evhdid=6789>.

## **Looking Ahead**

The primary focus of the agency staff is on preparations for the new legislative session, campaign finance and lobby reports due in January, 2013, as well as the February Spring Primary and April Spring Election. The staff will also be completing two comprehensive studies on Elect in Day Registration and using information from the SAVE data base maintained by the U.S. Department of Homeland Security for SVRS list maintenance. Elections Division staff is also preparing for the biennial post-election voting equipment audit. The Spring 2013 election season began on December 1, 2012. Candidates for State Superintendent of Public Instruction, Supreme Court Justice, Court of Appeals Judge and Circuit Court Judge will be registering for office, circulating nomination papers and filing ballot access documents by the January 2, 2013 filing deadline at 5 p.m. The Spring Primary is February 19, 2013 and the Spring Election is April 2, 2013.

## **Action Items**

None