

State of Wisconsin \ Government Accountability Board

212 East Washington Avenue, 3rd Floor
Post Office Box 7984
Madison, WI 53707-7984
Voice (608) 266-8005
Fax (608) 267-0500
E-mail: gab@wisconsin.gov
<http://gab.wi.gov>



JUDGE DAVID G. DEININGER
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

DATE: March 29, 2012

TO: Wisconsin Municipal Clerks
City of Milwaukee Election Commission
Wisconsin County Clerks
Milwaukee County Election Commission

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

SUBJECT: GAB-190 Explanation

Thanks to those of you who inquired about the reason as to why the request for election costs was incorporated into the GAB-190, the Election Voting and Registration Statistics Report.

As you know -- as we normally do -- we would have sought clerks' feedback on this matter but we simply ran out of time. For example, we were waiting to see if the SB-271 (deals with additional absentee balloting procedures) and SB-361 (deals with the elimination of SRDs in high school) would pass and be signed by the Governor, and if either had any impact on reporting requirements that affected the GAB-190. As you may also know, both these bills are now awaiting the Governor's signature.

By Monday of this week, we simply could not wait any longer to see if the Governor signed SB-271 and SB-361; we had to distribute the GAB-190. We regret we were unable to engage in our usual collaboration with clerks on this matter. Due to the fact that the revised GAB-190 form was distributed later than planned, indeed, we are sensitive to the fact that clerks did not have as much time as we would have liked for them to plan for providing these costs. As such, we will be flexible regarding the reporting of cost information for the April 3 Spring Election.

Staff debated how, when and where to request information on the cost of statewide elections as well as how, when and where to request the additional reporting requirements mandated by Wisconsin Acts Act 23, Act 75 and Act 115 (i.e. return of absentee ballots, a breakdown of why provisional ballots were cast, and other changes). A separate form was considered to be used for complying with Legislative actions and requests.

Amending the GAB-190 was chosen because this Election Voting and Registration Statistics Report is specifically required by statute and therefore, was deemed to be the best "vehicle" for obtaining this information. As you may know, even though clerks are required to respond to requests received from the Government Accountability Board in accordance with Wis. Stats. § 5.05(14), § 7.10 (10), and § 7.15 (13), we continually experience ongoing challenges in trying to obtain information from some clerks.

Regarding our requests for information on absentee ballots for military and overseas voters that we solicited at the direction of the U. S. Department of Justice and now in response to a Federal Court

Consent Decree, we are still having problems obtaining responses. Besides not hearing from many clerks about their absentee ballots for military and overseas voters, two other recent examples are the legislative requests for the estimated costs the 2011 Recall and Special Elections, and the estimated costs for a 2012 Recall Election. These were legislative requests but nevertheless, ignored by a large number of municipal clerks even after at least three follow-ups.

It is more efficient and cost effective to record and report the cost data in a single report than in separate ones. In addition, the immense time and effort involved in tracking down that information have affected our confidence in the willingness of some municipal clerks to cooperate in providing requested information unless it is included in the GAB-190. Please note that the information on the Cost of Elections only needs to be provided just once for each statewide election -- **for each municipality only** -- not for each Reporting Unit.

As you are aware, all of us in election administration have had a lot of requirements imposed upon us in a compressed amount of time. We struggled with the best method for complying with new reporting requirements as the result of new laws (some last minute) and repeated legislative requests, which contributed to the delay in distributing the GAB-190 for the April 3 Spring Primary.

Once again, we will be flexible regarding the reporting of cost information for the April 3 Spring Election. If you have questions on the cost of elections, please contact the Help Desk at (608) 261-2028, or by email at gabhhelpdesk@wi.gov.

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

Ross D. Hein
Elections Supervisor
Government Accountability Board