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Presidential Commission on
Election Administration

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Co-Chairs Bauer and Ginsberg and Commission Members:

Thank you for the opportunity to provide information to the Presidential Commission on Election Administration. It is an honor to be here and assist the Commission in its mission of identifying best practices in election administration and making recommendations to improve the voting experience for all Americans.

When this country was founded, we placed our trust in our citizens to shape its governance. Voters have been given a powerful means to determine how our country moves forward. That is done by casting a vote – at the polling place, an early voting location, by mail or some other method. This means the most important participant in the electoral process is the voter.

Election administrators, legislators and government executives need to know and believe that “It is all about the voter.” As we craft laws and develop administrative procedures for elections, we have to focus on the principle that the voters and their right to participate in the political process is paramount.

We have come a long way in empowering our citizens by eliminating barriers of religion, property, race, sex, income and age as impediments to full participation in choosing our elected representatives. The United States serves as a model for the world in enabling its citizens to shape the governance of this country. Within our states and territories, our counties and

municipalities, election administrators are working diligently to ensure voters are able to fully participate in the democratic process.

What tools do election administrators use to serve the voter? Data, technology and an unabated commitment to serve! I would like to share how my state and its more than 2,000 state and local election officials are drawing on data and using technology to fuel our commitment to enable our voters to exercise their constitutionally protected right to select our leaders and shape the future direction of Wisconsin, local government and the country.

As Wisconsin's chief elections officer for the past 30 years, I take great pride in my state's consistently-high rankings in surveys of voter turnout and other measures of effective election administration. In 2008, Wisconsin ranked first in the nation in the Pew Center's Election Performance Index. I suspect we will be near the top again when Pew releases its rankings for the 2012 presidential election.

How does the State of Wisconsin do it? We have a lot of help from our local election partners. Wisconsin has 72 county clerks and 1,852 municipal clerks. They recruit and train approximately 2,800 chief election inspectors for each polling location and another 35,000 poll workers to staff those locations.

The vast majority of Wisconsin's election officials are nonpartisan. My bosses, the six citizen-members of the Wisconsin Government Accountability Board (G.A.B.), are all former judges who were elected on a nonpartisan basis. Likewise, my staff members and I are required by law to be nonpartisan. That means we cannot belong to any political party or make campaign contributions to or volunteer for any partisan candidate or party. Wisconsin is the only state in the nation with a nonpartisan elections agency and a nonpartisan elections staff.

In a commentary titled "[The Persistence of Partisan Election Administration](#)," Ohio State University law professor [Daniel P. Tokaji](#) states: "The best American model is Wisconsin's Government Accountability Board, which consists of retired judges selected in a way that is designed to promote impartiality."

Wisconsin's 72 county clerks are elected on a partisan basis, just like sheriffs and district attorneys. However, we rarely find partisan politics at play among our county clerks.

Wisconsin's 1,852 municipal clerks are either elected as a nonpartisan candidate or appointed by a non-partisan elected local governing body. They are the public officials who administer our elections. Wisconsin statutes allow political parties to nominate election inspectors (poll workers), but in our experience less than one-quarter of clerks receive those nominations. Of those who received partisan poll worker nominations, nearly 85 percent did not receive enough nominations to fill all poll worker slots. So while the law does allow party-nominated poll workers, most clerks tell us they would rather have nonpartisans.

I started my career in government as an assistant district attorney, and knowing the law is something that's always helpful when you're administering elections. But almost as important, when I was an undergraduate at the University of Wisconsin I majored in mathematics. Being a math major certainly helps when it comes time to count the votes, but I also learned the importance of knowing your numbers and using that data to manage elections.

Paying attention to election-related data helps improve the voting experience for the public. Our focus has always been to serve the voters first and ensure we are allowing citizens to participate in the democratic process. By doing so, we also serve the candidates and all the other constituencies and interest groups who are involved in elections. We maintain a wealth of election-related data on our website: <http://gab.wi.gov/elections-voting/statistics>.

"Know your numbers" is something we continually tell our county and municipal clerks, and it pays off. Knowing how many people turned out in past elections is a good predictor of how many will show up in the future. And that tells you how many ballots to order to avoid running out, how to divide your poll books to avoid long lines, and how many election inspectors to schedule. Paying attention to the numbers enables our clerks to equip and staff polling places to minimize the wait time for voters.

Knowing your numbers is also critical on Election Night after the polls close. Experienced clerks tell us they can scan a list of unofficial returns coming in and immediately spot potential problems at individual polling places that may have been caused by someone transposing a number or voting equipment malfunction.

With so many local election officials, Wisconsin has arguably the most decentralized election system in our nation. This represents a great opportunity to maintain the most local control over the conduct of elections but it also poses challenges in terms of communication, training, and the availability of personnel, technology and resources that effectively serve our largest cities and smallest towns.

Getting election-related data from all those clerks was a challenge for us for many years. Two thirds of our clerks are part-time, and many work out of their homes. And all of them have other pressing responsibilities besides election administration. State statutes require clerks to fill out an Elections Voting and Registration Statistics Report, affectionately referred to as “The GAB-190”. A form was completed in duplicate for each reporting unit. In the past, those forms came back in paper format by mail and fax, making it very difficult for us not only to get the big picture, but also to delve into the details.

That changed in May 2008, when the U.S. Election Assistance Commission awarded Wisconsin a \$2 million federal grant to improve the State’s ability to collect election data at the ward (precinct) level. Now, Wisconsin’s local election officials enter all of their statistical reporting online, allowing us to track who has and hasn’t filed, and to complete detailed data analysis of the results. We match this data against our Statewide Voter Registration System (SVRS) and the official canvass of election results to measure data quality.

<http://gab.wi.gov/publications/statistics/gab-190>.

In addition to reports on the numbers of voters, absentee voters, UOCAVA voters and Election Day registrations, our system collects information on the numbers of election inspectors and their age ranges. It’s one thing to say, anecdotally, that many poll workers are of retirement age. It’s another to be able to say, as we can, that 39.5 percent are age 61 to 70, and 34.1 percent are age

71 and above. That kind of information guides our training methods and our efforts to recruit younger poll workers, including high school students, so there will be enough workers in coming years. You can see some of our election official training materials at these links:

<http://gab.wi.gov/clerks/education-training>.

One innovation our agency initiated in 1984 was the establishment of flexible hours for poll workers. Wisconsin law permits municipalities to allow for two or more sets of election inspectors to work at different times on Election Day. Wis. Stat. §7.30 (1)(a). The G.A.B has developed procedures for local election officials to easily document the chain of custody changes that this flexible system requires. This flexibility enables municipal clerks to recruit and retain more poll workers because they do not have to work 15 and 16 hour shifts on Election Day.

Another innovation was permitting by statute to designate a poll worker to greet voters as they enter the polling place. The greeter can identify voters who are at the wrong polling place, who need to register or update their registration status (Wisconsin has had Election Day registration since 1976) and direct voters to the proper line or set of poll workers if there is more than one ward at the polling location

As you may have heard, Wisconsin was quite busy with a series of 13 recall elections in 2011 and 2012. In Wisconsin, recall is a constitutionally protected right. As the public debated the wisdom of recall, one of the questions that came up was how much the recall elections cost taxpayers. With our decentralized system, most election costs are borne by local governments, and there had never been a public clamoring for data about election costs, unlike more high-profile government expenses like education or public safety.

Because we had the election data collection system in place, the Government Accountability Board was able to add questions about election costs to the Elections Voting and Registration Statistics Reports. As a result, we are now able to produce detailed reports on election costs. Our hope is that having these numbers will inform lawmakers and local government leaders about the resources necessary to conduct successful elections.

Using our data collection system, we have documented cost data for the past seven election events in Wisconsin going back to our statewide nonpartisan election in April, 2012. This also includes the costs of the statewide recall primary and recall elections in May and June of 2012. Anyone can readily access this data through the statistical report put together for each statewide election. For example, the statewide, county and municipal costs for the November 6, 2012 election can be viewed at this link: <http://gab.wi.gov/publications/statistics/gab-190/November-2012>.

Wisconsin is also in the forefront of electronic absentee ballot delivery to our servicemen and women, and to citizens permanently living overseas. In 2012, the G.A.B. received a \$1.9 million grant from the Federal Voting Assistance Program to develop an online ballot delivery system. As a result, our MyVote Wisconsin voter portal (<http://myvote.wi.gov>) is now able to securely deliver an absentee ballot to members of the military and permanent overseas voters. The voter prints out the ballot, marks it, and mails it back to his or her municipal clerk in Wisconsin. This innovation has eliminated the need for overseas voters to find and contact their municipal clerk's office to request a ballot, and has cut in half the transit time for UOCAVA ballots. It has allowed our local election officials to more easily comply with the MOVE Act's requirement to make absentee ballots available to UOCAVA voters at least 45 days prior to a federal election.

In addition, our MyVote Wisconsin website also allows all voters to check their voter registration status, find their polling place, and to begin the voter registration process online. State statutes do not yet allow full online voter registration, but when that eventually happens, we will be ready.

The Help America Vote Act included funds for states to improve polling place accessibility for voters with disabilities. To ensure that money is being well spent and that everyone has the ability to fully exercise their voting rights privately and independently, Wisconsin has embarked on a unique program of auditing polling places on Election Day to ensure compliance with HAVA and the Americans with Disabilities Act. Many other states audit polling place accessibility before elections, but Wisconsin looks at real-world conditions likely to be encountered by voters with disabilities.

Each Election Day, the G.A.B. sends out auditors across the state to visit as many polling places as possible. Since 2008, polling place accessibility audits have been conducted in 921 of Wisconsin's 1,852 municipalities, in 66 of the 72 counties in the state. Our auditors carry tablet computers they use to enter their findings and take pictures of problems they find. More information about the G.A.B.'s accessibility audits and initiatives is available on our website: <http://gab.wi.gov/clerks/guidance/accessibility>.

Our audits identified three levels of problems – high, medium and low-severity. High severity problems represent a barrier that, in and of itself, would be likely to prevent a voter with a disability from entering a polling place or casting a ballot privately and independently. Examples we found include everything from snow piles in handicap-accessible parking spots and locked wheelchair-accessible building doors to accessible voting equipment being set up on tables that were too high, not plugged in or not set up at all. While some structural accessibility problems can be costly to fix, most solutions are simple and inexpensive. This is the case with many of the medium and low-severity issues, such as printing election notices in large enough type to be seen by someone with impaired vision.

Fixing these accessibility issues helps not only voters with disabilities, but can also lead to a more orderly and efficient polling place for everyone. If a polling place is too cramped for someone in a wheelchair to navigate, it is very likely too cramped, period.

As I mentioned, one of the issues we found through our accessibility audits is that sometimes poll workers do not set up accessible voting equipment unless a disabled voter appears at the polling place. This happens for a variety of reasons, including that the ink cartridges for auto-mark voting equipment are expensive, and dry out once they are opened. While there is no good excuse for this, it highlights the issue of enhancing the use of technology at polling places. In addition, our audits have revealed that a poll worker's personal interaction with a voter that has a disability can have as much impact on the individual's voting experience as any physical obstacle or challenge.

There are many technological innovations, such as e-poll books, which can help streamline the Election Day process and better serve the voter. However, these advances must be designed to work in the real world of elections. How do you deploy electronic poll books and voting equipment for connectivity in places that may not have high-speed internet access? How do you design equipment for ease of use by the general public, and for setup and troubleshooting by poll workers who are essentially paid volunteers?

It is imperative that we modernize the equipment used to tabulate votes and certify election results. Election administrators cannot continue to rely on limited, dedicated-use, expensive hardware with software that is costly and difficult to upgrade. We need improved methods to certify and approve new voting systems so we can take advantage of new technology while assuring the public of its security and reliability. In Wisconsin, we were recently asked to approve a “new” voting system that uses landline modems to transmit unofficial results on Election Night. What our staff found is that the equipment requires analog telephone lines – a utility that is quickly vanishing as telecom providers switch to digital technology.

I am glad you had an opportunity yesterday to see what voting equipment vendors are offering and observe the challenges faced by election administrators and vendors to put accurate, cost-effective, reliable and secure voting systems in place. This is an area where government is going to have to commit resources to secure more flexible and cost-efficient voting systems

Finally, the foundation for an efficient and easy voting experience must engage the voter well before Election Day. Congress and many state legislatures, regardless of the political party in power, have given a renewed and almost continuous focus on changing election laws in recent years. The way that the partisan debates and legislative compromises play out in the practical world of conducting elections and voting can present a challenge. In its two-year legislative session leading up to the 2012 Presidential Election, the Wisconsin Legislature enacted 11 separate election-related bills which were signed by the Governor. In some cases, multiple bills in the same session altered the same procedures. The sheer volume of changes, along with our unusual number of additional elections, made it harder for both local election officials and voters to understand the required procedures and what to expect on Election Day. Procedures that are

not well-understood are more likely to encourage uncertainty and even suspicion amongst those who are skeptical of the process or election results.

In addition to training our local officials regarding the many legislative changes, our staff implemented a comprehensive program to remind both election officials and voters about the fundamental rules of voting, such as residency requirements, registration and absentee ballot procedures, and voter rights and responsibilities. Our “Voting 101: Back to Basics” outreach program produced user-friendly resources and our staff also engaged in speaking opportunities throughout the state to meet directly with voters and organizations focused on educating voters. Wisconsin has also joined many other states in communicating with voters and local election officials through technology such as our website and social media. You can see our voter outreach materials at this link: <http://gab.wi.gov/voters/resources>.

In closing, I want to again thank you for the opportunity to share the data-driven solutions developed in Wisconsin along with the passion and commitment our dedicated corps of state and local election officials brings to this essential process for securing our democracy. While elections are evaluated and measured by the numbers, in the end, “It is really all about the voter.”