

G.A.B. prevents and catches felon voting

By Thomas H. Barland

The Legislative Audit Bureau's report on the Government Accountability Board has generated a great deal of discussion, but out of that discourse has come some misinformation which needs to be cleared up.

I want to assure the Legislature and the public that the G.A.B. takes illegal voting seriously, and that strong protections are in place to prevent felons from voting in Wisconsin. In the relatively few cases where felons have voted in recent years, they will not escape prosecution due to delayed felon voting audits by the G.A.B.

Prior to every election, the G.A.B. provided Wisconsin's 1,852 municipal clerks with a list from the Department of Corrections (DOC) of felons ineligible to vote. The clerks inactivated the felons' listings on the Statewide Voter Registration System (SVRS) so that they could not receive an absentee ballot, register to vote late in the clerk's office, or register and vote if they showed up on Election Day. The G.A.B. routinely followed up to ensure clerks were inactivating those felons.

Furthermore, after each election, clerks entered Election Day voter registrations into SVRS, which compared them to the DOC's list of felons who were ineligible to vote. When SVRS found matches, clerks made referrals directly to their county's District Attorney.

Wisconsin statutes require the G.A.B. to conduct a post-election felon audit, which is a final check to ensure that municipal clerks have done their job to identify any felon voters who slipped through the cracks by registering to vote on Election Day. The G.A.B. has expanded that audit to include any felon who may have voted in the election, not just those who registered on Election Day.

Unfortunately, there were problems with the post-election felon audits conducted prior to 2010 because the computer produced a significant number of false positive matches. In one case, charges were filed against an innocent person based solely upon the computer match. The results were sufficiently flawed that some District Attorneys told the G.A.B. they did not want further referrals.

In response to feedback from the District Attorneys, the G.A.B. staff temporarily suspended conducting the final felon audits while they worked with DOC, developed and tested a new felon audit program. Once that work was finished in early 2014, the G.A.B. staff completed audits of 17 elections in nine months and closed all outstanding cases. When clerks complete their data entry responsibilities for the November 2014 General election, G.A.B. staff will promptly complete this audit.

Out of 16 elections, 110 suspected cases of felon voting were found and referred to District Attorneys – an average of nearly seven possible instances per election. All those cases have been referred for prosecution within the time mandated by the statute of limitations.

To put this number in perspective, there were more than 16 million votes cast during the same period.

Conducting post-election felon voting audits is a very complicated process, and I would encourage anyone who wants to learn more to visit our website (gab.wi.gov), where we have posted additional information we shared with the Legislative Audit Bureau.

Overall, the audit of our agency documented that our Board and staff are fulfilling almost all of our 150 statutory duties. The LAB's recommendations

cover a small set of our responsibilities, and we are working hard to fix those issues as quickly as we can. We look forward to reporting to the Legislature on our progress.

Judge Thomas H. Barland is chair of the Government Accountability Board. He served in the Wisconsin State Assembly as a Republican from 1961 to 1967, and as a nonpartisan Eau Claire County and Circuit Court Judge from 1967 to 2000.