

State of Wisconsin\Government Accountability Board

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JUDGE THOMAS H. BARLAND
Chair

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Director and General Counsel

Ad-hoc Committee on Moving the Fall Primary and Updating Current Military and Overseas Absentee Ballot Statutes

Committee Members: DeeAnn Cook (Barron County Clerk), Lisa Freiberg (Fond du Lac County Clerk), Brenda Jaszewski (Washington County Clerk), Kathy Nickolaus (Waukesha County Clerk), Sue Moll (Columbia County Clerk), Sara Ludtke (Town of Middleton Deputy Clerk), Jeri McGinley (Village of Park Ridge Clerk), Nancy Zastrow (City of Milton Clerk)

Meeting Date: Monday, February 7, 2011

Meeting Summary

Election Dates

- Created Election Task Timeframe (included in packet)
- Recommended Partisan Primary be held at the end of July – either 3rd or 4th Tuesday
- Recommended Spring Election be held the first Tuesday in March
 - Moves Wisconsin up in the Presidential Preference
- Recommended Spring Primary be held on the same date as the November General Election
 - Even if there is no November General Election, have the Spring Election held in November
 - Eliminates one election every two years
 - Creates a Partisan and Non Partisan Election

Suggested Military Statutory Changes

- Eliminating the State Write-In Absentee Ballot
 - Out of Country vs Domestic
- Eliminate extended period after September and November Elections – 7 days after September and 10 days after November
- Uniform deadline for Military electors to request a ballot
 - Close of business on the Monday before all Elections
 - If extended time period is not eliminated the deadline for Military Electors may still be Election Day

- Make the Federal Write-In Absentee Ballot (FWAB) Affirmation/Declaration act as an absentee application.
 - Currently in order for a FWAB to be counted, the elector must include an absentee application or already have an absentee application on file
- Include temporarily overseas in those able to use the FWAB
 - Currently required in Federal law but not State law
- Away vs At-home Military; no difference
- Remove Date of Birth requirement on the absentee certification for military electors
- Creating uniform guidelines for removing military absentee electors from a clerk's absentee list
 - 2 consecutive General Election cycles (4 -5 years)
- Removing witness signature for overseas electors

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Draft Report on Election Events

Important Election Events

Rescheduling the Partisan Primary affects a variety of other election events in addition to the election date, which impact candidates and election officials. Wisconsin's current election calendar does not allow for the timeframe required by the MOVE Act. The dates of the Primary and General Election determine much of the election calendar, as a number of tasks must be completed by specific dates measured before and after each election.

As the G.A.B. began the process of researching changes in the current election cycle, it consulted county and municipal clerks who are directly involved in election administration.. Since municipal clerks conduct elections at the local level and county clerks provide materials, including ballots, the adjustments to the election cycle will significantly alter the way those offices operate. A representative group of county and municipal clerks met with G.A.B. staff in early January to discuss the time needed to complete tasks and the best way to comply with the MOVE Act from their perspectives.

The following is a list of selected election tasks, the timeframe for these tasks under current law, and the timeframe recommended by the G.A.B. and local election officials. In order to illustrate how the election dates affect other deadlines, the list of events starts at the General Election and proceeds back in time.

➤General Election◀

1. Counties deliver ballots to municipal clerks for General Election.

Timeframe under current election cycle: *30 days before General Election*

Recommended time period: *47 days before General Election*

The MOVE Act requires that ballots be delivered to military and overseas electors 45 days before each election, for those electors with a ballot request on file. The 45th day before any General Election is a Saturday; moving the ballot requirement to 47 days prior to Election Day accounts for the weekend and also allows one extra day for those part-time clerks who do not have office hours on Fridays. The Department of Justice has made it clear that any state that does not meet the 45-day ballot requirement in 2012 may be subject to a lawsuit.

2. Counties complete ballot preparation for General Election.

Timeframe under current election cycle: *31 days before General Election*

Recommended time period: *48 days before General Election*

Currently counties prepare ballots and then have one day to distribute them. Following this same model, counties need to have the ballots prepared 48 days before the election so that they can be distributed to municipal clerks by the 47th day before the General Election.

3. G.A.B. certifies Partisan Primary results and candidates for General Election ballot.

Timeframe under current election cycle: *Approximately 35 days before General Election and 14 days after the Partisan Primary*

Recommended time period: *69 days before the General Election and 31 days after the Partisan Primary*

The certification of the Primary Election is an important event in the election cycle. It is the link between the Primary Election and the General Election, and is tied to both election dates. Once election results are certified county clerks use the certification as a blueprint for their ballot creation. The G.A.B. draws lots for ballot order of candidates for state offices, and the official candidate names are certified. County clerks then need time to work with their ballot printers, election machine programmers and local election officials to begin creating ballots. Certifying the election results 69 days before the General Election will allow clerks the time they need to ensure that absentee ballots are prepared and delivered in time to meet the 45-day ballot requirement of the MOVE Act.

The current election certification timeframe does not allow for the finalization of recounts before the GAB is to certify election results. This has created hardships for county clerks in the past as they were not able produce some ballots by the 31-day deadline established by current Statutes. This causes several problems for the county clerks and municipal clerks. The county clerks have to wait on the programming of machines and the vendors often cannot make any guarantees on completing the required machine programming in the short timeframe given. The physical printing of those ballots involved in recounts must be delayed. The order to the printer must be updated and excluding those ballots from the original print order increases costs. Counties cannot print all ballots in bulk but a separate order must be made for those recount ballots.

Electronic voting equipment vendors and ballot printer vendors also struggle with the tight deadlines between elections. Haste increases the risk of mistakes in printing ballots and programming equipment, causing additional expense and delays.

Some states have changed their Primary Election dates but did not adequately accommodate recounts and ballot preparation in their election calendars. When a recount occurred that held up ballot preparation, these states needed to request a MOVE Act waiver because they could not meet the 45-day ballot requirement. The G.A.B. recommends increasing the amount of time allowed between the certification date and the date that absentee ballots are made available so that it accommodates the possibility of recount elections and relieves time pressure on county and local election officials.

Creating a three week time period for county clerks to prepare ballots and election equipment will help ensure that ballots are prepared and delivered to municipal clerks in time to meet the 45-day ballot preparation requirement of the MOVE Act. It eliminates the concern of having to apply for a MOVE waiver, or the threat of another lawsuit when recounts. It also gives county and municipal clerks the time they need to work with vendors, save money by being able to print ballots in bulk, and makes it easier to ensure that military and overseas electors receive absentee ballots by the 45-day deadline.

4. Due date for filing referendum questions with filing officer for General Election.

Timeframe under current election cycle: *42 days before General Election*

Recommended time period: 69 days before the General Election

Referendum questions are currently due to the appropriate filing officer 42 days before the election to qualify for the General Election ballot. The current timeframe is insufficient under the MOVE Act, as ballots must be printed and delivered at least 45 days before the election. Referendum questions must be filed before or at the same time as candidates are certified for the General Election. County clerks cannot create ballots or program election equipment until all the contests and referenda are known.

➤Primary Election◀

1. Primary recounts are concluded.

Timeframe under current election cycle: 29 days after Primary

Recommended time period: 29 days after Primary

The G.A.B. recommends retaining the current timeframe for completing recounts. The certification of candidates is currently done while recounts are still being completed. To ensure that the 45-day ballot deadline is met, the Board recommends that the certification of candidates is postponed until after the recount period is completed.

As noted above, if a recount is still being conducted after candidates are certified, printing ballots and programming equipment is delayed. A MOVE Act waiver would be required if the recount period has not ended before the candidates are certified. Creating a timeframe that permits recounts to be concluded before candidates are certified will help eliminate the possibility of requiring a Waiver or risking another lawsuit involving federal oversight of Wisconsin's election procedures. It will allow county and municipal clerks the time they need to work with vendors, save money by being able to print all ballots at once, and improve their ability to ensure that ballots are available by the 45-day deadline.

2. Primary recount window closes for state offices.

Timeframe under current election cycle: 16 days after Primary

Recommended time period: 16 days after Primary

The timeframe to request a recount is 3 days after the G.A.B. certifies the canvass results. The canvass for state offices must be certified 13 days after the election. This timeframe does not need to be adjusted. However, the recount period should be completed before candidates are certified.

3. Counties submit Primary Election canvass to G.A.B.

Timeframe under current election cycle: 13 days after Primary

Recommended time period: 13 days after Primary

The timeframe for the completion of the canvass does not need to be adjusted. However, County Boards of Canvassers are required to meet the Thursday after the primary election at 9:00 a.m. County clerks prefer to move this meeting to the Monday after the election. The county clerk is often not ready to meet with the Board of Canvassers on Thursday, requiring that the Board meet at that time, and then adjourn until a later date, resulting in duplicate meeting payments.

4. Counties deliver ballots to municipal clerks for Primary Election.

Timeframe under current election cycle: *30 days before Primary*

Recommended time period: *47 Primary*

The MOVE Act requires that ballots be sent to military and overseas electors 45 days before the Partisan Primary. The 45th day before the September Primary is a Saturday; moving the ballot requirement to 47 days accounts for the weekend and allows one extra day for those part-time clerks who do not hold regular office hours on Fridays.

5. Counties complete ballot preparation for Primary Election.

Timeframe under current election cycle: *31 days before Primary*

Recommended time period: *48 days before Primary*

Currently counties prepare ballots and then have one day to distribute them. Continuing this timeframe, the G.A.B. recommends that counties complete ballot preparation 48 days before the September Primary so they can be distributed to municipal clerks by the 47th day before Election Day.

6. Due date for filing referendum questions with filing officer for Primary Election.

Timeframe under current election cycle: *42 days before Primary*

Recommended time period: *69 days before the Primary*

Referendum questions are currently due to the appropriate filing officer 42 days before the election to qualify for the Partisan Primary ballot. The current timeframe is insufficient under the MOVE Act, as ballots must be printed and delivered at least 45 days before the election. Referendum questions must be filed before or at the same time as candidates are certified for the Partisan Primary ballot. County clerks can not create ballots or program election equipment until all the contests and referenda are known.

7. GAB certifies candidates for Partisan Primary ballot.

Timeframe under current election cycle: *Approximately 56 days before Primary*

Recommended time period: *69 days before the Primary*

County clerks have made it clear that the current timeframe for preparing ballots and election equipment is too tight for them. County clerks believe that expanding the window between candidate certification and ballot completion to three weeks will allow a realistic period to ensure that ballots will be prepared to meet the requirements of the MOVE Act. The Partisan Primary ballot is a complicated ballot to assemble, essentially consisting of four elections on one ballot. Ballot printers and election equipment programmers struggle with completing this ballot under the current timeframe. It takes a lot of time and proofing for county clerks and their staffs before the Partisan Primary to ensure a correct ballot and proper equipment programming. County clerks and their staffs must work with multiple ballots and ballot styles for municipalities in their counties and, in some cases, multiple types of election equipment. They are often working with a variety of vendors which

takes additional time and attention to detail. The current short timeframe for completion of ballots has created challenges in the past with vendors, resulting in additional costs for counties and difficulties in preparing ballots on time for military and overseas electors.

8. Deadline for filing nomination papers.

Timeframe under current election cycle: *Approximately 63 days before Primary*

Recommended time period: *84 days before the Primary*

The MOVE Act requirement of having ballots prepared 45 days before the Primary Election, and the time required to prepare ballots as described above, shifts the nomination paper timeframe back. The G.A.B. recommends establishing the nomination paper deadline as 84 days prior to the Primary Election.

9. Candidates begin circulating nomination papers for General Election.

Timeframe under current election cycle: *100 – 106 days before the Primary*

Recommended Timeframe: *121 days before the Primary*

The MOVE Act requirement of having ballots prepared 45 days before the Primary Election, and the time required to prepare ballots, requires circulating nomination papers earlier in the election calendar. The G.A.B.'s recommendation to begin circulating nomination papers 121 days before the Primary, and requiring filing of nomination papers 84 days prior to the Primary, would result in a circulation period of 37 days. This timeframe compares to the current circulation period of 38-44 days.

NOTICE: THIS CALENDAR IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT REPRESENT THE VIEWS AND RECOMMENDATIONS OF THE GOVERNMENT ACCOUNTABILITY BOARD

Ad-Hoc Clerk Committee's Recommended Election Calendar

SP Date	SE Date	PP Date	GE Date	Real Date	Event
-76				Thursday, December 01, 2011	SE Nomination paper circulation begins
-42				Tuesday, January 03, 2012	SE Nomination papers due
-38				Wednesday, January 11, 2012	GAB certifies candidates for SP ballot
-38				Saturday, January 14, 2012	SP Referenda due
-22				Monday, January 30, 2012	County has SP ballots prepared
-21				Tuesday, January 31, 2012	SP Ballots delivered to muni clerks
	-46			Friday, February 17, 2012	Special Presidential Preference Ballot Sent Out
0				Tuesday, February 21, 2012	Spring Primary
8				Wednesday, February 29, 2012	County SP canvass due to GAB
11				Saturday, March 03, 2012	SP Recount window closes for state office
14				Tuesday, March 06, 2012	GAB certifies SE candidates
14				Tuesday, March 06, 2012	SE Referenda due to clerk
	-22			Monday, March 12, 2012	County has SE ballots prepared
	-21			Tuesday, March 13, 2012	SE ballots delivered to muni clerks
24				Friday, March 16, 2012	SP Recount must be concluded
		-121		Sunday, March 18, 2012	GE Nomination paper circulation begins
	0			Tuesday, April 03, 2012	Spring Election/Pres. Preference
		-84		Tuesday, April 24, 2012	GE Nomination papers due
	30			Thursday, May 03, 2012	SE Post election tasks completed
		-69		Wednesday, May 09, 2012	GAB certifies candidates for PP ballot
		-69		Wednesday, May 09, 2012	PP Referenda due to clerk
		-48		Wednesday, May 30, 2012	County has PP ballots prepared
		-47		Thursday, May 31, 2012	PP Ballots delivered to muni clerks
			-117	Thursday, July 12, 2012	SE Nomination paper circulation begins
		0		Tuesday, July 17, 2012	Partisan Primary
		13		Monday, July 30, 2012	County PP canvass due to GAB
		16		Thursday, August 02, 2012	PP Recount window closes for state office
		29		Wednesday, August 15, 2012	PP recount must concluded
		30		Thursday, August 16, 2012	PP Post election tasks completed
			-79	Sunday, August 19, 2012	SE Nomination papers due
		31	-69	Wednesday, August 29, 2012	GAB GE and SP candidates certified
		31	-69	Wednesday, August 29, 2012	GE and SP Referenda due to clerk
			-69	Wednesday, August 29, 2012	GAB certifies candidates for SP ballot
		45	-48	Wednesday, September 19, 2012	County has GE ballots prepared
			-47	Thursday, September 20, 2012	GE Ballots delivered to muni clerks
		0		Tuesday, November 06, 2012	General Election/Spring Primary
		13		Monday, November 19, 2012	County GE/SP canvass due to GAB
		16		Thursday, November 22, 2012	GE/SP Recount window closes for state office
		29		Wednesday, December 05, 2012	GE/SP recount must concluded
		30		Thursday, December 06, 2012	GE/SP Post election tasks completed
	-69		31	Friday, December 07, 2012	GAB GE and SP candidates certified
	-47			Thursday, January 17, 2013	County has SE ballots prepared
	-46			Friday, January 18, 2013	SE ballots delivered to muni clerks
	0			Tuesday, March 05, 2013	Spring Election
	30			Thursday, April 04, 2013	SE Post election tasks completed
			-117	Thursday, July 11, 2013	SE Nomination paper circulation begins
			-79	Sunday, August 18, 2013	SE Nomination papers due
			-69	Wednesday, August 28, 2013	GAB certifies candidates for SP ballot
		0		Tuesday, November 05, 2013	Spring Primary
13				Monday, November 18, 2013	County SP canvass due to GAB
16				Thursday, November 21, 2013	SP Recount window closes for state office
29				Wednesday, December 04, 2013	SP recount must concluded
30				Thursday, December 05, 2013	SP Post election tasks completed
31	-69			Friday, December 06, 2013	GAB SP candidates certified
	-47			Thursday, January 16, 2014	County has SE ballots prepared

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Ad-Hoc Clerk Committee's Recommended Election Calendar

SP Date	SE Date	PP Date	GE Date	Real Date	Event
	-46			Friday, January 17, 2014	SE ballots delivered to muni clerks
	0			Tuesday, March 04, 2014	Spring Election
		-121		Sunday, March 16, 2014	GE Nomination paper circulation begins
		-84		Tuesday, April 22, 2014	GE Nomination papers due
		-69		Wednesday, May 07, 2014	GAB certifies candidates for PP ballot
		-69		Wednesday, May 07, 2014	PP Referenda due to clerk
		-48		Wednesday, May 28, 2014	County has PP ballots prepared
		-47		Thursday, May 29, 2014	PP Ballots delivered to muni clerks
			-117	Thursday, July 10, 2014	SE Nomination paper circulation begins
		0		Tuesday, July 15, 2014	Partisan Primary
		13		Monday, July 28, 2014	County PP canvass due to GAB
		16		Thursday, July 31, 2014	PP Recount window closes for state office
		29		Wednesday, August 13, 2014	PP recount must concluded
		30		Thursday, August 14, 2014	PP Post election tasks completed
			-79	Sunday, August 17, 2014	SE Nomination papers due
		31	-69	Wednesday, August 27, 2014	GAB GE and SP candidates certified
		31	-69	Wednesday, August 27, 2014	GE and SP Referenda due to clerk
			-69	Wednesday, August 27, 2014	GAB certifies candidates for SP ballot
		45	-48	Wednesday, September 17, 2014	County has GE ballots prepared
			-47	Thursday, September 18, 2014	GE Ballots delivered to muni clerks
			0	Tuesday, November 04, 2014	General Election/Spring Primary
			13	Monday, November 17, 2014	County GE/SP canvass due to GAB
			16	Thursday, November 20, 2014	GE/SP Recount window closes for state office
			29	Wednesday, December 03, 2014	GE/SP recount must concluded
			30	Thursday, December 04, 2014	GE/SP Post election tasks completed
	-69		31	Wednesday, December 24, 2014	GAB GE and SP candidates certified
	-47			Thursday, January 15, 2015	County has SE ballots prepared
	-46			Friday, January 16, 2015	SE ballots delivered to muni clerks
	0			Tuesday, March 03, 2015	Spring Election