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**Wisconsin Government Accountability Board**

**Assembly Committee on Campaigns and Elections**

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**Public Hearing**

**Four-Year Voter List Maintenance**

Chairperson Bernier and Committee Members:

Thank you for the opportunity to bring you up to date regarding the Four-Year Voter List Maintenance process. First, let me assure you that within the next month approximately 310,000 notification postcards will be mailed to voters who have not voted in any election in the past four years. The currently active registration record in the Statewide Voter Registration System (SVRS) for many of these voters will likely be changed to inactive, meaning they will not appear on poll lists until such time as the voter re-registers.

Also, let me also be clear that the delay will not pose a significant threat to voting security in our state. Any voter who would have been required to return a postcard to continue their voter registration would also have the option to register to vote up to the date of the Spring Election. Finally, the Government Accountability Board and Wisconsin's municipal clerks wish to work with the Committee on Campaigns and Elections on possible modifications to the statutes to make the deadlines more realistic or change the process to make voter list maintenance more efficient. The Committee should note that if Wisconsin becomes subject to the National Voter Registration Act, our current form of four year maintenance could not occur at all because the

National Voter Registration Act prohibits removal of voters from a poll list within 90 days of an election. In addition, the voter notification and tracking requirements of the National Voter Registration Act are far more expensive and cumbersome than Wisconsin's current process.

As we often note, Wisconsin operates with the nation's most decentralized system of election administration, which relies on the timely actions of 1,851 municipal clerks and 72 county clerks. Ensuring data quality is an ongoing and comprehensive process involving cooperation between local, county, and state election officials.

Let me provide you with some background on the law and the process of list maintenance. Voter list maintenance starts with municipal clerks entering voter participation in the Statewide Voter Registration System (SVRS) following each election. By law, clerks have 45 days after the November general election to record voter participation, which can be extended by 15 days by the Director and General Counsel of the G.A.B., for a total of 60 days.

Within 90 days of each November presidential and gubernatorial election, Wisconsin Statutes Section 6.50 requires municipal clerks to send out "Notice of Suspension" postcards to registered voters who have not voted in the previous four years. The postcard asks voters if they wish to remain active in SVRS and continue to appear on poll lists. Voters have one month to contact their municipal clerk to maintain their active status on the voter list.

Voters who do not respond to the postcard, or whose postcard is returned as undeliverable by the Post Office, are marked as inactive in SVRS and they do not appear on the voter list used at the polls. Many of these inactive voters are still eligible to vote, but they must re-register in order to appear on future poll lists and obtain a ballot.

*Since the statutes provide that municipal clerks are responsible for the biennial voter list maintenance, how did the G.A.B. get involved?*

In 2007, the Legislative Audit Bureau found that many municipalities were not regularly maintaining their voter lists as required by state law. After consulting with clerks, the G.A.B. stepped in and took responsibility for printing and mailing to make sure that voter lists are accurate and current.

Unfortunately, a number of factors beyond the G.A.B.'s control prevent us from sending out a statewide postcard mailing within the statutory deadlines.

Many clerks are not able to finish updating voter histories by the statutory deadline. This year, both Waukesha and La Crosse counties had special elections after November, which further delayed their data entry, and other clerks were late for various reasons. It is also worth noting that clerks of many smaller municipalities rely on their county clerk or a clerk in a neighboring municipality to enter voter data in SVRS for them, and have little control over when that work is completed. Many county clerks provide these services to multiple municipalities, which can make it difficult for those counties to complete the data entry on time for all of them. We are often reminded that running elections and timely reporting data is only one part of the job of municipal and county clerks.

Had the postcards gone out by the statutory deadline with incomplete data, approximately 10,000 people who actually voted in November would have received erroneous suspension notices. Erroneously printing and mailing postcards to 10,000 voters who voted in November would be a waste of taxpayer resources. It also would have done a disservice to those people who voted in November and should not have been required to take any additional steps to continue exercising their constitutional right to vote. In the past, elected state officials contacted the Board expressing concern that such needless and confusing mailings were sent just prior to an election.

Because of state procurement requirements, the G.A.B. staff requires at least six weeks between the date all clerks complete entering voter histories from the November General Election and the mailing of postcards (approximately two weeks for bidding and four weeks for printing).

Two weeks ago when members of the Legislature expressed concerns about the delay, the Chair of the G.A.B., Judge Timothy L. Vocke, asked the staff whether it would be possible to send the postcards earlier than mid-April. I advised the Board of the barriers to expediting the process.

If we had we decided to send out postcards as soon as all the clerks had finished their data entry work, and as soon as we could bid out the contract, the postcards would have gone out just

before the Spring Election in April. Past experience shows that would have caused significant confusion among voters.

Also, having the voter list in flux right before the election would cause problems for municipal clerks when they print their poll lists, leaving validly registered voters off the rolls and potentially disenfranchising them for the Spring Election.

This mailing is not designed to keep any active voter's name off the poll list. Rather, its purpose is to help Wisconsin maintain accurate and quality voter data, make sure every voter's name and address is correct and current, and to remove voters that no longer wish to vote.

In 2009, we mailed 313,205 postcards on February 20 of that year, which caused great confusion. Many people who had voted in November 2008 mistakenly received suspension notification postcards because some clerks had not finished updating their records. In fact, the agency had to respond to inquiries from public officials, such as Congressman Ryan expressing concern that one of his constituents mistakenly received a suspension notice due to a clerk's delay entering voter participation information in SVRS.

Unfortunately, state law does not give the G.A.B. any realistic means to force municipal clerks to comply with voter list maintenance deadlines. Clerks work very hard to meet the statutory timelines, but as I have noted, they all have staffing, budgetary, and other issues that impact their ability to timely complete voter participation data entry.

In addition, many people mistook the 2009 postcards as a scam, and the G.A.B. was criticized for not better informing the public about the postcards in advance, despite significant efforts to do so. Several voters even mistook the statute's section symbol in the postcard as a dollar sign, and sent us \$6.50 because they believed that was necessary to continue their voter registration. Problems like these have demonstrated that we must be very careful to minimize any uncertainty, confusion, or disruption to voters and to clerks during this process.

Because of those problems in 2009, we mailed the next batch of voter list maintenance postcards in late April 2011 and sent a memo to the Governor and every member of the Legislature advising that the mailing had been sent out and inviting comments or concerns.

The following table summarizes the last two voter record maintenance mailings.

<b>Year</b>	<b>2009</b>	<b>2011</b>
Postcards Sent	313,205	240,226
Returned Undeliverable	181,936	52,418
Returned Requesting Continuation	14,856	14,636
Not Returned	116,413	173, 451
Voters Inactivated	289,349	225,869

We had hoped to have clerks conduct the four-year maintenance this year, but decided to continue our practice based on specific requests from the clerks. This important issue is currently being discussed by our Clerk Concerns Task Force. Given the publicity which surrounded this process after the last two general elections, and the regular updates we provided to our Board and the public, the possibility that the G.A.B. might conduct the mailing again and do so in April was not a secret.

Had we to do it over again, we would have engaged this year's Legislature in this process earlier to ensure it was fully-informed about statutory issues with the four-year list maintenance process, but we did not anticipate such a strong reaction to using the same process we used in 2011.

We would also have sought changes in state law to codify the current system and to make the deadlines more realistic and reflective of state procurement rules. Unfortunately, the Board's 2011 legislative agenda had taken a back seat due to recalls, recounts, more recalls and preparations for the 2012 elections.

The most optimal time to conduct this process is mid-year in odd-numbered years, when no regular election is pending. Voter data from the lower turnout Spring Election can be processed more quickly than after the November Election and the postcards could be sent to persons who did not vote in the last two General Elections or the Spring Election.

We also plan to explore another option for conducting the voter record audit. Wisconsin Statutes §6.50(8) permits municipalities to use the Postal Service's National Change of Address (NCOA) database to update their voter lists. If the NCOA indicates that a voter has moved, the registration list may be revised. This could be done on a regular basis without the large mailing process currently used, but would have to be completed at least 60 days before the partisan primary in August of even-numbered years. Whether it would be efficient for municipalities to complete this process, or only if it was done on a statewide basis, is a question that would require further analysis.

Our staff explored the NCOA option during our recent study of the costs and impacts of eliminating Election Day Registration, and found that it is likely to be less expensive than the postcard audit process. It is also worth noting that, if EDR were eliminated and Wisconsin becomes subject to the National Voter Registration Act, removing a voter from the poll lists could not be completed for an additional four years after the voter had already failed to vote for four years, which may help put the current delay into some perspective.

Let me reiterate: the delay in mailing four-year maintenance postcards caused by the G.A.B.'s involvement does not pose a threat to the integrity of Wisconsin's voter registration system or elections. The G.A.B.'s assistance to clerks helps ensure this important work gets done, and helps ensure the integrity of the system. We look forward to continuing to work with local election officials and with the Legislature to find a workable solution to this issue.