

# State of Wisconsin\Government Accountability Board

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## MEMORANDUM

**DATE:** For the July 21-22, 2010, Meeting

**TO:** Members, Wisconsin Government Accountability Board

**FROM:** Nathaniel E. Robinson  
Elections Division Administrator

via

Kevin J. Kennedy  
Director and General Counsel  
Government Accountability Board

**SUBJECT:** Election Inspectors' Statements (Incident Logs)  
A Report: "Polling Place Incidents in the November 2008 General Elections"  
Background Information

Local Election Officials have been reporting anomalies in the polling place since 1878 (see the attached history summary); however, based on the best available information that was reviewed, at least since 1974 when the former State Elections Board was created, Inspectors' Incident Logs have not been analyzed for trends and patterns of election day anomalies, for general information or for improvement through training or technical support, or through policy guidance.

The G.A.B. Election Day Manual notes, "All challenged, damaged, defective, objected to and rejected ballots must be documented using this form (GAB-104). This statement should provide an accurate account of the election inspectors' decisions concerning all ballot irregularities, and describe any other occurrences or irregularities at the polling place (that may or may not affect the validity of the election)."

Municipal Clerks submit Inspectors' Incident Logs to County Clerks where they are retained for the duration of the required recordkeeping maintenance period. These reports are not automatically forwarded to the Government Accountability Board for review. For the November 4, 2008, Presidential and General Election, Board management made a decision to request the State's largest municipalities send copies of Inspectors' Incident Logs for review and analysis.

In July 2009, G.A.B. contracted with the University of Wisconsin-Madison, Political Science Department to conduct an analysis of the Logs resulting from the November 4, 2008, Presidential and General Election. The charge to the University was to generate a report documenting the frequency of various types of occurrences and the types of localities that are most likely to experience them. The University was also asked to document trends and characterize patterns, recommend improvements, and provide advice on ways the Logs could be made more accessible to inspectors and potentially transferable to an electronic format, and how the ease of use, clarity and efficiency could be improved.

## History of the Election Inspectors' Statement §7.51, Wis. Stats.

As early as 1878, State of Wisconsin statutes required election inspectors (poll workers) to report each defective ballot that could not be determined by reasonable certainty for whom it was cast, §§ 45, 1878 Wis. Stats. Inspectors were required to keep duplicate statements of defective and irregular ballots that must be certified as correct and signed by the inspectors. The statement was then attached to the tally sheet of election results. §7.51(2), 1971 Wis. Stats.

An antiquated form, reported to be used from the 1970's when the State Elections Board was created, was identified as the "Inspector's Statement of Defective and Challenged Ballots" or EB-104. It contained six sections:

- Contents of each ballot, inspectors could not determine with reasonable certainty for whom cast
- Contents of each ballot cast by a person who was challenged and why.
- Contents of each ballot decided by a MAJORITY of Inspectors to be defective
- Listing of Rejected Ballots of Absent Voters including a serial number, name and reason for rejection
- Contents of each ballot objected to by one inspector but decided by a MAJORITY of Inspectors NOT to be defective and reason for objection
- Certification of the correctness of the information, signed by 3 Inspectors of Election.

The inspectors were instructed to give the contents of each ballot stating whether excluded wholly from the canvass, or only in part, and if the latter, stating what part was counted and what part was not counted. The statement was made in duplicate, one copy attached to the tally sheet sent to the county clerk and one copy sent with the tally sheet to the town, village or city clerk. This form remained the same until 2004.

After the events following the recount in Florida of the 2000 Presidential Election and the passage of the federal Help America Vote Act of 2002, election officials were being held more accountable than ever for the conduct of elections. In response to the need to capture more Election Day information, poll workers were instructed to use the old form to document additional information by capturing irregularities or out-of-the-ordinary events at the polling place by using any available unused space on the form. In 2002, Elections Board staff provided a supplement to the old form with detailed instructions and procedures to follow for challenging a voter (Challenge Documentation EB-104c). Poll workers completed this form to record any challenged voters and attached the completed form to the Inspector's Statement of Defective and Challenged Ballots EB-104.

Realizing that consistent information needed to be recorded by poll workers, Elections Board staff met with county clerks for the purpose of revising the form to be more usable. County clerks evaluated how the form was currently being used relying on their experience conducting county boards of canvass and recount proceedings. They used the statements to identify any uncounted ballots that might affect the canvass or recount.

Published in July 2004, the resulting Inspectors' Statement (EB-104) looked more like a log of events. The new document included a reference guide for the poll workers to use, with a code to standardize the category of the event or activity documented. The Challenge Documentation form remained the same. The title of the form was shortened and changed to indicate the plural possessive, "Inspectors'." Added to the certification section of the form was a section to note the total number of voters, the number of

absentee voters, and the number of provisional ballots. There was also a section added for the chief inspector to certify that he or she completed the required training provided by the State Elections Board.

In June 2008, the certification section was again revised, by the now Government Accountability Board staff, to provide more information following the passage of ballot and voting equipment security administrative rules. In addition to the previously required information, certification and signatures, there is now a place provided for:

- The municipal clerk to indicate the voting unit number, memory device serial number and tamper-evident seal serial number.
- The chief inspector to record chain-of-custody information and document the number on the tamper-evident seal placed on the ballot bag or container.
- Additional information on voter statistics such as number of ballots cast, number of excess ballots and the number of ballots cast on paper ballots, on optical scan ballots or by touch screen.

This form is currently being used for every election held in Wisconsin.

# **Polling Place Incidents in the November 2008 General Election**

## **A Report to the Government Accountability Board**

Prepared by Professor Barry C. Burden  
Department of Political Science  
University of Wisconsin-Madison

June 2010

This report is made possible by support from the Wisconsin Government Accountability Board, the excellent research assistance of Leticia Bode, Jacob Neiheisel, and Stéphane Lavertu, and input from my faculty colleagues David Canon, Kenneth Mayer, and Donald Moynihan.

## Executive Summary

- This is the first systematic analysis of polling place Incident Logs in the state of Wisconsin, based on GAB-104 reports from 1,466 polling places in the November 2008 general election.
- To capture better the types of incident occurring at polling places, the existing Incident Codes should be revised and expanded. The new codes suggested in this report account for equipment, accessibility, and polling place incidents that were previously not differentiated.
- Many incident descriptions were illegible, did not reflect actual incidents, or lacked adequate documentation. Recommendations are offered for improving the readability and completeness of pollworkers' reports. These include better training, checks by fellow pollworkers, and electronic reporting.
- The number of incidents varies tremendously across polling places, but much of this variation is due to differences in the number of voters participating. The mean number of incidents was 14.3, or slightly more than one per hour. Sixteen percent of polling places reported zero incidents.
- A useful benchmark for future analysis the incident rate: the number of incidents divided by the number of voters. By accounting for different numbers of voters being served, the incident rate varies less than the incident count. The mean rate is .011, or approximately one incident for every hundred voters. Because incidents are not inherently desirable or undesirable, this appears to be a low rate for a high turnout presidential election.

## **Mandate and Background**

This document provides an accounting of polling place incidents reported in many Wisconsin counties in the November 2008 general election. The report is being produced at the invitation of Government Accountability Board staff Kevin Kennedy (Director and General Counsel) and Nathaniel Robinson (Elections Division Administrator) as part of an ongoing partnership with faculty in the University of Wisconsin-Madison Department of Political Science.

Incident Logs are useful because they provide a comprehensive account of potential problems and administrative responses at each polling place. Aside from firsthand observation at the polls, there is probably no better source for understanding what happens on election day. Through this unique window on election day processes, the logs offer the opportunity to understand why particular incidents occurred and how pollworkers' responses to them might be improved.

This report has two purposes. First, it systematically documents incidents that occurred at polling places on election day. This includes the frequency of each type of incident, and how their distribution varied across communities. Second, and related, it makes recommendations for revision of the forms used to report incidents and what future studies should be conducted.

The analysis conducted here is preliminary and basic, based on a pilot study of an incomplete collection of Incident Logs from a recent presidential election. Building on this report in future elections, more focused research can be conducted that will reveal new insights on the administration of Wisconsin elections. The descriptive background provided here should serve as a foundation for more thorough study of larger collections of Incident Logs. These later studies would benefit from collaboration with GAB staff, municipal and county clerks, and pollworkers.

GAB staff provided copies of GAB-104 forms completed during the November 2008 general election. These reports are from 21 of the state's 72 counties.<sup>1</sup> They cover 1,466 of the state's approximately 3,000 polling places.<sup>2</sup> Together these reports account for 53% of the total votes cast in the November 2008 election. Although the sample is not perfectly representative of the state, it covers a wide range of communities and provides a fair portrayal of the range of incidents reported by pollworkers. This report should serve as a prelude to a more complete analysis of Incident Logs from future elections.

## **The Incident Logs**

Information about polling place incidents comes from the GAB-104 form, also known as the "Inspectors' Statement."<sup>3</sup> The GAB-104 is provided to clerks and is available on the GAB's web

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<sup>1</sup> The counties included are Adams, Brown, Buffalo, Crawford, Dane, Douglas, Eau Claire, Iron, Kewaunee, Manitowoc, Marquette, Milwaukee, Outagamie, Portage, Price, Richland, Sheboygan, St. Croix, Trempealeau, Waukesha, and Wood.

<sup>2</sup> The number of polling places is an estimate because the GAB typically collects data from "reporting units," which number approximately 3,600. Reporting units may include multiple wards, and polling places may include multiple reporting units.

<sup>3</sup> The terms "election inspector" and "pollworker" are used interchangeably, as are the terms "elector" and "voter."

site.<sup>4</sup> Election inspectors (“pollworkers”) are instructed to use the form to record incidents as they happen throughout election day. The cover page of the form requests basic information about the polling place such as chain-of-custody for voting equipment, some voter statistics, and signatures of pollworkers. The focus of this report is the Incident Log that begins on the second page of the form.

The Incident Log itself is an empty grid. Each incident is supposed to be written by hand on a separate line. The incidents are numbered throughout the day. Pollworkers are asked to describe each incident in words, indicate what time it occurred, sign their initials, and provide an Incident Code that corresponds to the event.

The final page of the form provides 17 Incident Codes and procedures for how to handle them. A brief version of the coding is provided below. It is important to point out that a generic incident is neither “good” nor “bad,” but that specific types of incidents may be viewed as more or less desirable.

### **Existing Incident Codes**

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#### *Rejected Absentee Ballots*

- RO** (envelope is open)
- RS** (envelope is unsigned)
- RW** (witness signature is missing)
- RD** (elector died before election day)
- RB** (elector voted more than one ballot)
- RV** (elector already voted)

#### *Defective Ballots*

- D** (defective ballot remade)

#### *Challenged and Provisional Ballots*

- CC** (elector is not a citizen)
- CA** (elector is not 18 years old)
- CR** (elector is not resident)
- CF** (elector is felon)
- CI** (elector is incompetent)
- CV** (elector already voted)
- PV** (provisional ballot issued)

#### *Voter Intent Unclear*

- VI** (voter intent could not be determined)

#### *Objected To Ballots*

- O** (minority of pollworkers objected)

#### *Other Incidents*

- X** (other occurrences and irregularities)
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Note that similar codes are grouped into larger categories. For example, the code of “RS” indicates that a voter failed to sign the absentee ballot envelope. This and the other five codes dealing with rejected absentee ballots all begin with the letter “R.”

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<sup>4</sup> <http://gab.wi.gov/forms/gab-104>

As explained above, GAB staff provided hundreds of these handwritten Incident Logs. To analyze these materials, the logs were entered into an electronic database. This required reading and interpreting every entry and then inputting all useable information.

Because GAB staff requested recommendations for improving the form, it was most sensible to arrive at these recommendations before making the data electronic. This permits an analysis of incidents based on an improved set of Incident Codes. The new codes being proposed are disaggregations of the existing codes, allowing one to “roll up” the proposed codes into the earlier ones. This permits the analysis to be repeated in future elections using the codes actually in place during the November 2008 general election, the new codes being proposed here, or a combination of the two.

## **Review of Incident Codes**

The analysis began with a thorough review and assessment of the Incident Logs. The logs themselves clearly provide a rich accounting of the activities happening at Wisconsin’s polling places. In addition to providing valuable diagnostic information for election administrators and the public, recording of these events is likely to be helpful to pollworkers as they organize and document their election day activities.

The physical review of Incident Logs revealed three immediate concerns. First, because the incident descriptions are handwritten, the legibility and interpretability of pollworkers’ notes are inconsistent. As described below, about 11 percent of these descriptions could not be deciphered. Second, the Incident Codes were used unevenly. Pollworkers sometimes failed to list a code alongside their descriptions and other times appeared to list the wrong code. This lack of completeness requires those reviewing the documents to identify what appears to be the proper code to accompany each event. Third, many valid incidents were categorized generically with the code “X” (other occurrences or irregularities). This is an inadequacy of the form, not with pollworkers’ practices. By collapsing so many events into a catch-all category, the nature of these incidents is difficult to understand.

Based on a review of many Incident Logs, a new set of Incident Codes is being proposed. The goal in devising the new codes was to reflect more accurately the actual incidents being reported by pollworkers. The result is a longer and more specific set of codes. These 37 codes are unlikely to be adopted wholesale in an updated GAB-104 form, but they should be a useful first step in a collaborate effort to improve recording of polling place incidents.

There are at least four benefits of these new categories. First and most important is that there are more of them – 37 rather than 17. This is to allow for a fuller accounting of incidents. This facilitates disaggregation of the many incidents previously lumped together into the “X” category. Second, the codes provide entirely new categories of incident relating to equipment (e.g., “EP” for printer malfunctions), accessibility (e.g., “ACC” for issuing curbside ballots), and the polling place itself (e.g., “XH” for an alteration of polling hours). Third, there are parallel sets of codes for voters who are refused and those who are merely challenged for the same reasons. For example, “RF” indicates that a voter was refused because of a felony while “CF” indicates a voter challenged because of a felony. Finally the new codes maintain useful



categories in the existing rubric. For example, an open absentee envelope is coded “AO” in the new system and is coded “RO” in the existing system.

### **Proposed Incident Codes**

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#### *Equipment*

- EN** (normal recordings)
- EOS** (malfunction of optical scan machine)
- ESS** (security seal issue)
- EP** (printer malfunction)
- EDRE** (malfunction of touchscreen machine)
- EO** (other equipment failure)

#### *Ballots*

- BN** (new ballot issued or ballot remade)
- BI** (voter intent not determined)
- BO** (minority of pollworkers objected)
- BD** (elector voted multiple times)
- BS** (ballot shortage)
- BOV** (overvote)
- BP** (provisional ballot issued)

#### *Accessibility*

- ACP** (disability access problem)
- ACE** (assisted elector with ballot)
- ACC** (curbside ballot issued)

#### *Refused Electors*

- RC** (elector not a citizen)
- RA** (elector not 18 years old)
- RR** (elector not a resident)
- RF** (elector is a felon)
- RI** (elector is incompetent)

#### *Challenged Electors*

- CC** (elector is not a citizen)
- CA** (elector is not 18 years old)
- CR** (elector is not resident)
- CF** (elector is felon)
- CI** (elector is incompetent)

#### *Rejected Absentee ballots*

- AO** (envelope is open)
- AS** (envelope is unsigned)
- AW** (witness signature is missing)
- AD** (elector died before election day)
- AH** (hand delivered absentee)

#### *Other Polling Place Incidents*

- XPT** (poll list mistake)
  - XH** (polling place hours altered)
  - XR** (problem with elector’s registration)
  - XRN** (electors leaves without voting)
  - XD** (disruption at the polling place)
  - XO** (all other incidents)
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Having developed a new set of Incident Codes, they were then used to code reports from 1,466 polling places in the November 2008 general election. Whenever an incident description was written in legible handwriting and was deemed to be a genuine incident, it was assigned one of the new Incident Codes. These data were then merged with municipal and county data from the EAC's Election Administration and Voting Survey. The EAC data file provides information on many election day activities and is useful for both validating the incident logs and identifying factors that correlate with various types of incidents.

There are several circumstances where subjective decisions had to be made about coding. First, in most cases where a voter's ballot was challenged, the incident was not accompanied by the appropriate challenge documentation. These were nonetheless coded as genuine incidents. Second, in some cases a pollworker reported an incident once, that is, on one line, but indicated in the description that it occurred multiple times. When the number of occurrences was ambiguous (e.g., "happened several times") it was recorded as just one incident. When the number was specific (e.g., "happened four times") it was recorded as such. Third, some entries were also revealed not to be incidents at all. For example, a pollworker might report that a friend or colleague delivered lunch to the inspectors. These are identified as non-incidents. Finally, some entries were not interpretable, either because of illegibility or lack of information that would identify it as a specific kind of event. In all, the dataset contains 21,006 coded incidents. In addition, 2,905 non-incidents are excluded and another 2,471 are excluded for being unintelligible or incomplete. In other words, more than ten percent of entries were not proper incidents at all and another ten percent were unidentifiable as incidents or non-incidents.

## **Overall Frequency of Incidents**

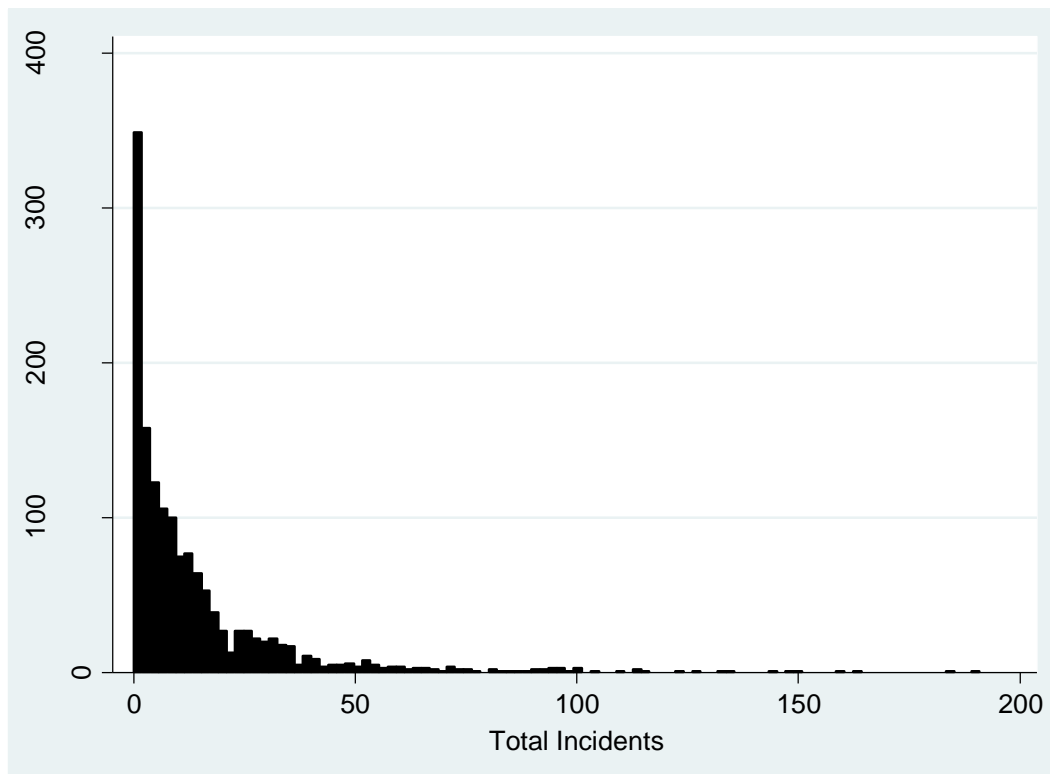
The 21,006 incidents are spread across polling places somewhat unevenly. The figure below displays the distribution of incidents. The histogram indicates that most polling places saw no incidents or relatively few incidents, although a small number reported many incidents.

There typical polling place reported relatively few incidents, but there is also substantial variation from one polling place to the next. The median number of incidents was 7.0; the median number was 14.3. The range ran from zero to 191. The most common number of incidents was zero, with 16% of polling places listing no incidents at all. Approximately 85% of polling places had 25 or fewer incidents. That translates to a rate of less than two per hour. Only 8% had more than three per hour.<sup>5</sup> For a high turnout presidential election, this appears to be a relatively low average rate.

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<sup>5</sup> Except in unusual cases, polling places were open for 13 hours, from 7:00am to 8:00pm.

## Distribution of the Incident Count



The raw number of incidents at a particular polling place is partly a function of how many voters were served. Polling places with more voters participating reported more incidents. To determine how much of the variation in total incidents is due simply to voter volume, an *incident rate* was calculated. The incident rate is the number of incidents divided by the total number of voters participating.<sup>6</sup> This procedure considers the total number of incidents relative to the total number of participating voters. The incident rate thus ranges from 0 (if no incidents were reported) to 1.0 (if every voter generated an incident).<sup>7</sup> A rate of .2, for example, would indicate that an incident occurred for every five voters served.

The mean incident rate in the November 2008 general election was .011. This translates to 1.1%, or one incident for every 113 voters.<sup>8</sup> This appears to be a plausible number, for two reasons. First, few Wisconsin voters are known to experience problems at the polls in Wisconsin.<sup>9</sup> Second, incidents themselves are not necessarily undesirable. Many incidents simply reflect routine handling of expected situations.

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<sup>6</sup> This figure is drawn from answer to question F1a on the EAC's 2008 Election Administration and Voting Survey.

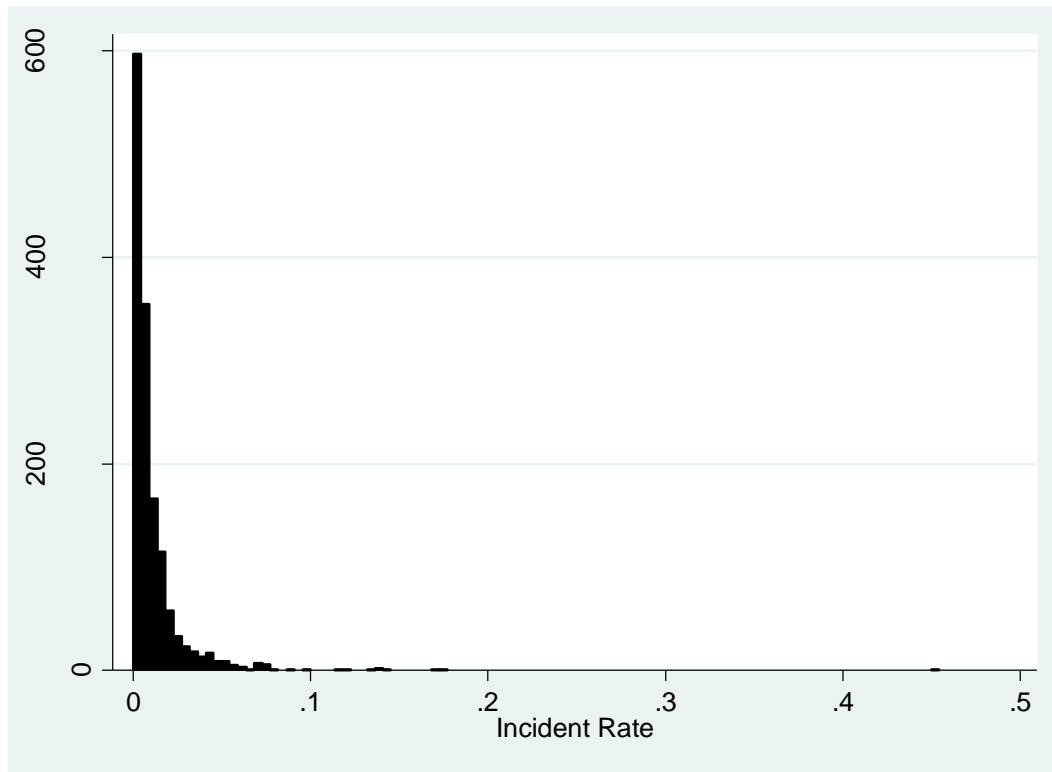
<sup>7</sup> In theory it is possible for the incident rate to exceed 1.0 if some voters generated multiple incidents. Although some voters surely did create multiple incidents, it seems unlikely that this is a common occurrence. The main purpose of this measure is to rescale the total incident number to account for the volume of voter traffic.

<sup>8</sup> This is the highest possible rate because some voters could have been connected with multiple incidents.

<sup>9</sup> As an illustration, one survey conducted after the November 2008 general election found that only 1% of voters experienced a problem with their voter registration. <<http://electionadmin.wisc.edu/btpsummary.pdf>>

The figure below displays the incident rate for all 1,466 polling places. Presenting incidents in this way reveals that the likelihood of incidents is more uniform across the state than the raw counts indicate. As noted above, the mean rate is a mere .011, suggesting one incident for every 113 voters. The median is even lower at .006, or one incident for every 202 voters. Ninety percent of polling places had rates of less than .025, which translates to one incident for every 40 voters. In short, the vast majority of polling places had a low incident rate.

**Distribution of the Incident Rate**



### Validity Checks

A key consideration is whether the incidents reported by pollworkers accurately reflect the actual incidents that took place on Election Day. Without direct physical observation of polling places, one can never know for certain, but there are methods that allow for indirect evaluation of the question. Several approaches were used to assess the validity of the data reported on incident logs.

As explained above, the data analyzed here probably understate the number of incidents. The key reason is that some of the incident reports were indecipherable, either because the handwriting was illegible or the text provided did not appear to describe any known type of event. The mean polling place had 1.7 of these undefined events, although the median polling place had zero. If these entries had been codeable as genuine incidents, it would increase the statewide totals by about ten percent. In addition, incidents that occur before election day, during the absentee voting period, were not recorded on the GAB-104. So while a problem with

an absentee ballot that is counted on election day should be a recorded, an in-person absentee voter who needs assistance at the clerk's office would not.

Another reason why incidents are unreported here is that in some cases pollworkers recorded multiple events on one line of the Incident Log. For example, a line might indicate that an elector was issued a new ballot and that this happened several times. If the description indicated a specific number of times, it was counted as separate incidents.

Despite these known liabilities, there are good reasons to believe in the general accuracy of the data. The relatively uniformity in the incident rate across polling places is one indication that the reports are valid. Nine of out every 10 polling places had an incident rate between 0 and .024. If the reported number of incidents were simply a function of how diligent particular pollworkers were about recording events, there would be greater variability in the rate. It does not appear that differential inspector training or the personal styles of particular inspectors are driving much of the variation in the rate.

As already noted, it is reassuring that the number incidents is higher when there are more voters participating. Indeed, the correlation between the number of voters and the number of incidents is solidly positive ( $r = .39$ ).<sup>10</sup> One might expect a stronger correlation between the two, but we also realize the incidents are caused by many things aside from the total number of voters served. Reporting units work with different kinds of voters and many incidents such as those related to equipment are not directly tied to the voter volume. In brief, the magnitude of the relationship seems reasonable and partially validating of the varying numbers of incidents across polling places.

The EAC survey contains other data that help validate the incident reports. One indicator that appears in equivalent fashion in both datasets: the number of provisional ballots issued. This is a not an ideal indicator because provisional ballots are relatively rare in Wisconsin, but it is nonetheless informative. The EAC reports that 211 provisional ballots were issued statewide.<sup>11</sup> Among the municipalities for which we have incident logs, the EAC lists 128 provisional ballots. Incident logs report only 106 provisional ballots. This gap likely reflects the general undercount of events due to undecipherable pollworker handwriting. More important, the correlation between the two sources is quite high ( $r = .77$ ). Nearly 96% of reporting units have no discrepancies between the two reports, and 99% differ by no more than one ballot. A handful of units show discrepancies of two to eight provisional ballots. This provides strong evidence that election inspectors are using the incident logs to capture genuine incidents, even if specific logs are not perfectly accurate.

Although the incident logs appear to be valid generally, some of the variation does appear to be idiosyncratic. Locations vary in their tendencies to document incidents. Particular polling places "specialize" in particular kinds of incidents, often to the exclusion of others. It is difficult to know if a high frequency of one kind of incident at a polling place reflects the actual prevalence of that event or just the tendency of pollworkers at that location to focus on some

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<sup>10</sup> The correlation coefficients computed for this report range from -1 (the strongest negative linear relationship between two variables) to +1 (the strongest positive relationship), with 0 indicating no relationship.

<sup>11</sup> This is question E1 on the EAC's 2008 Election Administration and Voting Survey.

kinds of incidents. In addition, some polling places appear to be more fastidious when it comes to reporting. This can be demonstrated using two indicators of non-averse incidents: non-incidents and normal recordings for equipment (“EN”).<sup>12</sup> Both of these are positively correlated with the total number of incidents ( $r = .24$  for non-incidents and  $r = .17$  for normal recordings).<sup>13</sup> These modest but positive correlations indicate that at least some of the variance in volume of incidents is the simple result of varying practices across reporting units and not because of incidents themselves. It is difficult to know if the variation is due to the preferences of specific pollworkers, differential training by clerks in different municipalities, or other idiosyncratic factors.

In summary, incident logs appear to be valid in that they capture the relatively frequencies of incidents and reflect differences in volume across polling places. At the same time, the accuracy, completeness, and consistency of reporting could be improved significantly so that real variation can be distinguished from idiosyncratic differences in reporting styles.

## Types of Incidents

What is an incident? As the revised codes suggest, incidents encompass a wide range of polling place events. This makes it difficult to identify what threshold marks an “acceptable” incident rate. Simply put, many incidents are not unexpected or adverse. Many incidents are reports of the successful resolution of an event that was anticipated by pollworkers. For example, by far the most common incident is issuance of a new ballot to a voter who has spoiled her ballot or finds it unreadable by the scanning equipment. In these cases pollworkers typically corrected the mistake by providing a new ballot or remaking an absentee ballot. This is not a serious disruption to the voting process but rather the proper response to a common hiccup. In contrast, some incidents, such as an unsigned absentee ballot are more serious. Because both routine and more troubling events are including the overall count, the incident rate itself is neither a good nor bad sign about election day processes.

To distinguish “good” from “bad” incidents, the table below reports the frequency of each incident type using the newly proposed codes. The three most common incidents are the issuance of new ballot (“BN,” including those that are remade due to errors), overvotes (“BOV”), and normal equipment recordings (“EN”). Together these three incidents account for nearly three-fourths of the total number of incidents recorded. In most cases these benign events are successfully resolved in the manner directed by the Election Day Manual and clerk instructions. One might even question whether documentation of regular voting equipment performance even merits being coded as an incident. Clerks and pollworkers need specific guidance on what constitutes an incident.

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<sup>12</sup> As noted above, non-incidents include regularly occurring events during the course of election day that pollworkers nonetheless record.

<sup>13</sup> In this particular analysis normal recordings are removed from the total number of incidents to avoid counting the same events twice. Non-incidents by definition do not appear in the total incident count.

### Frequency of Incident Types

Type of Incident	Mean Number	Percent Experiencing
New Ballot Issued (BN)	6.84	57.0
Overvote (BOV)	2.72	37.8
Normal Equipment Recording (EN)	.99	20.4
Other Incident (XO)	.77	28.7
Voter Intent Could Not Be Determined (BI)	.44	10.8
Problem with Elector's Registration (XR)	.31	13.9
Assisted a Voter with His or Her Ballot (ACE)	.31	9.4
Absentee Ballot Not Signed (AS)	.27	13.7
Absentee Ballot Not Witnessed (AW)	.27	12.5
Problem with an Optical Scan Machine (EOS)	.25	13.3
Elector Voted Multiple Times-All but One Discarded (BD)	.21	13.3
Poll Book Mistake (XPT)	.18	7.5
Refused Vote-Residency Requirement (RR)	.14	5.7
Issued a Curbside Ballot (ACC)	.07	4.7
Provisional Ballot (BP)	.07	2.7
Other Equipment Failure (EO)	.09	6.3
Elector Left the Polling Place without Voting (XRN)	.09	4.6
Absentee Envelope Not Sealed (AO)	.05	3.8
Printer Malfunction (EP)	.05	3.6
Challenged Ballot-Residency Requirement (CR)	.05	2.8
Someone Causing a Disruption at the Polls (XD)	.04	3.3
Absentee Voter Died before Election Day (AD)	.04	3.0
Problem with a DRE Machine (EDRE)	.02	1.7
Polling Place Hours Altered in Some Way (XH)	.02	.6
Ballot Supply Problem (BS)	.01	1.1
Hand Delivered Absentee (AH)	.01	.6
Objected Ballots (BO)	.01	.2
Problem with a Security Seal (ESS)	.00	.3
Accessibility Problem (ACP)	.00	.3
Refused Voter-Not a Citizen (RC)	.00	.2
Challenged Ballot-Felony (CF)	.00	.2
Challenged Ballot-Adjudicated Incompetent (CI)	.00	.1
Refused Voter-Not 18 (RA)	.00	.1
Challenged Ballot-Not a Citizen (RC)	.00	0
Challenged Ballot-Not 18 (CA)	.00	0
Refused-Felony (RF)	.00	0
Refused-Adjudicated Incompetent (RI)	.00	0
Total Incidents	14.33	84.0

On the other end of the spectrum are the rarest of incidents, which also tend to be the most undesirable. These typically have to do with electors who are challenged or refused outright. Not a single voter was challenged for being underage (“CA”) or a non-citizen (“CC”). No voters were refused because of felonies (“RF”) or incompetence (“RI”). Only one or two voters out of 1,466 polling places were refused because of age (“RA”) or citizenship (“RC”). Also scarce were incidents related to voters having accessibility problems, issues with security seals on ballot containers, and ballot shortages. These types of incidents were experienced by less than one percent of polling places. Unless required by statute, in the future the GAB might choose not to record them at all, allowing these scattered problems to be recorded under the “XO” category for “other” events.

Even with the new coding system, the number of incidents falling into the “XO” category is substantial. Many of these “other” kinds of incidents include efforts by pollworkers to reconcile the number of “tickets” and ballots at the end of the day. The Incident Codes might be further revised to single out incidents related to ballot accounting. Further efforts to disaggregate the “other” category should be pursued in consultation with GAB staff, clerks, and pollworkers.

In between the more frequent but generally benign incidents and the extremely rare but serious incidents are events that are of some concern and happen with moderate frequency. It is difficult to determine whether these incidents are problematic. For example, 4.6% of polling places reported a voter leaving the polls without voting (“XRN”). It is unclear how many of these “reneging” voters returned to vote later in the day. To take another example, 5.7% of polling places had pollworkers refuse at least one voter because he or she failed to meet the residency requirement (“RR”). These incidents might be serious if the voter is not even a Wisconsin resident. In at least some of these cases voters appeared at the wrong polling place by mistake; ideally they were directed to the correct polling place. A final incident of this middling type is when voter intent on an absentee ballot could not be determined (“BI”). This occurred at least once in 10.8% of polling places. In these cases it is impossible for the voter to correct the mistake and cast a proper ballot, so the defective ballot goes uncounted.<sup>14</sup>

At the same time, using the percentage of polling places experiencing these three types of incidents may overstate their frequency. The typical polling place had only .09 voters leave the polls without voting, .14 voters refused for improper residency, and .44 cases where voter intent could not be determined. The mean number of voters served in the election was 1,623, so these incidents remain potentially troubling but also rare.

The table below collapses the various types of incidents into the seven major categories. It is clear that ballot-related incidents form the largest component of the overall total. The mean polling place had 10.2 of these events on election day. The majority of these incidents involved issuing a new ballot (a successful resolution) and reporting an overvote that was not always corrected (an undesirable resolution). Incidents related to equipment and other matters were next most common. As shown in more detail above, challenged and refused voters were rare, as more than 90% of polling places reported none of these kinds of incidents.

<b>Frequency of Each Category of Incident</b>		
Type of Incident	Mean Number	Percent Experiencing
Ballot	10.24	65.4
Other	1.41	43.0
Equipment	1.39	34.5
Rejected Absentee Ballots	.63	25.2
Accessibility	.38	13.7
Refused Voters	.14	5.8
Challenged Voters	.05	3.0

<sup>14</sup> GAB staff and state legislators have been considering reforms to the absentee balloting system that might alleviate this concern.



## Where Incidents Occur

What causes the incident rate to vary across polling places? The answer to this question remains elusive. It is easier to rule out factors than it is to identify certain causes. In other words, the data currently available make it possible to determine which culprits are unlikely but do not definitively identify the factors that are responsible for variation in incidents.

Although the incident rate controls for the number of voters served, one might still suspect that the rate would be higher at polling places with more voters. Presumably a higher volume of voters could result in longer lines, more confusion, and greater demands on pollworkers. However, if anything, it appears that the incident rate is actually lower in communities with greater numbers of voters ( $r = -.12$ ). Lower-traffic locations report more incidents per voter. One explanation for this finding is that higher volume polling places adopt practices that are more efficient or are better able to handle a range of situations. An alternative explanation is that at busier polling places election inspectors feel that they lack sufficient time to document incidents as their counterparts at lower-volume polling places.<sup>15</sup>

Because several types of incidents are connected to the use of absentee ballots, one might expect the incident rate to be higher at polling places where more absentees are processed. This too turns out to be false. The incident rate is not related to the raw number of absentee ballots cast ( $r = .03$ ) and the percentage of total voters who used absentee ballots ( $r = -.07$ ).

There is significant variation across counties and municipalities. The table below shows incident rates by county. These differences are hard to explain. Pollworkers are generally trained by municipal clerks, especially in larger population counties where more municipal clerks are self-providers. Moreover, municipalities within counties often differ markedly in population and demographic profiles, which makes it difficult to explain a county-wide effect. Counties with similar incident rates do not share other obvious characteristics. Those with higher rates include populous Dane County but also smaller population counties such as Adams and Trempealeau. The most populous county, Milwaukee, has a moderate incident rate while another high population county, Waukesha, has one of the lowest rates. The reasons for these differences are not immediately clear.

Because elections are primarily administered by municipal clerks, it is also instructive to examine incident rates by municipality. The second table below lists the municipalities with the 15 highest rates.<sup>16</sup> It is important to remember that a high rate is not an inherently positive or negative indicator of how elections are run. The purpose of this exercise is simply to reveal where incidents are occurring. It is not obvious from the listing what these high rate municipalities have in common. These communities are different sizes, are found in different sections of the state, and vary in whether their clerks' responsibilities. There is some indication that incidents vary by type of municipality. Mean incident rates are lowest for cities (.009) and highest for villages (.015), with towns lying in between (.012). This gradation probably reflects

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<sup>15</sup> Future analysis should incorporate information on how many election inspectors worked at each polling place to determine whether reporting is a function of the ratio of pollworkers to voters.

<sup>16</sup> Recall that 16% municipalities – or 235 out of 1,466 – reported zero incidents.

the point made above that the incident rate is higher at polling places where fewer voters are served.

<b>County Incident Rates</b>		
County	Incident Rate	Mean Number
Adams	.027	13.0
Trempealeau	.021	10.1
Dane	.020	37.3
Portage	.018	10.8
Marquette	.016	7.2
St. Croix	.015	15.1
Crawford	.014	2.5
Richland	.012	4.2
Milwaukee	.011	18.6
Douglas	.010	4.9
Buffalo	.009	2.3
Waukesha	.008	8.9
Outagamie	.008	7.4
Manitowoc	.007	6.0
Price	.007	1.3
Brown	.006	9.3
Eau Claire	.006	8.7
Wood	.005	7.0
Iron	.005	1.2
Sheboygan	.004	5.1
Kewaunee	.001	1.2

<b>Municipalities with Highest Incident Rates</b>		
Municipality	Incident Rate	Number of Polling Places
Deer Park	.174	22
Maple Bluff	.138	4
Steuben	.136	9
Ferryville	.121	17
Rockdale	.118	14
Springville	.075	51
Jackson	.074	42
Colburn	.074	11
Dane (village)	.074	28
Spirit	.069	13
Blue Mounds (village)	.069	32
Madison (city)	.063	170
Dane (town)	.063	35
Blue Mounds (town)	.059	34
Brooklyn	.059	29

## Summary and Recommendations

This report marks the first time that incident logs have been analyzed in a systematic fashion. The project uses a sample of Inspectors' Statements from the November 2008 general election to (1) propose revisions to the GAB-104 form, (2) assess the validity of the incident logs, (3) describe the kinds of incidents that occur, and (4) suggest factors that affect the incident rate. This preliminary analysis points to several conclusions.

First, the number of Incident Codes should be expanded. Adopting a set of codes that more closely mirrors the kinds of incidents being reported has the immediate benefit of disaggregating the many diverse kinds of incidents that tend to fall in the "X" category on the existing form. The analysis reveals that these incidents are often connected to equipment errors and events at the polling place itself. Even with this disaggregation, there remains a sizable "other" category. Further research will help parse this category further. At the same time, where not required by law, some of the least-used codes having to do with challenged and refused electors might be eliminated. A more refined coding system provides pollworkers, clerks, and the GAB with more specific information and thus a firmer foundation for improving election administration.

Second, although individual GAB-104 forms are often idiosyncratic, the basic pattern of incident reporting appears valid. Despite variations in training and personal styles, pollworkers report events in ways that conform with expectations. Unintelligible handwriting and terminology made it impossible to code about a tenth of the entries and some repeated events were only coded once. These problems would understate the total number of incidents, even if the variation from one polling place to another is accurate. Providing more specific training to clerks and inspectors, and digitizing the incident logs themselves, would likely reduce these problems and would provide more consistency in reporting. Some municipalities acted independently to create forms that mimicked the GAB-104 but provided a separate page for each incident type. If the GAB retains paper forms, this is an approach to consider.

Third, the rate with which incidents occur is low and fairly uniform across polling places. The typical polling place had 14 incidents and 1,624 voters participating. The mean incident rate is .011, or less than one incident for every 100 voters. Most polling places have few incidents, and most of these incidents are benign or even positive resolutions of expected irregularities such as correcting overvotes and providing accessibility to disabled voters. The most common incidents are rarely troubling. In contrast, the most serious incidents are relatively infrequent.

Fourth, it was difficult to identify factors affecting the frequency of incidents. Incidents tend to rise as the number of voters increases, which provides some validation of the data themselves. The incident rate was actually lower at polling places that served more voters. Incident rates were not affected by the use of absentee ballots. Rates varied substantially across counties and municipalities. This geographic variation, and the higher rate in smaller municipalities, suggests that training of clerks and pollworkers may be a factor in affecting the reporting of incidents.

In summary, it is recommended that the GAB revise the GAB-104 form and provide additional guidance to the clerks. In recording incidents, the goal ought to be to extract as much useable information as possible about what happens on election day. The GAB should offer more codes

to avoid the problem of large numbers of incidents being lumped into the “other” category. Some of the lesser-used codes should be eliminated.

The new Incident Codes proposed here would ideally be evaluated by a working group of UW-Madison researchers, relevant GAB staff members, a group of municipal clerks, and pollworkers. Focus groups might be a valuable way to gather feedback on the clarity and comprehensiveness of the codes before putting a revised version of the GAB-104 into the field. Discussions among these parties and researchers would help identify the causes of incomplete documentation and design features that would facilitate the most effective use of the Inspectors’ Statement. Observation of polling places and the use of the GAB-104 form on election day would likely reveal additional ways in which incident reporting could be improved.

The illegibility of incident descriptions should be eliminated. Several solutions would improve legibility. Challenge documentation should be provided for each challenged elector to validate the incident. Inspectors should be instructed to record each incident on a separate line, avoid recording non-incidents, and to write legibly. Pollworkers should be instructed to report incidents individually rather than collectively, or at least tally the frequency of common incidents to make reporting more efficient and accurate. To improve legibility and consistency, the form could provide individual character boxes and other design features used on other government documents might be employed on the Incident Log.

An immediate solution is to require a pollworker to have each incident her or she records approved by a fellow pollworkers. This “double-check” would guarantee that handwritten descriptions are legible and make it more likely that they reflect actual incidents. Longer term, the GAB should move to an electronic reporting system that would eliminate handwriting problems and provide additional consistency. A drop-down menu system would guarantee that each entry is associated with a code, would automatically provide time stamps rather than relying on pollworkers to record times, and would make the incident data immediately available for analysis.

With better training of clerks and inspectors, the analysis presented here can serve as a benchmark for future elections. A more complete analysis of data from the November 2010 and November 2012 general elections will indicate whether improved training alters the incident report patterns. Comparing incident logs over multiple elections can illuminate how much of the variation across polling places is due to actual events, and how much is due to inconsistency in definitions and reporting standards.