

WISCONSIN ELECTION PROTECTION

2012 Recall Election Report

*Report from Non-Partisan Observers of
Voting in the Recall Election in the State
of Wisconsin on June 5, 2012*

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PROTECTION & The Lawyers Committee For
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Introduction

The Role of ELECTION PROTECTION

What is WISCONSIN ELECTION PROTECTION?

ELECTION PROTECTION is a nationwide, nonpartisan coalition of organizations including the Lawyers' Committee for Civil Rights Under Law, American Civil Liberties Union, League of Women Voters, the AFL-CIO, the NAACP, and others. Locally, WISCONSIN ELECTION PROTECTION includes local affiliates of these national groups, and also works closely with Voces de la Frontera, a workers' rights organization located on the south side of Milwaukee.

WISCONSIN ELECTION PROTECTION's Purpose

The purpose of WISCONSIN ELECTION PROTECTION is to protect voter rights, to expose and prevent voter intimidation, and to preserve access to the polls for all voters.

Election Day Activities in Wisconsin

WISCONSIN ELECTION PROTECTION monitored the Recall Election in a variety of different ways. In conjunction with the Lawyers' Committee for Civil Rights Under Law and the national 1-866-OUR-VOTE hotline, calls were answered in the days leading up to the election from voters as well as on Election Day.

On June 5, 2012, the day of the election, from 6:30 a.m. until after 9:00 p.m., WISCONSIN ELECTION PROTECTION attorneys responded to phone calls from the hotline state-wide. All told, WISCONSIN ELECTION PROTECTION received more than 2,000 phone calls from Wisconsin residents at the 1-866-OUR-VOTE hotline in this election.

Social media were also an important part of WISCONSIN ELECTION PROTECTION's activities. Facebook and Twitter were used to reach out to thousands of voters around Wisconsin – both to provide and receive information. Voters posted questions and concerns that were answered by WISCONSIN ELECTION PROTECTION attorneys.

Additionally, WISCONSIN ELECTION PROTECTION worked with the Wisconsin League of Women Voters in the staffing of over 150 poll observers statewide.

Attorneys were dispatched to polling sites on an as-needed basis when issues arose.

A dozen volunteer attorneys staffed a central command center, and, along with highly trained volunteers, answered the hotline phone calls and social media requests, and responded by telephone to questions from poll observers, attorneys and volunteers in the field identified problems. They also responded to voters who needed assistance throughout the day with voting questions and concerns.

Throughout the day, the attorneys at central command were in communication with election officials throughout the state to try to resolve voting issues as they arose. They were in frequent communication with the Government Accountability Board when necessary to obtain needed clarification or information.

General Summary

The key take-away from the June 5, 2012 Recall Election was that the widespread and changing requirements – from new registration restrictions to the imposition (and then suspension) of photo ID to limitations on absentee ballot transmission to poll book signature exemptions – caused significant confusion among voters and poll workers alike, and led to disfranchisement of more voters than Wisconsin Election Protection has seen in the past eight years that we have been in operation. Our recommendations at the end of this report address areas where there should be improvement in advance of the 2012 Presidential Election.



Polling Site Concerns

WISCONSIN ELECTION PROTECTION received calls on various access issues relating to polling sites. In addition to significant delays and confusion at various sites, voters complained of lack of accessibility at polling locations and being misinformed or misguided about their polling location

Confusion as To Polling Site Locations

After the 2011 redistricting process, many voters throughout the state were assigned to different wards and polling places. It is unclear whether or how well municipal clerks notified voters of these changes, and it is significant that the largest category of calls we received (34%) were regarding inquiries about how to find one's polling place. Although these are the easiest issues to address, it is important to note just how many individuals are unclear or confused about where to vote.

Additionally, several voters reported being redirected by poll workers from the polling site at which they had voted for many years, or to which they were directed by the Voter Public Access website, to another polling site. Upon arriving at the second site, voters were either directed to return to the original polling place they had attempted to vote at, or were directed to a third polling place by poll workers at the second location. At least two voters reported that they were not able to vote because they had to return to work and did not have time to continue to travel from polling place to polling place. This type of misdirection is likely the result of poll workers not being properly trained on how to read poll books and determine the appropriate ward and polling location for voters. Confusion was also exacerbated by poor signage or lack of signage at those few polling places that had been moved due to construction or repairs to buildings.

Delays at Polling Places

Substantial Waits

Voters on a statewide basis reported long lines and substantial delays at polling places. Delays were likely due to a variety of factors. Large numbers of voters participated in the Recall Election; final numbers reveal that approximately 58% of voting age adults voted on June 5, 2012 and 2,516,065 votes were cast. Election officials had predicted that turnout would be high, but lack of preparedness and proper training of poll workers, in conjunction with those high turnout numbers, led to a delays including long lines, slow processing of same-day registration forms, and

errors in poll workers properly reading the poll books, resulting in some voters being incorrectly directed to other polling sites.

One way to relieve the long lines that formed for voting at some polling places is by splitting the poll books. At several polling sites chiefs organized this by securing additional binders, splitting the list roughly into the first and second half of the alphabet and having 4 rather than 2 poll workers check in voters. However, this practice should be part of a standard operating procedure with instructions and training for when and how to utilize it. Such an option, however, is predicated on the existence of adequate staffing.

Inadequate Registration Forms and Ballots

Delays also occurred at a number of polling sites because those sites were not provided adequate numbers of registration forms and ballots. We received many calls, particularly in the late afternoon and early evening, that polling places had run out of, or were about to run out of, same day registration forms and ballots. At one point, we received a report that 11 polling sites in Milwaukee had run out of registration forms at the same time. WISCONSIN ELECTION PROTECTION volunteers copied and distributed same day registration forms to as many of these sites as possible. Of course, only election officials were able to provide additional ballots. As a result of this issue, many voters encountered waits in excess of one hour while others were unable to continue waiting and ultimately did not vote. It should be noted that the City of Milwaukee uses a different form than the rest of the state, which resulted in confusion for voters who brought their own forms to polling sites. Consideration should be given to the City of Milwaukee using the same form as the rest of the state.

Post-election press reports indicated that reports of running out of ballots may have been overblown. We have been unable to verify this further.

This type of problem is easily remedied by providing more same-day registration forms and ballots to polling sites. It is significantly easier to provide these materials in advance than it will be to find adequate numbers of election officials on Election Day to distribute materials when sites run out. As turnout will likely be higher for the November 2012 election, we strongly encourage election officials to make the necessary arrangements in advance to avoid this problem.

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Staffing Concerns

Many voters reported lack of appropriate staffing at polling locations. Reports commonly included concerns over the fact that only one poll worker was staffing a registration or check-in table that served more than one voting ward. WISCONSIN ELECTION PROTECTION received information that election officials were seeking to deputize additional volunteer poll workers throughout the day on June 5, 2012 and dispatched those workers to those sites with extremely high turnout. Advance planning in this case would have eased delays. WISCONSIN ELECTION PROTECTION highly recommends that more poll workers are trained for the November 2012 election, and that additional on-call workers be available as needed.

The reports received about inadequate staffing levels generally were related to the spike in registration. The registration process has grown more complex, and staffing for this function has not always accounted for these changes by increasing minimum staffing level. At some polling sites, election administrators were able to redeploy or call in additional poll workers to address the issue. However, the lack of contingency staffing plans hampered other polling sites that had inadequate staff to handle the volume of new or re-registering voters.

It is also critical that polling places, especially in high-turnout wards and sites, include a dedicated greeter or site coordinator who can ensure voters are in the correct polling place, and in the correct line for registration, and, in a site with multiple wards, for voting. These workers can also facilitate the registration process by handing out clipboards with forms to those waiting to register so they can begin filling out the registration forms. While the completion of the form, including production of the necessary identification number and proof of residency document, will be performed by the registrars, their work is significantly more manageable if other worker(s) handle the preliminary step and respond to questions.

For example, in the city of Milwaukee, polling places that had greeters or “site coordinators” performing this role were able to move voters through the registration line much more quickly and avoid needless voter frustration. In multiple ward polling sites, the wait to vote is often longer in one ward than in another. Having greeters or site coordinators confirm each voter’s ward and then having voters wait in separate lines according to the voter’s ward increases efficiency and reduces voter frustration.

Frustration at the polling place is a serious problem as it discourages voters and can cause them to leave without voting if lines are long. Voters are much more likely to remain in line if they see an orderly and efficient process and are able to get basic information while waiting in line.



Registration Issues

The hotline received a large volume of its calls (21%) on issues relating to registration at polling sites on June 5. In many areas of the state there was a heavy volume of new registrants, comparable to a Presidential election, as the high profile Recall Elections attracted many sporadic voters who were either not already registered, or who had not voted since 2008 and were therefore no longer on the poll books. In one Milwaukee location, there were close to 500 new registrations --almost a third of all voters casting ballots at that polling site. Normally one or two poll workers are assigned the task of registration and receive more specialized training for this task. With this volume of new registrants it was necessary to assign additional poll workers to this task, and quickly train them in the intricacies of the registration requirements, a process that was not always accomplished smoothly.

The majority of calls relating to registration were inquiries on requirements, many of which were from voters unclear as to what kind of residency documentation was necessary or adequate. For example, one voter had graduated from college, was living with parents, and had only a medical bill and a federal student loan statement with that address; the hotline was able to inform the caller that the federal loan statement, as a government document, would suffice. There also were a number of calls and Facebook posts from voters who were impeded in their efforts to register due to changes in proof of residency requirements or due to the 28-day residency requirement.

Issues Relating to Residency Documentation

Between 2010 and the time of the June 5, 2012 Recall Elections, the Wisconsin legislature made significant changes in the method by which voters could prove residency. Most notably, the legislature eliminated the ability of a voter who lacked documentation in his or her own name to prove residency by corroboration. This change led to difficulties for a number of voters, and to the complete inability to vote for some voters.

Inability to Vote Due To Lack of Documentary Proof of Residency

Several callers lacked any proof of residency documents and were unable to vote, despite being eligible. One example was an 18 year old voter, still

living with his parents, who lacked any utility bills, lease, or government issued documents in his name and therefore was unable to vote. There was a call from a woman in LaCrosse who only had a bill from a private hospital in her name, as all other bills were in her husband's name. She was unable to vote.

WISCONSIN ELECTION PROTECTION also received a call from a homeless person who did not have any documentation and did not live in a shelter that could provide a letter of residency, and a Facebook contact from an advocate for a voter who was sleeping on a friend's couch and also appeared to lack any proof of residency. Under prior law, these voters could have registered (and voted) using a corroborator, but due to the changes in the law they were barred from voting.

Inconsistent Application of Residency Documentation Requirements

While WISCONSIN ELECTION PROTECTION is a strong advocate for the rights of all voters to vote, we are concerned about potential for disparate treatment and vote dilution if some locations apply different standards for proof of residency than other locations.

For example, we received a report from observers that in Delafield, elections officials accepted a receipt from an oil change as proof of residency, despite the fact that such a document does not meet statutory proof of residency requirements. Other callers reported inability to register and vote despite having legally acceptable proof of residency. A number of callers with government documents, such as a letter showing an address from the Social Security Administration with the voter's address, a food stamp letter, a letter from Milwaukee Area Technical College and a collection letter from another technical college were all incorrectly told by poll workers that their documents were not adequate to prove residency. A Dane County voter with an electric bill and bank statement was told those documents were inadequate, and was only able to register and vote when the voter returned to the polls with an observer. Similarly, a Milwaukee voter was improperly told he could not register with a bank statement. A Facebook poster reported that a friend whose house had burned down and was living with his in-laws had been turned down to vote because his Wisconsin drivers license had his prior address on it, even though he had a marriage certificate with his in-laws' address on it.

WISCONSIN ELECTION PROTECTION strongly recommends that clear and consistent standards, and more extensive examples of allowable (and unallowable) documents be provided to ensure that voters are being properly, equally and fairly treated.

Electronic Proof of Residency

Observers also reported that eligible voters were not able to register because they lacked a hard copy of the requisite proof of residency. As explained by one observer:

The problem that arose repeatedly was with documenting proof of residency. Although the voter had bank and/or utility accounts at the new address, and used that address for employment purposes or for receipt of government funds like UC payments, they had no physical documents to verify any of this because everything was done online. Statements were received online, payments automatically deducted from bank accounts, all banking activity and documentation was online, and all payments were direct deposited. When I suggested they go home and print out verification, many had no printer or access to a printer. But virtually all had the verification on their smartphones and offered to show that. The Chief Inspector said that was unacceptable and that only a paper version would suffice.

One Madison poll worker brought a small printer to the polling site to facilitate the printing of such documents, removing an obstacle for these eligible voters.

State law, Wis. Stat. 6.34(3), states that an “identifying document” for proof of residency needs to contain a current and complete name and residential address, but does not require that the document be in the form of paper documents, and because of the large and increasing number of voters who only have electronic forms of proof, WISCONSIN ELECTION PROTECTION urges the GAB to adopt policies or rules that allow presentation of electronic forms of proof of residency. Alternatively, the GAB should require polling sites to provide printing capacity so that voters are able to obtain hard copies of required documentation.

Issues Relating to 28-Day Residency Requirement

Another significant 2011 legislative change was expanding the durational residency requirement from 10 days to 28-days. WISCONSIN ELECTION PROTECTION became aware of numerous problems related to this change that resulted in confusion among poll workers and voters, and in some cases denial of the right to vote. Even though the law allows voters who recently moved to a new location to register and vote from the location they lived more than 28-days ago, this was not uniformly known to poll workers or voters. For example, a voter who had recently moved to the Cannon Park area of Milwaukee was incorrectly told by a poll worker that she could not register or vote anywhere in Wisconsin because she had not lived in the ward for 28-days. Other voters, such as a student from Appleton who had lived in

Madison for 22 days at the time of the election and could not get back to Appleton, were simply unable to vote.

Specific Difficulties for Student Voters

Prior to the June election, WISCONSIN ELECTION PROTECTION anticipated that college students relocating from their college addresses for the summer might encounter particular difficulties related to the new 28-day residency requirement. As had been the case prior to Act 23, students who returned to their parents' homes and had not voted from their college addresses would be able to vote at their parents' addresses. But the effect of the residency restriction might be less clear to poll workers for students who moved frequently and voted from various addresses during their college years. For instance, would a student who had registered at her college address for the spring 2011 elections but not voted there since be permitted to vote at her parents' address in June 2012, if she moved back to her parents' address for the summer break of 2011?

WISCONSIN ELECTION PROTECTION sought clarification and the GAB confirmed that it was possible for a student to establish residency at home during an intervening school break period after previously having voted on campus.

Unfortunately, the GAB's guidance came too late to ensure that municipal clerks and poll workers were prepared to handle these situations at the June 5 election. Possibly as a result, WISCONSIN ELECTION PROTECTION encountered several instances on election day in which local election officials improperly refused to allow students to vote, at least until EP intervened.

In one case, a woman who had resided and voted at one address in Fond du Lac went to college in California during 2011-12, but returned to a different address in Fond du Lac less than 28-days prior to the June 5 election. Initially she was not permitted to vote from her earlier Fond du Lac address, until EP was able to secure guidance from GAB that the woman's California sojourn was viewed as a temporary absence that did not deprive her of residency in Wisconsin, and because she had not spent 28-days at her new Fond du Lac address, her proper voting address was her earlier Fond du Lac address. After receiving this guidance, the municipal clerk permitted the woman to vote. Similarly, a UW student who lived and registered to vote at a dorm address during the 2010-11 school year and went to China for academic reasons from August 2011 until he returned to a different Madison address shortly before the June 2012 election was initially not permitted to vote from his dorm address until EP intervened.

After the election, WISCONSIN ELECTION PROTECTION received a report about a voter who had lived at a Marquette University campus address until he

graduated in May, then moved to a new address. Because he was an eligible Wisconsin voter, but had not established 28-days of residency at his new, post-college address, he should have been permitted to register and vote at the campus address. However, the poll workers improperly refused to allow him to vote there, because he had not voted there before.

Finally, WISCONSIN ELECTION PROTECTION received reports that some election officials in La Crosse had incorrectly informed students who were returning home from college for the summer that they would not be permitted to vote in La Crosse.

WISCONSIN ELECTION PROTECTION strongly recommends that The GAB provide local election officials with clear guidance well in advance of the next election cycle about how to handle the 28-day residency requirement for student and other voters who have recently moved in a variety of situations.

Improper Requests for 28-Day-Old Proof of Residency

WISCONSIN ELECTION PROTECTION also became aware of confusion among poll workers who were requiring not only that voters certify by completing the registration form they had lived in the location for more than 28-days, but were demanding that the document to prove residency be at least 28-days old, which is not required. For example, a caller from Oshkosh saw voters turned away for lack of 28-day-old proof of residency; WISCONSIN ELECTION PROTECTION contacted the Oshkosh clerk who was going to address the situation, but by then some voters had already been told they could not vote. While the GAB has been clear that the document does not need to be 28-days old, this information is not uniformly understood by elections officials, and supplemental training of poll workers is recommended.



Voter ID Issues

2011 Wis. Act 23 imposed a voter ID requirement on Wisconsin voters. Several months before the June 5 Recall Election, two state courts enjoined the law. However, the existence of the law, inadequate poll worker and public education about the fact that it would not be in effect, and confusion over driver's license number requirements for registration, led to difficulties in voting and the improper denial of some voters' right to vote.

WISCONSIN ELECTION PROTECTION received multiple contacts from voters in Deerfield, where the Chief Inspector was requiring all voters to show a valid photo ID. Election Protection was notified of the situation and contacted the GAB, who ultimately contacted voting officials in Deerfield to make it clear this was impermissible. However, by that time – early afternoon – numerous voters had already been turned away at the polls. There were also reports that poll workers in other parts of Wisconsin, including Cottage Grove, Sun Prairie, Waukesha and Milwaukee were asking voters for ID or a driver's license in order to vote, and turning away voters who could not provide them. WISCONSIN ELECTION PROTECTION also received reports from Janesville of a sign telling voters that they needed to be prepared to show ID to vote, and a report from Sauk City of printouts listing acceptable forms of photo ID posted next to the sample ballot.

Confusion over ID Requirements for Voter Registration

The issue of improper requests for photo ID was complicated by the fact that voter registration requires that an individual who has a driver's license provide the number on the license on the voter registration form. The individual is not, however, required to show the license to the poll worker, and if the voter has lost or forgotten a license, the voter can call a DMV phone number and obtain the license number on the spot (608-266-2353, then press 6, then press 6 again).

Thus, while a Wisconsin driver's license was not required to *vote* in the June 5 election, if a new registrant had been issued a WI driver's license or ID, the voter had to give his or her driver's license *number* in order to *register* (and could register using a Social Security number if the voter lacks a license or ID). A registrant also may use a current and valid WI driver's license to prove residency, if it has the voter's current address. Thus, including the now-enjoined photo ID requirement, there are three different ways in which WI driver's licenses (and Wisconsin IDs) are either required or permitted in the voting/registration process.

Not all voters – or all poll workers – understood these distinctions. For example, a Milwaukee Chief Inspector improperly turned away voters who needed to register if those voters lacked Wisconsin driver’s licenses or photo IDs. A report from Fond du Lac stated that poll workers insisted on seeing an ID before they would register voters, and a report from a Madison polling place was that poll workers were not allowing voters without a license or ID to register using a Social Security number. Some voters became concerned or confused when they were asked for their driver’s license number during registration after hearing that there was no photo ID requirement in effect for this election. It also explains the confusion of poll workers, many of whom are volunteers and may have had only limited training on these requirements.

Given the overlapping use of particular documents, Chiefs, poll workers and the public need to be carefully instructed in this area, with discussions and examples of likely scenarios to ensure the different requirements are clearly understood. The Government Accountability Board (GAB) should also ensure the distribution and posting of the DMV phone number, to facilitate registration for voters who need to obtain their license numbers.

Signing the Poll Book

A requirement of Act 23 is that voters must sign the poll book when they vote. However, voters who are unable to sign are exempt from doing so. (In addition, voters who normally sign with an “X” or other mark are permitted to do so). There were reports of improper application of these requirements.

WISCONSIN ELECTION PROTECTION received two reports of voters arriving in person to vote who stated there was already a signature next to their names in the poll books. There is currently an investigation by the applicable authorities to ascertain what occurred. Both voters were permitted to vote by challenged ballots.

A caller from Spring Prairie reported that poll workers challenged her father, who has difficulty writing, about why his signature looked different from previous signatures. A WISCONSIN ELECTION PROTECTION observer noted one polling site improperly requiring physically incapacitated voters to sign the poll book. Her observations were:

At the Queen of Apostles School in Pewaukee, I observed a couple of gentlemen in wheelchairs who couldn't sign the poll book. One clearly had Parkinson's and his hands shook so badly he couldn't hold a pen, so his wife held his hand and held the pen and helped him sign. The other had an apparatus covering his hand and needed the poll worker to place the pen into his hand. While the poll workers were helpful with that, they didn't offer the touch screen machine or point out that it was available. For the man who did not have anyone to assist him, the poll worker placed the voting pen in his hand and walked away. He could not set the pen back down again, and wound up wheeling over to where I was observing and asking for help. While the poll workers may not be compelled by the law to inform people about the touch screen machine's availability, I asked the CI to consider pointing it out to people with obvious challenges holding a pen, or at least ask the person who was standing next to the ballot counter to share that information if the first ballot was rejected.



Absentee Voting Issues

Elimination of Fax/Email Absentee Ballots

In the last legislative session, the legislature also eliminated the ability of all voters, other than overseas and military voters to receive ballots by fax or email, even if in the clerk's judgment time was insufficient to allow for mailing the absentee ballot to the voter and for the voter to mail it back.

The elimination of the option to fax or email ballots imposed barriers to voting for a number of voters, both within and outside Wisconsin. For example, a Wisconsin student who considers his residency to be his parents' address in northern Wisconsin never received his absentee ballot, which apparently got lost in mail forwarded from one college address to a newer college address. By the time he realized he would not receive the ballot, it was too late for another ballot to be mailed and returned to him, and he did not vote. Had the fax or email option been available, the situation could have been promptly resolved. Several voters, who were temporarily out of the country but not statutory overseas voters, reported that due to mail delays in other countries there simply was insufficient time for them to receive ballots mailed from the United States and timely return those ballots by mail so they would be received by the Friday after the election. Thus these changes have had the effect of precluding eligible Wisconsin voters from voting.

Duplicate or Unauthorized Ballot Requests

WISCONSIN ELECTION PROTECTION also received several reports of voters, including in Delafield and Appleton, who believed that someone had submitted duplicate or unauthorized absentee ballot requests in their names.

Other Absentee Ballot Issues

WISCONSIN ELECTION PROTECTION received multiple reports of absentee ballots that either did not arrive to the voter, or were treated improperly upon arrival at the polling station. At some locations in Waukesha poll workers were inserting absentee ballots into voting machines while long lines of in-person voters waited for assistance. There was a report in Calumet County of a poll worker who told a voter that it was recorded in the poll book that she had submitted an absentee ballot while the voter maintained she had not in fact submitted an absentee ballot.



Voters with Criminal Records

Under Wisconsin law, felons who are still serving their sentences are ineligible to vote, but automatically regain eligibility once they have completed their sentences. WISCONSIN ELECTION PROTECTION received several calls from persons with criminal convictions who were unclear about their eligibility to vote. It is likely that the extensive public allegations in recent years about felons unlawfully voting have exacerbated the confusion. One caller, for example, had a misdemeanor conviction and was uncertain whether (as is the case) he was legally allowed to vote even though he was still serving his sentence. Several callers inquired about the eligibility of felons to vote once they had been discharged from probation, parole or extended supervision.

While there has been significant public attention paid to ineligible felons voting, there has been much less information provided about the eligibility of non-felons and persons who have completed felony sentences to vote. We suggest that state and local elections and corrections officials take steps to ensure that pre-trial detainees, persons with misdemeanor convictions, and persons who have completed the terms of felony sentences are aware of their rights to vote.



Voter Intimidation

The WISCONSIN ELECTION PROTECTION hotline and Milwaukee-based attorneys responded to reports from polling sites across the state of individual voter intimidation and harassment throughout the day. Voters complained that election observers in various polling sites were trying to intimidate voters in various ways.

At Engleburg School in Milwaukee, an observer, who was sitting behind a voting table, was videotaping voters with a small, handheld camera. (This also violates GAB rules that prohibit taping inside polling places.)

At Whitnall High School in Greenfield, an observer was taking photographs of cars with bumper stickers of a particular political party, then showing the photographs in an intimidating fashion to the voters.

At Humboldt Park in Racine, an observer was interacting with voters, directing them to a line in the polling site and sending some voters away.

At Festival Hall in Racine, observers sat immediately behind poll workers, nearly touching them.

At the North Industrial Park Drive polling site in Deerfield, a visually-challenged voter reported that poll workers were harassing voters who did not have a photo ID and rudely turned away her and other voters away because they did not have a photo ID.

In Spring Prairie, a poll worker reviewing a registration form told a first-time voter “Don’t forget to vote for [candidate].” The voter’s mother felt this was an attempt to intimidate her daughter.

At the Ohio Playground in Milwaukee, a voter reported poll workers making comments that voters “Better be voting for [candidate]” and disparaging members of a Political Party.

Voters in Dane, Walworth and Waukesha Counties also reported receiving Election Day robocalls with misleading and erroneous information regarding voter eligibility, including a notification that voters who signed recall petitions had expressed their vote on the recall and were not required to vote at the polls.

Our attorneys investigated each of these reports and reported these incidents to the appropriate election chiefs and municipal officials and to the GAB.

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Fraud Not an Issue

Extraordinary, and entirely unproven, claims of voter fraud were made in this election, almost exclusively by partisans of one political party. They ranged from claims of people from out of state being bussed in to vote, to persons voting multiple times, to alleged improper use of pre-signed voting documents.

The most strident claims of such fraud were made by persons in the Racine area which, WISCONSIN ELECTION PROTECTION notes, had the most seriously contested Recall race. The Racine County Sheriff's Department conducted an exhaustive inquiry into the claims.

http://statehousemedia.com/wisconsin/July_2012/reports%20re%20voter%20fraud%20RCSD.pdf (Last Viewed 7/18/12).

In its report, RCSD made it clear that the claims of fraud were without any factual basis whatsoever. For example, documents that partisans claimed represented voter registration fraud were clearly training documents which used the name, "Kelly R. Voter" in the name area. The Sheriff investigator assigned to that claim noted:

*In summary, none of the items brought to the Sheriff's Office removed from the dumpster by Ottelien prove or even suggest voter fraud had occurred at the Cesar Chavez Center. **The items discarded in the trash are just that, trash.** (emphasis added)*

Not only were the claims of supposed fraud unverified and incorrect, a review of the report reveals that Wisconsin laws and rules may have been broken by the people **making** the claims of supposed voter fraud. This included photographing persons at the polls, disrupting the polls by yelling and demanding to challenge voters when the person seeking to make the challenge was prohibited from doing so under the law.

These observations are consistent with the reports and observation of WISCONSIN ELECTION PROTECTION in 2004, 2006, 2008 and 2010. Similarly, The Brennan Center, a non-profit organization, compiled a thorough analysis of this alleged fraud. Its findings are available at http://brennan.3cdn.net/e20e4210db075b482b_wcm6ib0hl.pdf.

Years of observations and monitoring indicate that the greatest threats to voting were the impediments -- lines, accessibility, registration difficulties, and confusing instructions -- that confronted eligible voters. At the same time, as this WISCONSIN ELECTION PROTECTION report shows, efforts to make registration or voting more stringent have had the effect of keeping eligible voters from voting. It appears very likely that more eligible voters have been

kept from voting in 2012 alone by these requirements – not even including voter ID – than the handful that have been prosecuted for voter fraud in the past decade. Instead of expending effort and financial resources to make voting more difficult and time consuming or intimidating, careful consideration should be given instead to strengthening and improving existing procedures to ensure that eligible voters are allowed to vote.



Recommendations for the 2012 Presidential Election

Recommendations Relating to Voter Registration

GAB Should Provide Greater Guidance and Clarity as To Documents That Are Acceptable For Registration

On June 5, there were too many eligible voters turned away unnecessarily because the document they used to try to prove residency was not specifically identified on any list or because poll workers did not understand the document was acceptable. While the GAB website does list the categories of documents that state law allows to be used as proof of residency, it is not specific enough to avoid variations in interpretation and improper registration denials, especially regarding what constitutes a “government document.” While creating a list of every acceptable document may not be possible, the GAB should provide the public and elections officials with a more comprehensive list of the many types of documents that are acceptable. Rather than rely upon poll workers to interpret generalities like “documents issued by a government entity,” GAB should list many more examples of acceptable documents, while also making it clear that additional examples that fall within any of the categories must be accepted.

Any list should include such government documents as:

- Fishing and hunting Licenses
- Vehicle registrations
- Food Stamp, Wisconsin Works, Wisconsin Shares, and Badgercare notices and correspondence (and be valid for any person listed as a “household member” in the notice)
- Medicare notices and Explanations of Benefits
- Social Security and SSI notices and benefits statements
- Public high school, technical college and university correspondence and documents, including admissions correspondence, financial aid notices, report cards and schedules
- Federal student loan correspondence or notices
- Billing statements and collection notices from governmental entities (such as public water or sewerage districts, taxing authorities, public educational institutions, and public medical facilities)

- Court notices, papers and summonses
- Traffic or other tickets issued by a governmental entity
- Unemployment Insurance documents, including checks and notices

Additionally, GAB should provide a list of various governmental entities, both federal and state, so that any other forms of correspondence or documents from those entities can be recognized as acceptable. The list should include:

- The U.S. government, the state of Wisconsin, and any county or municipal government in Wisconsin, and any elected officials of such governmental units;
- Public school districts, high schools, technical colleges, colleges and universities
- Public special-purpose governmental entities (such as water or sewerage districts);
- Federal agencies (such as IRS, Social Security Administration, Dept. of Health and Human Services, Dept. of Housing & Urban Development, Center for Medicare Services, U.S. Dept. of Agriculture)
- State or local agencies (such as Wisconsin Dept. of Health Services, Wisconsin Dept. of Natural Resources, county Depts. of Human Services, county Depts. on Aging)

GAB Should Allow Electronic Verification of Proof of Residency

Many of the documents which provide for proof of residency are moving towards being provided in entirely electronic forms. For example, many banks now charge for paper statements, and Medicare is moving to a web-based platform. Because the statute does not mandate that proof of residency documents be provided in paper or hard copy format, allowing voters to display their electronic accounts (and poll workers to write down the applicable identifying information, as they do now) should be permitted.

GAB Should Require Posting of DMV License/ID Information

To ensure that voters with lost, stolen or misplaced driver's licenses are able to register, the GAB should require all polling sites to post the DMV phone number that allows voters to obtain their license numbers. We also suggest including this information on voter registration forms.

Corroboration Should Be Restored

For decades and without adverse incident, Wisconsin allowed voters who lacked proof of residency to use another voter to corroborate residency. This particularly facilitated political participation of such groups as older women whose bills will in their spouse's names; young voters, and homeless or marginally housed voters. Corroboration required the poll worker to also take identifying information of the corroborator, which provided an additional safeguard. It should be restored.

Restore Ability to Send and Receive Absentee Ballots by E-Mail or Fax

Given the changes to primary and election timing in Wisconsin, the ability for voters who need absentee ballots to both receive and mail back their absentee ballots is impaired. The availability of e-mail and fax would permit those persons who need absentee ballots to receive them with enough time to vote, even as Election Day draws near

Recommendations Related to Staffing & Training

Improve Training of Chief Inspectors Statewide

To the maximum extent possible, the GAB should require improved and increased training for all Chief Inspectors. Training is necessary on substantive issues, especially the registration issues that have profoundly changed in the past year, such as ensuring that Chiefs understand the difference between providing a driver's license number to register and displaying the license as identification, or between a voter certifying he or she has lived in a location or 28-days and having to show a 28-day-old document as proof of residency.

Improved training for Chief Inspectors should also be provided in terms of poll site and crowd management. Better guidance and suggestions should be given as to crowd control, line management and efficiency. These are important items that are generally not addressed in training, and are instead learned "on the job." Poll site management should also include instructions on the utility of greeters or site coordinators and on the ability to split poll books to facilitate site management. Chief Inspectors should also receive specific training in dealing with the rights of observers, and in controlling observers who become disruptive.

Improve Poll Worker Training

Some, but not all, municipalities require poll worker training before every election. At a minimum, the GAB should require that municipalities train all new poll workers prior to the poll worker's first election, and train other poll workers at least annually (and more frequently in the case of significant changes in elections law). More frequent and consistent training of poll workers on such issues as the voter registration process and signature requirements, including examples of commonly occurring issues, would facilitate proper and consistent treatment of voters. The GAB should serve as a backup resource to the municipal clerks who normally conduct such training. With the availability of webinars and other ways to disseminate information, it should be easier to train poll workers in a uniform and professional fashion.

Increase Poll Worker Staffing Levels

High turnout sites and sites with large numbers of same-day registrants should have increased staffing. Given the complexities of the new registration requirements, the process of same-day registration simply takes longer. Accordingly, the formulas used in past elections to determine the number of staff should be reconsidered, and increased staffing should be encouraged.

Additionally, the use of site-coordinators to assist in the triage of voters to determine proper polling locations, correct lines and the like will help maintain order and timely processing of voters even in a high-turnout election.

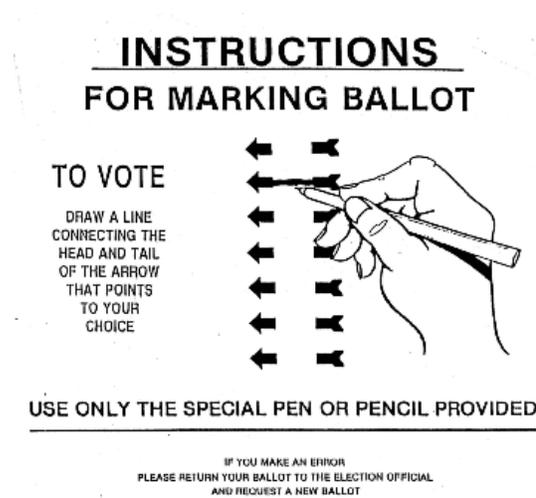
Improve Polling Place Conditions and Supplies

Given the strong turnout in the June 5 election, Clerks and Chief Inspectors statewide should give careful evaluation to the ability of their poll sites to accommodate the likely larger turnout of a presidential election. This must include consideration of persons with mobility problems, the protection of voters from waiting in inclement weather, and the provision of privacy in the completion of the voting process. While care should be given to moving poll sites from their expected location to a new site, creative use of existing facilities can make voting much easier. For example, in the City of Milwaukee, Riverside High School uses the gymnasium hallway for most elections. However, the gymnasium itself is used for presidential elections. A similar analysis of existing poll sites throughout the state should be encouraged well in advance of Election Day.

Expand Voter Education and Improve Voter Resources

Additional education should be provided to voters in advance of the Presidential Election on important topics that impact their right to vote, including:

- Where to vote
- What documents they need to bring with them to register
- Procedures at the polls (registering, providing name and address, and signing the poll book – including exemptions and the ability to sign with a mark or “X”)
- How to complete a ballot (posting of examples such as the following graphic would be very beneficial, especially for first-time and limited-literacy voters);



(Image from <http://www.cityofracine.org/City/Departments/Clerk/Dynamic.aspx?id=1579>)

Preparing voters not only makes the process smoother for the voter, it also speeds up the lines, and makes the job of poll workers easier and more accurate.

Voter ID Cause for Concern

As discussed above, there is no evidence of any systemic voter fraud in nearly a decade that WISCONSIN ELECTION PROTECTION has been monitoring Wisconsin elections. Moreover, our experience in the Recall Election was that numerous eligible voters were denied the right to vote due to confusion, misunderstanding and misrepresentation of the rules, especially regarding voter registration, even though voter ID was not in effect. We are extremely concerned that should court injunctions against voter ID be lifted, it will add another, confusing layer of requirements for clerks, Chiefs, poll workers, and voters; will be cumbersome to

administer and add to long waiting times and the polls; and will be more likely to result in eligible voters being denied the right to vote than in preventing voter fraud – a problem that continues to be alleged, but still has not been proven.



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