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Introduction

The Role of ELECTION PROTECTION

What is ELECTION PROTECTION?

ELECTION PROTECTION is a nation-wide, non-partisan coalition of organizations including the American Civil Liberties Union, the AFL-CIO, the NAACP, and others. Locally, ELECTION PROTECTION also works closely with Voces de la Frontera, a workers' rights organization located on the south side of Milwaukee.

ELECTION PROTECTION's Purpose

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

In advance of, and during Presidential Election Day 2008, ELECTION PROTECTION worked with state and local election officials to identify and resolve problems of voter access and intimidation at selected polling sites in Milwaukee.

Election Day Activities in Milwaukee

From 6:30 a.m. until after 8:00 p.m. on November 4, 2008, ELECTION PROTECTION in Milwaukee consisted of a volunteer group of community people, 32 law students and over 100 attorneys.

Poll observers from this group of volunteers were stationed at 166 wards (of the 314 total wards in Milwaukee), located at 106 polling places. These polling places were identified by ELECTION PROTECTION and its constituent organizations as being at-risk for potential voter intimidation and access problems.

Volunteer attorneys served both as poll observers and as resources for legal questions, roving among the 106 polling places, providing backup for the observers and identifying voting problems.

A dozen volunteer attorneys staffed a central command center, responding by telephone to questions as poll observers and attorneys in the field identified problems.

Prior to Election Day, ELECTION PROTECTION worked closely with city election officials advocating for staffing and administrative procedures that would enhance participation and reduce errors in the administration of the election.

General Summary

Overall, observers reported definite improvements in previously noted areas of weakness including staffing accessibility and knowledge of procedures. We understand and appreciate the hard work of election chiefs, poll workers and central staff and do not underestimate for a moment the difficult job they perform. Our job as ELECTION PROTECTION is to work with the election officials in Milwaukee to continuously improve election administration so that it can accommodate high turnout elections in a manner that maximizes accessibility and minimizes error. With that in mind, we share our observations from the November 4th election, noting those areas where improvements still need to be made.



ACCESS TO VOTING

Delays at Polling Places

Substantial Waits

Volunteers at numerous polling sites reported substantial delays and long lines, particularly early in the morning.

For example, waits of two hours or longer in the morning were reported at:

Congress School (Wards 9 & 113)
Custer High School (Wards 5 & 6)
Rufus King High School (Wards 11 & 17)

Volunteers reported “long lines” or “long waits” at:

MLK Library, Gordon Park, Jericho Baptist, Hillside, Marshall High School, 65th Street School, 35th Street School, Parklawn Church of God (especially Ward 117), Burnham Field House, Clarke Square Field House, Kosciusko Community Center, Forest Home Library, South Division High School, 21st Street School, Center Street Library, East Library, Riverside High School and Vogel Park.

Despite the morning delays and concerns about an afternoon rush, a vast majority of voters were undeterred. Fortunately, good weather made the lines more tolerable. Extreme cold or precipitation could have made long waits more problematic. Also, the feared afternoon rush never materialized, possibly due to record early absentee voting. Planning for future elections must take into account the possibility of bad weather and ensure that lines, especially lines outside the polling sites, be minimized. Officials must also recognize the possibility that early voting may decline in future elections, leading to greater demands on poll workers on Election Day, unless absentee voting is aggressively promoted again.

Splitting Poll Books

Observers attributed the widespread bottlenecks at the receiving lines for pre-registered voters to the use of single lines and one set of ward books for large wards. Observers and chief inspectors asked the Election Commission for permission to “split” the books so that two lines could receive pre-registered voters in each ward. Around mid-morning the Election Commission, with approval from the GAB, permitted some sites to split books, but only on a case-by-case basis and when chief inspectors requested permission. Where the books were split as soon as possible – such as Rufus King and Silver Spring School – wait times dropped dramatically. Where chief inspectors did not timely split the books – such as 35th Street School, Congress School (split books too late) and Riverside High School (split too late) – lines remained long.

The utility of splitting the ward books was demonstrated in previous high-turnout elections, so some observers were mystified that the books weren’t split from the beginning in large wards and that, even after splitting was authorized, each chief inspector needed special permission to split his or her books. News of the policy change was not uniformly disseminated to chiefs, so that observers had to urge chiefs to contact the Election Commission for permission. Observers agreed that splitting should have been authorized well in advance, and materials (ring-binders, tabs, etc.) should have been provided to all wards to allow them to split the books. Splitting the books almost immediately alleviated the crushing waits at most sites. High turnout wards should be staffed to split the books, or additional staff should be available on an as-needed basis to get to busy wards for the sole purpose of being able to help split the books.

Site Specific Delays

Site-specific problems included size and other physical layout problems:

- *Andrew Douglas School (Wards 164, 165, 166) (room bottlenecks, lack of ward-specific signage)*
- *MLK Library (Ward 100) (single door entry)*
- *Forest Home Library (Wards 139, 212) (single door)*
- *Jericho Baptist (Wards 297, 314) (too small for two wards)*
- *Merrill Park Housing, (Wards 72, 73) (small, inconvenient location)*

- *Department of Public Works, (Ward 170) (room very small)*
- *Clarke Square Field House, (Wards 132, 133) (too small for two wards, poor signage)*
- *South Division (Wards 205, 207, 208) (foyer near lunch room, too much traffic)*
- *Atkinson Library (Ward 18) (room very tight for volume of voters)*

Voting machine problems, including problems reading marks on ballots and breakdowns, contributed to delays at:

- *Hillside (Ward 112)*
- *Burnham Field House (Wards 295, 296)*
- *Parklawn YMCA (Ward 116)*

Staffing and building issues resulted in delays at:

- *Jericho Baptist (Wards 297, 314) (the chief was present but the church was closed until 6:50 a.m.)*
- *Lavarnway Girls & Boys Club (Ward 178)(the chief did not arrive until 7:00 a.m.)*

Meaningful Observation

The ability of observers to meaningfully observe the election process was directly dependent upon the chief at each site. Unfortunately, that meant that observers were completely unable to observe much of anything at various sites. When brought to the chief's attention, some were helpful in creating meaningful opportunities. Others treated observers with hostility, creating an unnecessary tension detrimental to the election process. The rights of observers should be clearly addressed along with the rules in training in order to foster mutual respect that will enhance election administration.

At Merrill Park Housing (Wards 72 & 73), observers were at the end of a long, narrow room, making it very difficult to observe.

At South Division (Wards 205, 207 & 208), observers were required to stand in an area where nothing could be heard or observed.

At Andrew Douglas School (Wards 164, 165 & 166), the viewing 'cage' was on the backside of the voting area, thus limiting the viewable area

In comparison, at North Division (Ward 109), although observers were initially placed in a location where they could not observe any part of the voting process, the chief and observers were able to come to a mutually agreeable observation location.



STAFFING

General Staffing

ELECTION PROTECTION found staffing at most poll sites to be improved from past years. The hiring of a recruitment coordinator was a strong, positive step. In addition, training was well done.

However, there were still staffing shortfalls. ELECTION PROTECTION had numerous volunteers who contacted election commission staff to volunteer to be poll workers, but who either were never contacted by the election commission to assist, or were not contacted in a timely fashion.

Where staffing shortages were noted, long delays ensued. Observers at a number of locations, including New Hope Missionary Baptist Church, Rufus King, 35th Street School, Parklawn Assembly of God, Clarke Square Fieldhouse, and Kosciusko Community Center, reported that registrars were overwhelmed with same-day registrants and needed more assistance. More general staffing shortages were noted at Congress School, Kosciusko Community Center, South Division, Milwaukee College Prep School, and Riverside High School.

Insufficient Bilingual Staff

Many polling places with significant Spanish-speaking populations lacked sufficient (or any) bilingual poll workers.

Clarke Square (Wards 132, 133) (no interpreters available. Eventually, volunteers were deputized to assist with this site)

Oasis Center (Wards 134, 135) (Election Protection found volunteers who were deputized to assist with translating.)

Becher Court (Ward 136) (Election Protection observer deputized to assist)

Forest Home Library (Wards 139, 212) (No on-site translators. Election Protection found a volunteer).

South Division H.S. (Wards 205, 207, 208) (Election Protection found bilingual poll workers)

Burnham Playfield (Wards 295, 296) (Observer deputized as poll worker and used to translate)

Site Coordinators

Based on our experience from past high-turnout elections, ELECTION PROTECTION previously recommended that additional election staff be recruited to manage lines and assist voters to reduce waiting times. The Election Commission developed the position of site coordinator to serve this function, and ELECTION PROTECTION assisted in recruiting volunteers to fill those positions. Unfortunately, not all sites had site coordinators.

At the sites where they existed, volunteer site coordinators were essential to protecting the vote. As the responsibilities of the Chief have grown, including quality assurance and supervision of other election inspectors, it has become more difficult for the Chief to be mobile and involved in organizing the site and communicating with voters waiting to vote. Site coordinators were able to fill this critical need. They organized separate lines for registered voters and those needing to register. While voters were in line, site coordinators determined if voters were at the correct polling places and confirmed if voters were on the registration list or needed to register (or re-register). Parameter books and a duplicate list of registered voters in the wards at the site were critical resources and generally utilized; however, in some instances there were insufficient copies of the books and the registered voter list was not given to the site coordinator.

Site coordinators also distributed clipboards with voter registration forms to those registering at the polls, and assisted voters in determining if they had proper proof of residence. This helped relieve pressure on the registrars, as voters were able to complete most of the process by the time they reached the registration table.

Site coordinators were adept problem solvers, and provided critical assistance in alleviating bottlenecks at the receiving table. Once it was determined by the Election Commission that the poll book could be split, a crew of site coordinators purchased the additional binders needed for “splitting the book” and went to several polling places to assist election inspectors with this process.

Site coordinators also communicated with voters about voting procedures and were able to answer questions about the ballot. They identified voters needing curbside assistance, and bilingual site coordinators provided critical assistance to Spanish-speaking voters.

Due to the late assignment of a number of site coordinators, many chiefs were not expecting those assigned and this created some confusion regarding their authority. In most instances, this was ironed out during the day. Site coordinators described this as a rewarding experience in which they were able

to directly assist voters and ensure that all eligible voters were able to cast their ballot. In their own words:

Many people came in who needed direction to their proper polling place. That became my job. I got to be very handy with the "red and yellow" books, and sent perhaps 30-35 people to other sites. I was delighted to have had the privilege to participate in the election process by serving as a site coordinator ... So many voters were first time voters, and many, many people did not speak English. My fluency in Spanish was of great help, comfort and relief to many voters.

One of the site coordinators brought a package of poster board, packing tape and a broad-tipped marker which turned out to be very helpful for making signs. We initially had trouble getting voters into the correct lines & the signage cleared up some of the confusion. We created a large sign which was hung on the wall high above the ballot machine so voters could find the machine. This helped quite a bit since the polling place was very crowded in the morning and voters couldn't see where to deposit their completed ballots.

Site coordinators set up shop by the school door, pulled people out of line who hadn't registered, helped them fill out form, made sure of ID, and sent them to the registration table.

Both the Chief Inspector and a participant at the Senior Center thanked me for greeting voters, reviewing the same day registration form, and then thanking voters for voting as they departed. The participant from the Senior Center felt this helped contribute to a positive voting experience and would encourage first time voters to return to the polls.

In our first few hours, we were swamped with voters, with a line extending nearly a block outside of the front doors of the center. The chief asked me to pull new registrants out of line to form a separate line inside the center gym. The only downside of that was that those who stood in line for nearly an hour were not happy that newly-arriving people avoided the wait because they were new voters. Wanting to avoid the sour attitudes, I asked those waiting to join me in clapping and cheering for new voters. It worked.



PAPERWORK AND FORMS

Ballot Logistics

A number of observers reported that ballots were rejected at the voting machines due to incorrect completion of the ballot by new voters.

Frequent errors included circling candidate names, making lines that were too dark, making multiple lines between the arrows, or placing an “x” by the candidate’s name.

These errors resulted in many ballots being rejected and having to be reissued. This required substantial staff involvement properly issuing new ballots, and destroying incorrect ballots.

At Hillside (Ward 112), a substantial number of ballots were rejected due to persons marking the arrows with multiple lines, which appeared to be read by the machine as over-votes. Staff was helpful in explaining how to resolve this issue with the voters, but expressed their hope that better instructions could be provided for first-time voters.

At Congress School (Wards 9, 113), lines formed at the voting machine due to ballot rejections. Staff spent a great deal of time instructing voters how to complete their ballots.

Parklawn YMCA (Ward 116) noted an extraordinary number of spoiled ballots. There was a brief machine jam during the day. The chief, aware of the ballot problems, made certain that the ballots were completed correctly before having voters place them in the auxiliary bin. This prevented ballots from being rejected, or needing to be reconstructed.

The chief at Oliver Wendell Holmes School (Ward 106), concerned about the number of spoiled ballots, specifically assigned one worker to assist voters in completing the ballots. This proactive approach solved a problem of consistently rejected ballots, and made the process much smoother.

Registration Forms

In 2004, ELECTION PROTECTION noted that the small, green card being used by the City of Milwaukee for same-day voter registrations was “small, hard to read and understand.” We are pleased to note that these concerns were heard. The new form, single-sided, on white paper, and full-page sized made a substantial improvement in the accuracy of the registrations.

Interestingly, a common error was noted in completing the registration forms. As currently formulated, they ask voters whether they will “be 18 years of age on or before election day.” Many voters interpreted this question as asking whether or not they were *exactly* 18 years old on Election Day, and answered no. Registration staff would then question the voter, and help remedy the mistake. This question could be made more accurate and user-friendly by changing the wording to ask whether the voter is “18 years old *or older on or before election day.*” This simple change would eliminate a large source of voter confusion.

Permitting voters to fill out information while waiting in line also sped up same-day registrations. The use of clipboards, handed out by the site coordinators, allowed for neat, accurate information to be provided by voters. Not all sites had clipboards available. Additionally, pens disappeared during the day, and many sites were down to just a few by the end of the day. These supplies should be increased and provided to every site.



POLLING SITES

Crowding and Crowd Control

Observers at a number of sites noted that the sites, or the voting rooms within the sites, were not large enough to accommodate voters. For many of these sites, it is recognized that they may function adequately for non-presidential elections, but are substantially overwhelmed during presidential elections. Site issues can result in many problems, including excessive wait times, lines which form outside and are (affected by inclement weather), and voter confusion.

Congress School (Wards 9, 113) (This school had two wards - with 113 being very large and 9 being much smaller - in a small school hallway. This site worked better later in day after cafeteria was set up for voting. This was not available earlier, as the children needed to eat lunch)

Atkinson Library (Ward 18) (The room is very tight for volume of people)

Merrill Park Housing (Wards 72, 73) (This is a very small, narrow room which does not accommodate voters or observers well)

Milw. College Prep. (Wards 129, 130, 131) (Substantial disorganization was observed at this site, much of which was attributable to the size and location of the room)

Clarke Square Fieldhouse (Wards 132,133) (This site is absolutely too small for two wards. Also, it was set up with the voting machine just to the side of the entrance. Voters had to walk a long expanse to the identification and registration tables, which were too close together, and then double back to the voting booths along the right side of the room (in between the tables and the door) before exiting where they had entered)

DPW Headquarters (Ward 170) (The room was very small and extremely crowded at peak voting levels)

Kosciusko Comm. Ctr (Wards 213, 214) (This voting location is too small - lines went outside room and tables had to be set up in hallway for people to fill out registration cards)

Burnham Fieldhouse (Wards 295, 296) (This site was cramped)

Jericho Baptist Church (Wards 297, 314) (This site is too small for 2 wards, but may be suitable for only one)

City of Milw. Housing Authority (Ward 303) (This site was too small)

Continuing Problem Sites

ELECTION PROTECTION has seen problems in some of these very same sites in previous years:

East Library (Ward 49) (Even with the removal of one ward from this site (temporarily relocated to Oriental) this site remains crowded. This is a small room with only one door for entrance and exit. A lack of organization exacerbated this, as the registration line crossed the line for voters to turn in ballots)

MLK Library (Ward 100) (The voting room has a single door entry, is quite small, and there were no separate lines for pre-registered and same day registration)

Forest Home Library (Wards 139, 212) (This site is too small for two wards, especially because only one door and no alternate means of egress)

Andrew Douglas School (Wards 164, 165, 166) (Due to room size and layout, substantial bottlenecks form)

Auer Ave. Playground Fieldhouse (Ward 176) (Building is very small and cannot accommodate large turnout; insufficient space for observers)

Layout and Other Issues

Other issues regarding the physical location of the voting sites caused or contributed to delays, including:

Children's Outing Ass'n (Wards 174, 175, 180) (Poorly laid out space; workers would register a single voter, walk across a huge gym and get one ballot and come back. At that rate, registration took an extremely long time)

Custer H.S. (Wards 5, 6) (The registration table was set up near the doorway, creating bottlenecks)

Riverside H.S. (Wards 43, 44) (This site had been identified as a problem site by ELECTION PROTECTION for several years. This year, the site was moved to the gymnasium from the foyer at Riverside, which was a tremendous improvement. Voters were not forced to wait outside, or deal with heavy exterior doors. However, even in the new location, improvements could be made, specifically providing more voting booths for Ward 44, which is much larger than Ward 43, or combining the booths for both wards to use.)

Becher Court (Ward 136) (The site was set up with the voting machine just to the side of the entrance. Voters had to walk a long expanse to the identification and registration tables, which were too close together, and then double back to the voting booths along the right side of the room (in between the tables and the door) before exiting where they had entered.)

Other sites would have been adequate, had proper arrangements been made:

McGovern Park Sr. Center (Ward 163)(This site ran a rummage sale and sold lunches/coffee within the voting area and provided limited interior space for waiting voters. The entire large room should be available for voting, and the smaller adjacent room would provide space for lines of waiting voters.)

South Division H.S. (Wards 205, 207, 208) (Voting location was adjacent to a very busy hallway in the high school and was right outside of the cafeteria, resulting in crowding of students and voters. The auditorium would be a better choice as a polling site with four doors and more isolated from student activity/noise.)



BILINGUAL MATERIALS

Inadequate Distribution of Translated Materials

The city took positive steps by translating certain of the most significant election-related materials into Spanish to facilitate the voting process. This included the instructions on how to mark the ballot, voter qualification information, and the local referenda questions.

The materials were to be distributed to a list of wards identified as having 40% or more Hispanic population. However, at many of these locations, some or all of the materials were not distributed before the polls opened. Due to the apparent lack of adequate Election Commission staff to address this issue on Election Day, and despite repeated efforts by ELECTION PROTECTION to get the materials sent to the polling sites, the materials were not distributed until mid or late afternoon. Locations lacking translated materials included:

United Community Center (Ward 63) (no translated materials)

Clarke Square (Wards 132, 133) (translated materials arrived at 5:25 PM)

Oasis Center (Wards 134, 135) (translated referenda and voting criteria - dropped off at 5:36 PM)

Becher Ct. (Ward 136) (translated material arrived at 6:40 PM)

Forest Home Library (Wards 139, 212) (translated material dropped off at 6:05 PM)

Bradley Tech (Wards 201, 202) (translated materials - dropped off at 4:39 pm)

Longfellow School (Wards 204, 206) (translated materials dropped off at 5:49 PM)

South Division H.S. (Wards 205, 207, 208) (translated referenda - materials dropped off at 4:50 pm)

Firehouse Engine 31 (Ward 215) (no translated referenda)

Burnham Playfield (Wards 295, 296) (needed more ballot instruction translations)



ABSENTEE VOTING

This election absentee voting increased significantly, with 44,983 absentee ballots returned in Milwaukee compared to 18,672 absentee ballots cast in 2004. The Election Commission appeared to do a good job in mailing out ballots promptly in response to absentee ballot requests.

Early Absentee Voting

The surge in absentee voting was based on increased in-person absentee voting. Almost 70% of the absentee ballots cast were from early absentee in-person voting. Initially, there were complaints of long lines and inadequate staff for directing voters to the appropriate location or lines during early absentee voting at the Zeidler building. However, this improved markedly in the last few weeks before Election Day.

The use of technology greatly assisted with early absentee voting. With several receivers using laptops to check in voters, the line for registered voters moved relatively quickly. Still, the large number of early absentee voters could have been accommodated much better with additional voting sites and more accessible parking.

Centralized Count

The centralized count of all absentee ballots was held at a warehouse facility of the Department of Corrections at 4200 N. Holton. The large facility was well-suited to the volume of ballots processed. However, the expansiveness of the facility created some difficulty in communication, as there was no mechanism for the manager or her assistants to address all staff at once. As a result, important directives could not be efficiently communicated, and it often took a long time for the correct instructions to reach all of the line workers.

While there was sufficient room in the aisles for observers, there were some difficulties in fully observing all events:

- *The machine counters were not all visible and could not see zeroing of the tapes from the viewing area;*
- *Some of the election workers' tables were too far to observe how ballots were being reconstructed or whether eligibility was correctly determined*

The site was well-organized, with a large efficient staff. The following problems were identified by our observers:

Ballots From Alternative Wards. *Observers noted that election workers were reconstructing ballots from wards that were different than the voter's ward. After the election, the Election Commission informed ELECTION PROTECTION that during in-person early absentee voting, election officials issued alternative ballots (ballots from other wards) to voters with the same candidates as the voter's ward when they ran out of ballots from the voter's ward. It was explained that these alternative ballots have the same security codes, and are accepted by the machine and counted as a vote from the appropriate ward. However, this information apparently did not reach all of the workers at the count, and may have resulted in unnecessary reconstruction of alternative ballots when workers observed that the ward listed on the ballot did not match the voter's assigned ward.*

Ballot reconstruction is necessary in cases where the ballot was not an alternative ballot, but rather one from a ward that has been incorrectly issued to a voter during the early absentee voting process. In such instances, issuing the incorrect ballot can deprive the voter of the right to vote for candidates in the voter's ward who are not on the ballot mistakenly given to the voter.

ELECTION PROTECTION has been unable to determine how many of the reconstructed ballots observed were due to actual incorrect ballots as opposed to the intentional use of alternative ballots by election staff.

Guidelines for Ballot Reconstruction. *There were no advance guidelines as to how to reconstruct ballots where the voter marked a party designation and overvoted for a presidential candidate, and there was not consistency among supervisors as to reconstructing the ballots in this situation. Late in the day, GAB Executive Director Kevin Kennedy was able to explain the proper application of the vote counting rules in the situations that had occurred.*

Despite the efficiency and dedication of the absentee ballot workforce, the ballot count was not completed until the day after the election.



LAW ENFORCEMENT

Law Enforcement officials, including police, assistant attorneys general (AAGs) and assistant district attorneys (ADAs), arrived at various poll sites. Their attendance was generally not in response to any particular complaint or request. Upon arrival, they frequently questioned chiefs and observers. At some sites law enforcement officials told Election Protection observers not to “interact” with voters. At various sites, ADAs would arrive and refuse to sign in as observers, in direct violation of the observer rules promulgated by the GAB and their own training, and in contradiction of the specific request of voting officials. At other sites, ADAs would sign in. In addition, uniformed law enforcement officials showed up at some polling sites, apparently not in response to any complaint and in violation of instructions they had been given to wear plain clothes. There are also indications that law enforcement officials focused on central city polling locations for particular scrutiny while excluding all suburbs from any monitoring.

Disruptive and potentially intimidating law enforcement presence at poll sites is an intrusion in the voting process.

Longfellow School (Ward 204&206) (Two police sergeants arrived at the school and informed the chief they would be coming through 10-12 times that day to “check.” Chief convinced them to leave the voting area. They then stood outside the polling place by their marked squad while voters entered the site. They left and did not return to the site after complaint was made to the task force.)

Clara Barton School (Wards 152, 153) (In the late afternoon, 3 Milwaukee police officers arrived and asked 5 observers what they were doing. They responded “observing.” The police officers left after watching outside the polling place for about 10 minutes.)

Benjamin Franklin School (Wards 167, 168, 169) (Law enforcement instructed Election Protection observers “Not to interact with voters.”)

Hillside (Ward 112)(DA and AAG were intimidating when questioning chief. One law enforcement representative was wearing a hunting-type vest. Questioning caused chief to be unavailable to complete her election duties.)

Oasis Senior Center (Wards 134, 135) (ADAs and DOJ arrived at this location. Despite a direct request by an elections official, they refused to sign in as observers. They insisted upon taking down the elections official’s name, implying he had done something improper.)

Cudahy YMCA (Ward 260) (Two uniformed officers arrived unsolicited and stood by the optical scanning machine.)



FRAUD NOT AN ISSUE

In the lead up to the 2008 Presidential Election, the media frequently claimed there had been a substantial history of “voting fraud” in Milwaukee. This claim was untrue.

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. That report made clear that substantiated voter fraud actions totaled 7, for an error rate of 0.0025% in Milwaukee County.

This is consistent with the reports and observation of ELECTION PROTECTION in 2004, 2006 and 2008. The hundreds of ELECTION PROTECTION observers at more than 90 locations did not observe voter fraud. Rather, observations indicate that the greatest threats to voting were the impediments -- lines, accessibility, registration difficulties, and confusing instructions -- that confronted eligible voters.

This is also consistent with the District Attorney’s office’s training materials. Those documents confirm that there have been no known successful prosecutions of a situation where a person has “stolen” the vote of another person. Similarly, there have been only two known successful prosecutions of a double vote. These stunningly small numbers, in comparison to the huge number of votes cast, confirm the position that an extensive law enforcement presence patrolling polls is an unwarranted and unneeded intrusion on the voting process.

Current penalties for voter fraud, including felony prosecution and the potential of a prison sentence, are an effective and sufficient deterrent to voter fraud. Instead of expending effort and financial resources to make voting more difficult and time consuming or intimidating, including the wholesale use of law enforcement personnel, careful consideration should be given instead to strengthening and improving existing procedures.



RECOMMENDATIONS FOR THE FUTURE

Legislative Reforms to Maximize Voter Participation and Ease Election Administration

ELECTION PROTECTION exists to preserve access to the polls for all voters. Increased voter participation in the last two presidential elections brings us closer to the goals of any democratic society: full participation of all eligible voters. With increased voter participation come new challenges as we work to adapt our current systems of election administration to match the civic commitment of our citizens.

Based on our observations and analysis of election administration, Milwaukee ELECTION PROTECTION supports two legislative reforms that would structurally change election administration to increase our capacity to fairly and efficiently administer elections while accommodating large voter turnouts.

Replace In-person Absentee Voting with Early Voting at Multiple Locations within Municipality

Currently, Wisconsin law provides for in-person absentee voting at a single location in each municipality during the days prior to the election. These absentee ballots are processed and counted on Election Day along with the mailed absentee ballots. In Milwaukee alone, almost 45,000 absentee ballots were counted in the 2008 presidential election – a 240% increase from 2004--with approximately 70% of these from in-person voters. This increase is consistent with significant increases nationally in voting prior to Election Day. While the centralized counting of these absentee ballots is a marked improvement over the former ward-based counts, the processing of these absentee ballots is extremely labor intensive and the recruitment of a large number of Election Day staffers competes with other Election Day staffing needs.

A change to early voting would allow early voters – formerly in-person absentee voters –to feed their ballots directly into a counting machine that is able to distinguish and tally ballots from any ward. Expansion of the number of allowable early voting sites would likely increase the numbers of voters utilizing the early voting option and reduce Election Day pressure even further.

Use Public Agencies for Voter Registration

Wisconsin's Election Day registration has provided an invaluable mechanism for maximizing the participation of eligible voters. However, heavy usage of this system requires extensive resources on Election Day. Adopting legislation allowing voters to register as part of their interaction with government agencies could significantly reduce the volume of Election Day registration. It would also reduce the last minute deluge of registrations that burdens local election administrators at the very time they need all of their resources for administering voting.

The National Voter Registration Act (known also as the "Motor Voter Law") provides for voter registration at motor vehicle and public assistance offices, and at state disability agencies. Under the law states may also designate public schools, libraries, fishing and hunting bureaus, and unemployment offices as registration sites as well. However, states which have Election Day registration are exempt from the requirements of the Act.

We recommend state legislation that would integrate voter registration into citizen interaction with state and local agencies, shifting a greater responsibility for registration to the government. Registering our citizens to vote should be an ongoing government responsibility, not one that falls exclusively on the agencies administering elections or registration drives by community groups. Such legislation could build on federal Motor Voter law using the division of motor vehicles, public assistance and unemployment offices, disability agencies, probation and parole departments, schools and licensing offices to maximize use our public agencies for voter registration.

RECOMMENDED IMPROVEMENTS FOR ELECTION ADMINISTRATION

Ensure Adequate Staffing

- *Expand on most effective efforts to recruit poll workers from businesses, high schools, colleges and community groups*
- *Consistently follow-up with individuals who contact Election Commission to volunteer*
- *Increase recruitment of bilingual poll workers well in advance of election day*
- *Recruit and assign site coordinators to all polling places in large turnout elections with adequate notice to Chief Inspectors and coordination of respective duties*

Expand Voter Education in Ballot Completion

- *The relatively large number of errors in marking absentee ballots indicates that many voters were not familiar with the basic mechanics of voting. Expand pre-election voter education on the basics of voting, including how to complete the arrow, voting only for one candidate per office, and how party voting affects the counting of votes.*

Improve Polling Place Conditions and Supplies

- *There continue to be polling places that are too small and extremely overcrowded. The City needs to make continued efforts to replace polling sites that cannot accommodate large voter turnout.*
- *Sites should be supplied with a sufficient number of voting booths and election supplies-- clipboards and pens, yellow and red parameter books, and the duplicate list of registered voters--with Chief instructed in materials for site coordinator use.*
- *All bilingual materials should be placed together in a single envelope marked "Translated Materials for Posting," with Chiefs alerted pre-election to look for and post translated materials.*

Review appropriate use of law enforcement

- *Law enforcement personnel, including AAGs, ADAs and police officers, should enter polling sites only on an as-needed basis – as responders, not observers. Uniformed police should never enter polling sites in the absence of a clear emergency situation. Further, law enforcement personnel should be prohibited from scrutinizing polling sites located in inner-city communities or communities of color to a greater extent than polling sites elsewhere in the city or in suburban communities. The history of this nation is rife with examples of abuse of voters by law enforcement officials and care should be exercised to insure that their presence is actually needed and, if needed, exercised in a way that minimizes interruption, potential voter intimidation, and complies with observer rules.*

Continue Centralized Count

- *The GAB's vote counting manual and Milwaukee training materials should be expanded to include additional examples of vote counting errors, including overvotes, and the proper way to reconstruct/count votes when these occur.*
- *Improved communications on-site should be considered, with a PA system for the manager and some mechanism, such as a flag or sign by staff at tables that could be raised to call for supervisory assistance.*

Redesign and Simplify the Ballot

- *The same-day registration form should ask voters: "Will you be 18 years of age or older on or before Election Day?"*
- *The New York Times recently provided an excellent overview of how ballots can be designed to assist voters in correctly completing the ballot. Attention should be paid to creating an easier ballot for first-time voters, or better postings in the carrels to assist new voters.*
<http://www.nytimes.com/interactive/2008/08/25/opinion/20080825-ballot.html?scp=11&sq=ballot&st=cse>



Conclusion

Guided by the experience of the 2004 and 2006 elections, election administrators adopted a number of recommendations from Election Protection and other groups in their planning for a high turnout election in 2008. Increased staffing, the use of site coordinators, better training, centralized absentee ballot count, and better site accessibility all resulted in significant improvements in election administration of the 2008. State and City officials must continue to provide the resources and operational support to accommodate these large turnout elections. The welcomed increase in voter participation requires continuous improvements in election administration to insure every vote is counted and remaining obstacles deterring participation are removed. Our recommendations for improvements are designed to further this goal.

Respectfully Submitted:

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