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# **WISCONSIN ELECTION PROTECTION 2014 Midterm Election Report**

*Report from Non-Partisan Observers of Voting in the  
November 4, 2014 General Election*

*By the Legal Coordinating Committee of WISCONSIN ELECTION PROTECTION  
and  
My Right, My Vote*

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## ***Introduction***

The WISCONSIN ELECTION PROTECTION is a part of a nation-wide, non-partisan coalition of organizations including the Lawyers' Committee For Civil Rights, American Civil Liberties Union, League of Women Voters, the AFL-CIO, the NAACP, The Advancement Project, SEIU, American Association for Justice, American Bar Association, Hispanic National Bar Association, National Council for Jewish Women, People for the American Way, Rock the Vote, Sierra Club, Disability Rights Network, Legal Defense Fund, Common Cause, LULAC, and many others. Locally, WISCONSIN ELECTION PROTECTION includes local affiliates of these national groups as well as Citizen Action Wisconsin, A. Philip Randolph Institute, Bray Center, Coalition of Black Trade Unionists, Labor Community at Work, the Institute for One Wisconsin Now, Wisconsin Hispanic Lawyers Association, the Wisconsin Association for Justice, Wisconsin Voices, Voces de la Frontera and many others.

## **The Purpose of WISCONSIN ELECTION PROTECTION**

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. The initiative also documents problems and best practices for the purpose of improving election administration and ensuring that elections continue to be free, fair and accessible in Wisconsin.

The WISCONSIN ELECTION PROTECTION coalition is very grateful to the hundreds of volunteer lawyers and citizen observers who participated on Election Day and particularly to those who devoted many hours to volunteer recruitment and training, polling place assignments, fielding calls for help, and analysis and reporting of results. Their efforts are helping to make democracy work in Wisconsin.

## **WISCONSIN ELECTION PROTECTION – Process, Roles & Activities**

WISCONSIN ELECTION PROTECTION's participating organizations have differing responsibilities before the election, on Election Day, and in the reporting afterwards. All organizations contribute to recruiting volunteers. For this election, the League of Women Voters of Wisconsin was responsible for tracking, training and assigning non-legal volunteer observers throughout the state and in Milwaukee, as well as for analyzing written reports from over 400 polling places. The League issued a report on its Election Observation Program on January 6, 2015. A copy of that report is attached.

My Right, My Vote is a project of the AFL-CIO and was responsible for recruiting, training and placing volunteer observers in the cities of Milwaukee, Racine and Kenosha.

The WISCONSIN ELECTION PROTECTION Legal Coordinating Committee recruits, trains and assigns lawyers who have volunteered to participate and trouble-shoots issues that arise on Election Day.

The WISCONSIN ELECTION PROTECTION organizations performing training of volunteers consulted with the Government Accountability Board to ensure the integrity of our training and materials.

For the November 2014 election, WISCONSIN ELECTION PROTECTION monitored the election in a variety of ways, including in-person observing, answering hotline calls, and by posting on social media. In conjunction with the Lawyers' Committee for Civil Rights and the national 1-866-OUR-VOTE hotline, WISCONSIN ELECTION PROTECTION answered calls from voters for assistance and information in the days leading up to the election and on Election Day. On Election Day, November 4, 2014, from 6:30 a.m. until after 8:00 p.m., WISCONSIN ELECTION PROTECTION attorneys responded to voters and observers around the state who called the 1-866-OUR-VOTE hotline for information and assistance.

Social media was also an important part of WISCONSIN ELECTION PROTECTION's activities. We used Facebook and Twitter 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, a particularly critical function in light of the rapidly changing voter ID landscape in the months just before Election Day. In the two-month period from Sept. 8 (just before Wisconsin's voter ID law was temporarily reinstated by a federal court) until Nov. 8 (just after Election Day), WISCONSIN ELECTION PROTECTION's Facebook postings reached more than 138,000 viewers, nearly 8,000 on Election Day and about 22,000 during election week.

Citizen poll watchers were critical to WISCONSIN ELECTION PROTECTION's efforts. In the city of Milwaukee, My Right, My Vote and the League of Women Voters placed more than 84 citizen observers at Milwaukee polling places and more than 30 in the City of Racine. WISCONSIN ELECTION PROTECTION worked closely with the League of Women Voters who had more than 250 observers engaged in poll watching throughout the state and received reports from more than 493 polling places (League 2014 report).

More than 70 volunteer attorneys were dispatched to sites throughout the state to assist the voters who reached out to WISCONSIN ELECTION PROTECTION for help at the polls, and to provide support to the citizen observers. These attorneys provided legal assistance to both voters and the citizen observers, and provided written summaries of their observations. They were extensively trained in election law, and received 2 continuing legal education credits for their attendance at training.

Throughout the day on Election Day, a dozen volunteer attorneys staffed a central command center, answering and responding to calls to the 1-866-OUR-VOTE hotline and to social media requests, and responding by telephone to questions from poll observers and attorneys in the field as they identified problems at polling sites. The command center coordinated the activities of the volunteer attorneys, dispatching them to poll sites as concerns arose

This report was prepared by the Legal Coordinating Committee of WISCONSIN ELECTION PROTECTION and My Right, My Vote.

## ***General Findings***

The November 2014 midterm election immediately followed a period of uncertainty whether Wisconsin's voter ID law would be in effect. The law had been enjoined in March, 2012. On September 12, 2014, the U.S. Court of Appeals for the 7<sup>th</sup> Circuit upheld the law, vacating the injunction, and the GAB rapidly began to implement it. However, on October 9, 2014, the U.S. Supreme Court blocked enforcement of the voter ID law for the November 4<sup>th</sup> election. These changes, coupled with reductions in in-person absentee voting days and changes in voter registration procedures, added to the complexity of administering this election and posed a significant challenge for election officials in recruiting, training and retraining election workers and providing accurate information and instructions to voters.

Despite these challenges, most polling sites across the state correctly and efficiently administered this election. According to the Government Accountability Board, more than 2.4 million Wisconsin citizens voted in this election, nearly 55% of the voting age population. As in the past, our observers were impressed by the professionalism and dedication of Wisconsin's Election Day workforce. Election officials, by and large, maintained orderly polling places where voters were welcome, safe and well-served. Where problems were seen they appeared to be limited and site-specific, rather than the result of a generalized inability of the system to handle a large turnout amid changes in the law.

We note, however, that the increasing numbers of rules and restrictions imposed on voter registration have increased the challenges for clerks and poll workers and created obstacles for voters. We remain profoundly concerned that implementing Voter ID – which also has many detailed, technical, rules and regulations, many of which are entirely different than the rules for registration – will cause more pervasive confusion and deny some voters the right to vote.

## **Facilitating Voting at Polling Places**

While there were occasional reports of long lines at some polling places in various parts of the state, we did not see widespread, significant delays that have occurred in past high turnout elections. In this report, we applaud some actions by polling chiefs that appear to have reduced waiting times for registration and voting and increased efficiency at their polling places. We encourage such practices to be implemented statewide for higher turnout general elections to avoid the long delays that occur then.

## **Allow Completion of Registration Forms In Line**

Many polling places faced large numbers of voters registering on Election Day. This process went much more quickly when registrars handed out registration forms on clipboards to voters waiting to register so they could begin filling out the registration forms in line. While the completion of the form, including production of the necessary identification number and proof of residence document, will be performed by the registrars, their work is significantly more

manageable if other workers handle this preliminary step and have the opportunity to respond to voters' questions about the documents acceptable for proof of residence. For example:

- *At Cass Street School in Milwaukee, when registration lines became so long that a voter left, poll workers went up and down the line of waiting voters, confirming voters were at the correct polling site and giving voters registration forms to begin filling out while waiting.*
- *At Bradley Tech in Milwaukee, there was excellent organization; long lines moved quickly and poll workers provided clipboards with registration materials for voters to begin filling out while they were waiting in lines.*
- *In contrast, at the Lawrence University gym in Appleton, voters were not allowed to fill out registration forms while waiting in long lines. Finally a WISCONSIN ELECTION PROTECTION observer gave the chief a box of pens to facilitate their filling out forms in line, and the chief then agreed to allow voters to begin to complete the registration forms while they waited in line.*

## Ensure Adequate Staffing

Advance planning and adequate staffing clearly facilitated voting and reduced voter confusion. Many sites effectively used greeters to ensure that waiting voters were in the correct polling place, the correct line for registration, and, especially in multiple-ward sites, in the correct line for voting. For example,

- *Franklin Pierce School in Milwaukee was well staffed, well organized & well run: with 4 registrars; a greeter who talked to all people coming into the building confirming they were at the correct polling site and went to the right table for registration; proper announcements when a ballot had to be destroyed and a new ballot issued due to an error; reserved street parking for voters & voters with disabilities. The poll books were split here to keep lines of waiting voters at a minimum.*
- *Fratney School in Milwaukee had two very good greeters, one speaking English and one Spanish.*

A lack of adequate staffing can, of course, increase lines or cause hurried and frustrated voters to leave the polling place before having had the opportunity to vote. For example:

- *Waukesha West High School was a busy and severely understaffed site and the City of Waukesha never sent requested help. Ultimately a nearby site loaned some of their pollworkers.*
- *Racine Tyler-Domer Community Center was understaffed and had no greeter.*



- *Lavarnway Boys & Girls Club in Milwaukee* was missing 7 staff when voting began, causing a line of 50 people.
- *UMOS in Milwaukee* had no Spanish-speaking greeters, and also needed poll workers proactively to assist and instruct voters how to complete a ballot.

Not all sites had adequate numbers of registrars. This is a concern if poll sites must assign additional poll workers to this task at the last minute and quickly train them in the intricacies of the registration requirements.

- *Madison Porchlight:* had inadequate staff to process registrations, and at one point there were 60 to 70 voters waiting.
- *South Division in Milwaukee:* site had 3 wards and only 5 poll workers, with no greeters and only the chief available to register voters in the morning.
- *Northside YMCA in Milwaukee:* In the early morning there was only one registrar and no greeter, causing long lines and delay in registrations.

Some locations around the state solved the problem of long lines by splitting poll books (for example, dividing the books into A-M / N-Z), to facilitate voting for pre-registered voters. Doing so, however, usually requires that plans be made in advance of Election Day so the site will have extra poll workers to serve as receivers and adequate supplies.

## Provide Adequate Supplies and Equipment

Polling sites also should ensure there are adequate supplies and equipment at the site, or contingency plans to obtain them, to avoid delays in voting.

- *Madison Porchlight:* site ran out of registration forms and needed about 200 of them. A non-partisan attorney had to help the site get forms from another polling site.
- *Milwaukee Firehouse Engine 38* had a shortage of registration forms, which was not resolved until WISCONSIN ELECTION PROTECTION intervened to get sufficient forms delivered.
- *Locust Court in Milwaukee* ran out of registration forms at 5:30 p.m. and the chief said he could not reach anyone at the City to deliver more forms.
- *Fitchburg Fairways, Madison Whitehorse Middle School, and Middleton Police Dept.:* All locations were running out of ballots due to high voter turnout.
- *At the Milwaukee Housing Authority,* there were not enough pens for voters to complete registration forms.

- *At Mary Ryan Boys and Girls Club in Milwaukee, there were long lines because there was only one voting machine to serve 3 wards.*

## Provide Adequate Voting Space

Numerous calls and reports identified small and cramped polling places, or poorly organized polling places, creating problems for voters and observers. For example:

- *At Waukesha West High School, voting was held in a small and cramped room with a short hallway outside; as a result the line for voters was out the door.*
- *At Sturgeon Bay City Hall, the cramped polling place created privacy concerns because the touch-screen machine was next to the ballot counting machine, so voters could see other voters' ballots.*
- *Smart Lutheran King Center in Racine was poorly configured, putting observers virtually on top of poll books and registrars.*
- *Milwaukee Firehouse Engine 38 was very cramped, with fire trucks occupying most of the available space in the garage and emitting fumes in the polling space.*
- *At Doyle Building in Madison, voting was in an entryway, part of an auditorium, and a hallway; voters had to pick up ballots near the auditorium entrance, walk to the front of the auditorium to vote, and walk back to the top of the auditorium to place ballots in the tabulator. Early in the day this caused some confusion, and two voters accidentally submitted blank ballots to the tabulator, apparently confusing it for an electronic voting machine like the AutoMark. The chief inspector then placed a table as a barrier between the ballot table and the tabulator and assigned a pollworker specifically to stop people from going directly from the ballot table to the tabulator.*
- *Bryant Elementary School in Milwaukee was a two-ward site placed in a cramped library, and problems were exacerbated by poor layout which comingled lines and confused and frustrated voters.*
- *Groppi School in Milwaukee used a small room with poor lighting, only a single door for ingress and egress, and poor accessibility for persons with disabilities.*
- *Silver Spring Neighborhood Center in Milwaukee uses a conference room for voting, where long lines are and have continued to be a problem for many years. Voting for large turnout elections should be moved to the Center's larger auditorium.*

## Ensure Adequate Visibility and Clear Entrances

Another polling place problem was the lack of adequate signage to direct voters to the polling place. For example:

- *At **Thurston Woods School in Milwaukee**, the entrance to the polling site had been moved to the rear of the building, which required a voter to go around 3 city blocks and find a relatively obscure address through heavy street construction. The confusion about where to enter the building caused voters to leave. WISCONSIN ELECTION PROTECTION volunteers created and posted signs which improved the situation, but review of this site prior to Election Day could have alleviated the problem and prevented discouraging voters.*
- *Access to **Auer Avenue Fieldhouse in Milwaukee** was also confusing for voters, and in particular for disabled voters. There was very poor signage. The entrance to the Fieldhouse was in a construction area and the disability sign was not clearly visible. WISCONSIN ELECTION PROTECTION made several visits there and made calls to the area Alderman and other city officials. Finally, construction fencing enclosed the disability entrance and WISCONSIN ELECTION PROTECTION volunteers created and posted huge signs reading “Vote Here” to help voters find the entrance to the polling site.*
- ***Villard Library in Milwaukee** did not have signage that one of the wards had been moved to another location, causing voters to wait in line needlessly at the wrong polling site.*
- *At **Cudahy YMCA in Milwaukee**, a location with perennial signage problems, the outdoor sign blew over and was not visible.*
- *At **St. Mark’s Quality of Life Center in Milwaukee**, the sign said voting was at St Mark’s church across the street.*
- *At **Prairie Elementary School in Waukesha County**, there was dim lighting outside; the school sign was not lit and voters could have driven away because the building looked closed.*

## Confusion About Polling Site Locations

Although a lesser problem than in the past, there were still many voters who did not know where they were supposed to vote and went to incorrect locations. The use of computers or hand-held devices at polling sites, to verify that voters are in the correct location before they get in line helps alleviate such problems.

- *In Milwaukee, the **Fairview Evangelical** site had moved to McDowell School but voters got mailers with the old site on them, a problem compounded by confusing signage at Fairview.*

- *In Madison, one couple arrived at the **Doyle Building**, having already visited another polling site and been sent there. Upon arrival it was discovered that they were at the incorrect polling site and had to be directed to yet another location. It appeared likely that the original pollworker who sent the couple to the Doyle Building had confused West Washington Avenue with East Washington Avenue.*
- *At several Milwaukee locations, including the **Mary Ryan Boys & Girls Club, Silver Spring Neighborhood Center, Agape, and Custer High School**, some voters were improperly told they were at incorrect voting sites and bounced back and forth between multiple sites before finding their correct voting locations.*

## **Registration Problems**

WISCONSIN ELECTION PROTECTION received many calls and provided information and assistance to many voters confused about registration requirements, especially voters who were unclear as to what kind of residency documentation was necessary or adequate.

### **Confusion About Proof of Residence**

The most common problem WISCONSIN ELECTION PROTECTION observed involved voters being told – incorrectly - that documents they had were not acceptable. The significant and increasing complexity of proof of residence requirements – and trying to determine what documents met those requirements - contributed to significant confusion for voters, poll workers and clerks. For example:

- *In **Wisconsin Dells**, registrars did not want to accept any form of proof of residence unless there was a photograph of the same proof of residence document on a non-exclusive sample list prepared by the GAB.*
- *At **Humboldt Park Pavilion in Milwaukee**, a student was not allowed to register with his Milwaukee Area Technical College financial statement.*
- *In **Edgerton**, a poll worker was reluctant to accept government mail from the Wisconsin Dept. of Workforce Development as proof of residence. After the voter explained that she had received information from WISCONSIN ELECTION PROTECTION that this was acceptable and she was (correctly) allowed to register.*
- *At one location in **Madison**, a voter with a utility bill was told this was not proof of residence, and was thus turned away from registering. (After contacting WISCONSIN ELECTION PROTECTION, the voter returned to the polling site with the utility bill and was allowed to register.)*
- *At **Waukesha Hawthorne**, the Chief told voter a cable bill was not proof of residence. (WISCONSIN ELECTION PROTECTION corrected the chief and chief thanked EP for the information.)*

- *At **River Trail School in Milwaukee** a registrar insisted that a voter's social security check, with the voting address, was inadequate and stated that the voter had to present a government letter instead. WISCONSIN ELECTION PROTECTION intervened with the chief and the voter was allowed to register.*
- *At **Racine North Shore Bank and Center Street Library in Milwaukee**, election workers told voters they needed valid proof of residence in addition to a driver's license, even if the license had the voter's current address.*
- *At **Lake Bluff School in Shorewood**, a voter had to assert the right to use a pay stub with the voter's address as proof of residence; the registrar required the voter also to show the voter's driver license and the last four digits of the voter's social security number because the voter used a pay stub as proof of residence.*
- *At the **Northside YMCA in Milwaukee**, a voter's proof of residence was initially rejected because it lacked an account number. After clarification from the Election Commission, the proof document was accepted.*
- *In **Green Bay**, the registrar and city clerk refused to accept a state government document as proof of registration because it was not dated within 28 days of the election. The GAB agreed to notify the clerk that date was not required.*

Some poll workers also were wrongly rejecting electronic proof of residence.

- *At **Racine Christ Baptist Church**, the chief refused to accept electronic proof of residence.*
- *Some students at the **University of Wisconsin - Milwaukee** were incorrectly told they could not show (acceptable) documents electronically on their smart phones to register.*
- *In **Wausau, Racine and Hortonville**, League of Women Voters observers needed to remind Chief Inspectors that electronic documents are acceptable proof of residence.*

Some voters did not have proof of residence at all, and thus were unable to register and vote.

- *As the League of Women Voters of Wisconsin noted in its report, voters who lacked acceptable proof of residence included **nuns at a convent in La Crosse**, a newly-arrived **priest in Reedsburg**, and **women around the state** where all bills and similar documents were in their husbands' names.*
- *A number of students from the **Torah School** in Milwaukee were unable to register and vote because the school did not provide a certified dorm list to the polling site and does not have fee receipts.*

- *An elderly disabled voter residing in a privately-run group home in Milwaukee received all mail addressed to the business address of the group home operator as payee (which was not the physical address of the voter's residence). With WISCONSIN ELECTION PROTECTION's assistance the voter was able to obtain a document that served as proof of residence, but this seems to be a problem that could recur for other voters.*

In other locations, poll workers simply sent voters away who did not have proof of residence, without providing information on the availability of electronic POR or suggestions for other registration documents that the voter might have available at home. Had observers not assisted voters, these voters would not have registered or voted at all.

- *At Bryant Elementary School in Milwaukee, one non-partisan attorney helped a voter figure out how to find and use an electronic bank statement to register, and brainstormed with another voter who was able to get the DMV car registration from the voter's car and use it to register.*

## Privacy Concerns

WISCONSIN ELECTION PROTECTION also heard from a number of voters concerned about the requirement for writing parts of voters' account numbers (such as bank account numbers) on registration forms. These voters expressed concerns about the privacy implications of sharing this information, and the possibility that this could facilitate identity theft.

- *At Blair School in Waukesha, the Chief told a voter that a bank account number becomes a public record if used as proof of residence. WISCONSIN ELECTION PROTECTION corrected this information, which otherwise would have led to even more privacy concerns.*
- *In Shorewood, a voter using a pay stub to register was so concerned about privacy that the voter redacted the pay information.*

## Absentee Voting Concerns

WISCONSIN ELECTION PROTECTION continues to be concerned about the negative effect of the elimination of the option to fax or email ballots. We received several report of voters who were temporarily out of state and thus eligible to vote a regular ballot, but unable to actually receive those ballots in time to vote on Election Day. For example:

*A Middleton voter temporarily living overseas never received his absentee ballot, even though a city employee told him it was mailed on October 14 via first class mail. When he followed up to ask for the ballot, another city employee said he could remedy the situation if he came home and voted (which of course could not occur as the voter was halfway around the world).*

## ***Voter Intimidation Concerns***

A change in election law provides that observers must be allowed to be 3 to 8 feet from pollworkers. Most sites were able to implement this requirement appropriately. However, WISCONSIN ELECTION PROTECTION received reports that the proximity of some observers to voters caused voters to feel intimidated, and poll workers were not always responsive to balancing observers' and voters' rights.

- *In Mosinee, observers were not following the three-foot rule; they were standing over poll books and closely watching voters sign; they also were approaching voters and asking their names; voters were taken aback and the Chief agreed the actions were inappropriate, but did not require observers to move*
- *At the Racine Dr. MLK Jr. Community Center, observers were refusing to stand in the designated area, and one was wearing an "election official" badge crossed out and marked to read "election observer."*
- *At Lawrence University in Appleton, a partisan observer was using her cell phone within earshot of a Hmong voter and questioning whether to challenge the voter for not speaking English. Such a challenge would not be allowed, but could be intimidating to an uninformed voter.*
- *Also at Lawrence University, observers were about 2 feet from the registration table. The Chief did not address the situation, which was not corrected until WISCONSIN ELECTION PROTECTION observers contacted the GAB.*
- *At South Division High School in Milwaukee, armed Dept. of Criminal Investigation officers came into the polling place, stayed for 15-20 minutes, and were showing photos on cell phones to pollworkers. We do not know the subjects of the photos or the intent in showing them to pollworkers; nevertheless, the lengthy police presence and close communication with pollworkers could be intimidating to voters.*
- *Also at South Division, each time the Chief registered a voter, he shouted the voter's name three times and asked for objections to the registration before handing the voter a ballot. (This could make voters feel as if they were doing something improper or objectionable. We have never observed it in any other location.)*

WISCONSIN ELECTION PROTECTION believes that conduct causing voter intimidation would have been much more extensive if the GAB had not issued instructions to Chiefs restricting the ability of observers to interact with voters and to interfere with the voting process, and empowering Chiefs to maintain control of polling sites. It was apparent that where the Chief Inspectors took advantage of the GAB's instructions, order at the poll site was maintained while allowing effective observation.

## **100-foot Rule Needs Clarification**

One aspect of the GAB's rules need clarification for both observers and chief inspectors. It is clear that no one is to talk to a voter entering the polling site. However, it is not clear whether voters may be approached as they are leaving the polling site after they have been unable to vote, or whether an observer must wait to approach the voter until after the voter is 100 feet from the polling site.

Several of our WISCONSIN ELECTION PROTECTION observers witnessed voters being turned away by pollworkers because they were unable to register or were at the wrong site. In an effort to obtain information and assist the voters, these observers left the polling sites to speak with the potentially eligible voters, to help identify proof of residence documentation the individual could use to register or to encourage people to go to their appropriate polling site. In most cases this was acceptable to Chief Inspectors, but at some sites in **Racine** and **La Crosse** the Chiefs told observers that they could not approach and communicate with persons who were leaving without voting, when the would-be voters were still within 100 feet of the polling site.

## **Fraud Not an Issue**

WISCONSIN ELECTION PROTECTION received no credible reports at all of voter fraud on Election Day. The confirmation that no voter fraud occurred that would be solved with additional ID-type legislation is consistent with the reports and observation of WISCONSIN ELECTION PROTECTION in 2004, 2006, 2008, 2010, 2012 Recall Report, and 2012, and the League of Women Voters of Wisconsin reports in 2011 and 2012.

Had voter ID been in effect during this election, it is clear that it would have created profound problems for voters around the state. Requiring poll workers to look at a photo ID for each and every voter and confirm that the form of ID was acceptable, that the ID was within the required time frame for ID issuance, and that the name and photo were accurate, would have significantly increased waiting times, complicated the voting process, and potentially disfranchised many voters – even voters with ID.

## ***Recommendations for Future Elections***

### ***Recommendations Related to Voter Registration***

Wisconsin should be celebrating our high voter turnout on Election Day. It is clear that Wisconsin is doing a great job of getting voters to the polls, having them register and vote. Participation in civil society by voting is an important right and should be strongly encouraged.



## **Combine Voter Registration with Other State Processes**

Over about the past decade, the rules for voter registration have changed to require universal registration, allow and disallow certain kinds of proof of residence, eliminate corroboration, require voters to live at their address for 28 days before an election and set rules for where voters who have lived in a location less than 28 days must register and vote, require proof of residence only less than 20 days before an election - but then require proof of residence for all registrations, require registrars to write the kind of proof of residence document, and requiring registrars to write portions of an available account number. These changing requirements have been confusing for clerks, registrars and voters. Moreover, the continuing changes allow more room for error, and take longer for voters to register and vote.

We encourage the state to combine voter registration with other state processes to simplify voter registration. For example, a voter who obtains ID or renews a driver's license, obtains a hunting or fishing license, or applies for benefits, could be registered to vote automatically or have their voter registration address updated at that time. Voters could still opt-out of being registered, but having registration handled by entities already collecting residence information would ensure more consistency in the state databases and facilitate voter registration and voting.

## **Retain Same-Day Registration**

Wisconsin's poll-workers registered hundreds of thousands of voters on Election Day, with few problems state-wide. It should be noted that same-day registration has been in effect for more than 35 years in Wisconsin. Poll workers are not only accustomed to it, they are well-trained in it and enthusiastic about its retention.

In recent years, however, there have been some calls to eliminate same day registration. Not only would doing so make it more difficult for many voters to vote, but elimination of same-day registration would create chaos at the polls. The many registered voters who, for various reasons, do not appear on the rolls would have to complete provisional ballots - which collect essentially the same information as same-day registration. The burden is greater, however, as clerks must then process those ballots after Election Day and compare them to registration lists. Thus they save no time or effort at the polls, and add to the clerk's workload after the polls close. This is neither needed nor an efficient use of government resources.

## **Require Posting of DMV Contact Information**

To ensure that voters whose driver's licenses have been stolen or misplaced are able to register, the GAB should require all polling sites to post the DMV phone number through which voters can obtain their license numbers. This information is now on the Milwaukee voter registration form. We recommend that it be included on the State voter registration form and all other municipal registration forms.

## **Restore Corroboration**

For decades and without adverse incident, Wisconsin allowed voters who lacked proof of residence to use another voter to corroborate their residence. In 2014, the corroboration rule would have permitted voting by nuns, a newly-arrived priest (who had resided at his location for more than 28 days, but did not yet have proof of residence), and older women whose bills were in their spouse's names, among other voters. Statutory corroboration required the poll worker also to take identifying information from the corroborator, which provided an additional safeguard. The corroboration rule should be restored as it would increase participation in the electoral process for otherwise eligible voters.

## **Restore Use of Dorm Lists**

Many students who live on campus do not possess acceptable proof of residence documentation, as evidenced by the situation of Torah School students in Milwaukee. A dormitory list provided by a college or university provides an accurate listing of on-campus residents. It should not have to establish citizenship for the students since when voters register, they must attest to citizenship. Voters using other types of proof of residence do not have to provide this documentary evidence of citizenship, and students should not have to do so either.

## **Restore Ability to Send Absentee Ballots by E-Mail or Fax**

Because of the changes to primary and election timing in Wisconsin, the ability of voters who need absentee ballots to both receive and mail back their absentee ballots in timely manner 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. With postage rates increasing, such a proposal would also be cost-saving for clerk's offices. The voter would still have to return the voted ballot by mail.

## ***Recommendations Related to Training***

### **Continue to Improve Chief Inspector Training Statewide**

The GAB has continuously improved training modules to incorporate new requirements and procedures. This was especially critical this year given the uncertainty regarding implementation of Voter ID. While training is necessary on substantive issues, Chiefs also need guidance and suggestions on poll site management, including instructions how to utilize greeters, expediting the registration process, and physically arranging the poll site. The City of Milwaukee has done an excellent job in providing such training and it is reflected in the increasing number of well-trained chiefs who are able to effectively manage their polling sites.

## **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). Specific training on the broad range of documents that can be used as proof of registration is especially important and the need to proactively suggest alternative documents when a voter appears with a non-approved form of proof. The GAB should continue to serve as a backup resource to the municipal clerks who normally conduct such training. We encourage the continued use of webinars and other new ways to disseminate information that make it easier to train poll workers in a uniform and professional fashion.

It is critical that both the GAB and local communities have adequate funding to carry out the necessary training for Chiefs and poll workers.

## ***Recommendations Related to Voting***

Although the problems in 2014 were more limited, we note that the turnout on Election Day 2014 represented about 600,000 fewer voters than in November, 2012. We are concerned that in a higher turnout election, such as the Presidential election in 2016, coupled with reduced in-person absentee voting opportunities and photo ID implementation, Wisconsin will again see long lines at the polls that result in discouraged and rushed voters leaving the polls without having voted.

## **Restore Evening and Weekend Hours for In-person Absentee Voting**

The substantial reduction in early voting opportunities that occurred in 2014, combined with the state law requirement restricting early absentee voting to a single site, has the potential to impede voting. With the implementation of photo ID likely to substantially increase the time needed to vote – and thus waiting times - it is critical to provide sufficient opportunity to vote absentee to maximize participation by eligible voters.

## **Enhance Staffing**

Especially at busy locations, encourage clerks to ensure that sites have adequate staff to provide greeters to ensure voters are in the correct polling place, the correct line for registration, and, in multiple-ward sites, in the correct line for voting.

Municipalities also should have supplemental or on-call staff available on Election Day to deal with unexpected contingencies, such as unusually long lines or workers who call in sick or fail to show up.

## Improve the Location and Layout of Poll Sites

Clerks and chief inspectors statewide should give careful evaluation to the ability of their poll sites to accommodate voters in large turnout elections. 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 2016 Presidential Election on important topics that affect their right to vote, including:

- Where to vote;
- What documents they need to bring with them to register;
- How and where to register, either before Election Day or at the polls;
- Procedures at the polls (registering, providing name and address, providing an acceptable voter ID, and signing the poll book – including exemptions and the ability to sign with a mark or “X”); and
- 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).

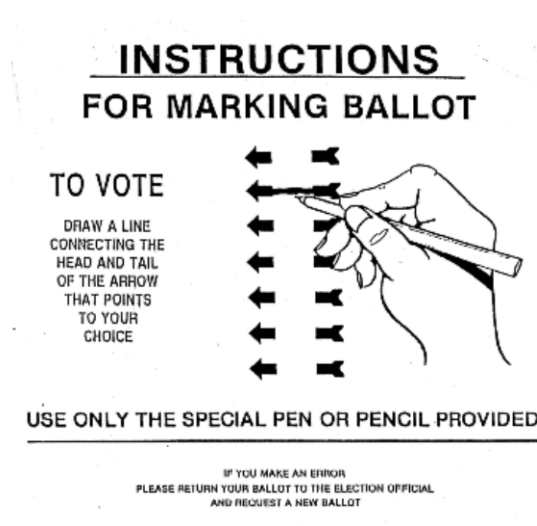


Image from <http://www.cityofracine.org/City/Departments/Clerk/Dynamic.aspx?id=1579>

Preparing voters not only makes the process smoother for the individual voter, it also speeds up the lines of waiting voters, and makes the job of poll workers easier and potentially more accurate. That improves the process for all voters on Election Day.

As the use of touch screen machines becomes more common, voter education on their use is recommended.

## ***Recommendations Related to Voter ID***

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. Our experience is that it is much more common for eligible voters to be denied the right to vote due to confusion, misunderstanding and misrepresentation of the existing rules. Voter ID, with its extensive and confusing requirements will exacerbate the problems at the polls for voters with and without ID.

Voter ID requirements will be in place in forthcoming election cycles, adding another, potentially confusing set of requirements for clerks, chiefs, poll workers and voters. Voter ID requirements may be cumbersome to administer and add to long waiting times and the polls. Worst of all, it will be more likely to result in eligible voters being denied the right to vote than in the prevention of in-person voter impersonation, which has never been shown to exist in Wisconsin.

If Wisconsin is to implement voter ID, it must do so in a manner that ensures that all eligible voters are able to obtain ID. It also must ensure and improve training of clerks and pollworkers throughout the state.

## **Expand Outreach**

GAB is aware that there are voters unfamiliar with the voter ID law, especially minority, low-income, rural, and disabled voters. In recognition of this, Act 23 required GAB to conduct an outreach program to groups of voters such as these, less likely to have ID. That program must be implemented and must be expanded to include:

- Direct outreach and education by GAB to locations where voters less likely to have ID congregate (such as homeless shelters, meal sites, community and senior centers, etc.)
- Outreach and education to organizations serving these voters.
- Providing (and, in the case of public entities, requiring posting of) multilingual notices and postings, in easy-to-understand language, to government and non-government entities (especially those serving voters in groups less likely to have ID), for posting in all clerks offices and all polling sites; all offices involved in application for or issuance of government benefits such as food stamps, Badgercare, Family Care, SeniorCare, Wisconsin Shares, unemployment compensation,

workforce development, and Aging and Disability Resource Centers; community and senior centers, schools, public transit (such as ads on buses), minority media, inner-city (or other) businesses targeted at low-income residents (e.g., grocery stores, dollar stores), etc.)

- Providing and expanding a GAB multi-lingual hotline, to assist individual voters with ID questions or problems.

## **Provide Notice**

There is no question that many voters are unaware of, or confused by, the voter ID requirements and exceptions. Because there is a Statewide Voter Registration System (SVRS), GAB should make maximal efforts to provide notice to voters. This should include:

- Individual notice to all voters in the Statewide Voter Registration System, explaining - in easy-to-understand language - the ID requirement and how to obtain ID.
- Individual notice about NON-applicability of photo ID to all those in SVRS who are exempt (e.g., permanent absentees, voters in facilities served by special registration deputies, and permanent overseas/military voters). Also include this information prominently on absentee ballot applications.
- Notice and postings to all facilities whose residents are exempt (such as nursing homes and other care facilities) and to all entities likely to serve exempt voters (Aging & Disability Resource centers, senior centers, etc.).
- Require written notice (provided at the voting site) to each voter told s/he lacks proper ID -of how to obtain ID and method/timeline to cure, and, for voters who have I D but are told ID is inadequate, the specific reasons for asserting ID is inadequate and method/timeline to cure, and of a hotline to call if they have any questions or concerns.

## **Improve Training**

- Require training of all clerks, chiefs and poll workers on photo ID.
- Require a test to show knowledge (e.g., that ID doesn't have to have a current address on it) and prohibit those who are not trained (or can't pass the test) from working at the polls.

## **Facilitate ID Issuance**

WISCONSIN ELECTION PROTECTION is also concerned that DMV is implementing unreasonably restrictive processes for ID issuance. Among the matters that we believe require improvement are:

- Require posting in DMV about ID requirement, AND about how to get ID without birth certificate (including what documents can be used to get ID).
- Require DMV to amend rules so that voters who lack birth certificates only have to go to DMV once (and can bring whatever alternative docs they have at that time), instead of requiring multiple visits to DMV.
- Require DMV to issue receipt valid for voting to all applicants at the time of application (currently they do not do that for those using the alternative birth certificate process), to ensure that voters who lack birth certificates but first seek ID at election time are able to obtain a form of ID valid for voting.
- Require DMV to publicize and provide handouts on ALL documents that can be used to prove citizenship, name/DOB, and identity/residency, as well as on the digital photo look-up option for those who have had ID in the past (no secret lists).
- Allow voters to sign affidavits of identity/residency if they lack other documents (since documentary proof of identity/residency not required by statute).

## ***Conclusion***

Wisconsin should be very proud of its strong voter turnout and efficient election administration. Same-day registration, including allowance of electronic proof of residence, was effectively implemented state-wide and should be lauded as an example of effective voter enfranchisement. We hope that our recommendations will assist in making voting even easier for both Wisconsin voters and the individuals who administer elections throughout the state.

*Respectfully submitted:*

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