



# DUEY STROEBEL

STATE REPRESENTATIVE • 60<sup>TH</sup> DISTRICT

## AB 54 Testimony

Chairman Lazich, members of the Elections and Urban Affairs Committee, thank you for the opportunity today to testify on AB 54. After a healthy discussion, this bill was amended in the Assembly Committee on Campaigns and elections, and Amended further on the Assembly Floor. My colleagues in the Assembly and I incorporated suggestions and concerns from different stakeholders. I am proud of the product and look forward to the opportunity of continuing the process in the Senate.

The hallmark of all elections is consistency and fairness. There are many election laws that ensure standards statewide. Unless we are to allow for voting twenty-four hours a day, seven days a week, some standards must be outlined to ensure that the voters in some communities do not possess a systemic advantage over voters in other communities in the form of longer voting hours. This principle is evident in our State's standardized voting hours on Election Day. Unfortunately, there is a lack of standards to ensure statewide equality in the process of in-person absentee voting.

Current law provides for in-person absentee voting to begin on the third Monday preceding an election and end on the Friday preceding the election without any other guidelines. AB 54 provides for a statewide standard for in-person absentee voting while allowing a reasonable degree of local control and flexibility. A municipality may opt for up to 52.5 hours per week of voting within the time frame of 7:30 am- 6 pm, Monday through Friday. In the alternative, communities may choose to offer fewer total hours over a broader time frame. If 30 or fewer hours are available for in-person absentee voting, those hours may be any time Monday through Friday.

There are over 1800 municipalities in the State of Wisconsin that conduct elections. Of these, a person can count on one hand the municipalities that have not complied with the provisions of the proposed bill. Nothing in the proposed bill changes anything relating to the practice of absentee voting by mail, a process already equally governed by statewide standards.

I suspect some on this committee will hear the claim that failing to offer voting hours at 7pm each weeknight, or weekend hours, is discriminatory or suppressing the votes of people who simply cannot find time to voter during a 10.5 hour timeframe every day for two weeks. This claim is belied by the actions of these municipalities in recent elections.

In a state where many voting municipalities do not have full time clerks or a clerk's office, let alone any hours of operation or evening and weekend hours, the City of Milwaukee, in



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the Fall 2012 General Election, had fully staffed facilities open for in-person absentee voting from 8:30 a.m. to 7:00 p.m. Monday thru Friday and 9 to 5 Saturday and Sunday. Why should a voter from anywhere else in Wisconsin have less ability to vote than voters in Milwaukee? However, the very same municipality only needed to be open 8:30 to 4:30 Monday thru Friday for the Spring 2013. Should we say that the voters in Milwaukee were "suppressed" in the Spring 2013 election? The City of Madison had very similar hours for Fall 2012 and a similar discrepancy for Spring 2013 as Milwaukee.

These discrepancies are important because it separates two arguments against AB 54 I have heard this Session. The first argument is the claim that certain voters simply do not have the time or ability to vote on Election Day, during extended business hours for two weeks before the election, or by requesting an absentee ballot by mail. These busy voters, this criticism claims, must be allowed to vote late at night or on a weekend. If these voters do in fact exist, then the practices of Milwaukee, and a few other municipalities, show that the communities were not concerned with these potential voters in setting their 2013 election hours. AB 54 provides ample time to vote and the busy voter criticism is not sincere since it has no logical stopping point.

The other argument for these discrepancies is one of capacity. Turnout varies among elections. The extended business hours of 7:30 a.m. to 6:00 p.m. in AB 54 provide plenty of opportunity to accommodate for the high turnout of certain elections. With the up to 105 hours of in-person absentee voting hours provided for under this bill, it is and always has been up to the local municipalities to see that sufficient facilities and resources are available to meet the needs of its voting public.

It was not too many years ago that the process of in-person absentee voting did not exist as we know it today. Standardizing this process will give every Wisconsinite, regardless of where one lives, the equal opportunity to vote. Equality in voting is a fundamental principle AB 54 is seeking to defend. I am willing to work with the Senate in improving the bill if the Committee has productive, common sense changes it would like to see made. Thank you and I urge the committee to hold an executive session and concur in AB 54.

February 4, 2014

To: Members of the Senate Committee on Elections and Urban Affairs  
From: Senator Glenn Grothman  
Re: Assembly Bill 54

Thank you for scheduling Assembly Bill 54 for a public hearing. Under current law, early in-person absentee voting has vastly different hours of operation based the municipality in which you are voting. Many citizens become confused when they can and can't early in-person vote.

Therefore, Representative Stroebel and I have introduced this legislation that will standardize in-person early voting. This will create consistency throughout the state, which will allow individuals and municipalities the ability to better plan their voting schedules.

This bill is a balanced approach to addressing this very important issue, while maintaining the integrity of citizens' votes. This bill also reemphasizes the requirement that clerks notice their hours of availability to accept in-person absentee ballots so all individuals will be able to easily find the hours of operation.

This legislation addresses the concerns that have been raised by many clerks, while still creating a standardized process throughout the state of Wisconsin. Please join me in supporting this commonsense approach to reform the early in-person voting process.



## LEAGUE OF WOMEN VOTERS® OF WISCONSIN

612 W. Main Street, #200  
Madison, WI 53703-4714

Phone: (608) 256-0827  
<http://www.lwwi.org>

February 4, 2014

To: Senate Committee on Elections and Urban Affairs

Re: Opposition to Assembly Bill 54

The League of Women Voters opposes AB 54, which limits the opportunity for citizens to cast a ballot and the ability of municipal clerks, many of whom are elected officials, to serve their constituents. A recent law reduced the time when clerks may hold in-person absentee voting to a two-week period prior to the election. This bill further bans evening and weekend hours during that period, a service some clerks have voluntarily provided to meet the needs of their municipality's residents and manage the time people need to wait in line to vote.

In Wisconsin our local election officials are known for their commitment to helping every qualified voter to cast a ballot. This bill does not uphold that tradition of public service. Rather than setting a minimum level of service, it sets a maximum level at which clerks can serve their constituents. This proposal would reduce the opportunities for voters across the state who must juggle daytime jobs with child or elder care commitments, or who travel frequently.

This bill does not achieve the stated goal of creating uniformity around the state. By treating all municipalities equally, it does not treat voters equally. The bill favors voters who live in small municipalities where a clerk serves a couple of hundred residents rather than a couple hundred thousand.

This legislation would impose a statewide, cookie-cutter solution to a nonexistent problem. We urge you to reject AB 54, which needlessly limits the ability of local clerks to serve their constituents and restricts the ability of citizens to vote.

Thank you.

**Testimony of Kevin J. Kennedy  
Director and General Counsel  
Wisconsin Government Accountability Board**

**Senate Committee on Elections and Urban Affairs**

**February 4, 2014  
1:00 p.m.**

**Room 201 Southeast, State Capitol  
Public Hearing**

**Senate Bills 404, 423 and 548  
Assembly Bills 54, 418 and 565**

Chairperson Lazich and Committee Members:

Thank you for the opportunity to comment on the many bills before you today. I am appearing here for information purposes and to answer any questions you or Committee members may have. With the exception of Senate Bill 548 the Government Accountability Board is not taking a position for or against any of these bills.

**Senate Bill 404**

This legislation provides a mechanism for ensuring that voters who are unable to enter an absentee voting location may receive a ballot at the entrance of the location where in-person absentee voting occurs. Federal law requires the delivery of government services to be accessible to persons with disabilities. Other than permitting assistance by an individual of the voter's choosing, Wisconsin law does not set out procedures for accommodating voters who are unable to enter the location where in-person absentee voting occurs.

When the situation arises, the G.A.B. staff advises local election officials to follow a procedure that reflects the statutory steps provided for voters with disabilities unable to enter a polling place. That procedure requires the poll workers to announce they will be taking a ballot outside the polling place to a particular elector who is unable to enter the polling place. Two poll workers take the ballot to the voter. When they return, the poll workers announce they have the ballot and make a notation on the poll list.

The legislation follows the same procedure. The only difference is only one person – the clerk, deputy clerk or person employed by or under the direction of the clerk – takes the ballot to the voter. This reflects the practical consideration that many clerk's offices are staffed by only one person during the absentee voting period. Because this procedure involves absentee voting, there are other safeguards to protect the integrity of the process.

The same announcements and notations are made. In addition, the voted ballot is placed in an absentee carrier envelope signed by a witness to the voting. The absentee ballot is recorded on the absentee voting log and transmitted in the sealed envelope with other absentee ballots to the polling place on Election Day.

Senator Lassa consulted with our staff as she developed the legislation. She also involved us in follow-up discussions when local election officials raised some issues. This legislation provides a good balance to ensure persons with disabilities who are unable to enter the location where in-person absentee voting occurs are able to vote in person.

### **Senate Bill 423 and Assembly Bill 565**

These bills repeal the non-substantive calendar of election events contained in Subchapter II of Chapter 10 dealing with election notices. This subchapter is often out of date because it is not dovetailed with other election law changes. The G.A.B. prepares a calendar of election events for local election officials and the public which is posted in several downloadable formats on our website. <http://gab.wi.gov/publications/2013-2014-election-events-calendar>

### **Senate Bill 548**

This legislation transfers the responsibility for conducting the biennial voter registration list maintenance from local election officials to the G.A.B. The Board directed staff to work with the Legislature to develop this legislation. We appreciate the support of Senator Lazich and Representative Bernier in helping craft and introduce the legislation.

Under the provisions of this bill, the G.A.B. will perform the biennial list maintenance by mailing a non-forwardable post card to any registered voter who has not cast a ballot in the preceding four years. This will occur after the nonpartisan Spring elections in odd-numbered years.

Currently, municipal clerks are required to carry out this responsibility. Because many municipalities did not do this list maintenance before the development of the Statewide Voter Registration System (SVRS), the G.A.B. conducted this process following the 2008, 2010 and 2012 elections. As result, the agency was able to develop cost-effective procedures and tools to ensure the maintenance tasks are completed.

A recent cost benefit analysis done by a group of graduate students at the University of Wisconsin-Madison La Follette School of Public Affairs found that the costs associated with municipalities conducting this task are prohibitive. *Voter List Maintenance in Wisconsin – A Cost Benefit Analysis December, 2013*. In 2005, the Legislative Audit Bureau found that there was a significant level of non-compliance with the list maintenance requirements among the 350 municipalities with voter registration. *Legislative Audit Bureau – An Evaluation: Voter Registration, September 2005*.

This legislation is designed to ensure that the SVRS list maintenance will be conducted efficiently and at considerable cost savings for taxpayers. The result will be a cleaner,

more accurate voter registration list. The Government Accountability Board supports this legislation and urges the Committee to recommend passage in its current form.

### **Assembly Bill 54**

Assembly Bill 54 would set specific times during which people could vote absentee in the clerk's office. In-person absentee voting would generally be limited to Monday through Friday between the hours of 7:30 a.m. and 6 p.m. However, the bill includes an exception allowing a voter to make an appointment with the municipal clerk to vote anytime Monday through Friday if the municipality offers less than 30 hours of in-person absentee voting. Absentee voting in the clerk's office would not be permitted on weekends.

This legislation has been promoted as a means to ensure all voters in the state, no matter where they reside, have the same opportunity to cast an absentee ballot in-person. It does not address the disparate treatment and limited in-person absentee voting options provided in smaller municipalities. The bill merely creates a 105-hour window in which Wisconsin's 1,852 municipalities may pick and choose what hours to be open.

While large municipalities with diverse populations such as Milwaukee and Madison will be constrained from serving voters who find it difficult to get to City Hall Monday through Friday between 7:30 a.m. and 6:00 p.m., small municipalities can continue to limit their hours to as little as an hour a day or close their offices for several days during the 10 days available for in-person absentee voting. In many municipalities the only way to cast an absentee vote in-person is to track down the municipal clerk and make an appointment because there are no regular office hours. Many part-time clerks do not have regular office hours, even in the days before an election.

The proposed legislation is trying to balance competing interests. While trying to bring a level of uniformity to the absentee voting process, it also seeks to preserve local control for municipalities to best serve its citizens. Local election officials and governing bodies are in the best position to know the voting patterns of their voters and when they must be available to meet the demand for absentee ballots, whether that means accommodating a farming community, a population of commuters, or an urban setting. The purpose of in-person absentee voting is to provide a means for citizens who have difficulty getting to the polls on Election Day to cast their ballot in a secure and public manner.

I recommend that the Committee consider expanding the window to permit in-person absentee voting between 7:00 a.m. and 8:00 p.m., the same hours the polls are open on Election Day. This provides up to 13 hours of in-person absentee voting on 10 business days. In addition, municipalities should be able to provide in-person absentee voting on the weekend between the two weeks preceding the election. This provides all municipalities with the flexibility to serve a diverse range of voters with the opportunity to cast an in-person absentee ballot while providing a standard window for casting absentee ballots. Municipal clerks were most concerned with ending absentee voting on the Friday before Election Day and are generally pleased with the current provision because it enables them to focus on preparing the polls and other Election Day responsibilities.

## **Assembly Bill 418**

This legislation raises the fee for requesting a recount from \$5 per ward to \$25 per ward. It also lowers the threshold for when a fee is required from one half of one percent (.5%) to one quarter of one percent (.25%). It adjusts the thresholds for paying a fee as well. If the difference between the leading candidate and the petitioner is between one quarter of one percent (.25%) and one percent (1%) the petitioner is required to pay a fee equal to \$25 per ward. If the difference exceeds one percent (1%) the petitioner is required to pay the full cost of conducting the recount.

The number of recounts at any given election is relatively small. There are only a handful of recounts in Fall elections. However, there are usually between 50 and 100 recounts brought to our attention in a Spring election. That is because the number of candidates and election contests is significantly higher for Spring elections. In 2013, there were 9,587 candidates competing for 6,768 state and local offices at the April 2<sup>nd</sup> election.

Despite the relatively low number of recounts, each recount is important to the candidates involved as well as the voters and election officials. For candidates, a recount brings closure to a process in which they have put themselves before their fellow citizens and asked to be chosen to lead their community. For voters, a recount brings certainty and finality to the campaign process. For election officials, a recount is an opportunity to evaluate their performance in the conduct of the election and it may be the only means of recognition for a job well done.

The outcome seldom changes in a recount. Here are some numbers drawn from notes taken by our staff. At the state level we have identified only three contests where the outcome changed since 1979. In the 2010 partisan primary Tyler August lost in the original count by four votes, however after the recount, he prevailed by three votes. In 2013, the incumbent Iron County District Attorney prevailed in the recount by four votes (1,630-1,626) after having lost in the original count by four votes (1,622-1,626).

At the local level, our notes show a reversal of winners after a recount in one race in 2000 and also in 2001, 2003 and 2005. In 2002, we tracked eight contests where the outcome was impacted due to a recount. In five of those contests, the recount resulted in a tie vote and in one a write-in candidate defeated the incumbent whose name appeared on the ballot. In 2004, two contests involved tie votes. In one the original count was a tie and in the second a write-in candidate won after the recount determined a tie vote and the tie was broken as provided by law. In the Village of Cottage Grove in 2010, the recount resulted in a tie vote which was broken by the toss of a coin.

## **Conclusion**

Thank you for the opportunity to share my thoughts with you. I hope this testimony will help inform the Legislature's consideration of these bills. As always, we are available to answer questions and work with you in developing proposed legislation.



Respectfully submitted,

A handwritten signature in black ink that reads "Kevin J. Kennedy". The signature is written in a cursive style with a large, prominent "K" at the beginning.

Kevin J. Kennedy  
Director and General Counsel  
Wisconsin Government Accountability Board

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**TO:** Members, Senate Committee on Elections and Urban Affairs  
**FROM:** Scot Ross, Executive Director One Wisconsin Now  
**RE:** Assembly Bill 54  
**DATE:** February 4, 2014

Chair Lazich and members of the committee, thank you for the opportunity to register my opposition to Assembly Bill 54, legislation to impose a ban on evening and weekend voting in Wisconsin.

Our state has enjoyed some of the highest rates of voter participation in the nation, and our strong tradition of civic engagement is one of which we are rightfully proud.

We have achieved our commendable rates of voter participation for several reasons. The people of Wisconsin take seriously their civic duty to make their voices heard and cast a vote in our elections. And state laws and dedicated local election officials have sought to encourage participation by making voting as convenient as possible.

Assembly Bill 54 represents the antithesis of this proud tradition.

In November 2012 over 73% of eligible voters in Wisconsin cast a ballot, the second highest rate of participation in the nation, and roughly 400,000 voted early.

In no uncertain terms this bill would make it less convenient for hundreds of thousands of Wisconsin citizens to exercise their right to have a say in the direction of their communities. And that is the exact opposite of what their government should be doing.

Several local clerks, including those in the cities of Milwaukee and Madison, in recognition of the unique challenges facing municipalities with larger numbers of voters, offer extended hours for voting in the evening and on weekends.

This bill will bar these and other local election officials from taking common sense steps to reduce unnecessary crowding and delays in polling places on Election Day. This bill will outlaw nonpartisan "souls to the polls" drives sponsored by faith communities. And it will make it less convenient for hundreds of thousands of legal Wisconsin voters to participate in their democracy.

The members of this committee have a significant assignment – protecting the integrity of the most basic right in a democracy, the franchise.

It is disappointing that the chair and majority members seem determined to use the depth and breadth of their experience to advance this bill that targets specific communities with punitive restrictions that seek to snuff out their electoral participation.

I would encourage you to not use your positions to manipulate the system to gain an unfair partisan advantage but instead protect our democracy by helping the people of Wisconsin exercise their constitutional right to the franchise.



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# HOWARD MARKLEIN

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STATE REPRESENTATIVE • 51<sup>ST</sup> ASSEMBLY DISTRICT

**February 4, 2014**

## **Senate Bill 513 Testimony**

Thank you, Chair Lazich, and all the committee members on the Senate Elections and Urban Affairs Committee for allowing me to testify in favor of Senate Bill 513, which amends the information contained in referendum questions to authorize exceeding county levy limits.

Part of Green County is in my district. The Pleasant View nursing home in Monroe is run by the county. Pleasant View has the capacity to serve 130 Green County residents. The citizens of Green County passed a five year referendum in 2009 to exceed the tax levy limit by \$890,000 to continue to run Pleasant View Nursing Home. The referendum expires at the end of 2014. The County would like to go to referendum again in 2014 for \$790,000, a reduction from the prior referendum.

Under current law, the interpretation taken by the Department of Revenue is that Green County must use the assessment numbers from the current year for the referendum question. Since these numbers are not released by the Department of Revenue until August 15, Green County could not have a referendum for the nursing home until the November general election. The election results will take time to finalize, and the County budget needs to be approved by the County Board in November. The fate of the continued operation of the nursing home will be uncertain until the referendum and budget issues are resolved. Should the referendum fail, the nursing home would have just over a month to make alternative plans.

Under this bill, Green County would be allowed to use the most recent assessment values released by the Department of Revenue. This would give the county the opportunity to place the referendum question on the August ballot. This change leaves time for the county to meet its budget deadlines. More importantly, it allows the County to make alternative plans should the referendum fail.

You will hear testimony today from Green County. The timely passage of this legislation is crucial, as the county needs the referendum question to be heard in August for the nursing home to appropriately plan.

I urge the passage of this legislation to provide Green County residents with the opportunity to use their vote to save their county nursing home. I would be happy to take any questions from committee members at this time.

February 4, 2014

### Senate Bill 513 Testimony

Thank you, Chair Lazich, and all the members of the Senate Elections and Urban Affairs Committee for allowing me to testify in favor of Senate Bill 513, which amends portions of Wis. Stat. § 66.0602(4)(c) relating to the form of the referendum question required by law for Green County to exceed its levy limits.

Pleasant View Nursing Home is a Green County owned and operated nursing home just outside of Monroe. On October 6, 2009, by a margin of 74% to 26% the voters of Green County approved a referendum allowing the County to exceed its levy limits by \$890,000 for five years in order to continue operating Pleasant View Nursing Home.

With the referendum set to expire at the end of fiscal year 2014, in early November of last year the Green County Finance Committee determined that the County needed to exceed its levy limits by \$790,000 per year in order to continue operating the nursing home. The Finance Committee directed me to prepare the referendum question to insert into a resolution authorizing the question to be put to the voters in the spring primary or spring election in February or April of 2014.

I immediately discovered a problem. Wis. Stat. § 66.0602(4)(a) clearly authorizes levy limit referendums in even-numbered years to be held “at the next succeeding spring primary or election or partisan primary or general election.” However, the way Wis. Stat. § 66.0602(c) is worded requires a county to know what its levy limit will be in 2015 if it wishes to hold a referendum in 2014. Counties do not receive the necessary levy limit information until August 15<sup>th</sup> when the numbers are released by the Department of Revenue each year. The statute uses the words “the question shall be submitted as follows:” which does not allow for deviation.

I contacted the Department of Revenue’s legal counsel about my concerns. On December 4, 2013, Attorney John Evans sent me an email stating “Brian, I have reviewed everything that I could find. It is the Department's position that the statutory language mandates a November referendum after the August 15 values are known. The Department does not see a spring referendum as viable.” So although the Legislature has clearly authorized counties to hold levy limit referendums in both spring and fall of even-numbered years, the language of the required referendum question leaves only the November general election as a viable option.

This is very problematic. Green County begins our budget process in September after the levy numbers are received by the Department of Revenue on August 15<sup>th</sup>. A proposed budget is given to the County Board on the third Tuesday in October for approval on the second Tuesday in November. Because we will not know if the referendum succeeds or fails until November 4<sup>th</sup>, we will have to create two separate budgets. More importantly, the County cannot continue to operate Pleasant View Nursing Home if the referendum fails. The nursing home will have to be

either sold or closed. If we close the nursing home we are obligated to find new homes for its up to 130 residents. The County will be spending money out of its contingency fund for each day the nursing home remains open or is not sold. Every day earlier than November 4<sup>th</sup> that we know the fate of the referendum is vital.

Senate Bill 513 will allow us to put the referendum to the voters of Green County on August 12, 2014, just before we begin our budget process. The bill only affects Green County. I urge you to support the passage of this legislation and I thank you for your time. I would be happy to answer any questions the committee members may have at this time.

Brian D. Bucholtz  
Green County Corporation Counsel  
2841 6<sup>th</sup> Street  
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To: Senator Lazich (Chair), Senator Leibham (Vice-Chair) and Members of the Senate Committee on Elections and Urban Affairs  
Date: February 4, 2014  
From: Alicia Boehme, Disability Rights Wisconsin and John Shaw, Board for People with Developmental Disabilities  
RE: Assembly Bill 54

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Disability Rights Wisconsin (DRW) is the designated protection and advocacy agency for people with disabilities in Wisconsin, and the Board for People with Developmental Disabilities (BPDD) is the designated state developmental disability council. Together we have worked over the past 10 years to ensure that eligible voters with disabilities understand their voting rights and are able to cast a ballot free from barriers and discrimination. As a means to accomplish this, we have had the pleasure of talking with voters with disabilities all over the state to better understand what makes a difference to them when voting. In addition, we have conducted surveys to better understand what barriers exist and what policies are helpful to voters from the disability community.

AB 54 seeks to restrict absentee ballots by limiting voting hours to accept in-person absentee ballot applications. We respectfully oppose this bill for the following reasons.

**First and foremost, changes to absentee voting, will disproportionately impact the disability community.**

This bill unnecessarily restricts the hours of in-person absentee applications, a restriction which will especially affect voters with disabilities who are much more likely to need and use the flexibility of voting in-person at the polls because of the other barriers they face like transportation.

Here are the facts. Nationally, voters with disabilities vote by absentee ballot at much higher rates than other voters and overall have much lower voting rates than the general voting population (between 6-10% lower).

In looking specifically at Wisconsin voters with disabilities, the Wisconsin Disability Vote Coalition, a nonpartisan project supported by our agencies, conducted a survey of around 600 members of the disability community in 2008. We found two important facts relevant to the negative impact this bill will have. People with disabilities are three

times more likely than people without disabilities to identify transportation as a major barrier to voting. And almost 75% of those surveyed said that the fact Wisconsin has expansive absentee balloting available made them more likely to vote.

For eligible voters with disabilities it can be difficult to secure accessible, reliable and affordable transportation on Election Day a barrier made even greater given the limited hours for in person absentee prior to election day that this bill proposes.

We also oppose this bill because restricting absentee balloting will have a disproportionate and negative impact on voters with disabilities who live in larger municipalities. These municipalities have been more likely to provide weekend or extended evening hours for voting during presidential elections. Larger communities have also generally been where long lines have been a problem. Research shows that long lines to vote in-person absentee or at the polls are a significant deterrent for voters with disabilities and curtail their ability to participate in our democracy.

Although this bill allows that a clerk (and not other municipal employees) to schedule appointments with voters at his or her discretion, in order to facilitate a voter's absentee application during off hours, those discretionary appointments are not likely to be a solution for the numbers of people, particularly in big cities, who will need to make these appointments. Clerks need the flexibility to meet the needs of their voters. This bill restricts that flexibility and limits local control which does not serve the needs of the clerk's office and the community.

**In short, Wisconsin's voting process should provide eligible voters adequate opportunity to cast their ballot regardless of disability. Restricting the hours that a voter can vote in-person absentee as defined under this bill is an unnecessary departure from current law and will disproportionality and negatively impact voters with disabilities. Our agencies therefore oppose AB 54.**

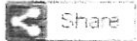
If you have any questions for us, we can be reached at [aliciab@drwi.org](mailto:aliciab@drwi.org) (608/267-0214) or [john1.shaw@wisconsin.gov](mailto:john1.shaw@wisconsin.gov) (608/266-7707).


# The Case Against Early Voting

A [Politico](#) story says what I say in any speech on early voting: early voting is bad. It increases political polarization as thousands of unwavering voters who have stubbornly made up their minds go to the polls. It doesn't increase turnout (as if that is an end in itself). It creates ill-informed voters who check out of the debate early. It fractures America further and eliminates a common cultural experience - voting together on election day. More:

"Why? For all its conveniences, early voting threatens the basic nature of citizen choice in democratic, republican government. In elections, candidates make competing appeals to the people and provide them with the information necessary to be able to make a choice. Citizens also engage with one another, debating and deliberating about the best options for the country. Especially in an age of so many nonpolitical distractions, it is important to preserve the space of a general election campaign — from the early kickoff rallies to the last debates in October — to allow voters to think through, together, the serious issues that face the nation.

The integrity of that space is broken when some citizens cast their ballots as early as 46 days before the election, as some states allow."



Posted by Christian Adams at [January 29, 2014](#) 

Categories: [uncategorized](#)

Tags: [Early Voting](#)



# The Case Against Early Voting - January 28, 2014

## By Eugene Kontorovich and John McGinnis

To the delight of anyone who's ever waited in line to cast a vote, a bipartisan election commission convened by President Barack Obama concluded last week that states across the country should increase their use of early voting.

As the Presidential Commission on Election Administration notes in its new report, "no excuse" early voting — meaning it is open even to those who don't qualify for an absentee ballot — has grown rapidly in recent decades in what the commission called a "quiet revolution." In the 2012 election, almost one-third of ballots were cast early — more than double those cast in 2000 — and 32 states now permit the practice, allowing citizens to vote an average of 19 days before Election Day.

The commission rightly notes that early voting has its advantages for individual voters — not just avoiding long lines, but in many cases also getting to vote on weekends without having to miss work or school. But early voting run amok is bad for democracy. The costs to collective self-governance — which the report refers to only in passing, in a single sentence — substantially outweigh the benefits. Instead of expanding the practice, we should use this moment as an opportunity to establish clear limits on it before it becomes the norm.

Why? For all its conveniences, early voting threatens the basic nature of citizen choice in democratic, republican government. In elections, candidates make competing appeals to the people and provide them with the information necessary to be able to make a choice. Citizens also engage with one another, debating and deliberating about the best options for the country. Especially in an age of so many nonpolitical distractions, it is important to preserve the space of a general election campaign — from the early kickoff rallies to the last debates in October — to allow voters to think through, together, the serious issues that face the nation.

The integrity of that space is broken when some citizens cast their ballots as early as 46 days before the election, as some states allow. A lot can happen in those 46 days. Early voters are, in essence, asked a different set of questions from later ones; they are voting with a different set of facts. They may cast their ballots without the knowledge that comes from later candidate debates (think of the all-important Kennedy-Nixon debates, which ran from late September 1960 until late October); without further media scrutiny of candidates; or without seeing how they respond to unexpected national or international news events — the proverbial "October surprise." The 2008 election, for example, could have ended differently had many voters cast their ballots before the massive economic crisis that followed the collapse of Lehman Brothers that September. Similarly, candidates often seek to delay the release of embarrassing information, or the implementation of

difficult policies, until after votes have been cast. A wave of votes starting months before the election date makes this easier.

Early voting not only limits the set of information available to voters; to the extent that it decreases the importance of debates, it might also systematically help incumbents and quasi-incumbents like vice presidents, who generally have the advantage of having been in the public eye longer.

More fundamentally, early voting changes what it means to vote. It is well known that voters can change their minds — polls always go up and down during a campaign season. A single Election Day creates a focal point that gives solemnity and relevance to the state of popular opinion at a particular moment in time; on a single day, we all have to come down on one side or the other. But if the word “election” comes to mean casting votes over a period of months, it will elide the difference between elections and polls. People will be able to vote when the mood strikes them — after seeing an inflammatory ad, for example. Voting then becomes an incoherent summing of how various individuals feel at a series of moments, not how the nation feels at a particular moment. This weakens civic cohesiveness, and it threatens to substitute raw preferences and momentary opinion for rational deliberation. Of course, those eager to cast early will be the most ideological — but these are precisely the voters who would benefit most from taking in the full back and forth of the campaign.

Moreover, there are other ways of achieving some of the benefits of early voting, such as old-fashioned absentee ballots or setting up more polling places. Even a limited few-days-early voting period could convey most of the advantages of the practice while limiting the most severe democratic costs.

Early voting is a matter of degree: Even Election “Day” lets people cast ballots at different times. But at the moment, there is no upper bound at all on the growing practice, and the president’s commission made no mention of such an option. With the group’s report opening a new round of discussion over voting policy, now is the time to consider whether the “quiet revolution” of early voting has gone too far.

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