



STATE OF WISCONSIN

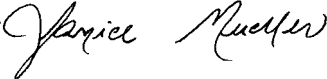
Legislative Audit Bureau

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Janice Mueller
State Auditor

DATE: January 31, 2005

TO: Senator Carol A. Roessler and
Representative Suzanne Jeskewitz, Co-chairpersons
Joint Legislative Audit Committee

FROM: Janice Mueller 
State Auditor

SUBJECT: Proposed Audit of Voter Registration Address Verification—Background Information

At your request, we have gathered some background information the Joint Legislative Audit Committee may find useful in considering the request for an audit of voter address verification cards in the City of Milwaukee. The request was submitted by several legislators. These legislators expressed concern that alleged inappropriate election procedures in Milwaukee, the State's most populous city, could damage the validity of statewide election results.

Section 6.56, Wis. Stats., specifies the actions to be taken to verify the eligibility of voters whose names did not appear on the voter registration list at the time of the election, as well as those steps to be taken if the municipal clerk has good reason to believe a person has voted more than once in an election. Either the municipal clerk or the board of election commissioners is to audit the address information provided by these voters through first class mail. The postcards and letters used in the audit are to be marked in accordance with postal regulations to ensure their return to the clerk or board of election commissioners if the voter does not reside at the given address. When any letter or postcard mailed in this audit process is returned undelivered, or whenever the United States postal service notifies the clerk of an improper address, relevant information is to be sent to the district attorney.

Recent news accounts highlighted apparent deviations from the process outlined in statute. For example, in a number of counties, district attorneys reported that they have received few notifications of voter registration problems, and in other counties the district attorneys were unaware of the requirement that they receive the information. Furthermore, some local government officials reported that the statutorily required postcards are not sent to verify voter eligibility. In Milwaukee, an estimated 10,000 audit postcards from the November 2004 election are in dispute, raising questions about the procedures used to verify voter eligibility.

The Legislature enacted numerous reforms to Wisconsin's election laws in 2003 Wisconsin Act 265. The Act was developed in response to the standards imposed on states by the federal Help America Vote Act (HAVA) of 2002. Act 265 includes many provisions, including requiring a statewide voter registration list, uniform standards for determining the validity of votes cast, and access to polling places for individuals with disabilities. Although some provisions in the Act became effective in April 2004, many provisions do not take effect until January 2006. The Act directs the Legislative

Audit Bureau to conduct a program evaluation audit of state and local government compliance with election law, including the provisions in Act 265, specifically those provisions dealing with polling place accessibility. As directed by Act 265, the Bureau is required to consult with the Elections Board to complete the audit at an appropriate time following the effective date of the law.

An audit of the voter registration address verification process at this time could include :

- an examination of the voter registration procedures and practices in Milwaukee and in a sample of municipalities statewide;
- an analysis of the address verification procedures used for new voter registration in Milwaukee and in a sample of municipalities, including a review of whether state election laws were followed;
- a determination and analysis of the reasons address verification cards were returned as “undeliverable”;
- an analysis of district attorney referrals and actions taken; and
- an examination of the role of the State Elections Board in monitoring the address verification process.

It is expected that a broader audit of all of the Act 265 requirements would take place in 2007, when all the Act’s provisions have taken effect.

If you have any questions regarding this request, please contact me.

JM/KW/bm

cc: Senator Robert Cowles
Senator Scott Fitzgerald
Senator Mark Miller
Senator Julie Lassa

Senator Joseph Leibham
Senator Ted Kanavas
Senator Tom Reynolds
Senator Mary Lazich

Representative Samantha Kerkman
Representative Dean Kaufert
Representative David Travis
Representative David Cullen

Representative Jeff Stone
Representative Mark Honadel
Representative Leah Vukmir
Representative Scott Gunderson
Representative Mark Gundrum
Representative Robin Vos

Kevin J. Kennedy, Executive Director
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