JIM DOYLE

GOVERNOR
STATE OF WISCONSIN

August 12, 2005

Wisconsin Legislative Council
One East Main Street
Suite 401
P.O. Box 2536
Madison, WI 53701-2536

To the Members of the Special Committee on Election Law Review:

I am writing to bring to the Special Committee's attention the election reform package that I unveiled earlier this year, which has been introduced in both houses of the legislature as Assembly Bill 542 and Senate Bill 249. As you may know, the election reforms that I have proposed are purposefully tailored to address the widely reported election administration problems that occurred during the 2004 November elections. My proposed reforms are aimed at ensuring that elections are run more efficiently, that the integrity of the election process is protected, and that full access to the ballot box is guaranteed to all eligible voters. For your reference and consideration, the following is a brief summary of my proposed reforms:

Mandatory Training

Currently in Wisconsin, only chief elections inspectors are required to receive training. Under my proposal, poll workers, special registration deputies, and special voting deputies must all undergo training conducted by the Elections Board. The Elections Board will also make the training programs available electronically through an Internet-based system. A training requirement will help ensure the consistent administration of elections across the state, and help poll workers anticipate and prevent potential problems before they arise.

Additional Poll Workers

While current Wisconsin law requires a minimum of at least three poll workers at each polling place, my proposal requires municipalities to appoint an additional poll worker for general elections. This additional poll worker will be appointed on a non-partisan basis and will serve as a greeter to answer questions and to direct voters to their proper location for registration and voting. This additional poll worker may also serve as a substitute when another poll worker must temporarily leave the voting area.

Also included in my proposal is a requirement that each municipality appoint at least one alternate poll worker for each polling place. Having alternate poll workers available will help limit understaffing issues that commonly arise when regularly scheduled poll workers are unable to show up on Election Day.

Election Day Plans & Post-Election Review

My proposal requires municipal governing bodies to adopt "Election Day plans" in anticipation of each election in each municipality. Election Day plans will help municipalities administer more efficient and less error-prone elections, and will help municipalities meet my proposal's goal of ensuring that no voter wait longer than 30 minutes before voting.

Municipalities will have broad discretion in crafting Election Day plans, and each plan will be approved by the municipality's governing body, such as a common council or town board. I believe that municipal governing bodies, accountable to the local electorate, are in the best position to determine how best to improve their elections. At a minimum, all Election Day plans will address: (1) procedures for pre-election education of voters concerning voting eligibility and voting procedures, (2) methods to ensure adequate staffing, (3) measures to ensure the orderly and efficient flow of voters at the polling place, (4) contingency plans to manage high voter turnout, and (5) management controls to ensure accountability.

Election Day plans will also include procedures for municipalities to use in conducting a post-election review. The review will address whether all relevant laws were complied with, whether the goal of a 30-minute maximum waiting time was met, and any steps that should be taken to improve the administration of future elections.

Posting of Maps

Under my proposal, maps must be posted at all polling places in municipalities that are served by more than one polling place. The Elections Board will prescribe the posting's format, but at a minimum, the posting will have a map of the municipality, the boundaries of the ward(s) served by each polling place for that election, and the location, building name, and address of each polling place on the map. The Elections Board will handle the cost of the posting.

Uniform Voter Registration Forms

Although the Elections Board is currently responsible for prescribing the content of voter registration forms, the format of registration forms can vary considerably. To help eliminate confusion and error associated with filling out registration forms and entering information included on the forms, I am proposing that all registration forms be of uniform size, shape, format, and font. The Elections Board will be responsible for prescribing these format specifications.

Measures to Prevent Ineligible Felons from Voting

Although it is a crime in Wisconsin for convicted, unpardoned felons who are incarcerated or who are on probation, parole, or extended supervision to vote, there is currently no system in place for election officials to accurately identify felons ineligible

to vote and to prevent them from voting. Under my proposal, poll lists will have notations next to the names of registered voters who are felons ineligible to vote. Moreover, each polling place will be equipped with a list of persons whose names are not on the voter registration list but are felons ineligible to vote, and whose addresses are served by that polling place. This second list will allow poll workers to identify ineligible felons who are not registered to vote, but who attempt to register to vote on Election Day. Ineligible felons who insist on casting a vote will be allowed to do so, but their ballots will be marked as challenged for later review and potential prosecution.

Moreover, to further assist law enforcement in prosecuting ineligible felons who vote, my proposal also requires every person who registers to vote, to specifically affirm that he or she has not been convicted of a felony for which he or she has not been pardoned, and, if so, whether the person is incarcerated or on probation, parole, or extended supervision resulting from that conviction. This affirmation requirement will help district attorneys prove the element of "intent" when prosecuting ineligible felons who voted.

Finally, my proposal requires the Elections Board to conduct a post-election audit to determine whether any ineligible felons were allowed to vote. If as a result of the audit the Elections Board finds that ineligible felons did vote, their names will be referred to the district attorney.

Limitation on Compensation Practices of Voter Registration Drives

To remove incentives for dishonesty and sloppiness associated with voter registration, my proposal prohibits compensating any person for obtaining voter registrations at a rate that varies in relation to the number of voters registered.

Public Access to Voter Birth Date Information

To help ensure better oversight of elections, and specifically to help determine whether someone voted twice or a felon voted improperly, my proposal would allow access to voter birth date information. Voter birth date information, however, may not be used for commercial purposes and the information may not be posted on the Internet.

Satellite Voting Locations

While absentee voting is currently available by mail or at municipal clerk's offices in Wisconsin, my proposal will allow municipalities to set up satellite voting stations at alternate locations to help accommodate additional voters who wish to vote by absentee ballot. My proposal does not require satellite voting locations; it simply allows municipalities to provide satellite locations in the event that municipalities find them useful in dealing with absentee voters.

Centralized Absentee Ballot Counting

To help make the counting of absentee ballots easier, my proposal provides that absentee ballots will no longer be counted at polling places on Election Day. Instead, absentee ballots will be counted by the municipal board of canvassers at a public
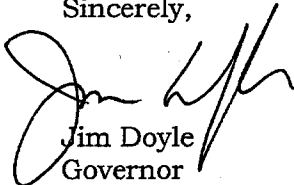
meeting held at a centralized location. Additionally, my proposal would allow municipalities to begin counting absentee ballots before Election Day (i.e., no earlier than the 7th day after absentee ballots are distributed for each election), so that large numbers of absentee ballots do not have to be opened, processed, and counted all in a very short period of time. However, no election results will be released until after the polls close. Also, under my proposal, municipalities will not be required to begin counting absentee ballots early, but they will have the option of doing so should they deem it appropriate.

Voter Registration at the DMV

To help make voter registration more convenient, and to help ease the pre-election workload of municipal clerks, my proposal will allow for voter registration when applying for or renewing a driver's license at Department of Motor Vehicle locations.

In sum, I have tried to craft a set of commonsense reforms that will make the job of poll workers easier, the voting experience less cumbersome, and that will ensure the integrity of the election process. As the work of the Special Committee draws nearer to a close, I encourage committee members to consider my proposed reforms. I also encourage members to contact my office to coordinate our efforts. By working together, I am hopeful that this special committee will put forward legislation that will receive bipartisan approval in the legislature and that I will be pleased to sign into law.

Sincerely,

Jim Doyle
Governor