

State of Wisconsin \ Elections Board

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KEVIN J. KENNEDY
Executive Director

DATE: June 28, 2007

TO: Alder Zach Brandon
Paul Malischke, Member, Madison Election Advisory Committee

FROM: Kevin J. Kennedy, Executive Director
State Elections Board

SUBJECT: Impartial Elections Ordinance

I have prepared this memo on the Impartial Elections Ordinance in response to a number of inquiries directed to our office by you, the media and city residents. The views expressed in this memorandum are mine. The State Elections Board has not discussed the issues raised by the proposed ordinance.

The ordinance was drafted at the direction of Alder Brandon and will be the subject of discussion at a meeting of the Madison Election Advisory Committee.

Both of you have asked for my comments on the proposed ordinance. I have discussed my views with each of you. I have also received messages from city residents concerning the proposed ordinance. You also provided copies of correspondence with the City Attorney and the City Clerk for my consideration. I appreciate your asking for my thoughts on the proposal.

I strongly support what I perceive are the goals of the proposed ordinance: to engender public trust in the conduct of elections in the city of Madison by ensuring individuals charged with administering elections are fair and unbiased. This is consistent with current state law requiring the staff of the State Elections Board and the staff of the new Government Accountability Board to be non-partisan. The members of the Government Accountability Board are also required to be non-partisan.

Non-partisan administration of elections is a key recommendation of the Carter Baker Commission on Federal Election Reform. It reflects a trend to depoliticize the administration of elections throughout the country. More information on this approach to election administration can be found at: <http://www.american.edu/ia/cdem/index.cfm>

While the proposed employment restrictions set out in the ordinance do not reach all individuals who may be associated with political campaigns, it sets a standard that in combination with effective administration of the City Clerk's election duties will bolster public confidence in the fairness of Madison's elections.

My primary concern is including poll workers in the scope of the restriction. Unlike activities in the city clerk's office, all actions taken by poll workers are done in a setting where any member of the public can observe from the time the polls open until the ballots are counted and election materials secured for delivery to the city clerk's office. State law also permits political parties to nominate individuals to serve as poll workers and permits the parties to designate these individuals as "first-choice" nominees who must be permitted to serve unless denied for cause.

I realize political parties seldom utilize this option and currently do not do this in the Madison. However, the proposed restriction might encourage some level of mischief in nominating poll workers that effectively undermines public confidence.

Given the high level of transparency of Election Day activities and the large number of individuals affected if poll workers are included, I think it is better not to include them in the scope of the ordinance.