

To: Madison Election Advisory Committee
From: Paul Malischke
Date: July 9, 2009

Please consider taking action to allow Madison to combine wards into reporting units.

This would require a change in existing state statute, which arbitrarily allows only municipalities with less than 35,000 people to combine wards into one reporting unit. (A reporting unit is either a single ward or a grouping of wards used for reporting the results of an election.)

This action is needed in order to preserve secrecy of the ballot.

Madison has eleven wards with from 1 to 10 voters in November 2008. Eight of these wards had all the ballots cast for one presidential candidate, so secrecy is gone. This violates the Wisconsin Constitution, which states simply and elegantly in article III, "All votes shall be by secret ballot."

This action is needed to end a waste of resources on wards with few if any voters.

An additional 25 wards had zero votes. Each of these tiny wards had a tabulating voting machine programmed and tested, a ballot marking machine for people with special needs programmed and tested, ballots on hand in case voters materialized, and reports completed and filed.

This action is needed to facilitate the use of voter-marked paper ballots for early voting as proposed by the Government Accountability Board.

The GAB proposal would require that early votes be reported with Election Day results by ward. This would require 146 different ballot styles for each election for Madison. This would be a huge increase in cost, complexity, and waste.

Consider this proposed change to statute 5.15 (6) (b):

This would be added: "A municipality having a population of 35,000 or more may combine returns for wards if the population at the last decennial census was less than 4000 in the combined wards."

The law for municipalities under 35,000 would not be changed.

Below is the relevant statute 5.15 (6) (b)

"No later than 60 days before each September primary and general election, and no later than 30 days before each other election the governing body of any municipality may by resolution combine 2 or more wards for voting purposes to facilitate using a common polling place. Whenever wards are so combined, the original ward numbers shall continue to be utilized for all official purposes. Except as otherwise authorized under this paragraph, every municipality having a population of 35,000 or more shall maintain separate returns for each ward so combined. In municipalities having a population of less than 35,000, the governing body may provide in the resolution that returns shall be maintained only for each group of combined wards at any election. Whenever a governing body provides for common ballot boxes and ballots or voting machines, separate returns shall be maintained for each separate ballot required under ss. 5.62 and 5.64 at the September primary and general election. The municipal clerk shall transmit a copy of the resolution to the county clerk of each county in which the municipality is contained. In municipalities having a population of less than 35,000, the resolution shall remain in effect for each election until modified or rescinded, or until a new division is made under this section."