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Status Report on the Early Voting Initiative A Midpoint Review

INTRODUCTION

Before, during and after the November 2008 General and Presidential Election, the Government Accountability Board (The Board) received complaints from voters, elected officials, and election administrators, as well as critical editorials, on the inefficiencies experienced with in-person absentee voting. In particular, election administrators felt overwhelmed with managing in-person absentee applications and ballot logs before Election Day, while voters complained of long lines at in-person absentee voting sites. In addition, municipalities complained that in-person absentee envelopes caused delays in counting absentee ballots on Election Day.

As a result of these inefficiencies experienced with in-person absentee voting, the Board assigned staff to investigate early voting as a possible remedy. This investigation resulted in a 16 page in-depth analysis, entitled "An Examination of Early Voting in Wisconsin," which reported on the best practices and impacts of early voting in states that have already adopted early voting. The analysis also contained three general proposals of how Wisconsin might implement early voting while retaining Wisconsin's traditions of same day voter registration and municipal control of elections.

The Board accepted staff's analysis on March 31, 2009 and charged them to conduct a series of listening sessions throughout the state to gauge the opinion of the public, municipal clerks and county clerks on early voting. In response to this charge, eight listening tour dates were scheduled between July 7, 2009 and August 13, 2009. The first listening session was located in Fitchburg, followed by La Crosse, Kenosha, West Allis, Wausau, Green Bay, Washington and Rice Lake. These listening tour locations were chosen in an attempt to cover as many geographic regions of the state as possible. Each listening tour session is composed of two separate meetings, one for clerks and one for the public, with the exception of the listening session in Rice Lake. The reasons for separating these groups are to ensure that members of the public do not feel intimidated by the knowledge of the clerks on the topic of election administration, and to allow each meeting to be geared to a different level of experience and knowledge regarding elections.

In each listening session attendees are given a binder when they arrive, containing background material on early voting. Listening sessions begin with a narrated 52 slide PowerPoint slideshow presentation derived from the in-depth review and analysis accepted by the Board on March 31, 2009. Following the slideshow presentation, the listening session attendees are asked to share their comments, suggestions and questions. These statements and questions are typed into a document that is later revised. These notes serve as a meeting record and will be referred to in a final report presented to the Board at its October board meeting. Finally, listening session attendees are asked to fill out a survey designed to help staff to capture quantitative data on how they feel about early

voting and the proposals to implement early voting. This data will also inform the final report on early voting presented to the Board in October.

CURRENT STATUS

As of July 31, 2009, staff members have presented on early voting eleven times, four times to a public audience and seven times to election administrators. The first presentation by staff members occurred on May 29 and 30, 2009, at the League of Women Voters of Wisconsin's annual meeting in Manitowoc. On June 23, 2009, staff presented at the Wisconsin County Clerks' Association 104th Annual Symposium in Prairie Du Chien. On July 7, 2009, the first of the main listening sessions for clerks and the public took place in Fitchburg. A special meeting of the SVRS Standards Committee met with staff on July 9, 2009 to specifically discuss the impact of early voting on the Statewide Voter Registration System. Staff held their second main listening session in La Crosse on July 16, followed by two more listening session dates in Kenosha on July 22 and West Allis on July 23.

Attendance at the listening session tour dates has been mixed. Some sessions have had very high attendance, such as the County Clerks' Association presentation which had over 60 attendees. Overall, clerk sessions have been better attended than public sessions. Public session attendance at the listening session in La Crosse and Kenosha were particularly disappointing, as only four and six members came to each meeting, respectively. However, both the Fitchburg and Milwaukee public sessions have had about 25 attendees, which may be a reflection of these locations' larger populations. Another possibility is that the publicity for these listening sessions was more effective than the sessions in La Crosse and Kenosha. In an attempt to ensure better media coverage of these sessions, especially prior to the meetings, Reid Magney, the newly hired public information officer of the Government Accountability Board, has been asked to assist with publicity for the remaining sessions.

The remaining listening sessions scheduled for the month of August include Wausau and Green Bay on August 3 and 4, 2009, and Washington and Rice Lake on August 12 and 13, 2009. However, due to comments received from clerks in northern Wisconsin, staff has been working with Scott Fiebert, Bayfield County Clerk, to secure a location in Bayfield County that would be more convenient than Wausau or Rice Lake for clerks and the public in northern Wisconsin. This meeting would be take place on August 13, 2009. Finally, staff will attend the municipal clerks' convention on August 20, 2009, where it is hoped that staff will be able to present on early voting to this clerks-only audience.

EARLY FEEDBACK AND COMMENTS

Though their experience with elections and election administration are very different, both clerks and the public are extremely concerned about the potential costs of adopting any form of early voting. Clerks are reporting that their municipalities and counties are experiencing budget shortfalls, and that they are having to cut services, force employees to take furloughs and even laying off employees, and they strongly believe that their municipalities and counties cannot afford

to take on any extra expenditures while the economy remains in the current recession. In many ways, the clerks feel that the timing of these listening sessions is bad, and there is a possibility that the feedback of the clerks on early voting would be different. Some comments, such as wanting to hold off any pilot programs or early voting implementation until after 2010 or even 2012, seem to indicate that some of resistance to early voting would not be present in a different economic climate. The public, though they are not as aware of the financial details, are equally concerned with the potential price tag associated with early voting.

The threat of voter fraud has been raised in public and clerk sessions, though the strongest worry about voter fraud came in our West Allis public meeting. In this meeting, members of the public have expressed deep concerns about what is believed to be widespread, systemic fraud present in the current election system, and feel that early voting will only result in further fraud. These electors, as well as clerks in several meetings, have suggested a requirement to present photo ID, at the very least for early voting, as a method to mitigate this perceived threat to voting integrity.

Related in some ways are concerns regarding Wisconsin's same day registration. Whereas the public's concern, when concern has been expressed, is voter fraud, many clerks have expressed the belief that same day registration places a heavy burden upon clerks and their staffs. It has been repeatedly suggested that the reason long lines occurred for in-person absentee voting in November 2008 was not the current in-person absentee voting process, but was instead a result of many of these "early voters" also needing to be registered prior to casting their ballot. Many clerks, considering the difficulties posed by same day registration, have suggested that Wisconsin either end same day registration, or at the very least adopt a system where early voting is open only to electors who have registered prior to late registration.

However, the feedback has not been unanimous in opposition of same day registration and early voting. Some clerks have expressed the belief that same day registration is actually less work than the alternative, which would be large numbers of provisional ballots. Also, there has been acknowledgment that there are times, due to poll worker or SVRS error, that a voter who believes that they are registered is not found in the poll book and thus should have the opportunity to register at that time and not have to cast a provisional ballot. Some members of the public have also strongly come out in favor of same day registration, believing it to be critical to engage voters. This is reflected, they believe, in the high percentage of Wisconsin electors who vote when compared to national turnout.

In terms of early voting, though most clerks are opposed to true early voting, there are a very few who believe that cutting down on paper ballots (if DREs are used for early voting) will help cut down on election administration costs, and that pooling the costs of early voting over a region might also cut election costs. Some clerks have also expressed support for some version of early voting that allows for municipalities to opt in or out of early voting, with the most commonly proposed method of opting in being tied to a municipality's population, i.e., instituting a population limit where municipalities over the limit would be required to offer early voting. The population at which this should occur has varied widely, as the range of suggestions begins as low as 35,000 and ends as high as 100,000. Obviously, picking a number at either end of this range would drastically

impact the number of municipalities affected. As for the public, those that support early voting feel that early voting will help engage new voters, will result in greater voter convenience and reduce the number of “spoiled” ballots by allowing electors to cast their votes and make changes immediately if necessary, unlike the current system where these ballots are rejected without the voter being present at the polling place or central count facility on Election Day.

Overall, the idea of not adopting true early voting but streamlining the current process has had overwhelming support from clerks and the public. The exact nature of this streamlining, however, has been a point of contention. Some have expressed the belief that the absentee envelope is cumbersome and could be eliminated while others have suggested that they are critical for maintaining ballot secrecy and for recounts. Though eliminating the absentee application has not met with much support, many feel that a shortened, standardized application would be of service; one creative suggestion has been to incorporate a streamlined application onto the absentee envelope itself, reducing administrative costs. Many clerks feel that the witness requirement and the certification could be eliminated for in-person absentee voting, since this voting is occurring within the clerk’s office.

The biggest point of contention regarding streamlining proposals has been suggestions to standardize early voting to include a set amount of weekday hours and require two election officials to administer an in-person absentee location. Part-time clerks, many of which serve in smaller municipalities, often work full-time jobs that would require these clerks to make an extraordinary effort to maintain an in-person absentee site. Clerks in smaller municipalities also expressed deep concern that they would have difficulty finding poll workers for an extended voting period, particularly when they already have difficulty finding poll workers for Election Day.

SUMMARY

After the first eleven early voting listening sessions, the following themes have emerged:

- Concerns regarding costs, ballot integrity
- Lack of support for true early voting at this time
- Strong support for streamlining the current process, though disagreement on specifics

Staff will continue to collect comments and surveys to see if these themes continue at listening sessions elsewhere in the state. The collected feedback will then be incorporated into a final report that will be presented to the Board in October, outlining the opinions of clerks and the public and suggesting what early voting proposals, if any, would make sense for Wisconsin at this time.