



Office of the Madison City Clerk

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To: Madison Election Advisory Committee
Fr: Maribeth Witzel-Behl, Madison City Clerk
Re: Election Worker Ordinance

Implementation of the proposed Election Worker Ordinance would create a number of challenges for the Madison City Clerk's Office. The questions and issues outlined below would need to be resolved before a realistic budget could be prepared for 2008 Presidential Election year.

Employees and Volunteers Covered by the Proposed Ordinance

At election time there are more city employees from other departments handling election materials than there are employees in the City Clerk's Office. A staff of five would never be sufficient to process 10,000 absentee requests in three weeks while performing the day-to-day tasks of routing contracts, posting meeting notices, issuing over 100 types of licenses, preparing agendas and minutes for the Alcohol License Review Committee, preparing agendas and proceedings for the Common Council, and conducting research for the general public. The City Clerk's Office relies heavily on the assistance of the individuals listed below, all of whom would fall under this Ordinance:

- **Light Duty Workers**—employees from Madison Metro, Parks, Traffic Engineering, Water Utility, and other departments, who have been injured on the job and are temporarily assigned to light duty work in the City Clerk's Office. The Clerk's Office receives several hundred hours of assistance from Light Duty Workers each year. There are up to six light duty workers in the City Clerk's Office at election time, working under the supervision of the City Clerk. These employees put labels on absentee ballot envelopes, prepare absentee ballots to be placed in the mail, check in the absentee ballots returned in the mail, sort absentee ballots by ward, file absentee ballot requests, prepare election day signage for each polling place, pack supply boxes for each polling place, record voter data after the election, and reorganize the election supplies returned to the Clerk's Office on election night. The City Clerk's Office currently has three light duty workers preparing election supplies for the February 19 Presidential Primary. It is unclear which department would determine whether potential light duty workers would be eligible to serve as "election workers."
- **Administrative Support Team**—employees from the Comptroller's Office who float from department to department. The City Clerk's Office currently receives over 1,000 hours of assistance from the Administrative Support Team each year.

From the day the ballots are delivered to the Clerk's Office until a month after the election, there are up to four of these employees in the City Clerk's Office at a time. This indispensable help has been trained on all aspects of election work as well as the day-to-day functions of the City Clerk's Office. Members of the Administrative Support Team process voter registration applications, process absentee requests, assist voters at the counter, answer voters' questions over the phone, help conduct the public test of election equipment, assist with the delivery of election equipment to the polling places, deliver absentee ballots to the polling places, clear AutoMark and Tabulator paper jams on Election Day, and work overtime to provide extended hours for voting absentee in the City Clerk's Office.

These employees and their supervisor have asked whether the proposed ordinance would have any effect on their ability to serve as stewards or officers in their labor unions, particularly if those unions have PACs or contribute PAC funds to candidates. They also have asked whether there would be a problem if they work as campaign volunteers, particularly in local elections. An additional question is which department would determine their eligibility to work in the Clerk's Office, and when that determination could be made—before the date of hire or at the time of assignment.

- **Election Aides**—hourly employees hired for 4-10 weeks to assist with general election-related tasks. These employees assist full-time staff with processing voter registration applications, processing absentee requests, helping voters at the counter, and scheduling election officials to work at the polls. Because of the record number of candidates this past spring, one Election Aide assisted full-time staff with checking in campaign finance documents. Election Aides do not have a key to the office or the combination to the safe.
- **Document Services Staff**—employees from the Comptroller's Office who post election information on the City Clerk's website, at the request of the City Clerk. Additional election tasks completed by Document Services include the preparation of the letters sent to election officials prior to each election, the preparation of notices regarding campaign finance, the posting of campaign finance reports on the City Clerk's website, and updating of the City of Madison Election Day Guide for election officials. At times, Information Services staff assist Document Services with updating the City Clerk's website. When submitting website updates to Document Services, the City Clerk has no way of knowing which staff person will be updating the website, or whether that individual has been involved in a Political Action Committee, political party, or 527 Committee.
- **Information Services Staff**—employees in the Information Services Department create our poll books through the Statewide Voter Registration System (SVRS), prepare reverse directories and absentee ballot logs for at each polling place, and provide support when we run updated street directories and ward-specific street directories before every election. Information Services also provides support for the election official payroll system, and is the first call for help whenever a problem arises with SVRS. The Information Services Director has been instrumental in obtaining additional help for unloading pallets of absentee ballots from the delivery truck and transporting those ballots to the Clerk's Office.

- **Madison City Channel**—a division of the Information Services Department has produced training videos for Madison election officials, and has televised election official training sessions.
- **Civil Rights Staff**—an employee from the Department of Civil Rights assists the City Clerk in making sure our polling places are completely accessible, and in training election officials on accessibility issues.
- **Administrative Clerks in AFSCME Local 60**—approximately three dozen employees helped enter voter registration applications into SVRS after 30,000 voters registered at the polls in November 2006. Without this additional help, the February 2007 Spring Primary poll books would not have included everyone who registered to vote the previous November. These employees came from the following departments: Police, Fire, Engineering, Water Utility, Assessor, Treasurer, Human Resources, Planning, Health, Parks, Transportation, Housing, Municipal Court, the Overture Center, and the Monona Terrace. It is unclear how this Ordinance would affect seniority rights for this overtime.
- **Disability Rights Wisconsin**—the advocacy specialist for Disability Rights Wisconsin currently assists the City Clerk in evaluating the accessibility of polling places, training election officials, and working to make election day forms more accessible.
- **Board of Canvassers**—the Board of Canvassers certifies the election results for both the City of Madison and the Madison Metropolitan School District. State Statute requires the school district clerk, an elected official, to serve on the school district's Board of Canvassers. Although the school district clerk would not participate in the canvass of an election in which he or she was a candidate, there could very well be a school district referendum within a year of that candidate's election to office. This Ordinance may make it necessary to separate the canvassing of election results for the City of Madison and the Madison Metropolitan School District.
- **The League of Women Voters**—volunteers from the Dane County League of Women Voters provide valuable assistance in completing the public test of the AutoMark Voter Assist Terminals at the same time City Clerk and Administrative Support Team staff are completing the public test of the tabulator equipment. This has brought public participation to an important election task, at a time when the amount of equipment that needs to be tested has nearly doubled.
- **Stage Hands**—the Monona Terrace arranges for the City Clerk's Office to have a stage hand lift all tabulators, AutoMark terminals, and boxes of ballots during the public test of election equipment. The stage hand also adjusts the throat of each AutoMark machine for the appropriate ballot width. The City Clerk's Office does not know which stage hand will assist with this task until the testing of election equipment is underway.
- **Special Registration Deputies**—State Statute 6.26 requires the Clerk to train and deputize individuals to register voters during Open Registration. You see Special Registration Deputies on the Capitol Square during each Saturday Farmer's Market. The City of Madison will deputize hundreds of people during a Presidential Election year. Candidates and campaign staff often become Special Registration Deputies. Upon completion of training, these individuals take an Oath of Office.

Any qualified elector of the State of Wisconsin may apply to the State Elections Board to be deputized to register voters state-wide. It is unclear whether this Ordinance would affect those who are deputized by the State Elections Board, whether political or campaign activity as defined in this Ordinance would provide cause for revoking the appointment of a Special Registration Deputy, and how the City Clerk's Office would need to process registration forms submitted by individuals who have engaged in campaign or political activity.

- **Absentee Ballot Couriers**—city employees and Badger Cab drivers deliver sealed packages of absentee ballots to the polling places on Election Day. Although not required to do so by law, these couriers (including City Clerk staff) take an Oath of Office. The City Clerk, courier, and Chief Election Inspector certify that no absentee ballot or absentee ballot certificate has been altered, added, or removed from the absentee ballot carrier envelope. The City Clerk, courier, and Chief Inspector also sign a statement acknowledging that they would be subject to applicable civil or criminal penalties if they failed to comply with State Statute 12.13 which states, "No person may...willfully or negligently fail to deliver, after having undertaken to do so, official ballots prepared for an election to the proper person, or prevent their delivery within the required time, or destroy or conceal the ballots."
- **Custodians**—each polling place provides assistance in positioning the election equipment before the poll workers arrive at 6:15 the morning of the election. The custodians do not have keys to the tabulator or ballot box. The City Clerk's Office does not necessarily know which individual will be performing this task.
- **Community Work Services**—employees of Community Work Services and their supervisors test all ballot marking pens and bundle the Provisional Ballot envelopes in groups of ten.
- **Movers**—Mad City Movers works in conjunction with City Clerk staff to deliver the tabulators, AutoMark terminals, and ballots to each polling place.
- **Help from Other Departments on Election Day**—employees from other city departments, the Mayor's Office in particular, offer to help with any special needs that arise on Election Day. For example, when East High School was evacuated on November 7, 2006, and the Chief Election Inspector did not answer my call to her cell phone, the Mayor's Chief of Staff rushed to East High School to check on the situation, provide me with updates, and remind the Chief Inspector to answer her cell phone. Later that night I asked the city's Alcohol Policy Coordinator to go to Fire Station #1, where the Chief Inspector needed assistance in developing a better plan for traffic flow. Mayoral Aides also helped photocopy additional forms for poll workers to record the names and addresses of the 30,000 voters registering at the polls that day. The Director of the Department of Civil Rights has volunteered to be on call in case an interpreter is needed on election day.
- **Special Voting Deputies**—poll workers are deputized by the City Clerk's Office to deliver absentee ballots to nursing homes in the City of Madison.
- **Nursing Home Staff**—employees at each nursing home assist residents with their voter registrations and paperwork requesting a ballot, and post a notice of when the Special Voting Deputies will be at their facility. Each nursing home determines which staff person will perform these tasks.

- **Villager Mall Security**—employees at the Villager Mall guard our tabulators, AutoMark terminals and ballots, and control access to our storage space
- **Dane County Printing and Services**—Dane County employees print countless election materials for the City Clerk's Office, mail out all absentee ballots, and bind the poll books.
- **County Clerk's Office**—the Dane County Clerk provides the "Baseline Training" required for individuals to become certified as a Chief Election Inspector. The County Clerk's Office also gets the ballots printed, programs the tabulator prom packs and AutoMark memory cards, and compiles the election results.
- **Election Officials**—the City of Madison recruits and trains up to 1,200 eligible electors to work at the polls. The number of election officials will continue to rise as the city grows and adds additional polling places. Although the proposed Ordinance would not require the City Clerk's Office to determine whether election officials have been candidates, officers or directors of a political party, or officers or directors of a Political Action Committee or 527 Committee, the City Clerk's Office would clearly need to ensure that there are no illegitimate election officials working at the polls. It is unclear whether this Ordinance would affect a qualified elector who has engaged in campaign or political activity and asks their political party to appoint them as a poll worker for the City of Madison.
- **Individuals Recruiting Election Officials**—Individuals within the community help recruit their friends, neighbors, and/or employees to work at the polls. For example, when it looked like the City of Madison might not have enough poll workers last November, UW-Madison encouraged students to work at the polls and Governor Doyle encouraged state agencies to allow employees to work at the polls. The League of Women Voters has helped the City of Madison in poll worker recruited efforts.

Issues Regarding Full-Time City Clerk Staff

Questions have arisen regarding the effect this Ordinance would have on employees from other city departments who may bump into positions within the City Clerk's Office. Vacancies in the City Clerk's Office were filled through the bumping process in 2004 and 2007.

Members of my full-time staff have expressed additional concerns regarding whether this Ordinance will lead to oversight of what they read on their bus rides to and from work, and whether they will be able to continue patronizing the businesses that are licensed by the City Clerk's Office (particularly if the owner of an establishment has engaged in political or campaign activity).

I am personally concerned about being expected to keep track of what my employees are doing when they are off the clock. I have additional concerns that the amount of time spent developing procedures for the implementation of this Ordinance will reduce the amount of time I have available to improve current election procedures and prepare for the 2008 elections.

I have asked my staff whether they would be willing to take an additional Oath of Office at the beginning of each election cycle, and they have responded that they would have no problem doing so.