

October 31, 2013

To: Members of the Senate Committee on Elections and Urban Affairs
From: Senator Glenn Grothman
Re: Senate Bill 324

Thank you for scheduling Senate Bill 324 for a public hearing. Under current law, early in-person absentee voting has vastly different hours of operation based the municipality in which you are voting. Many citizens become confused when they can and can't early in-person vote.

Therefore, Representative Stroebel and I have introduced this legislation that will standardize in-person early voting. This will create consistency throughout the state, which will allow individuals and municipalities the ability to better plan their voting schedules.

Senate Bill 324 merely establishes the earliest and latest the clerk's office can be open. We know that many rural clerks do not have set hours, but rather take appointments to vote. The clerks are still able to continue with practice and these appointments are able to be outside of the 7:30am to 6pm window.

This legislation addresses the concerns that have been raised by many clerks, while still creating a standardized process throughout the state of Wisconsin. This bill will decrease confusion in the early in-person absentee process and give clerks the flexibility to still set their own hours within the 7:30am to 6pm window Monday through Friday as prescribed in the bill. Please join me in supporting this commonsense approach to reform the in-person absentee voting process.



DUEY STROEBEL

STATE REPRESENTATIVE • 60TH DISTRICT

SB 324 Testimony

Chairman Lazich, members of the Committee on Elections and Urban Affairs, thank you for holding a hearing on SB 324. I am the Assembly co-author of SB 324.

The hallmark of all elections is consistency and fairness. There are many election laws that ensure standards statewide. Unless we are to allow for voting twenty-four hours a day, seven days a week, some standards must be outlined to ensure that the voters in some communities do not possess a systemic advantage over voters in other communities in the form of longer voting hours. This principle is evident in our State's standardized voting hours on Election Day. Unfortunately, there is a lack of standards to ensure statewide equality in the process of in-person absentee voting.

Current law provides for in-person absentee voting to begin on the third Monday preceding an election and end on the Friday preceding the election without any other guidelines. Senator Grothman and I introduced this bill to provide for a statewide standard for in-person absentee voting of 7:30 am- 6 pm, Monday through Friday. SB 324 provides for up to 105 hours over 10 days preceding any election. Furthermore, in-person absentee voting can occur at any hour outside of this window by making an appointment with the city, town, or village clerk.

There are over 1800 municipalities in the State of Wisconsin that conduct elections. Of these, a person can count on one hand the municipalities that have not complied with the provisions of the proposed bill. Please note, nothing in the proposed bill changes anything relating to the practice of absentee voting by mail, a process already equally governed by statewide standards.

I suspect this committee will hear the claim that failing to offer voting hours at 7pm each weeknight, or weekend hours, is discriminatory or suppressing the votes of people who simply cannot find time to voter during a 10.5 hour timeframe every day for two weeks. This claim is belied by the actions of these municipalities in recent elections.

In a state where many voting municipalities do not have full time clerks or a clerk's office, let alone any hours of operation or evening and weekend hours, the City of Milwaukee, in the Fall 2012 General Election, was open for in-person absentee voting from 8:30 a.m. to 7:00 p.m. Monday thru Friday and 9 to 5 Saturday and Sunday. These hours were not matched in almost any communities around the state. Why should a voter from anywhere else in Wisconsin have less ability to vote than voters in Milwaukee? Should we say that the voters in the rest of



DUEY STROEBEL

STATE REPRESENTATIVE • 60TH DISTRICT

the state were “suppressed” due to the practices in places like Milwaukee? However, the very same municipality only needed to be open 8:30 to 4:30 Monday thru Friday for the Spring 2013 election with no evening or weekend hours. Was the vote “suppressed” in this election? The City of Madison had very similar hours for Fall 2012 and a similar discrepancy for Spring 2013 as Milwaukee.

We are all aware lines can and do form at the polls during election. With the up to 105 hours of in-person absentee voting hours provided for under this bill, it is and always has been up to the local municipalities to see that sufficient facilities and resources are available to meet the needs of its voting public. Going down the “long lines” path against SB 324 using this logic is insincere.

It was not too many years ago that the process of in-person absentee voting did not exist as we know it today. Standardizing this process will give every Wisconsinite, regardless of where one lives, the equal opportunity to vote. Equality in voting is a fundamental principle SB 324 is seeking to defend. Thank you and I urge the committee to recommend SB 324 for passage.

Duey Stroebel

**Testimony of Kevin J. Kennedy
Director and General Counsel
Wisconsin Government Accountability Board**

Senate Committee on Elections and Urban Affairs

October 31, 2013

Room 425 Southwest, State Capitol

Public Hearing

Senate Bills 324 and 377

Chairperson Lazich and Committee Members:

Thank you for the opportunity to comment on the two bills before you today. I am appearing here for information purposes and to answer any questions you may have. The Government Accountability Board is not taking a position for or against either of these bills.

Senate Bill 324

Senate Bill 324 would set specific times during which people could vote absentee in the clerk's office. In-person absentee voting would generally be limited to Monday through Friday between the hours of 7:30 a.m. and 6 p.m. However, the bill includes an exception allowing a voter to make an appointment with the actual city, town, or village clerk to vote absentee after 6 p.m. or anytime on the Saturday or Sunday in the middle of the two-week, in-person absentee voting period. It would not permit absentee voting in the clerk's office on the weekend before Election Day.

This legislation has been promoted as a means to ensure all voters in the state, no matter where they reside, have the same opportunity to cast an absentee ballot in-person. It does not address the disparate treatment and limited in-person absentee voting options

provided in smaller municipalities. The bill merely creates a 105-hour window in which Wisconsin's 1,852 municipalities may pick and choose what hours to be open.

While large municipalities with diverse populations such as Milwaukee and Madison will be constrained from serving voters who find it difficult to get to City Hall Monday through Friday between 7:30 a.m. and 6:00 p.m., small municipalities can continue to limit their hours to as little as an hour a day or close their offices for several days during the 10 days available for in-person absentee voting. While Milwaukee had expanded in-person absentee voting hours to serve the 36,349 voters who came to cast a vote in-person at City Hall, the City of Platteville clerk's office is generally closed on Fridays. It was open the Friday before the November 6, 2012 election. In many municipalities the only way to cast an absentee vote in-person is to track down the municipal clerk and make an appointment because there are no regular office hours.

The proposed legislation is trying to balance competing interests. While trying to bring a level of uniformity to the absentee voting process, it also seeks to preserve local control for municipalities to best serve its citizens. The purpose of in-person absentee voting is to provide a means for citizens who have difficulty getting to the polls on Election Day to cast their ballot in a secure and public manner.

I recommend that the Committee consider expanding the window to permit in-person absentee voting between 7:00 a.m. and 8:00 p.m., the same hours the polls are open on Election Day. This provides up to 13 hours of in-person absentee voting on 10 business days. In addition, municipalities should be able to provide in-person absentee voting on the weekend between the two weeks preceding the election. This provides all municipalities with the flexibility to serve a diverse range of voters with the opportunity to cast an in-person absentee ballot while providing a standard window for casting absentee ballots. Municipal clerks were most concerned with ending absentee voting on the Friday before Election Day and are generally pleased with that current provision because it permits them to focus on preparing the polls and other Election Day responsibilities.

The proposed legislation also presents some local control issues by limiting appointments for absentee voting outside the proposed 10-and-a-half-hour, 10-business-day window created by the bill. The bill provides that an appointment may only be made with the clerk, not a member of the clerk's staff. This limitation puts an undue burden on a single person and does not account for the scenarios where a clerk may be unavailable due to outside commitments, family matters or illness or a vacancy in the clerk's office. If the Committee adopts the proposed change I have suggested with up to 13 hours of voting over 12 days, the need for appointments outside this window is diminished.

The bill also appears to remove the appointment process in Milwaukee from the Election Commission and places it with the city clerk who does not have any current statutory election-related responsibilities. See Section 2, page 3, line 1. Current law includes the executive director of the Milwaukee City Election Commission in the definition of municipal clerk. Wis. Stat. §5.02 (10). Section 7.21 of the Statutes, the provision excepted from the appointment process, assigns the election-related duties of the municipal clerk in Milwaukee to the City Election Commission Members and its executive director. This language can be struck and eliminate this source of confusion.

Senate Bill 377

Senate Bill 377 creates requirements for municipalities, counties and the Government Accountability Board (G.A.B.) to make public reports about the number of address verification postcards that are returned as undeliverable after an election. As you know, whenever someone registers to vote on Election Day, that voter is sent a postcard to verify the accuracy of the registration address. This is one of several safeguards in place to monitor the integrity of Election Day Registration (EDR) procedures. For a number of reasons, some of those postcards come back to the clerk's office as undeliverable by the post office.

Under this bill, in addition to the other election-related statistics that the municipal clerk must submit to the county, no later than 60 days after an election, the municipal clerk must provide the total number of postcards sent to electors to verify that the addresses

they provided on election day are correct, the total number of such postcards returned as undeliverable, and the total number of electors whose status was changed from eligible to ineligible on the registration list as a result of the audit. The bill also requires the G.A.B. to publish this information on its Internet site once it receives it from the county. In addition, if G.A.B. performs the audit, G.A.B. must publish on its Internet site the total number of postcards sent to electors, the total number of postcards returned as undeliverable, and the total number of electors whose status was changed from eligible to ineligible.

The legislation presents a number of logistical problems for the G.A.B. and local election officials. The statistical reporting process described in Sections 6.275 and 6.276 have been moved from a paper-based reporting system to a web-based reporting system. Municipal clerks no longer fill out separate paper forms submitted in duplicate to the county clerk. Instead, the G.A.B. has designed a web-based portal that enables municipal clerks or their Statewide Voter Registration System (SVRS) providers to enter the election statistical data electronically. This allows for more accurate, accessible and efficient collection of the data following each election. These statutes should be revised to reflect this process.

There are a number of reasons why a confirmation post card may be returned as undeliverable. It is not just because the address provided by the voter was incorrect. The voter may have been residing at the address on Election Day, but moved to a new address after Election Day when the confirmation mailing was sent. Often there are data entry issues when the registration form is entered into SVRS. Many times a voter may have their mail held because they are temporarily away. In those cases the confirmation mailing will be returned with the notification "temporarily away." Another significant reason for returned post cards is postal service error. As a result, the number of undeliverable postcards is generally higher than the number of voters inactivated or referred to the district attorney.

In practice the 60-day reporting period is too short to provide a complete picture of the number of voter registrations that may be inactivated because of the confirmation

mailing. Postcards cannot be mailed until the data is entered into SVRS, and the amount of time it takes for an undeliverable postcard to be returned can vary significantly. Each of the reasons described earlier needs to be investigated by the municipal clerk to determine why the confirmation mailing was returned. Local election officials struggle to meet the deadline to enter voter history including EDR. Current law allows 45 days with an additional 15-day extension to record this information in SVRS. Wis. Stat. §6.33 (5)(a).

Many local election officials struggle to meet the current 30-day reporting requirement for other election statistics. I am certain, they would like more time and consistency for reporting deadlines.

While the law permits the G.A.B. to conduct the confirmation mailing on behalf of the municipal clerk, the agency does not assume all of the post-election audit duties of the municipal clerk with respect to these mailings. It is cost efficient and practical for the G.A.B. to sort the names, print the post cards and mail them on behalf of the municipal clerks. However, it is not practical or cost effective to have the undeliverable post cards returned to the G.A.B. because the follow up needs to be done at the local level.

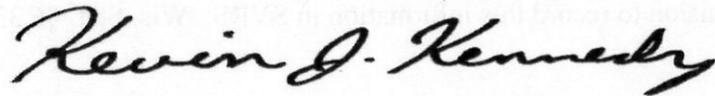
The G.A.B. will also have to make changes in SVRS and the Wisconsin Elections Data Collection System (WEDCS) to make the information on undeliverable confirmation mailings for EDR voters available. There are other confirmation mailings that result in inactivating a voter's registration. SVRS will have to be modified to differentiate among those processes.

We currently post monthly reports on the number of registered voters by county and municipality on our website. We also provide detailed SVRS data in our Election Division updates that are submitted to the Board and the public for G.A.B. meetings. The agency may be able incorporate information about confirmation mailings in those reports as an alternative to developing a separate report.

Conclusion

Thank you for the opportunity to share my thoughts with you. I hope this testimony will help inform the Legislature's consideration of these bills. As always, we are available to answer questions and work with you in developing proposed legislation.

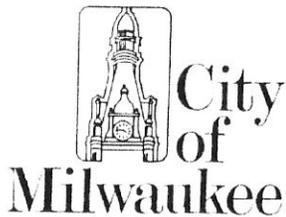
Respectfully submitted,



Kevin J. Kennedy
Director and General Counsel
Wisconsin Government Accountability Board

608-261-8683
608-267-0500 (Fax)

Kevin.Kennedy@wi.gov



Board of Election Commissioners

Commissioners
Stephanie Findley
David H. Redemann
Robert F. Spindell, Jr.

Executive Director
Neil V. Albrecht

City of Milwaukee Election Commission
October 31, 2013

Senator Mary Lazich, Chair
Senate Committee on Elections and Urban Affairs

Dear Members of the Senate Committee on Elections and Urban Affairs:

Thank you for the opportunity to provide testimony at today's public hearing. Unfortunately, due to prior commitments I am unable to appear in person. The City of Milwaukee is opposed to SB 324.

As I previously testified on AB 54, the City's concern relates to the reduction in hours for voting an absentee ballot in person. Throughout the seven chapters of state law that govern elections, there are aspects of uniformity and aspects of autonomy. Some procedures are very specific, such as the production of voter lists and issuing and recording a voter number when an elector votes. Many others offer autonomy to Wisconsin's unique and effective model of administering elections on a municipal level, including the selection of the number and location of voting sites and whether or not to employ the services of Special Registration Deputies. That autonomy recognizes that there are unique differences in voting access needs between urban and rural settings, small and large municipalities, people that are retired and working families, and other nuances. It then allows municipalities, when appropriate, the ability to offer voting access in a manner that meets the unique needs of their residents, particularly the needs of working families where the scheduling conflicts of working a full day, picking up kids after school and juggling other responsibilities can be the most significant road block to voting a ballot. For example, the City's hours during the 2012 election were 8:30-7:00, Monday through Friday. The number of hours each day, 10 and one half, is the same as proposed in the bill, but we feel we should be able to set those hours based on the needs of our residents. Obviously, offering weekend hours is important for workers who work during the prescribed hours.

Wisconsin consistently celebrates one of the highest voter turnout rates in the country, second only to Minnesota. This remarkable level of voter participation is accompanied by voter trends, one of which is to avoid the often long lines associated with an election day. In Milwaukee, the number of in-person absentee votes has risen from 5,000 in November 2000, to 35,000 in 2012. The effectiveness of our administration of this process has helped significantly in reducing crowding at voting sites on Election Day, making for a positive voting experience for all voters.

No municipal clerk in the State of Wisconsin has been required to offer extended hours for in-person absentee voting. Rather, recognizing the unique needs and challenges of every municipality, clerks have been afforded the autonomy to develop a voter access plan that meets the unique needs of their residents. I would ask that we all remember that, until just last year, in-person absentee voting was available for three weeks prior the election, including three weekends and the Monday preceding the election. Subsequently, it was reduced to two weeks, one weekend, and eliminated voting the Monday before the election. Eliminating this autonomy in the name of uniformity doesn't make elections fairer. However, a further reduction in hours will reduce voter participation of voters with long work days, and, increase crowding at every voting site on Election Day.

Additionally, the bill was drafted in the name of standardization but it doesn't require municipalities to offer these hours, instead it restricts the hours that municipalities may receive these absentee ballots. The bill language as it relates to the weekend appointment setting process appears to specifically exclude Milwaukee because our city clerk does not administer or have any role in elections. Rather our elections are administered by the Executive Director and the Board of the Election Commission.

Thank you for your consideration of our concerns and I urge you to oppose SB 324.

Respectfully submitted,



Neil Albrecht, Executive Director

TO: Members, Senate Committee on Elections and Urban Affairs
FROM: Scot Ross, Executive Director One Wisconsin Now, One Wisconsin Institute
RE: Senate Bill 324, Limitations on the hours of early voting in Wisconsin
DATE: October 31, 2013

Chair Lazich and members of the Senate Committee on Elections and Urban Affairs, thank you for the opportunity to provide testimony on Senate Bill 324, legislation to limit early voting in Wisconsin.

Wisconsin has enjoyed some of the highest rates of voter participation in the nation, a statistic of which we are rightfully proud.

Unfortunately Senate Bill 324 would take our state in the opposite direction.

In no uncertain terms this bill will make it less convenient for hundreds of thousands of Wisconsin citizens to do their civic duty and cast a vote to have a say in the future of their community.

That is exactly the opposite of what our government ought to be doing.

In November 2012 nearly 400,000 Wisconsin residents took advantage of early voting and roughly one in four ballots cast in 2008 were cast early.

Several local clerks, including those in the City of Milwaukee and Madison, responsible for administering elections offered extended hours for voting to allow working people to participate in democracy and cast their vote after work or on weekends. Among faith communities, churches organize non-partisan weekend voter participation drives to increase community involvement in voting.

This bill will make these initiatives to help citizens to participate in elections all but impossible.

Wisconsin's electoral system has been found to be among the best in the nation according to non-partisan analysts, in part due to measure like early voting that increase electoral participation.

The evidence, or more appropriately, lack thereof, does not support the myth of widespread impropriety by voters that some supporters of this bill have used to justify onerous new restrictions making voting more complicated and less convenient.

Certainly it is not fair to bar local election officials in urban areas, where long lines commonly challenge hard-working Wisconsinites electoral participation, from voluntarily taking steps to help their fellow citizen vote.

In response to the thinly veiled racism and underhanded manipulation of voting rules that Senate Bill 324 embodies let me say to you today, stop it! The voters of Wisconsin are not the enemy.

Legal voters doing their civic duty and voting is not a problem, it is a public good. And voting ought to be encouraged, not attacked with onerous new laws that serve no purpose but to attempt to disenfranchise potential political opponents.

The sad fact is that the real fraud in elections in Wisconsin is politicians manipulating the rules on voting to gain a partisan advantage. I hope, as our elected officials sworn to uphold our state Constitution you will have no part of that shameful act and reject Senate Bill 324.



WISCONSIN SENATE BILL 324

Project Vote submits this testimony in opposition to Senate Bill 324. Project Vote is a national nonpartisan, nonprofit organization that promotes voting in historically underrepresented communities. Through its research, advocacy, and direct legal services, Project Vote works to ensure that these constituencies are able to fully participate in American civic life by registering and voting.

Senate Bill 324 (hereinafter “SB 324”) would change the availability of absentee in person voting for Wisconsin voters—for the worse. Currently, a voter may apply to the municipal clerk to vote by absentee ballot at any time between the third Monday preceding the election and the close of business on the Friday before the election. This year, for example, the period would run from October 21 through November 1, a total of 12 full days, including two weekend days. Under the proposed amendment, applications in person could only be made during that period on Monday through Friday between the hours of 7:30 a.m. and 6 p.m. This year, that would mean only 10 days, with limited hours and no weekend days, and the window would close at 6 pm on November 1, even if the office were open later.

Though “after-hours” or weekend appointments (prior to the weekend before the election) with the clerk would be an option under SB 324, as a practical matter, working people and people of limited means will find it much more difficult and intimidating to avail themselves of this option. Even if a jurisdiction wanted to receive absentee ballot applications beyond this strict schedule—close to the election, when the office is likely to be staffed anyway—it would not have the option to do so under SB 324.

The most obvious question is, why? Like every state that has the option of early and/or absentee voting, Wisconsin has seen the rising popularity of voting in advance of Election Day. Americans’ busy and complicated lives make these alternatives *more* desirable, not less. And since election offices are already well staffed in the weeks prior to Election Day, any fiscal factor owing to accepting applications beyond normal business hours would be trivial at best.

Unfortunately, the only realistic explanation for SB 324 is that Wisconsin legislators are being asked to participate in the lamentable nationwide trend of making it harder to vote, especially for those voters from the most historically marginalized demographic groups. Project Vote urges you to resist this trend and instead work toward *greater* voter participation and *more* opportunities to vote. Your country will thank you for it.

Estelle H. Rogers, Esq.
Legislative Director - Project Vote
erogers@projectvote.org



LEAGUE OF WOMEN VOTERS® OF WISCONSIN
EDUCATION NETWORK

612 W. Main Street, #200
Madison, WI 53703-4714

Phone: (608) 256-0827
<http://www.lwwwi.org>

October 31, 2013

To: Senate Committee on Elections and Urban Affairs

Re: Opposition to Senate Bill 324

The League of Women Voters is a nonpartisan organization which has held for 93 years that voting is a fundamental citizen right that must be guaranteed. Our position is based in the League's founding by the leaders who won the right to vote for women. We believe our nation and our state are better when more citizens are active and informed participants in their government.

The proposal you are considering today would severely limit the hours when municipal clerks may offer in-person absentee voting for their constituents to no more than 24 hours a week, essentially during business hours, for a two-week period prior to an election. This would reduce the opportunities for voters across the state who have daytime jobs, family obligations or frequent travel commitments. Further, there is not justification for state intrusion on the ability of local clerks to provide excellent public service to encourage their constituents to vote.

Proponents claim SB 324 would create uniformity around the state, but it would not. By treating all municipalities equally, it would favor voters in small communities where a clerk serves a couple of hundred residents rather than a couple hundred thousand. In addition, the proposal does not say that all clerks' offices shall be open 24 hours per week; rather it says they shall be open *no more than* 24 hours per week. Thus it sets a maximum level at which clerks may serve their constituents, not a minimum level.

Limiting early voting to business hours would complicate the lives of the many part-time municipal clerks in our state who have "day jobs" and perform their clerk duties off-hours. How will they serve their constituents, who also may work during business hours? This proposal imposes a statewide, cookie-cutter solution to a nonexistent problem.

It makes one wonder what Wisconsin voters have done to deserve yet another restrictive voting law. Wisconsin consistently ranks near the top nationally for clean, efficiently administered elections with high voter participation. Federal and state investigations have not substantiated the rumors of voter impersonation that proponents of restrictive laws often cite.

If you propose to take away citizen rights, the burden of proof is on you. How can you justify taking away rights based on unsubstantiated stories or circumstantial evidence?

If anything, lawmakers should be working to make registration and voting more accessible to all qualified citizens. Surely you can find more positive ways to improve our Wisconsin elections.

Thank you.

131 West Wilson Street, Suite 303
Madison, WI 53703
(608) 630-9575



**Testimony of Lisa Subeck
Executive Director, United Wisconsin
SB 324**

Senate Committee on Elections and Urban Affairs, 10/31/13

Chair Lazich and Committee Members,

My name is Lisa Subeck, and I am the Executive Director of United Wisconsin, a grassroots organization of over 200,000 Wisconsin citizens committed to supporting Wisconsin's longstanding tradition of democracy in action. On behalf of our members, I am here today to urge you to reject Senate Bill 324.

The right to vote is at the core of our freedom in a democratic society. In our representative democracy, it is imperative that every citizen has the opportunity to cast her or his vote to determine who will represent us at all levels of government. If one is unable to cast a vote as part of that decision making process – whatever the reason – do we not chip away at that individual's freedom?

Wisconsin has a longstanding tradition of making the ballot more, not less, accessible to our citizens. In some municipalities, voters are offered the opportunity to cast their votes in person at the local Clerk's office during extended hours. For someone who is unable to leave work during traditional office hours, or for someone who cannot afford to lose pay to go vote, these non-traditional hours may be the difference between voting or not. Every eligible citizen has the right to vote, and limiting access for some only works to impede their ability to exercise this fundamental right guaranteed by Wisconsin's Constitution.

As someone who also serves on the City Council in Madison, I am proud of the efforts our Municipal Clerk has made to ensure more citizens can engage in voting. In some smaller municipalities, it may be very practical for the Clerk to schedule appointments with those unable to cast their votes during traditional hours, as SB 324 allows. However, in a larger city, this is highly impractical, given that one Clerk would be unable to meet very high demand. The limitations in this bill fly in the face of local control and do not take into account that a one-size fits all solution does not work for every city, town, or village.

Democracy only works when every eligible citizens has not only the right, but also the ability, to vote. Senate Bill 324 turns back the clock on Wisconsin's proud tradition of expanding access to the ballot. I urge you to reject SB 324 and any other attempt to restrict voting access through new restrictions on in-person absentee voting.