



Mary Lazich

State Senator - Senate District 28

Joint Legislative Audit Committee Government Accountability Board Audit Testimony January 14, 2015

Thank you very much Chair Kerkman and Chair Cowles for granting this audit. And thank you to the Legislative Audit Bureau (LAB). We all have confidence in their work, their objectivity, and their insights.

The LAB did find some bright spots. Providing training opportunities to clerks is in the right direction. Suggestions from the LAB for tighter record keeping to ensure all election officials are trained are correct. GAB's staff philosophies to get compliance rather than punitive measures in the area of reporting requirements is a good thing. It should not be a game of "gotcha" for people to comply with laws to run for office and to remain in office. It should not be a game of "gotcha" for lobbyists and principals that employ lobbyists to comply with laws. The recommendations for more precise procedures to ensure compliance are good recommendations. I understand GAB will embrace these recommendations. The GAB should not be afraid and should be required to memorialize the procedures used currently to ensure compliance. Written procedures used appropriately level the playing field and allow for greater transparency. Having the written procedures in place will go a long way to instill confidence with the public.

My concerns and questions about the audit are the inconsistencies applying rules and laws, staff not following laws, staff not complying with board directives, and staff not providing adequate communication to the board. The lack of information available to auditors that should have been available is astonishing. The audit presents a picture of an incomplete audit because many day-to-day activities and documentations that should be available in any government entity are not available. The audit is peppered with statements that GAB staff was unable to provide information to the auditors. The LAB and GAB both recommend a legislative fix to the unavailable information. I agree legislation is required to make information accessible and give us a clearer picture of workings at the GAB.

The audit presents a picture that parts of the organization are shoddy. I validate the recalls increased demands on the staff. The recalls of 2011 and 2012 undoubtedly created a strain. The recalls do not provide adequate excuse for certain weaknesses identified by the LAB. The recalls do not explain the failure of staff to promulgate administrative rules as directed by the GAB on three separate occasions before any thought of recalls entered the scene. The recalls do not explain the failure to develop written policies for many of the everyday activities of the GAB, such as handling complaints. The recalls do not explain the failure of GAB staff to publish online opinions to better ensure compliance with the law.

At the end of the day, I am very concerned about the double standard of working with folks to get compliance, which is a good thing, and pushing, participating, or whatever was done to pursue John Doe investigations. The details of the investigations are not part of this audit. And again, I thank and compliment the Co-Chairs in their efforts to get legislation before us so we can get a complete audit.

While much of the information was not available to the LAB, the successes cannot cause us to overlook the systemic failures. The audit cites failure after failure to comply with recording requirements, publishing requirements, promulgation of rules, clear precise procedures expected in any government organization. The question we must ask ourselves is can the GAB do a better job and can the legislature do a better job to ensure these vital functions of government are being performed in the most open, transparent, and fairest way possible.

I validate that the GAB is a relatively new organization. We, the legislature should have had the foresight to create an organization with people in place that are numbers, procedures, and methodology gurus. This reminds me of the time we had a debacle at the State of Wisconsin Investment Board (SWIB). And we had to go in and revamp the agency inserting checks and balances. That place, SWIB, seems to be running fine ever since.

To summarize, I think the first forty-five pages of the audit are somewhat complimentary about training. However, the potential for felon votes, deceased votes and error rates in electronic voting equipment are concerning. While the audit is complimentary about training, we do have a lot of work to do to ensure the laws are followed, and that there is uniformity.

Another complimentary part of the audit is about disabled accessibility to polling locations. There were accolades for the accessibility audits and the work GAB does to guarantee accessibility. That is a good thing. However, I am concerned about the accessibility of observers. I observed, observers in a cramped, crunched space. They had an area not exactly within the intent of the law maybe one would argue the letter of the law. We have issues we need to address to ensure accessibility of observers is maintained and protected in the same way disabled poll accessibility is protected.

The next section about campaign finance laws and the lobbying, I have expressed my concerns about the double standards and inconsistencies.

The lack of procedures for handling complaints involving the election process is troubling. The LAB found GAB did not have sufficient information for 1,334 complaints. Perhaps a large reason for the lack of information is the lack of a written policy about complaint processing by GAB staff. The LAB determined only 56.4% of election related

Joint Legislative Audit Committee
January 14, 2015
Page Three

complaints reviewed by LAB were resolved. The GAB responded the complaints were handled informally. The public is very concerned about that complaint process.

After my testimony here and I take my place back as a member of the committee, I recognize my questions are far too numerous to be answered in this setting. Almost every single page begs a question and we have our work cut out for us. And I am sure I will get questions answered along the way. But again, I thank the Co-Chairs again for making this audit possible. I thank the Audit Bureau for the work they were allowed to do. I thank the Co-Chairs for the efforts to get LAB access to all records. I look forward to approving the legislation the co-chairs are working on to get us to a complete audit.

M. Devenny
40578 County Rd W
Blue River, WI 53518

JAN 20 2015

January 15, 2015

Representative Samantha Kerkman
P.O. Box 8952
Madison, WI 53708

Dear Representative Kerkman:

I am a former Clerk of the Town of Scott, Crawford County. I was the clerk when voter registration and the SVRS system went into effect. Throughout that whole process which included clerk training, new forms, new requirements, and many hours of training our local poll workers, the GAB was there for us. The assistance, information and guidance provided by the Government Accountability Board were invaluable.

In addition, when our Town went through a recall period of our own several years ago, the calls to the GAB were answered immediately and their knowledgeable staff provided the correct answers, not just the answers I would have like to hear. In addition, their gentle guidance helped to "calm the waters" as other town residents were also calling them and receiving the same answers. I was especially impressed when Mr. Kennedy himself answered the phone and mentioned he was taking his turn on the phone lines.

While I don't know who makes the "short list" that the Governor chooses from currently to put on the Government Accountability Board, it seems to me that a list of judges would be the perfect people to understand the legalities of election law. I also believe that it is crucial that the important work of the GAB be administered by a *completely* non-partisan board. That is an essential strength of the oversight function that the GAB is required to perform. I have heard that the Wisconsin GAB is a standard by which other states with similar agencies are judged. We are proud of the work they do and the example they have set. I urge you to not consider making any changes in that structure.

Sincerely,



Mary Devenny
Former Clerk, Town of Scott
Crawford County, Wisconsin

cc. Government Accountability Board
212 E. Washington Avenue
P.O. Box 7984
Madison, Wisconsin 53707-7984

Joint Legislative Audit Committee Hearing Re GAB
January 13, 2015

This Audit of the Government Accountability Board and its procedures needed to be conducted and is long overdue. I thank Senator Lazich and Representative Bernier for calling for this audit. The GAB was created by the Legislature in 2007---8 years ago. I hope not all State agencies go without a thorough audit for that long a period of time.

This audit itself was apparently limited by statutory language which prevented the Audit Bureau from obtaining access to all the information it needed to review agency operations. I would suggest that the Legislature re-evaluate those statutory limitations. The GAB is funded by tax dollars and is permitted to meet in closed session to discuss and vote on issues in those closed session. Unlike other State agencies under the State Open Meetings Laws, certain decisions/votes taken by the GAB in closed session are never subjected to daylight. How a complete audit can be conducted without access to votes of the Board to implement those decisions made in closed session seems contrary the purpose of the Open Meetings Law.

To whom or what is the Government Accountability Board accountable? The Legislature that created the Board needs to be able hold the GAB accountable.

Has the GAB met its administrative election responsibilities as statutorily determined by the Legislature? The Wisconsin State Voter Registration System (SVRS) is a primary reason GAB was created. Does the SVRS really provide an accurate and up-to-date record of all legally registered Wisconsin voters? Do GAB administrative rules and training manuals follow the intent of the statutes they are intended to implement? If campaign finance laws need clarification, has this issue been raised with the Legislature? This audit is opening a window to get answers to some of those questions.

Since October of 2008, I have attended most of the Government Accountability Board regular meetings. I often speak in the "Public Comment" time at the beginning of the meeting as a voter and concerned citizen on the agenda items for that meeting. For this hearing today, I cannot address all the many concerning issues covered in the audit but there are many. However, over the past 6 plus years questions have been raised by myself and other citizens who were in attendance at GAB meetings:

- Questions were raised about the number of clerks who were apparently unable to or choose not to send out the required post cards to verify the validity of new voter registrations. As that was a statutory responsibility of clerks, enforcement of that law should have taken place as soon as the problem was noticed by the GAB. Eventually, the GAB staff took over sending out the verification postcards.
- The issue of how the SVRS system kept track of the felon list and how that list was communicated to the clerks and poll workers has been raised. To read in the audit that the Staff had not done statutorily required post-election reviews to identify individuals with on-going felony sentences who may have voted in 16 previous elections, from 2010 through April 2014 was surprising to put it mildly. This was a technology issue that took an unusually long time to resolve.
- The issue of names of deceased relatives remaining on the live voter rolls within SVRS was brought up during "Public Comment" at Board meetings by family members who became aware

of this. Some found that the best way to get the name removed was to go to their local clerk to get the name removed. If family members were unaware of this situation, the name of a deceased family member would remain on the live voter rolls and could be voted.

- The GAB staff accepts the responsibility to field citizen complaints. The Board has not required that they, the Board, receive and review these complaints on a regular basis. The Board is uninformed about issues raised by the very people the agency is serving—the voters. Once an opinion is rendered by a staff member on a question or complaint raised by a member of the public, a record of that opinion should be available not only to the Board members but to the public. The resolution of the complaint or question then is a matter of public record for all to review.

Taxpayer funds support the work of the Government Accountability Board and its staff. Whether the money is federal or state the source is the same, people's taxes. The decisions on what projects the staff should spend time needs to be prioritized to ensure that all statutory responsibilities of the Agency are met. Other projects that the staff wants to spend time and money on should be approved by a vote of the Board based on cost/benefit analysis of the project. As Federal funds that have been available for the past 6 plus years are running out, staff positions will need to be reconsidered based on a cost/benefit analysis. Meeting GAB statutory responsibilities must remain the priority.

As a voter who cares about the integrity of Wisconsin's elections, I hope this serious review of the performance of GAB will continue. The public requires that the conduct of it elections be done by an entity or entities that can and are held accountable by our elected representatives. The question remains should it be done by one agency with two divisions—elections and ethics or two separate agencies?

To me, as a member of the voting public, the most important factor at this point is that the public is able to trust that the administration of our elections process is non-partisan and follows the law. Our Legislators are the ones we must hold accountable for the conduct of the GAB.

Thank you for considering my comments
Mary Ann Hanson
3740 Mountain Drive
Brookfield, Wisconsin 53045

My name is Susan Maguire from Grafton WI.

After reading through the Government Accountability Board audit report specific sections, "Compliance with Training Requirements" and "Other Local Election Officials" on pages 21-22 it became clear to me that what I have experienced firsthand as an Observer in managed-care facilities since 2012 in Ozaukee and Milwaukee counties, is the result of inadequate training of Special Voting Deputies who conduct voting in managed-care facilities. Even before this audit, it was obvious to me that procedures and state statutes were not being followed as laid out in the Absentee Voting in Residential Care Facilities and Retirement Homes Manual and the Wisconsin Election Manual by Special Voting Deputies. As a result I have attended GAB meetings in Madison to testify to the Board about what I have observed and encouraged them to look at more statewide training and webinars specifically for the Special Voting Deputies at managed care facilities. This GAB audit confirms - "the GAB has not promulgated statutorily required rules regarding the contents of training for election inspectors and special voting deputies." Pg. 21 Perhaps this has left an impression on city clerks that this training was not considered a priority.

Special Deputies take an oath, Oath of Special Voting Deputy (GAB-155) indicating their obligation to carry out this important job. It is imperative for SVD's to be trained using the most current manual titled, Absentee Voting in Residential Care Facilities and Retirement Homes in order to carry out this oath. Because I am an Observer, and take my responsibility to protect the resident's right to cast his/her vote I am aware of the Special Voting Deputy responsibilities and the voting process.

The inappropriate or unlawful events/actions I have observed are

1. on multiple occasions an aid employed by the managed care center or aid employed by the resident tell the resident who to vote for
2. an aid mark the ballot for the resident (the only ones able to assist a voter is an SVD or family member)
3. SVD's incorrectly read a ballot for example provide information such as who the incumbent candidate(s) is/are, how long the incumbent has been in office
4. SVD's accept an absentee ballot from a resident that is already sealed in a certification envelop that did not have a witness signature on the envelop
5. manage care center facility(ies) not displaying public notice indicating voting dates
6. SVD's not going to each eligible resident to ask them if they wanted to vote – only residents who came to the voting area voted – for example there may be 35 eligible residents who requested absentee ballots, but if only 9 came down to vote, the SVD's did not go to their rooms to ask them if they wanted to vote

7. town/villages did not schedule a second visit to a managed care center to ensure all those who were eligible to vote were able to vote
8. ballots not secured after voting had ended – I observed them being put in the trunk of the SVD's car in a clear plastic bag.
9. SVD's not sure when they are considered "assisting" a resident complete a ballot
10. SVD's not signing the back of the ballot indicating they assisted the resident fill out his/her ballot

I have brought these things to the attention of the SVD's I observe and local clerk(s). We have a positive working relationship and have made corrections to various situations. I have shared pages from the Absentee Voting in Residential Care Facilities and Retirement Homes manual with the SVD's– which none of the SVD's have ever seen.

There are many places throughout the state that conduct voting in managed care centers. If this is what I am seeing, what is happening in those places where there is no Observer? Where there is inadequate training of SVD's? It is troubling and brings in to question is the right of the voter to cast a ballot in a managed care center happening? Has the GAB done a disservice to the most vulnerable population of voters? I would have to say "yes". And I would have to add, thank goodness for Observers who want to protect the ability of our vulnerable senior citizens to cast their ballot.

Thank you

Public Hearing Comments Regarding
GAB Evaluation Report by Legislative Audit Bureau Committee
January 14, 2015

Thank you for the opportunity to share my thoughts with you today.

I greatly appreciate the efforts of the Legislative Audit Bureau and the subsequent report of the evaluation of the Government Accountability Board. I read with interest especially those areas pertaining to Deceased Individuals (p. 26...) and Complaints (p. 77...). When you receive a written report of my comments you will find attached my letter of complaint dated November 4, 2008 outlining my concern for potential voter fraud. It appeared that my mother who passed away on August 20, 2003 voted on April 4, 2004. Copies of both her death certificate and her State of WI Voting history are included. Although a GAB staff attorney investigated this incident, there was no resolution to my complaint. The GAB and municipal clerks share responsibility for maintaining the accuracy of the Statewide Voter Registration System. The audit mentions that "for year 2012-13 1,624 registered voters were deceased and their records remained active and the potential existed for others to vote in their names" (p. 27). One wonders if the committee had audited more than one year if that number would have sky rocketed -- after all, my mother was listed as an active voter from 2003 when she died to 2008 when I found her name on the SVRS. This sort of situation can be detected in the future by instituting one of the audit committee's recommendations --"requiring the GAB to review SVRS records after each election in order to identify and investigate instances in which votes were cast in the names of individuals who died before Election Day" (p. 29)

As a result of this experience, I have become an observer for absentee voting in residential care facilities as well a being certified as an Election Inspector and Special Voting Deputy. For the past three years, it has been clear to me that the rules under which the SVDs operate have been confusing at best and certainly inconsistent across my county. Operating under a Draft form of the GAB Manual for Absentee Voting in Nursing Homes, Retirement Homes and Adult Car Facilities including last minute changes has been difficult. These observations on my part support the findings of the audit committee -- that "GAB has not promulgated statutorily required rules regarding the contents of training for election inspectors and special voting deputies" (p. 21).

Having read the section of the evaluation report dealing with the Training of Local Election Officials, Complaints, and Maintenance of Voter Registration Records and having had personal experiences in each of these areas, I heartily concur with the committee's recommendations for improvement to the functions of the GAB.

One wonders, however, if the scope of the recommended corrections can be handled by the current set up of the staff under this board. Perhaps it would be better to consider a revamping of this state agency.

Thank you for your time.

Sachara Stueck

Election Division-WI Government Accountability Board
17 West Main Street, Suite 310
PO Box 2972
Madison, WI 53701-2973
November4, 2008

Dear Sir:

I would like to report a potential voter fraud situation. My mother, Roma Dahl, passed away on 8-20-2003. In going to the State of Wisconsin Voter Public Access web site (vpa.wi.gov) I was surprised to find her name and that she has a record of voting on 4-6-2004. I have attached copies from that web site and her death certificate as well. From 1997 until her death in 2003, she resided at Alexian Village, a retirement facility in Milwaukee.

My concern is that someone has used her name to vote in the past and may do so again today. In speaking with my friend, Mary Buestrin, I was informed it is up to the decedant's family to inform the Election Board of a death. I did not know that and wish there were more publicity regarding this issue and the value of this web site. I always assumed that the state took care to purge the voter role of deceased persons. I would be greatly in favor of a photo ID system in Wisconsin as a deterrent to voter fraud.

If there is more I should be doing regarding this issue, I would welcome some instruction. You may reach me at the address or phone number below.

Thank you in advance for your investigation into this matter. I look forward to being informed of a resolution in mother's case.

Sincerely,

Barbara Struck
10133 W. Hawthorne Road
Mequon, WI 53097
262-242-6622

Attachments:

- 1) Copy of death certificate for Roma Dahl
- 2) Print out of Roma Dahl's Voting History and Voter Information as found on vpa.wi.gov

cc:

- 1) Milwaukee City Clerk
- 2) Reince Priebus
- 3) Mary Buestrin
- 4) Alberta Darling
- 5) Jim Ott

State of Wisconsin Voter Public Access

Ho

[Voter Search](#) [Address Search](#) [Ballot Search](#)

Voting History

DAHL, ROMA W

Voting History

Date	Election	Method	Party
11/7/2000	NOVEMBER 7, 2000 FALL GENERAL ELECTION	At Polls	
2/20/2001	SPRING PRIMARY - FEBRUARY 20, 2001	At Polls	
4/3/2001	SPRING GENERAL - APRIL 3, 2001	At Polls	
2/19/2002	SPRING PRIMARY ELECTION - FEBRUARY 19, 2002	At Polls	
4/30/2002	SPECIAL GENERAL ELECTION - APRIL 30, 2002	At Polls	
9/10/2002	FALL PRIMARY ELECTION - SEPTEMBER 10, 2002	At Polls	
11/5/2002	FALL GENERAL ELECTION - NOVEMBER 5, 2002	At Polls	
4/6/2004	SPRING GENERAL ELECTION - APRIL 6, 2004	At Polls	

[Return to Voter Information](#)

STATE OF WISCONSIN
DEPARTMENT OF HEALTH AND FAMILY SERVICES
Certification of Vital Record

OZAUKEE COUNTY REGISTER OF DEEDS

160

STATE OF WISCONSIN
DEPARTMENT OF HEALTH AND FAMILY SERVICES
ORIGINAL CERTIFICATE OF DEATH

STATE FILE DATE

August 20, 2003

DECEASED'S NAME: **ROMBA, W.** LAST: **DAHL** SEX: **M** RACE: **W** DATE OF BIRTH: **September 19, 1918** PLACE OF BIRTH: **Ozaukee** STATE OF BIRTH: **Wisconsin** DATE OF DEATH: **August 20, 2003**

TIME OF DEATH: **3:03 AM** PLACE OF DEATH: **Mequon** COUNTY OF DEATH: **Mequon** DEATH CERTIFICATE NO.: **160**

RESIDENCE AT DEATH: **Columbia St. Mary's Ozaukee Campus** RESIDENCE STATE: **Wisconsin** RESIDENCE COUNTY: **Milwaukee**

DECEASED'S HOME ADDRESS: **10133 W. Hawthorne Rd. Mequon, WI 53097**

DECEASED'S MARRIAGE STATUS: **Married** MARRIAGE DATE: **1943** MARRIAGE PLACE: **Mequon, WI**

DECEASED'S OCCUPATION: **Homekeeper**

DECEASED'S MANNER OF DEATH: **Natural**

DECEASED'S CAUSE OF DEATH: **Acute renal failure**

DECEASED'S UNDERLYING DISEASE: **Ischemic cardiomyopathy with congestive failure**

DECEASED'S SIGNATURE: **Ronald A. Voigt**

DECEASED'S DATE OF SIGNATURE: **August 20, 2003**

DECEASED'S MEDICAL CERTIFICATE NUMBER: **1143 M6515 Pioneer Rd. Cedarburg, WI 53012**

DECEASED'S MEDICAL CERTIFICATE DATE: **August 22, 2003**

DECEASED'S MEDICAL CERTIFICATE SIGNATURE: **Dr. Daniel Jablonski**

DECEASED'S MEDICAL CERTIFICATE DATE: **August 20, 2003**

DECEASED'S MEDICAL CERTIFICATE SIGNATURE: **Dr. Daniel Jablonski**

DECEASED'S MEDICAL CERTIFICATE DATE: **August 20, 2003**



This is to certify that this document, which has a raised seal, contains a true and correct reproduction of facts on file with the Wisconsin Vital Records Office.

RONALD A. VOIGT
OZAUKEE COUNTY REGISTER OF DEEDS

1783625

AUG 25 2003

Date Issued:

THE FACE OF THIS CERTIFICATE HAS A BLUE/PINK/BLUE BACKGROUND ON WHITE PAPER - THE PAPER CONTAINS A VISIBLE CHAIN LINK WATERMARK - HOLD TO LIGHT TO VERIFY PRESENCE

To: The Honorable Robert Cowles, State Senator, Co-Chair, The Honorable Samantha Kerkman, State Representative, Co-Chair, and members of the Joint Legislative Audit Committee

Date: January 14, 2015

From: Kit Kerschensteiner, Disability Rights Wisconsin and John Shaw, Board for People with Developmental Disabilities

RE: Government Accountability Board Audit

Disability Rights Wisconsin (DRW) is the designated protection and advocacy agency for people with disabilities in Wisconsin, and the Board for People with Developmental Disabilities (BPDD) is the designated state developmental disability council. Together we have worked over the past 12 years to ensure that eligible voters with disabilities understand their voting rights and are able to cast a ballot free from barriers and discrimination.

As a means of accomplishing these goals, we have had the pleasure of working closely with the Government Accountability Board over the past several years on a number of projects including;

- Development of the Polling Place Accessibility Survey to ensure that all polling places in the state of Wisconsin are accessible for all individuals with disabilities;
- Helping individuals understand their rights in the voting process through several voter education projects including the creation and distribution of our most popular voting guide "Voting in Wisconsin: A Guide for Citizens with Disabilities"; and
- Supporting poll workers to have a better understanding of best practices in helping individuals with disabilities vote through the creation of several instructional videos presented through the perspective of people with disabilities.

BPDD and DRW support the GAB's current practice of conducting on-site surveys of polling places on Election Day to improve access to the polls for people with disabilities. Between April 2011 and April 2013, GAB identified 10,488 issues at polling places across the state, including over 3,786 high severity issues. While disability advocates were concerned by the high number of incidents, the Disability Vote Coalition was pleased that the results identified the number of issues at each local precinct, providing more accurate information on which areas of the state need the most attention.

Our analysis of the polling place issues that affected people with disabilities found the cause of these problems to be the public's general lack of knowledge of the difficulty individuals with disabilities have in participating in the voting process. GAB assessed

these problems, came up with some simple solutions and has been able to make sure that these problems are addressed. This has made the voting experience for a good number individuals with disabilities much better. If the GAB accessibility audits had not been done, voting for many individuals with disabilities would continue to be more difficult.

Wisconsin's GAB Accessibility Audit is a low-cost model program that works to assure that individuals can easily exercise one of their most fundamental constitutional rights. Wisconsin is the only state in the country that we know of where the state elections entity has taken a lead role to ensure that polling sites are accessible. In short, we believe that this project is one to be proud of. It sets our state apart from other states and is an example of how a state can work to make voting accessible to all voters.

Both DRW and BPDD support continued funding for GAB's Accessibility Program and especially the Accessibility Audit Program so Wisconsin can continue its exemplary progress toward assuring that all its citizens have an equal, barrier-free opportunity to vote.

If you have any questions for us, we can be reached at kitk@drwi.org (608/267-0214) or john1.shaw@wisconsin.gov (608/266-7707).



January 13, 2015

The Honorable Robert Cowles
State Senator
P.O. Box 882
Madison, WI 53707

The Honorable Samantha Kerkman
State Representative
P.O. Box 8952
Madison, WI 53708

RE: Public Hearing on GAB

Dear Honorable Cowles and Honorable Kerkman,

Election Systems and Software (ES&S) has the honor of supplying voting systems for numerous jurisdictions across the State of Wisconsin. We have been doing business in Wisconsin for over 25 years.

ES&S interacts with State Election Authorities in 45 states across the nation. Each of these States has its own individual requirements and rules regarding how voting systems must be tested for compliance to State and Federal Statutes. In the State of Wisconsin the GAB is charged with the oversight of voting system testing and state certification. This testimony is provided in regard to our experience and interaction with the GAB as the authority for testing of voting systems.

The GAB has consistently performed thorough, extensive reviews of all new software and hardware which is proposed for use by any Wisconsin jurisdiction. In addition, each modification to any installed or previously approved system is also subjected to a detailed review and approval process. ES&S has had the opportunity to work directly with the GAB on a number of test campaigns over recent years. We can attest to the detailed attention which the GAB staff devotes to this very important duty.

While any voting system manufacturer may desire a short and quick path to State certification, we value the GAB's scrutiny that is placed upon our voting systems. The GAB is charged with ensuring that all voting systems used for Wisconsin elections are secure, accurate, and conform to Wisconsin Statutes. In our experience, the GAB takes this role very seriously and executes it with close attention to each detail.

It should also be noted that the GAB has always provided dedicated resources for voting system test campaigns that are available to assist manufacturers with questions, oversight and also to discuss with us ways in which the testing program can be improved. In our experience, the GAB appears to have only one goal as it relates to their duties in performing voting system testing – to ensure fair elections for all. To this end, they perform those duties exceptionally well.

Respectfully,
Election Systems and Software



Senator Robert L. Cowles
Room 118 South
State Capitol
Madison, WI 53707

Rep. Samantha Kerkman
Room 315 North
State Capitol
P.O. Box 8952
Madison, WI 53708

January 12, 2015

Dear Representative Kerkman and Senator Cowles,

Following this week's Joint Legislative Audit Committee hearing regarding the recent audit of Wisconsin's Government Accountability Board (GAB), we know that the legislature will consider changes to the structure of the GAB.

Throughout this debate and decision-making process, we ask you to consider our feedback on the GAB's Accessibility Program. In 2014, the program's survey and audits of polling places were recognized by the Presidential Commission on Election Administration as a national model that should be adopted across the county. In their efforts to improve voting accessibility for people living with all types of disabilities, the GAB has done an excellent job facilitating meaningful stakeholder involvement by forming an Advisory Committee that includes wide-ranging disability organizations. As a grassroots organization on mental health, we sometimes find that cross-disability projects focus primarily on the experiences of people with physical/developmental/cognitive disabilities. However, we have been pleased to find that the GAB Accessibility Program has actively partnered with us to improve the voting experience of people with mental illness.

As you debate changes to the GAB, we strongly recommend maintaining the progress and meaningful stakeholder involvement of the GAB's Accessibility Program.

Thank you for considering our testimony. Please do not hesitate to reach out with any questions or to obtain additional information.

Sincerely,

Annabelle Potvin
Advocacy Coordinator
NAMI Wisconsin
annabelle@namiwisconsin.org

NAMI, the National Alliance on Mental Illness, is the nation's largest grassroots mental health organization dedicated to improving the lives of individuals and families affected by mental illness. NAMI Wisconsin and dedicated volunteers work to raise awareness and provide essential education, advocacy and support for people in our community living with mental illness and their loved ones.

NAMI Wisconsin's mission is to improve the quality of life of people affected by mental illness and to promote recovery.



4233 West Beltline Highway
Madison, WI 53711
www.namiwisconsin.org

(608) 268-6000 (800) 236-2988
Fax (608) 268-6004
email: name@namiwisconsin.org



Wisconsin County Clerks Association

President – Bruce Strama, Taylor County

Vice President – Karen J. Gibson, Dodge County

info@wisconsincountyclerks.org

www.wisconsincountyclerks.org



January 12, 2015

Dear Senator Cowles and Representative Kerkman:

The Wisconsin County Clerks Association (WCCA) would like to go on record in support of the Government Accountability Board (GAB) in reference to the Legislative Audit Bureau's report issued last month. There was overwhelming support of the GAB and the current partnership with county clerks statewide in a survey conducted on January 12, 2015. Clerks agree that the GAB has been a helpful partner agency in election support and administration and has carried out election administration duties admirably despite the numerous challenges presented.

The improvements that have been realized in educational opportunities alone have been dramatic. Being forced to supply information and changes mid-election has prompted the GAB to be resourceful, and through the use of webinars and email notifications, along with additional hours of availability, the GAB has been successful in addressing issues as they arise.

The changes that have been implemented by the GAB over the past several years have elevated Wisconsin Election Administration to a very high standard that would not have been possible if it were not for the foresight and proactivity of the current GAB, and as an Association, the WCCA would again like to go on record in support of the GAB.

Sincerely,

Bruce P. Strama,
President, Wisconsin County Clerks Association
224 S. 2nd St.
Medford, WI. 54451



Statement to Joint Legislative Audit Committee regarding Audit Report 14-14:
Government Accountability Board
January 14, 2015

The Government Accountability Board was created in 2007 with nearly unanimous, bipartisan legislative support to enforce the state's elections, campaign finance, ethics and lobbying laws. It has done so in a bipartisan fashion, protecting the public's interests over partisan interests, despite a stormy political environment in recent years.

Despite these challenges the GAB has been recognized as a national model with a structure designed to insulate it from partisan politics like no other. "...No other state has a chief election administration authority with the same degree of insulation from partisan politics," according to a University of California-Irvine Law Review.* Like any other state agency in the past that has been under the microscope of a Legislative Audit Bureau review, the GAB is not perfect. But the agency is a far more responsive and attentive law enforcement tool than its predecessor – the partisan State Elections Board – which was hand-selected by the very elected officials it was charged to oversee and reprimand.

Polls past and present have consistently shown that a majority of Wisconsinites believe elected officials do a better job of representing special interests rather than the public's interest. To radically change GAB's makeup or reduce GAB's duties, oversight and authority would be a blow to the board's efforts to ensure state government is accountable and the people who are elected to run it are held to the highest standards.

The GAB has made decisions that have drawn criticism from elected officials in both parties. That is a sign that the board is doing its job in a thoughtful, balanced and impartial way. As Judge Barland recently stated in his GAB response to the Legislative Audit Bureau's report, the report importantly points out that the GAB staff and board members are fulfilling almost all of their statutory duties, and that the recommendations involved just a small segment of them. Their duties are broad and complex, while the resources made available to them remain one of their biggest challenges.

One of the most important of those duties is the handling of suspected voter fraud. Judge Barland noted: "Out of 16 elections, 110 suspected cases of felon voting were found and referred to district attorneys — an average of nearly seven possible instances per election. All those cases have been referred for prosecution within the time mandated by the statute of limitations. To put this number in perspective, there were more than 16 million votes cast during the same period."

Since the audit was released the GAB has said it has already addressed many of the points in the report and appears on top of rectifying the remaining items. A legislative response at this point to radically change the board or its duties would be premature and reckless.

In the years leading up to GAB's creation, questionable campaign-related activities had become more or less an open secret. Enforcement authorities too often found themselves under the thumb of the very partisans whose activities they were supposed to oversee. Too often they looked the other way when confronted with evidence of ethical trespasses. The resulting damage to Wisconsin's reputation for clean, open and accountable government made it clear that the state needs a politically independent enforcement agency under the direction of a nonpartisan board.

Instead of a punishment approach to enforcement, we had simply an "education" approach that really amounted to accommodation and appeasement, which led to more and more brazen behavior and even more disrespect for the law. This created a downward spiral into a political cesspool that necessitated criminal probes culminating in a parade of top political leaders into courtrooms and, in some cases, into jail cells – no thanks, by the way, to either the Elections Board or Ethics Board, neither of which conducted investigations when alerted to apparent wrongdoing.

GAB's creation was the result of the willingness of the governor and a bipartisan legislature to work in a spirit of bipartisanship to restore Wisconsin's reputation for clean and open government.

The current legislature and governor ought to support this highly recognized state agency and provide it with the resources it needs to do its job, not tear it apart.

* Tokaji, Daniel P. "America's Top Model: The Wisconsin Government Accountability Board" (2013), *UC IRVINE LAW REVIEW*, Vol. 3:576.



More State-level leadership is needed to ensure accurate vote-counting.

Comment to Joint Committee on Audit, January 14, 2015
on LAB Report 14-14: Government Accountability Board

Wisconsin Grassroots Network

Election Integrity Action Team, Karen McKim, Coordinator

The output of our grocery-store scanners and gas-station pumps is subject to more routine verification than the output of our voting machines.

As pages 43-45 of LAB's report make clear to a careful reader, Wisconsin's Government Accountability Board ***routinely certifies election results before any election official verifies the voting-machine output to be accurate.***

Although vote-tabulating machines—like all computers—produce occasional miscounts,¹ GAB has not provided local election officials with policies or procedures for routinely verifying their output. This lack of prudent management places every candidate at risk of defeat by random error or deliberate fraud, and places our freedom of self-government through elections at intolerable risk. Even one election outcome determined by a miscount is too many.

In response to this audit, we urge the Legislature to **direct the state elections authority to develop and promulgate policies and procedures for local verification of voting-machine output** after each election before certifying results. National experts and other states have developed low-cost methods for verifying electronic tabulations, which could be carried out in no more time than it currently takes to finalize election results.

At a minimum, legislators need to inform the state elections authority that in any area where statutes are silent or subject to interpretation, **legislative intent is that only accurately counted election totals are to be certified as final election results.** Sadly, current practice makes it necessary for the Legislature to articulate this common-sense intent.

¹ Examples of machine miscounts due to human error: City of Medford WI, 2004, discovered only by accident; City of Stoughton WI, 2014, discovered only because it was extreme. Examples of machine-malfunction miscounts: Bronx, New York City 2010, discovered only by accident; Humboldt County CA, 2008, discovered through citizen-initiative audit. Examples of deliberate manipulation: Leon County FL, 2005, and Washington DC, 2010; both revealed by the hackers. Because voting-machine output is so rarely verified, most electronic miscounts have likely gone undetected.

Discussion: The flaws identified by the Audit Bureau on pages 43-45 of this report confirm some of those we described in our 2012 report on GAB-ordered post-election audits.² However, the LAB report does not highlight the two most serious and consequential flaws.

- **The State elections agency needs to provide local officials with policies and procedures for routinely verifying voting-machine output.** Although statutes require county boards of canvass to review results for accuracy before forwarding them to GAB, and although legislative intent that election results be accurate should be apparent, GAB administrative code and guidance provide no specific requirement or direction for local officials to verify voting-machine output. As a result, the outcomes of most of Wisconsin's elections are determined by raw unverified computer output

In fact, GAB staff have been actively discouraging routine verification. As a result, the only voting-machine output that is certain to be verified is in races that fall within the recount margin specified in under §9.01, Wis. Stats. and for which a recount is ordered. If a hacker ever successfully manipulated election results, he or she almost certainly produced a victory margin outside the recount margin.

The state elections agency could easily draw upon national guidance and experience in other states to provide Wisconsin's local officials with instructions for effective and economical methods of routinely verifying voting-machine accuracy before certifying the machines' output as true and accurate election results. Protecting our election results from undetected miscounts could be done easily and cheaply with little or no statutory change.

- **The State elections agency must not allow local officials to delay verification until after it is too late to correct errors using statutory processes.** Although statutes provide for the correction of miscounts only *before* certification, the GAB has historically directed local election officials to delay any verification until *after* GAB has certified the output as final election results, even for the few post-election audits mandated by statute. Only in late 2014 did the Board change its guidance specifically to allow--*not require*—timely verification of voting-machine output.

This delay goes beyond imprudent; it is irrational and irresponsible. Instead of being easily corrected in accordance with statutes, any electronic miscounts discovered after certification would require correction through extra-statutory measures, likely involving the courts and causing avoidable litigation at taxpayer's expense. Concerned legislators should make it clear that ***legislative intent is that only accurate vote totals be certified as election results***, and that any guidance provided by the state elections agency should always be consistent with that intent.

For more information, visit the Election Integrity Action Team's website, www.wisconsingrassroots.net/election_integrity_project or contact us at wigrassrootsnetwork@gmail.com

² Wisconsin's Post-election Voting-machine Audit Practices, July 2012. bit.ly/1q6KqOx

January 12, 2015

The Honorable Robert Cowles
State Senator
P.O. Box 7882
Madison, WI 54707-7882
Sen.Cowles@legis.wi.gov

Regarding: Public Hearing re: GAB Performance

Dear Senator Cowles:

My name is Sandra Boettcher and I am the First Vice President of the Wisconsin Municipal Clerks Association and have also been a Deputy Clerk and/or City Clerk for the past 40 years.

I am writing to ask that careful consideration and soul searching be done before any major changes are made to the Government Accountability Board (GAB). Unless you are a municipal clerk you may not know the extent that we utilize the GAB. The GAB makes themselves available to, 1984 municipal election officials on a daily basis for comprehensive training, as a resource outlet, for election audits and procedural updates just to mention a few.

Instead of cutting staff and questioning why deadlines are not being met, as a committee, maybe you should be asking "how can we help". Don't cut the valuable positions and create a greater problem, solve the problem by adding additional staff, if only on a part time basis, until the GAB can resolve the problems before them. Let's try to make this a win-win solution for all parties concerned.

Many times we are too quick to judge and unfortunately end up making the wrong decision. Please allow the municipal clerks in Wisconsin to continue to operate as a well-oiled machine, thanks in part to the Government Accountability Board.

Thank you for your time and consideration on this very important matter before you.

Sincerely,



Sandra L. Boettcher
First Vice President
Wisconsin Municipal Clerks Association

cc: Legislative Audit Committee

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Kim Graves, City of Two Rivers

District 7 - Racquel Shampo-Giese, Combined Locks
Vicki Tessen, Village of Kimberly

District 8 - Kim Gauthier, Town of Newbold
Cindy Skinner, Town of Pine Lake



Your professional link to excellence

January 13, 2015

The Honorable Robert Cowles
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Sen.Cowles@legis.wi.gov

The Honorable Samantha Kerkman
State Representative
P. O. Box 8952
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Rep.Kerkman@legis.wi.gov

Dear Senator Cowles and Representative Kerkman:

The Government Accountability Board and its staff have proven to be a valued resource, not solely for the 1852 municipal clerks in the State of Wisconsin, but for the residents we serve. The GAB has played a significant role in providing much needed continuity in election administration by providing continuous educational opportunities throughout the State; updated, consistent documents that are revised whenever needed and on a timely basis; up-to-date website information; email notifications regarding high-priority information such as newly-passed legislation affecting an upcoming election; and, Statewide Voter Registration System training and support. Their existence is paramount in keeping Wisconsin a leader in election administration.

I ask that you listen closely to testimony and written correspondence delivered by municipal clerks and related agencies across the State in support of not only maintaining the current level of GAB staffing, but allowing for program enhancements and expansion. Cutting the GAB's staffing levels would be sending us back in time rather than moving Wisconsin forward. It is very apparent that permanent staffing is needed to meet all the demands of this Board and its staff.

As President of the Wisconsin Municipal Clerks Association, I ask you to look at the "entire picture", not merely directives sited in this report, but the current condition of election



administration in our State. I assure you that the integrity of elections in this State will suffer if eliminations or drastic alterations occur to this Board.

Thank you for your time and kind consideration.

Sincerely,

Karen L. Weinschrott

Karen L. Weinschrott, WCMC

2014-2015 WMCA President

Karen.Weinschrott@grandchute.net