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An Evaluation:

Voter Registration

Elections Board

September 2005

Report Highlights

Voter registration requirements differ depending on how and when individuals register.

Address verification cards are not consistently used as required to verify residency or investigate improper registrations.

Current efforts to maintain accurate voter registration lists are insufficient.

Wisconsin's voter registration process will change significantly beginning January 1, 2006.

Voter registration helps to ensure that qualified electors are allowed to vote and to prevent ineligible persons from voting. In Wisconsin, it is required by statute in 172 municipalities with populations of more than 5,000, and locally in 167 smaller municipalities. Currently, 28.9 percent of the voting-age population is not required to register before voting. However, beginning in January 2006, the federal Help America Vote Act (HAVA) of 2002 and 2003 Wisconsin Act 265 will require voter registration statewide.

Individuals whose names appear on the voter registration list are presumed to meet all eligibility requirements and, in general, are neither required to provide identification or proof of residence nor to otherwise demonstrate eligibility at the polls. Following the November 2004 elections, concerns were raised about voter registration in the City of Milwaukee and elsewhere, including the use of address verification cards to confirm residency; the use of special registration deputies, who are appointed by municipal clerks to assist in registering voters; and the adequacy of processes in place for verifying voter eligibility. To address these concerns, and at the direction of the Joint Legislative Audit Committee, we evaluated:

- voter registration requirements and the methods by which voters register, including requirements in other states;
- the address verification process, including the use of address verification cards to confirm the residency of those who register by mail or at the polls;
- procedures and practices for updating voter registration lists; and
- the role of the Elections Board.

Key Facts and Findings

Voter registration was required for 71.1 percent of Wisconsin's voting age population in the November 2004 elections.

The Elections Board spent $4.7 million on election administration and campaign finance in FY 2004-05.

Wisconsin received $50.4 million to implement the federal Help America Vote Act of 2002, including a computerized statewide voter registration system.

For the November 2004 elections, one-fifth of Wisconsin voters registered on Election Day.

Address verification cards were not sent by 46.0 percent of municipalities responding to our survey.

We found 105 potentially improper or fraudulent votes in six municipalities.

Registration Methods

To encourage voter participation, Wisconsin allows qualified electors to register in person, by mail, or with a special registration deputy before Election Day, and at the polls on Election Day. In municipalities where registration is required by statute, 20.3 percent of Wisconsin voters registered at the polls on Election Day in November 2004.

Municipal clerks rely on registrants to affirm their eligibility, including citizenship and age. However, requirements for providing identification or proof of residence vary depending on when an individual registers and by which method.

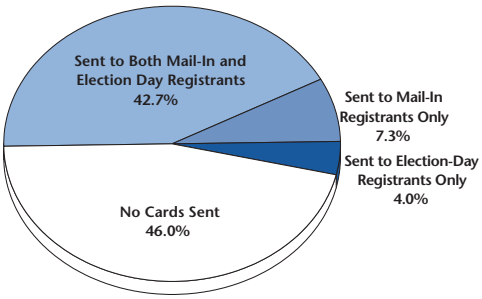
Municipal clerks may appoint special registration deputies to assist with voter registration, but they are not required to track which individuals register through special registration deputies. Some special registration deputies are municipal officials, but many work for interest groups or political parties. Problems have been identified with registrations completed by some special registration deputies, including inaccurate, illegible, and falsified registration forms.

Of the 150 municipalities responding to our survey, 95 indicated they had appointed special registration deputies before the November 2004 elections. Those appointing the most were Milwaukee (2,597), Green Bay (1,500), and Madison (824).

Address Verification Cards

Address verification cards are the primary tool available to municipal clerks for verifying the residency of registered voters and detecting improper registrations by mail or at the polls. Statutes require that clerks send cards to everyone who registers by mail or on Election Day. However, only 42.7 percent of the 150 municipalities we surveyed sent cards to both groups, and 46.0 percent did not send any address verification cards.

Address Verification Cards Sent
November 2004 Elections



Statutes also require clerks to provide the local district attorney with the names of any Election Day registrants whose cards are undeliverable at the address provided. However, only 24.3 percent of the clerks who sent cards also forwarded names from undeliverable cards to district attorneys. District attorneys we surveyed indicated that they require more information than is typically provided to conduct effective investigations.

Sufficient information was available to analyze undeliverable address verification cards in four municipalities: the cities of Madison,

Waukesha, and Eau Claire and the Village of Ashwaubenon. These municipalities sent 45,864 address verification cards to Election Day registrants; 1,887 were returned. Most were undeliverable because voters had moved after the November 2004 elections.

Voter Registration Lists

To ensure that voter registration lists contain only the names of qualified electors, municipal clerks are required by statute to remove or inactivate the names of individuals who have not voted in four years, to update registration information for individuals who move or change their names, and to remove or inactivate the names of deceased individuals. They are also required to notify registered voters before removing their names from registration lists.

We found that statutory requirements are not consistently followed. Among our survey respondents:

- only 85.3 percent of municipalities removed the names of inactive voters from their voter registration lists;
- only 71.4 percent sometimes or always notified registered voters before removing their names; and
- only 54.0 percent reported removing the names of ineligible felons.

Because of such inconsistencies, registration lists contain duplicate records and the names of ineligible individuals. For example, when we reviewed more than 348,000 electronic voter registration records from eight municipalities, we identified 3,116 records that appear to show individuals who are registered more than once in the same municipality.

In six municipalities where sufficient information was available, we identified 105 instances of potentially improper or fraudulent voting in the November 2004 elections. These included:

- 98 ineligible felons who may have voted;
- 2 individuals who may have voted twice;
- 1 voter who may have been underage; and
- 4 absentee ballots that should not have been counted because the voters who cast them died before Election Day.

We have forwarded names to the appropriate district attorneys for investigation.

For Future Consideration

Wisconsin's voter registration process will change significantly beginning January 1, 2006, when all new registrants will be required by federal law and Wisconsin Statutes to provide their Wisconsin driver license number, a Wisconsin Department of Transportation identification card number, or the last four digits of their Social Security number, and a computerized voter registration system will be implemented statewide.

Elections Board officials believe the new computer system will improve the accuracy of voter registration lists by standardizing registration procedures, preventing duplicate registrations across municipalities, and enhancing the ability of local election officials to detect improper registrations and ineligible voters.

However, the system alone will not be sufficient if municipal clerks and other local officials do not detect and prevent common data entry errors, appropriately revise and update voter registration information, and follow uniform procedures for identifying improper registrations and ineligible voters. We include a number of recommendations to address these concerns.

In addition, the Legislature may wish to consider:

- adjusting the early registration deadline to provide clerks more time to prepare registration lists;
- establishing more stringent requirements for special registration deputies, including prohibiting compensation based on the number of individuals registered;
- establishing uniform requirements for demonstrating proof of residence for all registrants;

- providing municipal clerks with more flexibility in the use of address verification cards;
- authorizing civil penalties for local election officials and municipalities that fail to comply with elections laws; and
- implementing mandatory elections training requirements for municipal clerks.

Recommendations

Our recommendations address the need for the Elections Board to use its existing authority to:

- ☑ promulgate rules for the appointment and training of special registration deputies (*p. 28*);
- ☑ promulgate rules for the use of address verification cards (*p. 38*);
- ☑ revise the voter registration form to require disclosure of felony conviction status (*p. 48*);
- ☑ promulgate rules to minimize data entry errors, and automate processes for identifying ineligible voters (*p. 53*);
- ☑ promulgate rules to clarify the responsibilities of election officials and, if authorized by statute, specify civil penalties for noncompliance (*p. 53*); and
- ☑ provide voter registration training designed specifically for municipal clerks (*p. 57*).

In addition, we include a recommendation for the City of Milwaukee Election Commission to:

- ☑ report to the Joint Legislative Audit Committee on its implementation of recommendations from the mayor's task force for improving the election process in Milwaukee (*p. 58*).

Additional Information

Report 05-12 includes a response from the Elections Board, call **(608) 266-2818** or visit our Web site:

www.legis.state.wi.us/lab

Address questions regarding this report to:

Janice Mueller
(608) 266-2818

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Legislative Audit Bureau

22 East Mifflin Street
Suite 500
Madison, WI 53703
(608) 266-2818

Janice Mueller
State Auditor