

League of Women Voters of Wisconsin
Election Observing Program – Final Report from November 2014 Midterm Election
Released January 6, 2015

SUMMARY

The League of Women Voters of Wisconsin recruited, trained and placed 250 volunteer election observers in the polls in the November 4, 2014 election. They covered and reported on 493 polling places in cities, towns and villages across the state. Despite many changes in election law in the past four years, observers found that most of the polling places were well managed, and few problems were encountered. However, it appeared that more people than usual sought to register at the polls on Election Day, and some sites had significant problems related to voter registration and site management. This report illustrates these problems with specific examples. The report offers recommendations for improving voter registration, polling place administration, and poll worker recruitment and training.

INTRODUCTION

On November 4, 2014 more than 250 people, recruited by the League of Women Voters of Wisconsin (hereafter called “LWVWI” or “the League”), volunteered to watch the polls in the midterm elections throughout the state. The League works in coordination with other groups to provide a statewide view of how elections are conducted, document both problems and best practices, and help resolve issues on Election Day so that all eligible citizens have the opportunity to vote.

The League works in conjunction with other groups in a coalition called Wisconsin Election Protection. Those groups include the Lawyers Committee on Civil Rights, the ACLU of Wisconsin and the AFL-CIO. Wisconsin Election Protection recruits volunteer lawyers, trained in Wisconsin election law, to work with voters and our observers to resolve Election Day issues. Election Protection will be issuing a separate report based on the collaborative effort at a later date.

The League’s volunteers are specifically trained to generate data to be used to improve elections. To participate, volunteers agreed to be trained via a webinar and to document their observations in detail. Some were assigned to stay at one polling place and observe the voting process over a period of several hours, while others were roving observers, visiting four to six locations throughout the day. We received written reports from 493 polling places around the state. In addition, there were other volunteers who staffed hotlines fielding contacts from voters, observers and the media who reached us by phone, email or text messages.

BACKGROUND

Wisconsin is one of the few states where elections are administered at the municipal level—not the county level. With over 1,800 cities, towns and villages in the state, discrepancies in election administration are bound to occur. To understand how elections were run in different parts of the state, LWVWI launched a pilot initiative in 2010 with 15 volunteer observers in 18 polling sites.

Since then we have grown the program, honed the training and improved reporting. We have been able to expand this program thanks to support from the LWVUS Public Advocacy for Voter Protection program, other funders and our excellent coalition partners here in Wisconsin.

In the four years since we launched the pilot program, we have seen major changes in Wisconsin election law including:

- Passage of the voter photo ID bill, the implementation of which has been stayed by state and federal courts with the exception of one election (February 2012).
- Reduction in the time allowed for early in-person absentee (early) voting.
- Restrictions on voter registration, including Election Day Registration, particularly in the increased documentation required.
- Other new procedures in polling place administration, including a requirement to sign the poll book and changes in the rules for election observers.

The League's election observers have documented the implementation of these changes by local elections officials across the state.

METHOD

LWVWI recruited volunteers from among our statewide membership and e-newsletter following. In addition we asked allied organizations to post our recruiting message to their members. Volunteers signed up through an online form and were kept informed through periodic emails as the project developed. Organizers maintained a shared spreadsheet which was used to make polling place assignments and note special needs of observers. We placed observers in a broad sample of urban, suburban and rural polling places around the state. Shortly before the election we sent observers a training packet, and then LWVWI organizers offered six training webinars in the days before the election – three for site observers and three for roving observers.

On Election Day the League's statewide election observer coordinator was stationed with the Election Protection lawyers in Milwaukee, and we also had a person in Madison responding to calls, text messages and emails from the observers and others. The calls began 10 minutes after the polls opened at 7 AM and continued until 7:30 PM.

Observers were encouraged to include stories as well as data on their written report forms, in order to generate a wide-ranging view of the Election Day experience for voters and poll workers alike.

FINDINGS

Most of the polling places the League observed were well managed, the poll workers were well trained, and few problems were encountered. About half of the sites had higher-than-anticipated voter turnout, and it appeared that more people than usual sought to register at the polling place. Some sites with unexpectedly high turnout had significant problems related to voter registration and site management, as described in the following examples.

Voter Registration

Election Day Registration (EDR) is an important service and safeguard for voters in our state, especially because new laws enacted in the past four years have made voter registration more difficult for many Wisconsin residents.

A striking number of observers throughout the state noted the long lines for voter registration, and many people were unable to register due to a lack of documentation. In past elections the League has monitored, the most prevalent reason why people were turned away when seeking

to register was because they were at the wrong polling site. In November 2014, our observers noted that lack of documentation was the primary stumbling block. Examples include:

- In La Crosse, several Sisters at the St. Rose Convent were unable to register due to lack of acceptable documentation in their name.
- In Lac du Flambeau, a young tribal member had difficulty obtaining needed documentation. His driver's license had an old address, and he did not have other documentation. The League observer looked up the phone number for the tribal office and learned that the voter could go there and pick up a document that would attest to his residence. The observer noted that the voter registrar could have informed the voter of this and provided the tribal office phone number.
- Several sites noted that students had difficulty providing proof of residence, particularly those at Wisconsin Technical Colleges.
- Several women were unable to register because many of the acceptable documents were in their husbands' names.
- In Reedsburg, the new Catholic priest was unable to produce proof of residence.

While the proof of residence (POR) requirement for Election Day Registration was no different in this election than in 2012, problems for voters seeking to register have been exacerbated by two new laws passed in recent years.

As recently as 2010, an Election Day registrant could establish residency through corroboration by having another voter vouch for her/his residency. That provision was eliminated in 2011 with the enactment of Wisconsin Act 23, which also restricted the types of POR documentation that are acceptable for voter registration.

However, even under Act 23 people could still register without a proof-of-residence document if they did so more than 21 days before an election. If they registered early, their municipal clerk would confirm their residence before the election. A new law enacted in 2014 requires that everyone must provide POR documentation regardless of when they register to vote. This is burdensome for many Wisconsin voters, especially those who are less likely to have a Wisconsin Driver's License with their current address on it. Data revealed in the litigation over the Wisconsin voter ID law showed that the elderly, the poor, minorities and students are more likely not to have a Wisconsin Driver's License or State ID card at all, let alone one with a current address. Many also lack such documents as a residential lease, property tax bill or utility bill with their own name on it.

These new laws make it more difficult to register before the election, and the new restrictions on proof-of-residence documentation can make registrations take longer, on average, to process. It is easy to see how this could result in more people needing to register at the polls on Election Day and longer lines at the registration table.

In some instances, our observers were able to speak with the Chief Inspector at the polling place to resolve issues around voter registration.

- In Wausau, Racine and Hortonville, observers needed to remind Chief Inspectors that electronic documents are acceptable proof of residence. Voters were being turned away until, in each case, the League observer helped resolve the issue. After that, election officials made good use of smart phones for the remainder of the day.

- In Appleton, a voter registrar was confused about what constituted acceptable proof-of-residence documentation. She almost rejected a Badgercare invoice, although it is a document from a government agency. At another site in Appleton, a car registration was initially rejected. In each case, the observer was able to work with the Chief Inspector to resolve the issue.
- In the Town of Wrightstown, the clerk believed that she could require registrants to show documentation proving they had lived in the residence for at least 28 days, although that is not required by law. The observer provided accurate information for the clerk, and the matter was resolved.
- In many places, wise poll workers gave people clipboards with the voter registration form to fill out while waiting in line. This reduced frustration and sped up the process.

Some voters who thought they were registered expressed frustration about the need to reregister because their names were not in the poll books, even though they had voted in earlier elections at the same polling place or had mailed in their registration. In some cases, the person did not have the needed documents to register at the polling place and left without voting. In other instances, the polling site apparently did not have up-to-date poll lists, so people had to register a second time. This shows why Election Day Registration is an important safeguard for voters. It is more efficient than issuing a provisional ballot which requires follow-up by both voters and clerks.

Site Issues

While some issues were the result of statewide election policy and procedures, others simply indicated a need for additional training for local officials. Site issues which need to be addressed between elections include:

- Accessibility—for the disabled and for all voters. A full 29 observer reports indicated problems with inadequate parking while 26 indicated access issues for the disabled. Examples include a site in West Allis where parking for the disabled was not clearly marked and general parking was a block and a half away. A site in Green Bay was difficult to find and had recommended parking far from the actual polling site.
- A number of sites throughout the state were too small for the number of voters they served. In some cases, this could be alleviated by working with the facility—particularly schools—to move voting out of small rooms and into larger ones.

Management Issues

- League observers documented a significant improvement in addressing issues related to election observers over what we have seen in past recent elections. For the most part, observers stayed within the assigned perimeter and did not speak directly to voters or poll workers. When that did not occur, the Chief Inspector usually dealt with the matter immediately.
- There was a slight improvement in the set-up of touchscreen voting machines, although the issue still calls for better training of local election officials. Our observers noted 59 sites where touchscreens were either not set up or were set up in a way that did not provide privacy of the vote. In most instances, changes were made on the spot when the issue was called to the attention of the Chief Inspector. In a few cases, the main challenge was how to fit the needed equipment into the space provided while still maintaining privacy.

- A number of sites had long lines of people waiting to vote or to register with too few poll workers and voter registrars. We received calls beginning in the late afternoon from both Milwaukee and Madison asking for additional voter registrars. In several instances, some of our observers “switched hats” and moved from observer to registrar. In others we were able to recruit a registrar to be deputized at the site from our local League membership.
- At busy polling places it is very helpful to have one worker designated as a greeter. This individual helps people determine whether they are at the right polling place and points them to the correct line for registration or check-in. At some sites, greeters either were not present or were doing an inadequate job. At a West Allis site, some people waited in line for 20 minutes before being told they needed to get in another line to register. At a site in Fitchburg, the greeter placed people into the wrong lines.
- Polling place set-up also created unnecessary problems in some locations. Observers noted at sites in Appleton, Green Bay, Shorewood, Madison and Hudson that the set-up created long lines and frustrated voters. In some cases, the voter registration table was difficult to see from the entrance, and voters did not know they could be filling out forms while they waited. In others, the same amount of space was provided for wards with very few voters as for those with many voters. When these issues were combined with poorly trained poll workers the result was a chaotic polling site.
- Confusion around photo ID was not a major issue in November, despite the October 10 ruling of the U.S. Supreme Court to stay its implementation for the November 4 election. Observers did note inconsistency in signage, however. Many polling sites had signs stating that photo ID was not needed, while others had no signs. A site in Mosinee stated that photo ID was optional. At the urging of our observer, that sign was removed.

RECOMMENDATIONS

The reports from the League’s election observers show steady improvement in election management over the past four years despite many major changes to election laws. The November 4, 2014 election provided the basis for the following recommendations.

Voter Registration

The new voter registration law passed in 2014 has made it more difficult for people to register to vote prior to an election, and it amounts to a *de facto* end of voter registration drives. This means that more people can be expected to need to register at the polls on Election Day. It is critical to maintain Election Day Registration as a safeguard for voters. Providing proof of residence is a major obstacle, particularly for students, women and the poor.

We have both management and legislative recommendations for improving voter registration:

1. Continue to work with colleges and universities to ensure that students have acceptable documents that can be used.
2. Focus significant training on voter registrars about the types of proof that are acceptable and the form the proof can take (i.e., both paper and electronic).
3. Either legislatively or by administrative rule, the Department of Transportation should be required to mail cards to individuals who have changed their address on their driver’s license or state ID but have not been issued a new card. The card mailed should conform to the rules around acceptable proof of residence.

4. The legislature should pass legislation expanding the acceptable types of proof-of-residence documents such as insurance documents, credit card statements and notarized statements.

Polling Site and Election Administration

We recognize that identifying polling sites falls within the municipal clerk's purview and that it is a challenge to find a sufficient number of sites that meet polling place requirements. To the extent possible, we encourage the Wisconsin Government Accountability Board (GAB) to work with clerks to continue to improve polling site locations, size and set-up, and access for the disabled.

In the past four years, election officials have had to absorb many changes and accept new responsibilities because of changes in the law. To a great extent, the November 2014 election demonstrates how capably they have met these challenges. However, with the likely implementation of the voter photo ID law in 2015, these challenges will only grow.

The two most critical elements needed to ensure orderly elections in which every eligible citizen has the opportunity to vote are: 1) having enough poll workers and 2) providing them with sufficient training. Much of this responsibility occurs at the municipal level, but it also requires a strong central elections agency to ensure consistency statewide. In 2012 the League documented a significant improvement in polling place management between the statewide recall election in June and the Presidential election in November. It is no coincidence that that is the period when the GAB launched its intensive "Back to Basics" training program for local election officials.

To improve poll worker recruitment and training we recommend:

1. The GAB should continue to offer and improve training of local election officials and encourage clerks to work with civic organizations to recruit more poll workers, including voter registrars.
2. Lawmakers need to allocate sufficient funding for the GAB to do this important work.

Drafted by Carolyn Castore and Andrea Kaminski
January 2015