

October 3, 2013

To: Members of the Senate Committee on Elections and Urban Affairs  
From: Senator Glenn Grothman  
Re: Senate Bill 297

Thank you for scheduling Senate Bill 297 for a public hearing. There has been much concern the last few years of voter fraud taking place in residential facilities. There have been anecdotal cases of nursing home residents, which families say are no longer capable of comprehending such issues, being registered to vote and voting without the family's knowledge. This is just one example of fraud taking place, but there are many other irregularities.

It is very disappointing to think that some people are taking advantage of some of our most vulnerable citizens. For this reason, we have drafted SB 297 which creates uniformity in voting in residential facilities. The municipal clerk would be required to send two special voting deputies to each community-based residential facility, adult family home, and residential care apartment complex to conduct absentee in-person voting for occupants of that facility. This would not be required of any facility that has less than five registered electors. This bill keeps retirement homes under current law, and therefore does not require municipal clerks to send special voting deputies to these facilities.

This legislation makes voting more accessible for older individuals in residential facilities. At the same time, it allows independent individuals in these facilities the ability to still vote in person absentee or on Election Day.

Many family members of facility occupants have expressed concern with the current twenty-four hour notice requirement. They would like to be present when the family member votes, but are unable to take off of work when the notice is only twenty-four hours in advance. For this reason, the bill requires the municipal clerk to post notice at least five working days in advance of the visit.

This legislation will allow our most vulnerable citizens to be able to vote in a safe and easily accessible environment, while still protecting the integrity of our elections. Please join me in supporting SB 297 which will provide consistency in the residential facility voting process.



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To: Senate Committee on Elections and Urban Affairs  
From: Curt Witynski, Assistant Director, League of Wisconsin Municipalities  
Date: October 3, 2013  
**Re: SB 297, Absentee Voting at Residential Care Facilities.**

The League of Wisconsin Municipalities has concerns about SB 297. The bill would require municipal clerks to dispatch special voting deputies (SVDs) to certain adult-care facilities to conduct absentee voting instead of allowing discretion in determining whether to dispatch SVDs to those facilities. Under the bill, a municipal clerk would have to dispatch a SVD to an adult family home, community-based residential facility, or residential care apartment complex with five or more occupants upon the request of an absentee voter residing in the facility. The bill also imposes new notice requirements in conjunction with dispatching SVDs to such facilities.

The League's primary concern is the additional costs this bill would impose on municipalities. The bill forces a community to provide in-person absentee voting at facilities for which it may not be currently providing such a service whenever a single resident of the facility makes a request. We urge the committee to consider amending the bill to increase the number of requests needed to require the use of SVDs. We recommend the following language: SVDs must be dispatched to an adult residential care facility *"upon application by a majority of the qualified electors who are occupants of the facility, home, or complex."*

Thanks for considering our comments on SB 297.

## ELECTION COMMUNICATION COMMITTEE

Public Hearing – October 3, 2013

Good morning,

My name is Diane Hermann-Brown and I have been the City Clerk for the City of Sun Prairie and have administered elections for 18 years; During my career I have worked with elections for over 28 years. I am a Past President of the Wisconsin Municipal Clerks Association (aka WMCA) and current Co-Chair of the Wisconsin Municipal Clerk's Association (WMCA) Election Communication Committee. The WMCA is made up of over 1,400 members with similar experience as mine.

I am here today to express some of the concerns of the members of the WMCA and of my municipality with SB297.

I would first like to define what a Municipal Clerk is. In Wisconsin, actual administration of elections is conducted at the municipal level by the clerk; who are far more numerous in Wisconsin than in other states. We administer elections in conjunction with our other job responsibilities which are very broad and diverse.

The Municipal Clerk is nonpartisan, and does not act in concert with or under control of any political party, and we administer elections in a non-bias, fair, accurate and accountable manner. We don't employ a lobbyist, we speak on behalf of our profession, our experience and the concerns and impact proposed Bills will have on our municipalities. We take our position as a municipal clerk very seriously and we are very conscientious of what practices and services are in the best interest of our voters and municipalities. OUR municipalities continue to make tough budgetary decisions; we are accountable to our residents.

All municipalities have inherited concerns with reduced and limited funding for their municipal operations. As additional laws, policies and procedures have been approved for elections over the past year and continue to be approved, municipalities have experienced an increased strain on the municipal budget.

As well, the municipalities carry the blunt of the expense for the administration of elections on the local level. None of these requirements come at no cost; choices have to be made to implement new mandates. Typically some other function has to be delayed in order to accommodate these requirements for election administration.

## WMCA Election Communication Committee

Diane Hermann-Brown WCPC/CMC/CPM Co-Chair	City of Sun Prairie
Chris Astrella WCMC Co-Chair	Town of Blooming Grove
Sandra Boetcher	City of Altoona
Barbara Goeckner WCPC/MMC	Village of Germantown
Melissa Hongisto	Village of Suamico
Carla Ledesma, CMC	City of Wauwatosa
Sara Ludtke WCMC	Town of Middleton
Sue Peck	Village of Marshall
Charlene Peterson WCMC/CMC Brenda Walker	City of Appleton Village of Coloma
Karen Weinschrott WCMC	Town of Grand Chute
Maribeth Witzel-Behl WCMC	City of Madison
Nancy Zastrow WCMC/CMC	Village of Pewaukee
Vikki Zuelke, WCMC/CMC	City of Racine

### State Election Communication Committee Goals for 2012-13

The State Election Communication Committee shall be focused on communicating and serving as a liaison between WMCA members, Government Accountability Board and State Legislators on election related issues. The Committee will have a presence at GAB Board meetings, focus groups, Legislative Hearings and provide input that represents the WMCA membership needs and concerns in general.

Before you today is Senate Bill 297 which will have a direct impact on municipalities both large and small. Currently, the clerk is required to send Special Voting Deputies (SVD) to conduct absentee voting at each nursing home, they may choose to also send the SVD's to any community-based residential facility, retirement home, adult family home, or residential care apartment complex. This requires us to send the SVD's twice to the facility before the ballots are ultimately mailed to the absentee requestor. The clerk makes a choice to send the SVD's. This is a choice I have made in Sun Prairie for years.

For the November of 2012 election I sent 14 SVD's to two (2) nursing homes and seven (7) CBRF's these facilities had a total of 325 residents. We issued 129 ballots, of which 122 were completed and returned either by the SVD or through mail after two visits were made to the facility. 37.5% of the residents in the SVD Care Facility voted absentee.

It took 67.5 hours to conduct the SVD voting for that election with an end cost of \$5.11 per returned ballot.

My decision to hold absentee voting at the seven CBRF's is based on a case by case need of each facility. We conduct SVD voting at facilities where the residents may need more assistance with their voting due to physical limitations, and when the designated voting location may struggle logistically with longer lines of voters.

The disadvantage of us doing the SVD at these facilities is it's an all or nothing shot. All the voters may not want to vote by SVD, they may want the ballot mailed to them. We have to visit the facility twice before the ballot can be mailed. I typically receive calls during an election cycle from a SVD facility resident that wants their ballot mailed to them so their adult child can assist them on a particular day. They become very frustrated when it is explained that they will have to wait for that ballot to be mailed.

Under the proposed Bill I will HAVE to hold absentee voting in four (4) additional locations which will include another 198 possible facility residents. If 37.5% of them vote it would result in an additional cost of \$380 for these 74 voters per election. If I weren't already conducting SVD voting at seven (7) other facilities, my number of the required two would have increased to eleven (11) under this Bill.

The costs I am giving you are just the cost for the SVD's to visit the facility it does not account for the cost of supplies, data processing into the SVRS system, and other expenses.

As you can see, I have made a choice in the past to visit the seven (7) CBRF's but it was my intent to actually cut back on some of these facilities because of the budget cuts we are in need of making. So to restrict my ability to respond to your constituents needs by adding these additional required sites will require me to make budget cuts in other areas of my department.

The one word change in this Bill from "may dispatch" to "shall dispatch" will cost my municipality and other municipalities additional expense. Please leave this as an option for the municipality to deal with on a facility by facility need basis.

The other concern from the clerks is the requirement to provide public notice. Since it doesn't require a legal publication it would be up to the local news medium to decide if they have space in their publication to put this notice in. If it were a legal publication there would be no option for the newspaper, but this would also be an additional expense to the municipality.

It should also be pointed out that many municipalities have a weekly newspaper publication to get the timing lined up as to when we will be getting our ballots, when the notice has to be sent to the newspaper, when the paper is published, and getting SVD's to go to the facilities will be a major challenge. I would actually have to place this notice in the local paper thirteen (13) days prior to the date of absentee voting.

Municipalities are trying to cut expenses by using electronic medium, it saves us money, it's more current, and it's under our control. Instead of requiring this to be a notice in the newspaper, consider allowing this notice to be on the municipalities website. If a municipality does not have a website an alternative would be to have the County host that information for them.

Today, municipalities and the State are encouraging residents to use their websites to obtain information, forms and agendas. Let's provide consistency and have these and other elections notices and postings on our websites to save us money, provide information more timely and effectively. One example of this currently in use is Outstanding Absentee and Provisional Ballot Reports are all posted on the municipality's website.

When residents ask for information about voting, registering, etc we send them to MyVote as well as our website. Family members of a SVD facility voter is most likely to want to look for this information on the weekend, and many of those family members are from out of town so wouldn't even have access to the local newspaper other than an online version. Why not provide this information on the municipal website instead of adding another layer into our process, by doing so would save us time and money?

On behalf of the WMCA Election Communication Committee, thank you for this opportunity to express the concerns of the municipal clerks across the state. Please let us know if you have any questions or even contact that municipal clerks in your district and ask them how this Bill will impact them.

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Brenda Walker		Village of Coloma
Maribeth Witzel-Behl		City of Madison
Nancy Zastrow		Village of Pewaukee
Vikki Zuelke		City of Racine

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

**Senate Committee on Elections and Urban Affairs**

**October 3, 2013**

**Room 201 Southeast, State Capitol**

**Public Hearing**

**Senate Bills 94, 282 and 297**

Chairperson Lazich and Committee Members:

Thank you for the opportunity to comment on the three bills before you today. I am appearing here for information purposes and to answer any questions you or Committee members may have. The Government Accountability Board is not taking a position for or against any of these bills. While SB 94 and SB 297 address some technical election administration issues, we again encourage the Committee to focus its attention on AB 225, which passed the Assembly overwhelmingly. That legislation makes a tremendous leap forward in the administration of elections in Wisconsin by allowing online voter registration. By taking advantage of innovative technology, the efficiency and integrity of Wisconsin elections can be improved significantly.

**Senate Bill 94**

Senate Bill 94 relates to the method of reporting election returns by municipalities. It would allow any municipality with a population of 35,000 or more to combine small wards with adjacent wards. G.A.B. staff has previously commented on earlier versions of this bill. The proposed legislation provides valuable flexibility for municipalities when tallying and reporting election results. However, we suggest a slightly higher threshold of 100 voters rather than 20 voters for the size of the added ward. This would be

consistent with current provisions permitting the use of paper ballots in lieu of electronic voting equipment. See Wis. Stat. §5.40 (3)(a).

### **Senate Bill 282**

Senate Bill 282 is fundamentally flawed. It eviscerates the basic principle of disclosure on which campaign finance law is based. That principle was articulated by the Legislature as a Declaration of Policy when the campaign finance law was enacted in 1973 following the Watergate campaign funding abuses. A copy of that declaration of policy is attached for your consideration. The policy begins with this statement: “The legislature finds and declares that our democratic system of government can be maintained only if the electorate is informed.”

The Legislature’s Declaration of Policy goes on to say: “One of the most important sources of information to the voters is available through the campaign finance reporting system. Campaign reports provide information which aids the public in fully understanding the public positions taken by a candidate or political organization. When the true source of support or extent of support is not fully disclosed, or when a candidate becomes overly dependent upon large private contributors, the democratic process is subjected to a potential corrupting influence.”

SB 282 would eliminate the requirement for candidates and political committees to disclose the names and addresses of employers of people who contribute more than \$100 per year. It would also raise the threshold for reporting of contributors’ occupations so that significantly less information would be available to the public.

This new standard for campaign finance reporting would greatly diminish the information available to members of the public about the sources of financial support for candidates for public office, and would undermine the right of the public to have a full, complete and readily understandable accounting of those financial activities intended to influence elections.

In addition to eliminating one of the crucial pieces of information about large contributors -- the name and address of the contributor's principal place of employment -- the increased threshold for disclosing occupation means this information will never be available for most local races or Assembly contests because the individual contribution limit for those offices is \$500 or less.

My mother always told me you are judged by the company you keep. The fundamental purpose for campaign finance disclosure is to enable citizens to know who supports candidates for public office. Campaign contributors are more than just a name on a piece of paper. Knowing a contributor's occupation, employer and place of employment provides vital information for evaluating the source of a candidate's support.

Such information is also important to avoid confusion between people with the same or similar names. Recently the Government Accountability Board completed its annual audit of prohibited campaign contributions by registered lobbyists. Our staff found 11 registered lobbyists with the same names as people who made legal campaign contributions. Having employer information about contributors allowed our staff to quickly exonerate those lobbyists with the same names.

Employer and occupation information also helps distinguish between contributors with similar names. It might surprise you to learn that there are several women in Wisconsin named Mary Burke who make campaign donations to Republican and Democratic candidates and committees. Employer information helps the public and the media distinguish between which one is a retired teacher, and which one is the bicycle executive rumored to be running for governor. Since 2008, there have been 537 campaign contributions to candidates and committees from people with some variation of the name David or Dave Johnson. Even middle initials are not always helpful, as there are multiple David E. Johnsons, David L. Johnsons, David M. Johnsons and David R. Johnsons. In many cases, employer information, when provided, helps distinguish one from another.

Employer information is also a critical enforcement tool. Just two years ago, the G.A.B. levied a record forfeiture of \$166,900 against Wisconsin Southern Railroad, and its CEO



William Gardner pleaded guilty to two felonies for laundering illegal campaign contributions through several of his employees. We learned about the scheme through a tip from Mr. Gardner's former girlfriend, to whom he had given \$10,000 to make an illegal campaign contribution. But it was employer information in the campaign finance system that helped the G.A.B. investigate the case and identify the railroad employees who had also received payments from Mr. Gardner. We believe that disclosure of employer information from large donors serves as an effective deterrent to similar money laundering schemes.

### **Senate Bill 297**

Senate Bill 297 would require local election officials to dispatch special voting deputies (SVDs) to certain adult-care facilities to conduct absentee voting instead of allowing discretion in determining whether to dispatch special voting deputies to those facilities. The facilities where such absentee voting would be required, upon the request of an absentee voter, include adult family homes, community-based residential facilities, and residential care apartment complexes. The requirement would not apply, however, to such facilities in which less than five registered electors are occupants.

The State currently licenses 1,568 adult family homes, 1,514 community-based residential facilities, and 309 residential care apartment complexes. Because the bill makes it mandatory to conduct absentee voting via special voting deputies at some of these facilities where it is currently optional, we anticipate some increase in local costs in the form of wages for local clerks and special voting deputies to correctly administer the new provisions. However, several factors make it difficult to estimate the local fiscal impact.

First, there is no statewide data reflecting the number of such adult-care facilities which are currently served by special voting deputies despite the fact that less than five registered voters are occupants, and therefore the increase in the number of facilities that would be served cannot be calculated. Second, the number of registered voters in individual facilities constantly fluctuates, making it impossible to calculate the effect of

the exception based on the existence of five registered voters at specific facilities. Under both existing law and the proposed bill, we believe that local election officials may simply choose to dispatch special voting deputies to conduct absentee voting at the facilities upon receiving one request for an absentee ballot, regardless of the total number of registered voters who are occupants of the facility. Finally, wages for local election officials and special voting deputies are established at the local level and vary widely across municipalities.

In addition to an expected increase in local costs, we have heard concerns from local clerks regarding the requirement to post a public notice at least five days prior to absentee voting at adult-care facilities, rather than the 24-hour notice required under current law. We understand the purpose of the five-day notice is to give family members adequate time to prepare their loved one to participate in voting.

The five-day notice may cause administrative challenges because there is a limited time window for absentee voting to take place. Oftentimes a clerk needs to send special voting deputies to a facility a second time because a resident may not be available to vote during the initial visit. Requiring that a notice be posted five days before the second and any subsequent visits will make it difficult and sometimes impossible to accommodate voters in those facilities.

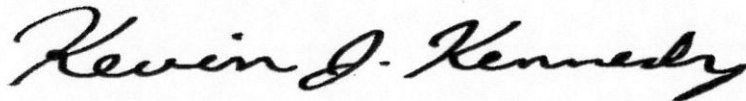
We would suggest modifying the notice requirement to provide more flexibility for clerks, by shortening it or possibly requiring the five-day notice only for the initial visit and a shorter notice for subsequent visits.

It is important to keep in mind that, once a clerk provides special voting deputies to conduct absentee voting at nursing homes and other facilities where it is currently optional, residents of those facilities may vote only by that method. The bill would continue the current prohibition against those individuals casting an absentee ballot by mail or in the clerk's office.

**Conclusion**

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

Respectfully submitted,



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**11.001 Declaration of policy. (1)** The legislature finds and declares that our democratic system of government can be maintained only if the electorate is informed. It further finds that excessive spending on campaigns for public office jeopardizes the integrity of elections. It is desirable to encourage the broadest possible participation in financing campaigns by all citizens of the state, and to enable candidates to have an equal opportunity to present their programs to the voters. One of the most important sources of information to the voters is available through the campaign finance reporting system. Campaign reports provide information which aids the public in fully understanding the public positions taken by a candidate or political organization. When the true source of support or extent of support is not fully disclosed, or when a candidate becomes overly dependent upon large private contributors, the democratic process is subjected to a potential corrupting influence. The legislature therefore finds that the state has a compelling interest in designing a system for fully disclosing contributions and disbursements made on behalf of every candidate for public office, and in placing reasonable limitations on such activities. Such a system must make readily available to the voters complete information as to who is supporting or opposing which candidate or cause and to what extent, whether directly or indirectly. This chapter is intended to serve the public purpose of stimulating vigorous campaigns on a fair and equal basis and to provide for a better informed electorate.

**(2)** This chapter is also intended to ensure fair and impartial elections by precluding officeholders from utilizing the perquisites of office at public expense in order to gain an advantage over nonincumbent candidates who have no perquisites available to them.

**(3)** This chapter is declared to be enacted pursuant to the power of the state to protect the integrity of the elective process and to assure the maintenance of free government.

**History:** 1973 c. 334; 1979 c. 328; 1985 a. 303; 2001 a. 109; 2005 a. 177.  
Campaign finance in Wisconsin after *Buckley*. 1976 WLR 816.

I urge passage of SB 297.

This bill adds clarity and uniformity to the process of absentee voting conducted by poll workers, called Special Voting Deputies (SVDs), in residential care facilities and qualified retirement homes. The Government Accountability Board last May re-wrote their SVD training manual to update and provide additional clarification and uniformity to the process. SB 297 adds to those efforts in areas where legislative action is needed to clarify and unify statutory language.

The introduction to the G.A.B. SVD training manual states: "The Wisconsin Legislature has determined that the vigorous exercise of our constitutional right to vote should be strongly encouraged. The Legislature also recognizes that it is difficult for some individuals to get to their polling place on Election Day. This is particularly true for individuals residing in nursing homes, community-based residential facilities retirement homes, residential care apartment complexes and adult family homes." (Wisc. Stats 6.84 (1) and 6.875)

SB 297 defines when SVD service is required: when there are 5 registered voters in a facility and 1 or more registered voters request an absentee ballot to be sent to them.

SB 297 increases public notification of the date and time of this absentee voting service from the current 24 hour notice to at least 5 working days prior to each visit of the Special Voting Deputies

p. 6 lined 23-p. 7 line 6. "The SVDs shall not later than 5:00 p.m. on the 6<sup>th</sup> working day preceding an election arrange one or more convenient times with the administrator of each facility that the deputies are scheduled to visit." Advance scheduling of SVD voting enables a facility to prepare for and schedule a specific time for their very busy residents to be available to vote. It is really Election Day at the facility as the SVDs are bringing to the residents a polling place within the facility. It is a big day—one that needs to be on the facility calendar so no field trip or other activity will compete for the voter's time.

P. 7: lines 7-10: "The municipal clerk shall give notice of each visit by special voting deputies..... at least 5 working days in advance of each visit indicating the date and time of the visit." Also, a great improvement for not only the voters but for their family members who may wish to be there on voting day either to assist their family member or to just watch the process so they know it is done according to statute. Many family members feel more confident about the process when they are fully informed and can, if possible, schedule time to be there on voting day.

SB 297 proposes changes to statutory language that, again, clarifies and gives uniformity to a process that provides to voters who cannot easily get to the polls the opportunity to continue

to vote and to know that their vote is protected by two poll workers specifically trained to conduct the voting, who have taken an oath and sworn to uphold Wisconsin election law and are statutorily required to return those ballots to the clerk so the votes are counted along with other legally cast ballots.

To those who would question the cost of the SVD process, I would say that absentee voting is offered to all legally registered voters in Wisconsin with no excuse required and there is a cost to all absentee ballots sent to requesting voters.

Any resident of one of the potentially served facilities who can get to the polls or to their in-person absentee voting site can cast their vote in person. For those who reside in care or retirement facilities and request that an absentee ballot be sent to them, SVD conducted voting offers convenience and security. Many of these voters have given both blood and treasure over the years to protect our right to vote—WW2 veterans, Korean and Vietnam War veterans and their family members. Their continued desire to exercise their right to vote should be honored and protected. The SVD process provides that opportunity and protects the security of their votes.

Please vote “yes” on SB 297.

Thank you for considering my views.

Mary Ann Hanson  
3740 Mountain Drive  
Brookfield, Wisconsin

My Mom, Joyce M. Bencz is 81 years old and has been diagnosed with Alzheimer's Disease and Dementia.

On Thursday, 10/11 my sister Sharon and I attended a bi-annual meeting scheduled at 10:30 a.m. with the Administrator, Assistant Administrator and the Nurse. At the end of the meeting I reminded them that I was taking my mom for her flu shot on 10/22 and that I would also be taking her to vote at the City Hall. After the meeting my sister went back to work and I went over to the Memory Care Section to visit with my Mom. While I was there a staff member, Wendy Marzion approached me to inform me that per the "Note" from our family she has registered my Mom to vote and the absentee ballot was on it's way.

My Response:

I immediately asked her if she still had the note and I requested a copy of it. Since I knew that I did not issue the note I proceeded to contact both of my siblings and asked if they had submitted the note and both answered No.

I asked Wendy if we could meet in the Administrator's office to discuss this further. At this time Wendy informed me that she was a certified SRD (Special Registration Deputy) and she had the authority to register and assist voters.

The problem is my Mom is already REGISTERED TO VOTE. I had taken my Mom to the New Berlin City Hall in early 2012 to register to vote. She cast a vote in the Governor's recall election. I asked Wendy how it was possible to register my Mom to vote when she was already registered.

Wendy's Response:

Wendy stated that upon receiving the "note" from our family she dropped off an absentee ballot application at the New Berlin City Hall. On 10/8/12 Wendy received an e-mail from Julia Hunter, Deputy City Clerk, informing her that my Mom was not registered to vote.

As a result Wendy filled out a Voting Registration Application for my Mom, had my Mom sign it and she delivered it to the New Berlin Library.

My Response:

I asked her why I was not contacted of this situation since I was my Mom's Power of Attorney, and she responded that as a SRD she had the authority to register residents and assist them in filling out their ballots.

Conversation in the Administrator's Office:

We proceeded to the Administrator's Office and I asked them if they were aware of WISC Statue 6.875-6-C-1. They replied that they were not and a copy was pulled up on the computer. I informed Wendy that she was not authorized to assist my Mom in the voting procedure only registration, and again she debated me on this issue. I then called a friend who is a Certified SVD and asked if she could explain to Wendy and Linda the authorized duties of a SRD versus a SVD which she did. Basically if a family member is not available to assist with a resident's ballot only a SVD can offer assistance. A SVD is NOT offered at my Mom's Facility.

I asked Wendy what would have transpired with my Mom's absentee ballot if I had not been at the facility. She answered that she would have taken the ballot to my Mom, assisted her and mailed it back to the City Hall.

I requested a copy of the "Note" that she states she had received from the family and any other correspondence in this matter. Upon returning from her office she informed me that the note is gone and she handed me a copy of the e-mail she received from the New Berlin City Hall on 10/8.

New Berlin City Hall:

I drove over to the New Berlin City Hall to inquire how it was possible for my Mom to be registered to Vote TWICE. I asked to speak with Kari Morgan, City Clerk, regarding my Mom's Voter Registrations forms. I briefly informed her what had transpired at Mom's Facility and I asked to see my Mom's Original Voter Registration Form. She located it and brought my Mom's "Original" Voters Registration Form over to me. I then showed her the e-mail that a staff member at my Mom's Facility had received from the City Hall stating that my Mom was NOT a Registered Voter. I stated that I was confused as to why this e-mail was sent when here you just handed me the completed Voter Registration Form which I am NOW holding in my hands. Kari Morgan offered no response to my question.

At this time I requested to see the Voter Registration Form that was completed by Wendy from my Mom's Facility along with their request for an absentee ballot for my Mom. I also requested any other correspondence they might have. After awhile of searching I was informed that it was "misplaced" and they would call me when it was located. I replied that I had no problem waiting around while they continued their search.

Sure enough there it was -- The Voter Registration Form completed by Wendy for my Mom. Per Julia Hunter It was in the process of having the Absentee Ballot mailed to my Mom's Facility.



I asked Kari Morgan what would have happened when I brought my Mom to the City Hall to vote when an Absentee Ballot has already been issued. Where are the checks and balances -- Shouldn't there be a Voter Data Base that would catch this? At this point in time I was proofing the Voter Registration Form that was completed by Wendy and I discovered that my Mom's last name was listed as Benz not Bencz. Again I ask Kari Morgan why the system didn't catch the matching address along with the matching birth date. She seemed amiss for a answer to this question. I think this system is set-up to fail.

Bottom line, I asked Kari Morgan what would have happened if I had not come in to cancel my Mom's Absentee Ballot. Would my Mom have had the opportunity to vote twice. Kari Morgan's reply, "Yes she would have been able to vote under both names."

This lack of checks and balances opens the door to Voter Fraud. It makes me wonder how many other people are knowingly voting multiple times.

Patti Logsdon

414} 529-3519



STATE REPRESENTATIVE

# KATHY BERNIER

Senate Committee on Elections and Urban Affairs

## SENATE BILL 94

Thank you, Madam Chair and Committee members, for allowing me to speak today in favor of SB 94. I am the author of the companion bill in the Assembly, AB-89. Senator Leibham and I began discussing this bill last session. I regret that Senator Leibham was unable to make it here today to speak in favor of his bill, but I am honored to do so.

Administering elections is one of the most important duties that municipal and county clerks do. Elections are very costly for local and county governments. Local and County governments are required to facilitate the voting process for all federal, state and local elections, yet funding must be provided by local property taxpayers.

Currently, municipalities with a population that exceeds 35,000 must report each and every ward separately. Municipalities with fewer than 35,000 have the legal authority to combine wards for reporting purposes with no limitations, other than the ballot styles must be the same.

For our purposes today, I will define a ballot style as meaning that the offices and candidates for one ward are the exact same offices and candidates of an adjacent ward.

Due to annexations and redistricting, some wards happen to contain few or no electors. This bill will allow municipalities to combine one ward with another for reporting purposes, if one or both of those wards that have a total population of 20 or fewer.

Each ballot style that is created requires programing and coding of electronic voting equipment. Ballots must be printed and made available with a minimum number allowable. This is very costly for a ward that contains few or no voters.

This bill could save our counties and municipalities hundreds of dollars. In addition it will enhance the confidentiality of electors who reside in a ward that has as little as one or 2 voters.

Thank you all for your time and attention. I am happy to address any questions or concerns that you may have at this time.

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Testimony of Neil Albrecht, Executive Director, City of Milwaukee Election Commission

Senate Elections & Urban Affairs October 3, 2013

Good morning Chair and committee members,

My name is Neil Albrecht and I am the Executive Director for the City of Milwaukee Election Commission. I have been an election administrator since 2005 and appreciate the opportunity to appear today and provide testimony in opposition of Senate Bill 297.

As I will be referring to this document throughout my testimony, I would like to acknowledge the “Absentee Voting in Nursing Homes, Retirement Homes and Adult Care Facilities,” a manual published by the Government Accountability Board that outlines the state statutes, rules and other governing policies related to Special Voting Deputies and care facilities. This manual, updated in May of this year with tremendous input from municipal clerks and observers, provides significant clarity and assistance to municipalities in their oversight of the Special Voting Deputies program.

This manual identifies that Special Voting Deputies – or SVDs - SHALL conduct absentee voting at qualified nursing homes within a municipality, ... while other care facilities MAY be served by SVDs IF the municipal clerk determines that a significant number of occupants lack adequate transportation to the appropriate polling place, need assistance in voting, are aged 60 or over, or are declared as indefinitely confined electors.

The manual further identifies that when SVD voting occurs at a care facility, “occupants who live in facilities visited by SVDs are no longer eligible to request a traditional by-mail absentee ballot, but instead must vote absentee via SVDs...” Further, “in such designated facilities, voting by SVDs is the exclusive means of absentee voting by occupants. Occupants may not receive their absentee ballot in the mail or in-person in the municipal clerk’s office, unless they were unavailable during the SVDs’ scheduled visits. Further, SVDs are the exclusive method by which absentee voting may occur.”

Senate Bill 297 removes the ability of the municipal clerk to make a determination as to whether voting through SVDs at a facility will actually fulfill the intended purpose of the SVD program: “to encourage occupants of these facilities to participate in the process of choosing their elected representatives.” Instead, this bill requires that any resident of a care facility, regardless of the level of care they are receiving in the facility, must vote exclusively through an SVD.

Throughout Wisconsin, care facilities offer varying levels of care, from nursing home to rehab to assisted living to independent living. The composition of residents in these facilities varies significantly. From our own census gathering, please allow me to present three examples, all in Milwaukee:

- Birchwood Healthcare and Rehab with 110 residents, all currently receiving nursing home care.
- Trinity Village, with 80 residents receiving nursing home care, 58 in assisted living and 100 in independent living.
- St. John’s on the Lake, with 243 residing in independent living, 16 in assisted living, and 43 receiving nursing home care.

Using the example of St. John’s on the Lake, the Election Commission, under current law, offers SVDs for the 43 residents of this facility receiving nursing home care. The remaining population of 250 plus individuals residing in assisted and independent living would maintain the opportunity to vote absentee by mail, at our

offices during in-person absentee voting or at their voting site on Election Day. Three of these residents are actual election workers at their voting sites.

Under SB297, all of these residents, regardless of their level of independence, must vote through SVDs as “SVDs are the exclusive method by which absentee voting may be conducted” and may not vote receive their absentee ballots in the mail or in-person in the municipal clerk’s office.”

While I do not want to present myself as an expert on care facilities or the psychology of residents living in care facilities, I do believe there are certain fundamentals that we can all agree on. Losing levels of independence, from one’s ability to live in your own home, to driving, to physical limitations, can have great implications on the quality of life. SB297 will limit voting opportunities for residents in care facilities that do not request or require any level of assistance in voting. It is not clear to me how this will contribute to the purpose of the SVD program: “to encourage occupants of these facilities to participate in the process of choosing their elected representatives.” In fact, I would speculate that the effect will be just the opposite.

In addition to a primary consideration for voters, SB297 has significant cost implications for municipalities. Using the care facility I just referenced as an example, this change would result in a 900% increase in cost to the City of Milwaukee to dispatch SVDs to this facility.

Finally, it is important to note that the SVD program is a true partnership between a municipality, residents of a care facility AND the care facility. Currently, an administrator with each facility should:

- Assist with the registration of voters and absentee ballot application process for a continuously changing population.
- Prior to each election, survey the occupants on the SVD list to inform them of the date and time of the SVD’s visit.
- Note on the list which individuals will be able to meet with SVDs for voting and which are unable or unwilling...”
- Maintain a familiarity with the absentee voting process.

Wisconsin needs a Special Voting Deputy in care facilities program that does not compromise the independence of residence of those facilities and their right to choose how to vote, one that is cost-reasonable, and one that does not become so complex that it becomes unmanageable to our care facility partners.