



TO LINDA

Board of Election Commissioners

Commissioners
Allen E. Campos
Robert F. Spindell, Jr.
Victoria L. Toliver
Executive Director
Susan M. Edman

April 16, 2007

Michael McGee Jr.
Alderman, 6th District
200 East Wells Street
Milwaukee, WI 53202-3570

Dear Alderman McGee:

I am writing in response to your letter dated March 27, 2007 wherein you request that I appear before the Judiciary and Legislation Committee regarding the Election Commission's practices and procedures relating to the administration of absentee voting. Be assured I welcome the opportunity to meet with the Committee to discuss absentee voting and to address your specific concerns.

I have prepared a written response to the topics you identified in your correspondence. I trust this information will provide some clarification relative to your concerns. If you have any questions prior to my appearance before the Judiciary and Legislation Committee, please do not hesitate to contact me at 286-6119.

Sincerely,

Susan M. Edman
Executive Director


Enclosure

cc: Alderman Michael S. D'Amato, Judiciary & Legislation Committee, Chair

Topics identified for discussion:

- **The statutory requirements for mailing absentee ballots, and how these are administered.**

Wis. Stats. 7.15 (1)(cm) describes the duties of the executive director of the Election Commission as it relates to absentee ballots:

7.15 (1)(cm) 

Prepare official absentee ballots for delivery to electors requesting them, and send an official absentee ballot to each elector who has requested one no later than the 30th day before each September primary and general election and no later than the 21st day before each other primary and election if the request is made before that day; otherwise, the municipal clerk shall send an official absentee ballot within one day of the time the elector's request is received.

Applications are opened, date stamped and prepared for processing on the day they are received. In order to make every attempt to meet this 24-hour deadline, the Election Commission employs two shifts of data entry workers during busier elections.

- **The process by which the Election Commission confirms a potential absentee voter's eligibility.**

The active status of a voter's registration is confirmed by completing a search in the Statewide Voter Registration System (SVRS) prior to entering the absentee ballot application. If the registration is inactive, or the address of the application does not match the registration address, the voter is sent a letter explaining the discrepancy as well as a new voter registration application.

- **The process by which the Election Commission receives and counts absentee ballots.**
 1. All received absentee ballots are date stamped and scanned into the voter registration system as "returned."
 2. Once scanned, ballots are sorted by ward and then counted.
 3. Batches of counted ballots are delivered to the polling sites for processing on Election Day.
 4. The number of absentee ballots processed at a polling site (determined by the number of absentee voters identified in the voter lists/poll books) is then reconciled against the number of returned ballots.

- **How the Election Commission keeps the list of absentee voters current; e.g. how the list is amended in the event of a person's death or move from the City of Milwaukee, or when an elector fails to return his or her absentee ballot in any election.**

The system for maintaining the list of absentee voters operates consistently with efforts to maintain the voter registration database. The City of Milwaukee is regularly supplied with lists of deceased residents by the City Health Department and the State Department of Vital Statistics. These lists are used to update records on an on-going basis, including prior to each election.

A City of Milwaukee voter registration is cancelled whenever an elector registers to vote in another municipality within the State of Wisconsin. If the move is outside the State, the voter registration is cancelled if notification is received by the post office (returned mail) or it is cancelled through the process of the bi-annual purge of voter registrations (purging voters who have not cast a ballot in any election for the previous four years and have not requested continuation of their voter registration).

With the exception of nursing home voters, absentee voters are required to return their ballots for each election. Historically, the cumbersome process of enforcing this requirement has been a challenge to the City of Milwaukee and all Wisconsin municipalities. In 2005, there were conflicting instructions communicated by the State Elections Board around the effective term of an absentee ballot request. This contributed to voter confusion. Effective in 2007, the Election Commission will be able to efficiently and consistently utilize SVRS to identify voters who did not return their ballot in an election and modify their status accordingly. Notification will be sent to all voters impacted by this statutory requirement.

- **The process by which the Commission ensures that an absentee voter receives only one ballot.**

The City of Milwaukee's previous voter registration database prevented attaching duplicate absentee ballot applications to one voter. However, the State Elections Board's SVRS system does not provide this safeguard. The Election Commission has identified this system flaw as a significant issue with the State Elections Board. It is our expectation that this issue will be resolved when the latest version of the SVRS software is released mid-2007.

- **How the Election Commission addresses electors' concerns when on the day of an election an elector has not received an absentee ballot, and he or she is unable to get to his or her designated polling place. Also, how this potential error is corrected so that it may be subsequently avoided.**

Whenever an error has been made by an Election Commission staff member that impacts the timely delivery of an absentee ballot, the ballot is delivered to and collected from the person's home.

However, the vast majority of Election Day contact from elector's that did not receive an absentee ballot is often traceable to the following factors:

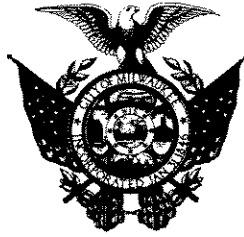
1. The elector's application for an absentee ballot was not received by the Election Commission and the elector waited until Election Day to notify the Election Commission of the problem. Absentee ballot applications must be *received* by the Election Commission prior to 5:00 p.m. on the Thursday preceding an election. There is no Election Day provision in the law for applications that are lost in the mail or arrive after the deadline.
 2. The ballot was mailed by the Election Commission, but the elector did not receive the ballot in the mail and waited until Election Day to notify the Election Commission of the problem. On numerous occasions, absentee ballots have been personally delivered and collected from individual's homes when this occurs. However, this can only occur when sufficient time and resources are available.
- **A discussion of the uniform instructions prescribed in s. 6.869, Wis. Stats., and how they are administered.**

6.869 Uniform instructions. The board shall prescribe uniform instructions for absentee voters. The instructions shall include information concerning the procedure for correcting errors in marking a ballot and obtaining a replacement for a spoiled ballot. The procedure shall, to the extent possible, respect the privacy of each elector and preserve the confidentiality of each elector's vote.

Written instructions are provided with each absentee ballot. Electors are instructed to contact the Election Commission if they have any questions regarding the completion of their ballot or the absentee ballot certificate envelope.

- **A discussion of what policies are in place to ensure potential voters will be able to vote absentee if the statutory deadline for mailing absentee ballots is not met.**

The City of Milwaukee relies on the both the State Elections Board and the Milwaukee County Election Commission to ensure the availability of ballots by the statutory deadline. With the exception of the April 2007 election, this deadline has always been met. In this one instance, the printing of the ballots was delayed pending the certification of candidates for the 6th District Aldermanic Recall Election. In the unlikely event this problem would reoccur, the City of Milwaukee Election Commission (as with all municipalities) has been authorized by the State Elections Board to provide voters with paper proofs of the ballot for voting purposes. The paper ballot is then reconstructed onto an official ballot at the elector's polling place on Election Day.



MICHAEL MCGEE, JR.

ALDERMAN, 6TH DISTRICT

March 27, 2007

Sue Edman
Executive Director
City of Milwaukee – Election Commission
200 E. Wells, Room 501
Milwaukee, WI 53202

Dear Ms. Edman:

I am contacting you to request that you appear before the Judiciary and Legislation Committee in response to Common Council File Number 061579, *Communication relating to Milwaukee Election Commission procedures for absentee voting*. This communication file attempts to provide a venue whereby the Election Commission, the Common Council and the City's electorate may discuss current Commission practices and procedures relating to the administration of absentee voting.

In addition to a general narrative relating to the current absentee voting administrative procedures, it is also my request that the following topics be specifically addressed in your communication:

- The statutory requirements for mailing absentee ballots, and how these are administered.
- The process by which the Election Commission confirms a potential absentee voter's eligibility.
- The process by which the Election Commission receives and counts absentee ballots.
- How the Election Commission keeps the list of absentee voters current; e.g., how the list is amended in the event of a person's death or move from the City of Milwaukee, or when an elector fails to return his or her absentee ballot in any election.
- The process by which the Commission ensures that an absentee voter receives only one ballot.
- How the Election Commission addresses electors' concerns when on the day of an election an elector has not received an absentee ballot, and he or she is unable to get to his or her designated polling place. Also, how this potential error is corrected so that it may be subsequently avoided.
- A discussion of the uniform instructions prescribed in s. 6.869, Wis. Stats., and how they are administered.
- A discussion of what policies are in place to ensure potential voters will be able to vote absentee if the statutory deadline for mailing absentee ballots is not met.

I welcome you to contact my office with questions relating to these requests, and I look forward to your response and learning more about current Election Commission practices.

Respectfully,

A handwritten signature in black ink that reads "Michael McGee".

Michael McGee, Jr., Alderman
6th Aldermanic District

cc: Ald. Michael S. D'Amato, Judiciary & Legislation Committee Chair