

**League of Women Voters of Wisconsin
Election Observation Program
Final Report – Election April 3, 2018**

Released May 17, 2018

SUMMARY

The League of Women Voters of Wisconsin (LWVWI or The League) placed 85 volunteer election observers in 141 polling sites across Wisconsin for the April 3, 2018 election. The polling sites were selected by the organizers of this program in an effort to objectively observe the Election Day process at a variety of sites across Wisconsin. These sites include urban and rural areas as well as polling places with reported problems by this program in past years. The observers were also placed at polling sites that have a large population of student voters. Observers were trained to witness the application of laws concerning the use of IDs in voting, polling site organization and mechanics, the ease of registration, as well as the knowledge of election officials and polling site management. The League also partnered with Access Democracy to observe the Wisconsin Elections Commission’s electronic poll book (e-poll book) pilot. Volunteer observers monitored the e-poll book pilot at all five test sites.

This report will show there is a significant need for both voter education and training of election officials as to what constitutes acceptable proof of residence for voter registration and photo ID for voting and when to administer provisional ballots. The laws at least cause confusion, and at worst are misapplied by election officials and prevent eligible citizens from voting. The report contains specific examples of such problems and concludes with recommendations for improvement. What this report cannot quantify is the number of voters who may have found the requirements for registration or photo ID confusing or impossible to comply with and therefore never even attempted to vote.

INTRODUCTION

The objectives of the LWVWI Election Observation Program are as follows:

1. to provide a statewide view of how laws are applied and elections conducted,
2. to document problems and best practices at polling sites,
3. to help resolve issues on Election Day so all eligible citizens can vote, and
4. to make recommendations to improve elections and voter experiences.

The LWVWI works in conjunction with other groups in a coalition called Wisconsin Election Protection. These groups include the Lawyers Committee on Civil Rights, the ACLU of Wisconsin and the AFL-CIO. The Lawyers Committee on Civil Rights separately recruits volunteer lawyers, trained in Wisconsin election law, to work with voters and LWVWI observers to resolve Election Day issues. This report does not contain reporting from the Election Protection lawyers. The League partnered with Access Democracy to observe the

Wisconsin Election Commission's e-poll book pilot (see E-Poll Book Pilot Observation Addendum for more information). In addition to the addendum attached to this report, the League and Access Democracy have co-authored a separate report of the e-poll book pilot observations. The 2018 LWVWI Election Observation Program was funded in part by LWVUS Education Fund.

BACKGROUND

The LWVWI Election Observation Program began in 2010 with 15 volunteer observers taking notes in 18 polling sites to understand the variations that occur due to local administration of elections. Wisconsin is one of a few states where elections are conducted at the municipal rather than county level.

Since 2010, the LWVWI Election Observation Program has grown significantly thanks to funding from the LWVUS Education Fund, The Joyce Foundation, The Brico Fund and others. An excellent coalition of partnering organizations within Wisconsin, as well as dedicated, experienced volunteers and staff assist in making this program run from year to year. We especially appreciate our volunteer observers, who have provided exceptionally reliable, courteous and invaluable service. Many have continued to assist our program as observers through several elections. Others have gone on to further serve the public by becoming election officials in their communities. This election we had many new volunteers observe for LWVWI.

In past years, this program's reports have provided supporting evidence in the League's advocacy with state and local officials for open, fair and efficiently administered elections. This is the League's ninth election observation report.

METHOD

Pre-election

In the three weeks following the February 20th Spring Primary Election, LWVWI recruited volunteers to become election observers for the Spring Election. Three-fifths of the volunteers for the April 2018 election had been LWVWI observers in previous elections. The other two-fifths of the volunteers were new to their observer roles. Volunteers signed up through an online form on the LWVWI website and were kept informed through emails regarding the development of the program for this election. Organizers created training materials, researched and selected polling locations, coordinated with Election Protection groups, and maintained information in shared documents. Election observers were required to complete training prior to Election Day. Training was conducted via an online webinar. Organizers held one live webinar and made the recording available for volunteers to watch at their convenience. In addition to the webinar, volunteers had access to an online portal that contained supplemental training materials. The training highlighted the role, rules and importance of the observer, and also guided volunteers through the reporting form they were asked to complete. Each observer received a packet of printed materials including their polling assignment, observation forms, and reference materials covered in the webinar. Observers were also given the Election Protection phone number and contact information of the LWVWI organizers for Election Day support.

Day of the Election

Election observers were assigned to polling places based on the distance they indicated they were willing to travel on Election Day, with a majority of observers assigned within 25 miles of their home. However, a couple of observers traveled 50+ miles to observe. From our volunteer pool, 56 observers covered more than one polling site during Election Day, and were asked to observe at least two hours at each site. The remaining observers were assigned one site and their shifts ranged between two and six hours at that location.

Observers were assigned to various locations across Wisconsin. Assignments covered 21 rural polling locations and 120 urban polling locations.¹ Urban polling location assignments included 26 polling sites in Milwaukee County and 32 sites in Dane County. Additionally, volunteer assignments included 17 locations with an observable student presence at the polling location. Volunteers were instructed to document their observations to include narratives as well as data to generate a wide-ranging view of the Election Day experience for election officials and voters. Organizers were headquartered in Madison and were “on call” to answer questions of the observers. Additionally, volunteers were given access to the Election Protection team of lawyers to answer legal questions. Observers were instructed to return their completed observation forms to the LWVWI office by mail or email following their shift.

Observers were asked to report on: polling site organization and mechanics; polling site management and staff; voter registration; and the voting process.

Post-Election

By April 30, 2018, LWVWI collected 112 observer reports and used them for the analysis of this report. The organizers entered the data and notes from the report forms into a spreadsheet and analyzed the information for trends. They flagged narrative information on voters who had specific problems with trying to register, vote or cast provisional ballots.

FINDINGS

Although the majority of voters did not have problems with same day registration, producing an acceptable ID to vote, or completing the ballot, there were some noteworthy exceptions. Observers commented that knowledgeable and friendly elections staff efficiently ran most polling sites, providing voters with a positive voting experience. These polling sites and the staff are examples of the excellent standard that should be available to all voters at all polling places.

¹ The distinction between Urban and Rural was defined at the county level using the U.S. Office of Management and Budget’s rurality definition. In this definition, “counties that are neither metropolitan nor micropolitan are considered rural.” “Any county with a city of at least 50,000 people is designated as metro, as well as any neighboring counties that are economically and socially linked to it through people commuting across county lines. The micro designation applies to counties with a smaller city center of 10,000 to 49,999, including neighboring counties with a significant number of commuters.” Ewald, Mitchell and Malia Jones, (May 17, 2017). UW Applied Population Laboratory and WisContext. *Putting Rural Wisconsin On The Map: Understanding Rural-Urban Divides Required A Complex Spectrum of Definitions*. Retrieved May 4, 2018 from <https://www.wiscontext.org/putting-rural-wisconsin-map>

Observers noted that even when problems occurred with registration and/or presenting an ID needed for voting, most election officials worked diligently and often above and beyond their duty to help voters understand and produce the necessary documents or ID to vote. Most trouble sites did not have well trained staff, lacked consistency, and were suboptimally organized. These problems led to frustrated voters, unhelpful election officials, and in some cases ultimately to voters being disenfranchised.

Polling Site Organization and Mechanics

Signage

Signage outside of a polling place can do a lot to make voters aware that voting is taking place inside. Over 90 percent of polling places observed had obvious signage outside the polling location. An observer in Dane County was particularly impressed with the use of signage to advertise the location and praised the Chief Inspector for their great use of signage to catch the attention of additional voters, particularly students walking past the voting room. While most sites had adequate signage, observers at 10 locations noted there was a lack of obvious signage outside the polling location. Problems with signage were reported 3.5 times more frequently at rural polling locations observed than urban locations observed. One observer in Door County reported that three polling locations in the county did not have any signage outside indicating that they were polling locations. In Brown County, another observer noted the lack of signage identifying the location as a polling place. At their site there was only a small road sign placed along the street and little signage directing voters to the back of the building where the site was located. The observer commented, "I think this is a big problem" and suggested that if the sites were better signed, "more voters driving by may even stop in to vote."

Access

Observers at 10 locations noted they observed people with a disability having difficulty entering the polling place, or accessing any aspect of the location open to all voters. Several observers noted that the distance a voter would have to walk either from available parking (very limited in some areas) or from the building entrance to the check-in tables would be difficult for some voters. Some locations were very responsive to the needs of voters with disabilities, as observed at a Dane County polling site: "Several people with canes and walkers were told they could vote curbside. Amazingly these seemed to be the most enthusiastic of voters!" While others could be more responsive to the needs of voters as one observer reported. The observer felt compelled to intervene and helped "an elderly, ill voter find a chair to rest before standing/walking to poll workers table...she was breathless and gasping for air."

The vast majority of the polling locations observed had the accessible voting equipment set up and allowed any voter who asked to use it. Observers at several locations noted a good practice of poll workers asking every voter if they wanted to use the machine or paper ballot. However, at six locations observers noted the accessible voting equipment was not set up. When asked about the accessible voting equipment, an observer in Walworth County "was told they don't use it" and that the equipment is "too much trouble." A voter in

Brown County “with disabilities was told to fill out his ballot at the end of the voting table, since the booths were too high...he was told he didn't need to use the touchscreen. It appeared that the poll workers were unfamiliar with the usage of the touchscreen.” These issues were more commonly observed at rural polling sites. When compared to the urban polling locations observed, the rural polling sites observed were 5.2 times more likely to not have accessible voting equipment set up and 5.2 times more likely to not have privacy when the machine was set up.

Redirection

At 34 locations observers noted voters arriving to vote at the wrong polling place and needed to be redirected. Approximately 60 redirections were observed. When redirecting voters, polling sites used a number of different methods to help voters find their correct polling locations including: simply directing voters to the displayed ward map, assisting voters in reading the displayed map, giving voters verbal directions, having pre-printed handouts to assist voters, having greeters on hand to look up the correct polling location, and having computers set up so voters can check their polling location on myvote.wi.gov. Some redirection processes were more effective than others. In Dane County, “a prospective voter arrived having tried to vote at two previous polling places - she had moved and was being sent from place to place. This was not her polling place either and the greeter sent her to yet a 4th polling place. Needless to say, she was frustrated...” Had a poll worker taken the time to effectively redirect this voter, it would have saved her a lot of time. A knowledgeable poll worker with the right tools to redirect a voter can be the difference a voter needs to make it to the correct polling place. In Waukesha County, with less than 15 minutes before the polls closed, a voter arrived and needed to be redirected. The poll worker directed the voter to the ward map and said “I think you vote at city hall.” The observer followed the voter out of the polling place and suggested she try looking it up on myvote.wi.gov. A similar occurrence was observed in Milwaukee County as well. With less than 15 minutes left to vote, directions to the correct polling location can mean the difference between a voter casting their ballot or not.

No Cell Phone Use Policies

Observers at two polling locations reported that the municipal clerks had a blanket “no cell phone use” policy that included silent cell phone use (texting and app use). This policy is troublesome as it is in conflict with a voter’s right to provide electronic proof of residence documents, prevents voters from reviewing any notes they had prepared for themselves related to voting, and is in conflict with the Wisconsin Election Commission’s observer rules that allow texting.² The League’s office followed up with one of the clerks with the “no cell phone use” policy and we were told that the clerk thought it was common to enforce this policy at the polling sites. However, when we followed up with a representative at the Wisconsin Election Commission, they were unaware that “no cell phone use” policies exist and are enforced in polling locations.

² (September 1, 2016). Wisconsin Elections Commission. *Wisconsin Election Observers Rules-at-a-Glance*. Retrieved May 7, 2018 from <http://elections.wi.gov/node/4143>

Polling Site Management and Staff

At polling places Chief Inspectors and poll workers do a lot to set the tone for voters. A friendly poll worker willing to share information on acceptable forms of proof of residence or photo ID, redirect voters, or explain provisional ballots can be the difference between a potential voter casting their ballot or not. The most common word used to describe election officials was knowledgeable (appearing 44 times in observer reports), followed by friendly (appearing 23 times in observer reports) and helpful (appearing 22 times in observer reports). Enthusiasm of poll workers came out in a variety of ways including thanking every voter and even clapping for voters when they cast their ballot. As experienced at a polling site in Eau Claire County, many election officials have worked at their polling locations for “years and regard their service as their public duty.” At one polling location in Sheboygan County, the observer was particularly impressed with the election officials on site, commenting that most of the poll workers had taken the Chief Inspector training and were highly knowledgeable with many years of experience. Helpful poll workers at several polling locations also reminded voters that the ballot was two-sided.

While, many poll workers are knowledgeable, the need for training still exists as exemplified by poll workers at one Milwaukee County polling location, “workers were not sure about using a passport and had to ask for assistance” and “did not know that voters did not have to complete all circles for candidates and had to ask.” Lack of training can also cause poll workers to be distracted at the expense of voters when issues arise. An example of this was observed in Brown County. The observer noted there that “shortly after I arrived, they noticed a mistake in numbering and spent a significant amount of time trying to find the mistake - even delaying acknowledgement of voters arriving.” Observers found that registration problems commonly occur when the registration area or table is understaffed or there is regular confusion over acceptable proof of residence documents.

Another issue reported by observers was a lack of continuity in the application of election rules and procedures from voter to voter. Inconsistencies in poll workers asking voters to state their name and address were noted at three of polling locations. At another polling location in Winnebago County, the observer reported that “there was very little continuity in how people were treated, what questions they were asked, what instructions they were given or not given.” It is important to apply rules consistently. Polling locations with inconsistencies could learn from other polling locations that go the extra mile to ensure consistency. A polling place in Door County exemplified best practices in consistently applying the rules to everyone. The observer assigned to that polling location wrote: “Being such a small voting district even though they knew many of the people they were very professional and always ask(ed) for street address and photo ID.” A good practice of asking everyone if they wanted to use the machine or a paper ballot was observed at several polling places. Additionally, an observer reported a good practice of ensuring consistency with signs at check-in table: “say (name) show (photo ID) sign (poll book).” This practice is excellent as it is transparent and lets voters and poll workers know what is expected during every step of the voting process.

Voter Registration

At 24 locations voters attempting to register on election day were turned away, with a total of 40 potential voters observed being turned away. The most common reason a potential voter was turned away was that they did not have the proper documents to establish residency, encompassing 72.5 percent of people turned away. In most cases, registrars were helpful informing voters of acceptable proof of residence options. In Washington County, a helpful clerk made the difference between a man voting or not. He is a caretaker for a property and nothing is in his name. The clerk helped the him find his hunting license online, and he was able to register to vote. In Door County, an observer noted another helpful practice where poll workers were provided with a supplemental recent registration list containing the names of those who registered too late to be in the official poll list. However, not even the most helpful registrars can help all voters. As in the case of one student in Winnebago County who could not register to vote because they were unable to produce a document establishing residency. The student rents with several roommates and the lease and bills are all listed in another resident's name. They were also unable to access their enrollment verification online. The student was unable to vote.

In addition to voters having difficulty producing documents to establish their residency, there is still confusion among voters as to what documents are acceptable as proof of residence. Voters were observed trying to use credit card bills, out of state driver's licenses, and a work ID. For example, one voter arrived to vote, needing to register, and thought he had brought enough proof to vote - a work ID with no address plus a driver's license that displayed an old address. The poll worker shared acceptable documents list, and the voter left to get a utility bill and return to vote.

Election Day registration remains an important protection for voters. At 34 sites voters claimed they were registered to vote, were not found in the poll book and had to re-register. Put another way, 30 percent of polling locations observed experienced voters claiming they were registered to vote, not found in the poll books, and had to re-register. This occurred more frequently at the urban polling locations observed. Urban polling locations observed were three times more likely to experience voters claiming they are in the poll book, not found, and need to re-register when compared to rural locations observed. Additionally, of the sites League volunteers observed, polling locations with an observable student presence were 2.3 times more likely to experience voters claiming they are in the poll book, not found, and needed to re-register than polling locations without an observable student presence. Observers reported they saw 43 people who had to re-register. Those voters would have been disenfranchised if Election Day registration did not exist.

The Voting Process

Photo ID

There are still voters who are having difficulty producing an acceptable photo ID to vote. Observers reported that they saw 26 people who had difficulty producing a photo ID to vote. Of the 26 people observed having difficulty, half left without voting. These voters

were disenfranchised. For voters without an acceptable photo ID, voting provisionally is their only option until they can produce an acceptable ID. This was the situation for one voter in Dane County who recently moved to Wisconsin to go to school. She did not have an acceptable photo ID, but the Chief Inspector explained the provisional ballot. She registered and voted provisionally. Presenting an acceptable photo ID is particularly burdensome for students, as our observers saw. Locations with an observable student presence reported experiencing voters with difficulty producing an acceptable photo ID 6.3 times more frequently than locations without an observable student presence.

Similarly, the public is still confused about what forms of ID are acceptable for voting. Several voters were turned away for presenting an ID not on the acceptable list. Four people attempted to use out of state IDs, one person attempted to use an expired student ID, and one person attempted to use a work ID. At a Dane County polling site, a voter brought a Michigan driver's license as proof of ID. She had just sent her passport for renewal. She thought she had a copy of some ID at home, and if she did she said she would return before 8 p.m. to vote. Some voters were observed to leave and return with an acceptable ID to vote. However, some voters expressed that they would not return to vote with the proper photo ID.

Difficulties experienced by voters having trouble producing a photo ID are exacerbated by the fact that election officials have observable confusion over the photo ID laws. Poll workers at 18 sites were observed asking voters about the address on voter photo IDs. Polling locations with an observable student presence were 2.7 times more likely to erroneously ask about the address on photo IDs than locations without an observable student presence. One polling location in Door County, did not even ask voters to show photo ID to vote.

Election officials were also observed expressing confusion on what types of IDs are acceptable. One poll worker was not sure if a passport was an acceptable form of ID. Another poll worker was observed asking for "proof of residence" instead of photo ID at check in. In Sheboygan County, a poll worker was confused about acceptable photo IDs, called City Hall for assistance, and was given incorrect information. The information was later corrected and the situation resolved. This type of human error can lead to voters losing their right to vote as was experienced at a campus polling place in Milwaukee County. After the election, a poll worker reported that the Chief Inspector was not accepting a class schedule as enrollment verification to accompany their student ID even though a class schedule is one of the examples the Wisconsin Elections Commission lists as an acceptable document for enrollment verification. The students whose class schedules were not accepted lost their right to vote.

No one was observed to have been challenged for reasonable likeness of their appearance matching their photo on their ID.

Provisional Ballots

Provisional ballots are offered inconsistently from polling place to polling place. While poll workers at some polling locations are comfortable with offering provisional ballots and

explain the option clearly to voters, other polling places were observed to under or even over offer provisional ballots to voters. Polling locations that under offer provisional ballots expressed that they saw them as a “last resort measure” or would only offer them if a voter specifically asked for a provisional ballot. Of the 13 people observed leaving without voting because of difficulty producing a photo ID, five were not offered a provisional ballot. The sentiment shared with one observer was that voters were more likely to return to vote without being given the option of voting provisionally. At other sites, poll workers were not comfortable in their understanding of how to issue a provisional ballot, so they did not offer them. There seems to be confusion on when to offer a provisional ballot and a reluctance to do so even if the election official interacting with the voter lacking photo ID knows about the provisional ballot option. One voter in Milwaukee County reported their experience asking a poll worker what would happen if they did not have a photo ID: “She referred me to a supervisor, who produced a sheet showing acceptable IDs but said that if I did not have one of them, I would not be able to vote. After prompting by me, the supervisor admitted that I could cast a provisional ballot, but added ‘not to let that get around. They are a lot of work.’”

Three locations were also observed to over offer provisional ballots, offering them to voters who were not able to register to vote because they lacked proof of residence. This was observed in Dane County when a voter could not connect with their phone to look up an electronic copy of their proof of residence document. The voter was offered a provisional ballot, but chose to go home to retrieve their proof of residence document. It was also observed in Waukesha County when a voter who was new to the community and did not have proper documents to establish residence arrived to vote. This voter voted provisionally. There is variation from municipality to municipality in interpreting whether these ballots should be processed if the voter gets a copy of their proof of residence to the clerk by 8 p.m. the Friday following the election. Some clerks will process the ballot and count the votes, chalking the issue up to clerical error and ruling in favor of the voter. While others, also considering the issue clerical, interpret the law as the ballots are invalid and cannot be processed.

Even when provisional ballots were offered, a majority of voters who were offered a provisional ballot decided not to vote provisionally. Our observers did not collect data on why this would be.

Supplemental ERIC Poll List

In November 2017, the Wisconsin Elections Commission used an ERIC (Electronic Registration Information Center) mailing to do routine maintenance of the voter file. At the 2018 Spring Primary, it was discovered a number of voters were deactivated from the poll lists in error as a result of the ERIC process. In an effort to ensure voters who were deactivated in error could still vote in the 2018 Spring Election, the Wisconsin Elections Commission introduced a special supplemental ERIC poll list that contained the names of people deactivated as a result of the ERIC process.

The supplemental ERIC poll list prevented some people from needing to re-register after they were deactivated in error earlier this year, but the supplemental lists did not solve the issue for everyone. For example, in Dane County a voter claimed they were registered, not found in the rolls, and had to re-register. Later poll workers found the voter's name on a supplemental list that had been misplaced. Additionally, observers noted three voters in Milwaukee County who claimed that they had voted at their current address in previous elections, were not found in the poll book nor the ERIC list, and had to re-register to vote. One of which was an elderly woman who was not in the poll book and not found in the ERIC supplement. She claimed she lived in her house many years and voted in the presidential election. Fortunately the woman had an up to date Wisconsin driver's license and was able to vote. Other locations could not help voters as the election officials reported they did not receive a supplemental ERIC poll list. This was reported by observers at three polling locations, and at two of the sites election officials "had no knowledge of (the) ERIC poll list."

Recommendations:

In past reports the League has recommended increasing the Election Day workforce, providing better training for election officials, developing statewide standards for polling site management, and increasing voter education efforts. While efforts have been made in that direction, the confusion around election law and new challenges continue to increase the need for improved training, better voter education, and more options for voters who do not have acceptable photo ID or proof of residence. The League offers the following specific recommendations after the April 3, 2018 election:

Improve Election Official Training

While many election officials are very knowledgeable, there are still considerable gaps in knowledge among poll workers. Election officials need training and support to be able to understand election laws and policies and ensure they are applied consistently. Well trained election officials who are able to help voters understand what they need to provide in terms of photo ID and proof of residence documents, redirect voters when they arrive at an incorrect polling place, address issues with voting machines, and offer provisional ballots when applicable can make the difference between a voter casting their ballot or walking away without voting. Additional resources can also provide a good supplement to training provided before Election Day. Resources could include checklists, proof of residence and acceptable photo ID reference sheets, DMV phone numbers, and handouts to assist with voter redirection. Where an internet connection is available, election officials should also recommend myvote.wi.gov as a resource to voters.

Improve Consistency in Polling Site Management

More needs to be done to ensure the voter experience is consistent municipality to municipality and voter to voter. Good polling site management is key to the voter experience and it is important to apply rules consistently. Statewide, voters need to be assured accessible voting equipment will be set up, voters have privacy when using the accessible voting equipment, polling sites do not have policies that are in conflict with voters' rights, and provisional ballots are offered with consistency. Attention should also be

given to alleviate the discrepancies our observers witnessed between urban and rural polling sites and polling sites with student populations and those without.

Increase Voter Education and Outreach Efforts

Statewide voter education by the Wisconsin Elections Commission is crucial to prepare citizens for each step of the voting process. Helping voters to be prepared before Election Day will lead to smoother election administration, less confusion on Election Day, and reduce the number of people needing to be redirected or turned away for lack of proper documentation. The needed areas of education include: how to find one's polling place; what are acceptable proof of residence documents for registration and photo IDs for voting; how to fill out a ballot; how to use myvote.wi.org. In particular, there needs to be a focus on working with high schools, colleges, universities, and technical schools throughout the state to educate first-time voters. The voter education efforts should be targeted to groups that find it more difficult to comply with the documentation and ID requirements.

Expand Options for Acceptable Proof-of-Residence and Photo ID Requirements

The list of acceptable Proof of Residence documents should be expanded, and corroboration should be reinstated as Proof of Residence for Election Day Registration. The current photo ID law should be amended to allow for more types of acceptable ID including all student IDs from an accredited educational institution and out-of-state driver's licenses, and an option to sign an affidavit attesting to one's identity, under penalty of perjury.

Maintain Election Day Voter Registration

Election Day registration remains an important safeguard for voters and should be protected. Many voters rely on Election Day registration to vote. It saves voters from being disenfranchised in situations where there are errors in the poll books, voters believe they are registered only to find out they need to re-register on Election Day, or first time voters that need to register for the first time.

Improve the ERIC List Maintenance Process to Prevent Voters From Being Deactivated in Error

The supplemental ERIC poll lists were helpful to some voters, but did not protect every voter who had been deactivated in error. The supplemental lists relied on poll workers remembering to check the list every time a voter challenged not being listed in the poll book. Those deactivated during the routine maintenance using the ERIC process should be put back on the poll list or clerks should be required to review the voters who received an ERIC postcard and were deactivated as outlined in the Wisconsin Election Commission's March 8, 2018 "ERIC Voters Who Did Not Move" memo.³ Additionally, the Wisconsin

³ Wolfe, Meagan and Jodi Kitts, (March 8, 2018). Wisconsin Elections Commission. *ERIC Voters Who Did Not Move*. elections.wi.gov. Retrieved May 7, 2018 From http://elections.wi.gov/sites/default/files/memo/20/clerks_eric_inactive_instructions_memo_march_201_81252.pdf

Elections Commission should ensure the issues leading to the erroneous deactivations are corrected before using the ERIC process to update the poll book in the future.

Evaluate the Provisional Voting Process

Provisional voting provides a way for voters to participate in an election if they are unable to provide required documentation on Election Day. While not ideal, provisional voting provides a safeguard for voters and gives them more time to produce the required documentation. However, in practice, provisional ballots are offered inconsistently and in some cases very reluctantly. Additionally, a majority of voters who were observed that were offered a provisional ballot, rejected the offer. Further research should investigate whether provisional ballots are serving their intended purpose in practice or if there is another way to make them more palatable for both election officials and voters. We recommend the Wisconsin Elections Commission evaluate the provisional voting process to make sure it is serving its intended purpose in practice and if not identify ways to improve the process for both election officials and voters.

CONCLUSION

Elections are the foundation of our democracy. With so many moving parts to ensure our elections are run efficiently, it is easy for nuanced laws to cause confusion among voters and election officials alike. More needs to be done to take the confusion out and improve the process for poll workers and voters. Wisconsin is fortunate to have many polling sites and election day teams that set the bar high in both election day operations and the voter experience. We continue this program to observe and make recommendations, so that all polling places can meet the same standard of excellence and advance the system to improve the voter experience.

Our democracy requires that for someone to govern, they need to have the consent of the people they represent. When people lose their right to vote, they lose their ability to consent to their government. While we have evidence that voters were turned away for lack of proof of residence and lack of acceptable ID, what cannot be counted is the number of eligible citizens who do not attempt to vote due to the unnecessary complications in registering and voting in Wisconsin. Our state election law should make it easier for all eligible citizens to cast a ballot in Wisconsin.

Authors:

Eileen Newcomer, LWVWI Voter Education Coordinator

Erin Grunze, LWVWI Executive Director

May 2018

E-POLL BOOK PILOT OBSERVATION ADDENDUM

INTRODUCTION

In the April 3, 2018 Spring Election, five polling locations in Wisconsin piloted the use of electronic poll books (e-poll books). The software for the e-poll books was developed internally by the Wisconsin Elections Commission (WEC) and the hardware was provided by the WEC for the locations taking part in the pilot. To observe the pilot, the League of Women Voters of Wisconsin (LWVWI or the League) partnered with Access Democracy to create a supplemental questionnaire and provide additional training for the League volunteer observers who would be observing the e-poll book pilot polling sites. The League recruited four volunteers to observe the five piloting locations.

Observers were asked to report on general features of how the pilot was run, core functionality of the e-poll books (i.e. check-in, vote registration), additional functionality of the e-poll books (i.e. electronic signatures, barcode scanner, prompting to poll workers), common issues other state e-poll book programs have experienced, and give their general impressions of the roll out. The goal of the observations was to collect data on the use of e-poll books in Wisconsin in order to make recommendations to the WEC on their future use as they move forward with a larger rollout in 2018 fall elections.

FINDINGS

Based on everything they saw, observers rated election officials' ability to use the e-poll books as "good" or "very good" at all five pilot locations. At a couple of the locations, observers noted that it was beneficial to have two Chief Inspectors to manage the flow and troubleshoot issues as needed. This is something that could be considered by other polling locations looking to utilize e-poll books in future elections. Training of poll workers so that they are prepared to use the e-poll book technology on Election Day was one area noted as having room for improvement. Delays were caused when poll workers were not familiar with the interface (how to type on the e-poll book, how to update addresses, fix misspellings etc.). Training to familiarize local election officials with the e-poll book interface and how to reboot the e-poll books on Election Day is too late.

Delays were also observed during the registration process. Typically at polling locations, voters are directed into two different lines depending on if they need to register to vote or are already registered and are ready to check-in to receive their ballot. At the pilot locations, check-in and voter registration lines were combined into one line, and poll workers were instructed to use the e-poll books to register voters in addition to using them for the check-in process. Observers noted at three of the five locations, the registration process slowed the line for all voters. Two observers noted that the registration and check-in lines should be separated out for future elections to prevent registration from holding up the line for voters.

Overall, observers reported that based on everything they saw they would rate voters' satisfaction with the e-poll books as "somewhat satisfied" or "very satisfied" at all five pilot locations. It was observed that the e-poll book's prompts made the voting experience more

consistent from voter to voter and is an efficient process. However, some voters did express privacy and security concerns. Out of these concerns, one voter did not want his ID scanned and several voters were unwilling to sign electronically. At the site where voters were unwilling to sign electronically, the WEC representative at the site instructed the voters to sign with an “x” as their signature, and the voters proceeded to vote. It may be worth including what to do in that situation in future training for clerks and/or Chief Inspectors.

Additionally, observers noted several technology related issues that should be addressed for future use of the e-poll books:

(1) When voters are asked to verify their address, voters cannot see the screen with their address. Only poll worker can until it is turned around. Then the voter only sees the signature screen. Voters were not always clear about what they were signing. Additionally, the font size on the e-poll books is relatively small, making it difficult for some voters to read. If language about why they are signing and ability to see their address could be added to the screen the voter sees in a large enough font size, that would help clarify the process for voters.

(2) Observers at four of the pilot locations noted issues with the barcode scanner. At one site, the scanner took so long to return the needed information, poll workers decided to completely forgo using the scanner and simply type in voter names to pull up their record as it was more expedient. At another location, an observer noted that scanning some driver’s licenses would only pull up the individual’s name and not their address. When the same person’s name was typed in, their record with their address would come up.

(3) At three pilot locations, the e-poll books needed to be re-booted. At one pilot location, an e-poll book went down for approximately 20 minutes for an unknown reason. At two of the three pilot locations where e-poll books needed to be rebooted, the League observers reported that the rebooting was done by the WEC representative. Additionally, at the two pilot locations where observers did see the e-poll books re-booted, the observers reported that they were unsure if election officials knew how to reboot the e-poll books. Training on how to reboot the e-poll books is crucial to a larger roll-out of the program for future elections.

(4) At one location the e-poll books assigned the same voter number to two different voters. It would be helpful to have time stamp on voter number slip to help election officials remedy the error.

(5) The system had trouble looking up voters with multiple first names, multiple last names, and names with Mc or Mac. When the system took longer to find someone or poll worker had to try multiple options, it alarmed voters at the possibility that they were not in the system.

(6) At one of the pilot locations, the League observer reported that when voters tried to check in at the wrong polling location, poll workers directed voters to the ward map or were told to look it up on their own. This leads us to believe the polling site locator feature may have not been working, as poll workers should have been prompted with the correct polling location information to share with voters.

CONCLUSION

E-poll books are an important technological advance for the Wisconsin election system and are a good step to prepare Wisconsin for the future. Overall, the e-poll book pilot went reasonably well. The system is efficient and ensures a more uniform experience for voters. Many of the issues League observers identified can be remedied with additional training for local election officials (clerks, Chief Inspectors, and poll workers) and adjustments to the software. Trainers should be sure that local election officials are prepared to troubleshoot in instances when e-poll books need to be re-booted, are familiar with the e-poll book interface, and are ready to address voter concerns about privacy and security issues. Local election officials need to be prepared to troubleshoot without the crutch of the WEC representatives on site to correct issues if the program is to be sustainably rolled out to other municipalities. In addition, the WEC should make adjustments to their software to ensure features like the barcode scanner, name search functionality and instructional prompting are working as intended. We also recommend that the WEC add features allowing voters to be able to read their address and understand why they are signing the e-poll book, add a timestamp on the voter number slip, add ability to print redirection address/instructions, and increase the font size to ensure voters and poll workers are able to read the information on the screens. Finally, until there is a feature in the e-poll books that will help expedite the registration process, we recommend that there be separate registration and check-in lines on Election Day. Segregation of these two Election Day functions will help reduce wait times and help to ensure voters are not forced to leave without voting because of the the time it takes them to be able to cast a ballot upon entering their polling location. With the acceptance of these recommendations, we recommend other municipalities consider using e-poll books in the future.