

State of Wisconsin\Government Accountability Board

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Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the August 30, 2010, Meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy
Director and General Counsel
Government Accountability Board

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Government Accountability Board

Prepared and Presented by:
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SUBJECT: SVRS Facilitated Mail-In Registrations
A Proposed Initiative for Improving Voter Initiated Mail-In Voter Registration
Re-Authorization to Jointly Study Online Voting with Department of Transportation

Issues

1. Should the Government Accountability Board authorize staff to develop and administer a Statewide Voter Registration System (SVRS) automated, voter initiated mail-in voter registration process?
2. Should the Government Accountability Board authorize staff to continue to study and develop an on-line voter registration proposal in collaboration with the Wisconsin Department of Transportation?

Background

In January 2009, Board staff recommended establishing automated and simplified registration and voting processes as part of the 2009 legislative agenda. The Board approved this initiative, which included establishing an online registration system for voters with a Wisconsin driver's license or identification card. Online voter registration was also incorporated in the five-year Election Administration Plan, adopted by the Board in August 2009, and approved by the Legislature pursuant to §5.05 (10), in October 2009. An online voter registration bill (AB-892) was introduced in the State Assembly in March 2010. It was later rolled into the Voter Protection Act, which was ultimately not acted on.

In accordance with the Board-adopted and Legislatively-approved five-year Wisconsin 2009-2014 Election Administration Plan, Board staff are committed to continuing to develop an online voter registration initiative for approval by the Legislature. However, staff has identified a way to simplify and improve the accuracy of the mail-in voter registration process using SVRS to facilitate voter initiated mail-in registration.

This memorandum spells out the framework and approach for an important initiative. Board staff requests approval to pursue and implement this plan as a service to Wisconsin's residents, our clerks and voters.

Discussion

I. A SVRS Automated, Voter-Initiated Mail-in Registration Process

A. Why Pursue an SVRS Automated Voter-Initiated Mail-in Registration Initiative?

Automating certain SVRS functions for use by the voter is an effective tool in mitigating several problems that currently exist in interpreting and translating voter registration documents. Some of the most glaring and reoccurring challenges include:

- Handwritten Voter Registration Forms, particularly forms submitted by third party voter registration groups, are frequently missing required information, which forces clerks to follow-up with voters to get complete data before they can register the voters. An enhanced voter registration form hosted on SVRS can be programmed to require all information, and provide a "hard stop" if voters skip required fields. Additionally, this initiative will likely decrease reliance on third party voter registration groups resulting in a significant reduction in fraudulent voter registration forms. Currently local election officials spend hours weeding out improperly prepared voter registration forms.
- Handwriting can be difficult to read. Having voters type-in their own information increases the accuracy and quality of the data being entered into the voter registration system.
- During election periods, many local clerks need to hire temporary workers to data enter the large volume of voter registration forms that come in at the last minute before the close of voter registration. Allowing individual voters to "do their own data entry" directly saves clerk time, resources and money.
- Election Day Registration (EDR) is still perceived by many voters as the most convenient way to register or update their registration information. For example, Over the past 30+ years, the percentage of electors registering and voting on Election Day in Presidential Elections has remained consistent around the 15% level. Similar results are experienced for Gubernatorial Elections. In the 2008 Presidential and General Election, 15% of Voters Registered on Election Day (459,459 out of 2,997,089 Total Voters).

These high numbers of voters registering on Election Day creates long lines at the polling place, as well as large volumes of work for clerks after the election. A SVRS-based enhanced form that can be filled out in the comfort of one's home adds a convenience level that is likely to help offset the number of Election Day Registrants.

B. SVRS Automated, Voter Initiated Mail-In Registrations

Due to the failure of the Wisconsin Voter Protection Act, Board staff was not able to move forward with on-line voter registration as was envisioned. An interim solution has been developed by Board staff that can be used to gauge public interest in on-line voter registration, and collect statistics for further analysis that will inform an on-line voter registration proposal that is expected to be presented to the Board sometime during the first quarter in 2011. We expect SVRS Automated, Voter-Initiated Mail-In Voter Registration

Process to work similarly to USPS mailed or electronically received voter registrations as described below. A key aspect of the proposed initiative is that the voter initiates the process rather than relying on outreach programs from third party groups to register voters.

C. USPS Mailed or Electronically Received Voter Registrations Process

Currently, Wisconsin statutes provide for registration by mail. Wis. Stat. §6.30(4). Any eligible voter may register by mail on a form prescribed by the Board. When the clerk receives a voter registration application by mail, the clerk reviews the form for completeness. If the form is sufficient to accomplish registration, the clerk data enters the elector's information into SVRS and does a HAVA Check. A postcard notification is mailed to the voter, and if returned to the clerk as undeliverable or with information of a different address, the voter's record is marked "inactive." If the form is incomplete, the clerk must notify the elector requesting information to make the form sufficient within 5 days of receipt of the registration form. Wis. Stat. §6.32(1) and (2).

Also, under current rules, a voter can PDF the signed form and email it to the clerk, or may send the signed form by facsimile to the clerk's office. The clerk can review the email or faxed form to evaluate the sufficiency of the form for data entry into SVRS, but the registration is not complete until the clerk receives the signed original registration form. Wis. Admin. Code §GAB 6.04.

The plan to automate the mail-in process is a logical extension of what current law authorizes. Automation would streamline the process for the municipal clerk and voter. Because the electronic process requires completing all information before proceeding, the need for clerks to contact voters for missing information is eliminated. Time and money would be saved because voters who use the electronic system could be registered faster and receive information about how to accomplish registration sooner. As previously mentioned, the automated process would reduce long registration lines on Election Day, and reduce the amount of follow-up by clerks who need to verify incomplete paper registration forms.

Current USPS Mailed or Electronically Received Voter Registration Practices	Proposed SVRS Automated, Voter-Initiated Mail-in Registration Practices
Voter fills out a voter registration form by hand and signs the form.	Voter fills out a voter registration form via the SVRS Process and prints the form and signs it.
Voter mails in completed form to the clerk's office.	Voter mails in completed form to the clerk's office.
Once the form is received by the clerk's office, the clerk checks for omissions. If there are no omissions, the clerk enters data from the registration form into SVRS.	The voter is alerted to omissions and complete voter information is populated into SVRS as "Pending." Once a signed copy of the registration is received at the clerk's office, the clerk verifies the information in SVRS without the need for data entry.
Clerk must contact elector to get information if omissions were found.	Clerk does not need to contact the voter as the SVRS Process assures that the form has no omissions.
Clerk runs a HAVA Check on the registration application.	Clerk runs a HAVA Check on the registration application.
Voter Verification Postcard is mailed to voter.	Voter Verification Postcard is mailed to voter.
If postcard is returned to the clerk as undeliverable or with a different address, then the voter record is marked "Inactive."	If postcard returns to the clerk undeliverable, then the record is marked "Inactive." It is anticipated that this will happen infrequently.
Voter can verify registration status on SVRS VPA website.	Voter can verify registration status on SVRS VPA website.

D. The Proposed SVRS Automated, Voter-Initiated Mail-In Voter Registration Process

The intent of this proposal is to introduce a SVRS Automated, Voter-Initiated Mail-In Voter Registration Process statewide. The Government Accountability Board will publish a link on the agency website for voters to complete a fillable voter registration form hosted on SVRS. When voters click on the link, they will be taken to a fillable form that will ask voters questions in order to collect the required voter registration information, complete with instructions. Counties and municipalities may also put a link to the SVRS Automated, Voter-Initiated Mail-In Voter Registration site on their website.

The form will provide basic data validations to ensure that voters are filling-out all required information. This includes ensuring the address is valid based on existing SVRS data. Once the form has been filled-out completely and the voter agrees to the certification statement, the voter will be able to print the form, with instructions to sign, date it, and mail in the form to the appropriate clerk's office. The form must be postmarked no later than 5:00 pm on the 20th day prior to the next election in order to be considered a valid mail-in registration for that election.

The data from the form will be stored in SVRS as a "pending" voter registration application. Once the clerk receives the signed form in the mail, they will simply verify and approve the pending voter application including conducting a HAVA Check, as they would if they had typed in the data themselves from a form completed by hand. The voter can check the SVRS Voter Public Access (VPA) website to verify that their registration has been received and processed. If not, they will be instructed to contact the appropriate clerk to verify the status of their registration application. A diagram that outlines the process is attached.

This process will provide voters a simplified way to fill-out the voter registration form. It also provides immediate feedback if they have not followed instructions or have left out any required information. The SVRS Automated, Voter-Initiated Mail-In Voter Registration Process improves the accuracy of the data being entered since it is being entered by the voter themselves. It will also save clerks the time (and money) of data entry. Voters will be encouraged to use this alternative rather than registering on Election Day, which will save time at polling places, as well as during the post-election process.

E. Technical Considerations

This SVRS Automated, Voter-Initiated Mail-In Voter Registration Process is being proposed as an alternative utilizing existing technology until online voter registration is implemented. In the event online voter registration is not implemented, voters and local election officials will have the benefit of utilizing SVRS to collect more accurate mail-in registration forms.

The SVRS Automated, Voter-Initiated Mail-in Voter Registration process is being developed, tested, and intended to be deployed with minimal effort by December 1, 2010. Many of the processes will be able to be re-used if online voter registration is authorized by the Legislature. This process will be hosted on, and will utilize the existing the agency Voter Public Access (VPA) website.

F. Policy Considerations

There are several policy considerations related to a SVRS Automated, Voter-Initiated Mail-In Voter Registration Process:

1. These registrations will be treated as mail-in registration applications. The SVRS hosted form simply facilitates capturing the required registration data and populating the voter registration form. This process is fully statutorily compliant. No new Legislative authority is necessary.
2. Only voters with a valid Wisconsin driver license or State-issued Identification Card (ID) will be able to participate in this process, similar to how on-line registration is envisioned. This allows for a simpler data validation and approval process. Voters who do not have a valid Wisconsin driver license or state ID will still be able to register via standard means, filling-out a form manually, but not via the SVRS Automated, Voter Initiated Mail-In Voter Registration process.
3. Both new registrations as well as updates to existing registrations (such as name or address changes) will be permitted in the SVRS Automated, Voter-Initiated Mail-In Voter Registration initiative.
4. This initiative will allow Board staff to gather valuable statistics; including how many applications are filled-out on the SVRS hosted form? How many voters print and mail-in the form? How many voters visit the site but do not fill out a new form? These statistics can help gauge the interest in an on-line registration format, as well as assess if having to print and mail a form is a deterrent to voters.
5. This process has already been implemented by a few other states, such as Delaware, and Washington DC.
6. Many third party voter registration websites use similar technology to enable a voter to complete a registration form on line, print and mail the application form to the appropriate election official.
7. The SVRS Automated, Voter-Initiated Mail-in Voter Registration Process will be available to all eligible voters in Wisconsin.

G. Timeline

With Board concurrence, technical staff will complete the planning and development process for launching the SVRS Automated Mail-In Voter Registration Process by December 1, 2010, after the General Election. Board technical staff, working closely with our Department of Administration, Division of Enterprise Technology partners, are moving forward with the conceptualization, preliminary planning and development phases.

Recommendation

Staff recommends that the Board authorize staff to develop and administer a SVRS Automated, Voter Initiated Mail-In Voter Registration Process to be launched for public use by December 1, 2010.

II. On-Line Voter Registration

Board staff has been actively researching on-line voter registration since July 2009. According to a 2009 U. S. Election Assistance Commission report, states received more than 60 million voter registration forms between 2006 and 2008, most of which were on paper¹. In the few states that have implemented on-line voter registration, election officials have praised its popularity with

¹ US Election Assistance Commission, The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office, 2007-2008: A Report to the 111th Congress 6 (2009)

voters and the cost savings to the state and local government. Staff research indicates that eight states (Arizona, Colorado, Indiana, Kansas, Louisiana, Oregon, Utah and Washington State) currently have on-line voter registration systems in place.

At least three more states are developing similar systems (California, Nevada, and North Carolina). The State of Delaware operates an on-line voter registration system similar to the SVRS Automated Mail-In Voter Registration Process being proposed by Board staff. Delaware's program provides for voter registration information to be submitted on line, printed, and confirmed by an election official.

An online voter registration bill, AB 892/SB 645, was drafted in consultation with agency staff and introduced in the previous legislative session. The legislation was subsequently rolled into the Wisconsin Voter Protection Act. AB 895/SB 640, but ultimately that bill was not taken-up.

Board staff continues to pursue on-line voter registration. This would allow a voter to fully register, start to finish, on line without the need to mail in a hard-copy form and signature. Wisconsin Statutes do not currently allow for on-line voter registration. Board staff will continue to work with the Department of Transportation to develop joint recommendations for implementation of true on-line voter registration, including proposed statutory changes.

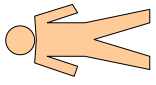
Recommendation

Staff recommends that the Board re-authorize staff to study and develop an on-line voter registration proposal in collaboration with the Wisconsin Department of Transportation and other partners, and prepare a joint report with DOT for consideration by the Board at a meeting in early 2011.

SVRS Automated Voter Initiated Mail-In Registration Process

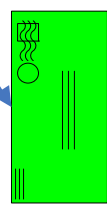


1

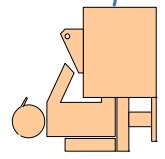


Print Application / Sign

Instructions on:
 Mailing
 Proof of Residence
 VPA, ...



Mail in Application to Clerk



SVRS Pending to Active

8

Like Mail-In Application

Pending to Active Update

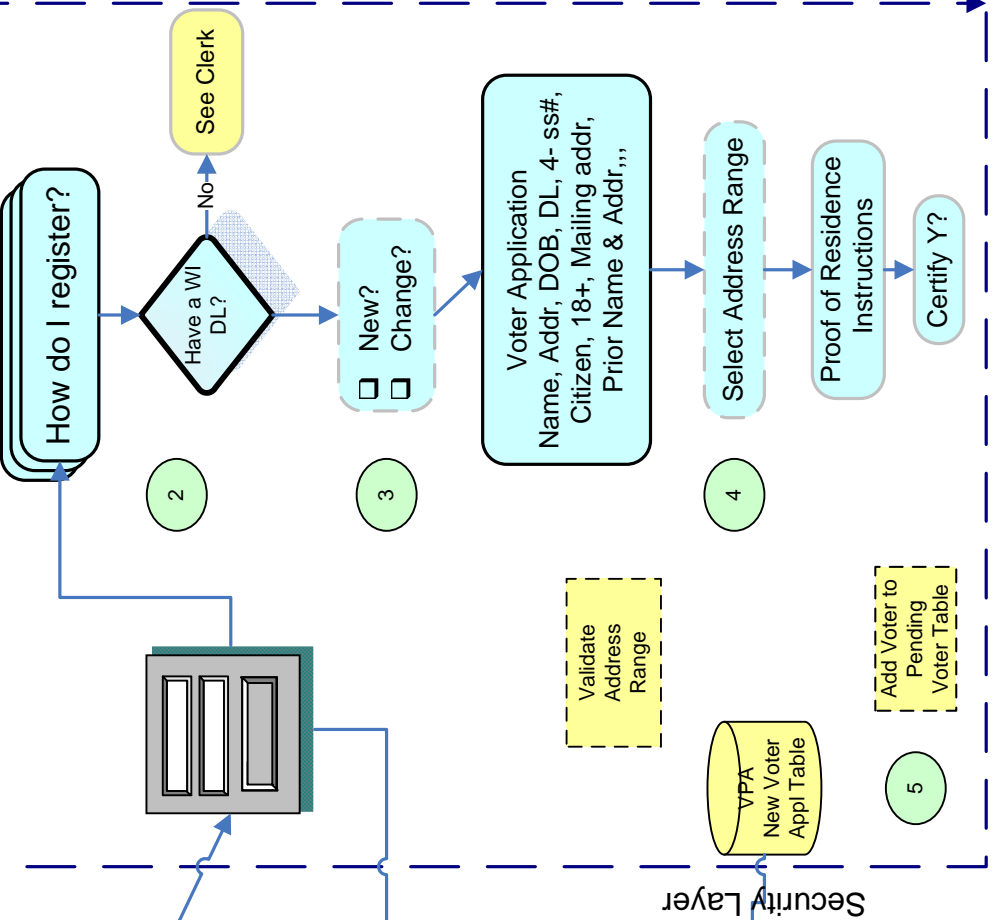
Nightly Insert New On-line Voters

6

SVRS

Existing SVRS Applicant Processes
 (Normal HAVA Interfaces, HAVA Matching.....)

On-Line Fillable Voter Registration Form



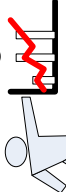
2

3

4

5

How is this working?



- Analyze Success
- Web Site traffic
- # of new applications
- % of pending to signed application
- Etc...

LEGEND

Color Legend

Process already exists

Process needs to be developed

Number Legend

Number	Action
1	Voter finds out about SVRS Automated Voter Initiated Mail-In Registration Process and follows link.
2	On the website the voter is presented information on the steps required by this new process and basic requirements. Voter is required to have a Wisconsin driver license or state ID to be eligible for this new process.
3	Voter selects if it is a New registration or a Change to an existing registration and is presented with a form requesting information. Basic validation is performed to make sure information is as accurate as possible and that all required fields are filled in.
4	Based upon the address entered, the voter selects the appropriate address range, which verifies residence location based upon SVRS address information. Based upon the address range the appropriate municipality and county are automatically filled in on the form.
5	After the voter is informed of residency requirements and certifies information the system will store the voter application in a temporary “secure” location.
6	At night, the system will update SVRS based upon entries in the “secure” location. The voter registration information will appear in SVRS as a “pending” voter application.
7	The voter, after certifying information entered on the form, will print the application and instructions on where to mail, deadlines for mail-in registration forms, proof of residence requirements, and how to use VPA to check the status of their voter registration application.
8	Clerks will receive the signed voter application, find the voter in the Pending Voter file and process the voter registration through the normal SVRS processing. This process will be the same as the current mail-in application process, except that the clerk will not need to type in the data.

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TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy
Director and General Counsel
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Nathaniel E. Robinson
Elections Division Administrator
Government Accountability Board

Prepared and Presented by:
Sarah Whitt
SVRS Functional Team Lead
Government Accountability Board

SUBJECT: Proposed Initiative for Motor Vehicle-Based Voter Registration
A Joint Collaborative Initiative with the Wisconsin Department of Transportation

Issue

Should the Government Accountability Board study the feasibility and impact of a Motor Vehicle-Based Voter Registration System?

Background

In January of 2009, Board staff proposed several initiatives to automate and simplify the voter registration process, including providing for simultaneous registration of voters upon obtaining a driver license. The Board authorized staff to conduct further study on this initiative as part of the 2009 legislative agenda. Wisconsin's 2009-2014 Election Administration Plan, which was adopted by the Board, approved by the Legislature, and accepted by the US Election Assistance Commission, provides a roadmap for bringing the election process closer to Wisconsin's voters by making voter registration more efficient and effective.

The Wisconsin Voter Protection Act, introduced in the Wisconsin Legislature in March 2010, included provisions that would have established an expanded level of cooperation between the Government Accountability Board and the Wisconsin Department of Transportation (DOT). That bill was overly broad and required data to be transferred from a number of government agencies including the Departments of Health Services, Children and Families, Workforce Development, Revenue, Regulation and Licensing, and Natural Resources, the University of Wisconsin System, and the Technical College System Board, as well as technical colleges within each Technical College District.

The Wisconsin Voter Protection Act would have required the Board to make a determination of voter status if Wisconsin's voter eligibility criteria were met. The Board would have been required to provisionally register these electors and notify them for concurrence. The automatic voter registration provision of the Wisconsin Voter Protection Act was not voted on and as such, that provision failed.

The proposed Motor Vehicle-Based Voter Registration concept that Board staff is proposing would be significantly limited in scope and data transfer would only involve DOT (driver license data), not data from other agencies as specified in the unsuccessful Wisconsin Voter Protection Act. The Board has a long-established working and collaborative relationship with the DOT, dating back to 2005. DOT has been working with Board Staff to conduct voter comparisons (“HAVA Checks” of certain voter registration data with DOT driver license database) since August 2008. The Motor Vehicle-Based Voter Registration initiative would be a logical and natural extension and expansion of existing business practices between the Board and DOT.

Allowing citizens to register to vote when they get a driver license has been required by Federal law in 47 states since 1993 as part of the National Voter Registration Act (NVRA). Wisconsin is exempt from NVRA because of Election Day Registration (EDR), or we would be required to offer this service. Minnesota also has EDR and is therefore exempt from NVRA, yet they offer their citizens the opportunity to register to vote through their motor vehicle agency.

Sharing data with DOT would allow Board staff and local election officials additional tools to verify voter information, and proactively identify voter registration updates. This memorandum summarizes the framework and approach that Board staff would take to continue to collaborate with DOT and other partners to study a limited scope of a motor vehicle based voter registration system, and prepare a joint report for consideration by the Board at a meeting in early 2011. Board staff would also like to include provisions in the upcoming 2011-2013 Biennial Budget Request that would allow DOT to share driver license data more freely with Board staff, and allow Board staff to share voter registration data with other states. Sharing such data would greatly improve SVRS data quality initiatives, as well as simplify and improve the voter registration process for Wisconsin’s eligible voting population.

Motor Vehicle-Based Voter Registration

Board staff would like to move forward in collaboration with DOT to explore a motor vehicle-based voter registration system. The joint team would prepare a report with recommendations for the Board, and the Legislature’s consideration. Some aspects of motor vehicle-based voter registration that would be reviewed include:

1. Updates to Registered Voters

Based on information in Wisconsin’s motor vehicle records, Board staff and local election officials could identify voters who may have moved and updated their driver license but not their voter registration record. Voters could confirm if they would like their voter registration updated as part of the process at DOT, and have their data changed in SVRS without requiring a new voter registration form. This would not only save time for local election officials in data entry, but also reduce the number of election day registrations; thus, freeing up time and resources at the polls on Election Day.

2. Identification of Eligible but Unregistered Voters

Working with DOT, Board staff could also identify Wisconsin voters who may be eligible to vote but have not yet registered. Customers who apply for a Wisconsin driver license or ID card are required to indicate if they are citizens. This information could be used to identify potentially eligible voters. Potential voters as part of the process at DOT could confirm if they would like to be registered to vote based on their motor vehicle record, and have their data added to SVRS, without requiring additional data entry. This would also save clerk time in data entry, and reduce the number of Election Day registrations.

3. Identifying Voters Who Move Out-of-State, and Who Commit Voter Fraud

After passage of the Help America Vote Act (HAVA) of 2002, many states have begun collaborating and sharing data with each other to identify voters who have moved out of state, to detect potential voter fraud, and for other reasons. Wisconsin is collaborating with the State of Minnesota, and is exploring inter-state data sharing agreements with other border states, i.e. Illinois, Iowa and Michigan. State statutes do not currently allow for sharing of protected voter data (such as dates of birth and driver license numbers) with election officials in other states.

DOT has capability to provide signatures, photos and other routine statistical identifying information such as height, weight, hair and eye color, sex and ethnic characteristics. In addition to improving the quality of our voter records, DOT's comprehensive driver license data will also augment staff's capability to identify electors who potentially commit voter fraud. These data are also extremely useful in resolving non-matches from the HAVA Check process. This information would also be used to improve the quality of the voter information in SVRS.

Recommendation

Staff seeks Board's authorization to work with DOT to study the feasibility of a motor vehicle based voter registration concept, limited to DOT driver license data, and identify the most effective ways to accomplish this objective, using existing technologies. A joint G.A.B.-DOT report would be prepared for consideration by the Board at a meeting in early 2011.

Staff also recommends that provisions be added to the Board's 2011-2013 biennial budget request that allow data sharing between the Department of Transportation and the Board, as well as between the Board and other states.