

Date: July 16, 2008

To: Members, Wisconsin Government Accountability Board

From: Paul Malischke

Subject: Agenda Item H, Emergency Rule for Provisional Ballots

Transparency

A significant part of transparency is giving the public a reasonable opportunity for comment before your decisions. The first notice to the public of staff's decision to label non-matches "ID required" was when your agenda appeared a few days ago.

Transparency also requires that the public be reasonably informed as to the details. A decision of this major importance just before the upcoming elections, the public deserves the following written information from staff:

Emergency Rule Justification

The Legislative Council manual on administrative rules states that emergency rules are for "immediate preservation of the public peace, health, safety or welfare", and that a written statement of the facts constituting the emergency must be included with the rule. This should be available to you and the public before you decide. An emergency rule bypasses the normal rule review process, and should only be used in true emergencies.

Alternatives

A complete presentation to you would involve presenting alternatives. Exactly what are other states doing with the non-matches? If staff is unwilling to research this, you will receive alternatives from other sources if they are given time.

SVRS Computer System

It appears to me that a major reason for the staff proposal in this form is the limitation of the Statewide Voter Registration System. Staff should explore and be willing to work with interested parties to investigate alternatives within the existing system.

GAB staff stated that they are not ready to turn on the HAVA check and do not know when it will be ready. It most likely will not be ready before the July 29 staff meeting with the DET computer division.

If you are unwilling to allow this to be deferred until your next meeting, then consider holding a teleconference in early August.