

Fair Elections Wisconsin

October 13, 2011

Dear Members of the Senate Committee on Transportation and Elections:

SB-116, which would move the primary to August, also weakens protection for voters from surprise polling place changes.

We support most provisions in this bill, but strongly object to a change that Kevin Kennedy proposed in June, and was included in the substitute amendment. Under current law, municipalities must designate polling places 60 days before fall elections. SB-116 changes this to 30 days.

The closer to an election that a polling place is changed or closed, the less likely that the message will get to the voters. We have discovered that there are alarming shortcomings in the requirements for notifications, and have data at <http://tinyurl.com/ClosedPP> showing that in Glendale this summer, 20% of the election day voters showed up at polling places that were closed.

We discovered these weaknesses in current procedures for notifying voters about polling place changes:

- **There is currently no requirement that municipal clerks update the Statewide Voter Registration System.** Thus, voters checking for their polling place at Voter Public Access (VPA, the GAB website) may get wrong information. Voters who recently registered will be sent verification postcards that might have the wrong polling place listed.
- **There is currently no requirement that a notice be placed at a closed polling place.** Exception: A notice is currently required for an election that is solely for a school district.
- **There is currently no requirement that voters be informed by mail,** even if the polling place is changed from the primary to the final election.
- **There is no deadline by which polling places are established** for an election that is solely for a school district.
- **The only notification required is a newspaper notice the day before an election.** While this is important, many people are no longer getting information from newspapers.

The GAB might consider administrative solutions, but **the GAB is years behind in developing administrative rules.** The agenda for the September 12 GAB meeting listed 24 potential rules that need promulgation. Many of these have not seen action for years.

Please include in SB-116 or its companion bill the notification requirements that we are proposing, detailed in the appendix to this letter. There will be many polling place changes next year due to redistricting. We welcome further discussion and ask for a public hearing.

Paul Malischke, on behalf of Fair Elections Wisconsin
malischke@yahoo.com

Amend SB-116 to Protect Voters

Currently, municipalities must establish polling places 60 days before fall elections. SB-116 was amended after the public hearing to reduce this to 30 days, thereby reducing voters' protection against being surprised by a polling place change.

SB-116 has passed the Senate and been referred to the Assembly Committee On Election and Campaign Reform. (The companion bill is AB-161.)

Below are proposed amendments to SB-116, to **improve** protection for voters:

- The governing body of the municipality must establish polling places 45 calendar days before each regularly scheduled election. For special elections, municipalities must establish polling places 35 days before the election.
- For elections that are solely for the school district, 120.06 (9) currently allows the school board to select the polling places. This proposal would require the selection to be made 45 days before the election.
- If a municipality closes or changes a polling place from the previous election, or if voters are assigned to a different polling place (e.g. redistricting), the requirements in Tables 1 and 2 apply.
- The requirements in the tables apply to all elections: spring, fall, special, and solely school district, with the exceptions listed in the tables.

Table 1

Municipal Clerk has the responsibility to:	When	Comment
Ensure that SVRS is updated with correct polling place information	At least 30 days before each election*	Voters have a right to expect that they will get correct info from VPA, and from the verification postcards sent to new registrants.
Notify County Clerk about polling place changes.	At least 30 days before each election	Many County Clerks maintain websites with polling place locations. Many voters get info from County Clerks.
Notify all candidates for all offices affected by the change, for which the municipal clerk is the filing officer, by either email, phone, fax, in person, or letter.	At least 30 days before each election	Candidates' campaigns will be a conduit for information to voters. Clerks should be encouraged (but not required) to notify all candidates on the ballot that are affected by the change.
Post a notice at each polling place that has been closed since the previous election.	Election Day	Required now only for elections that are solely for school districts.

*Exception: If there is less than 30 days between elections (e.g. special election), then this update is required no later than 1 week after the previous election.

Table 2 - Exceptional circumstances

	When	Comment
If a polling place is changed between a primary and the final election, each registered voter must be informed by mail.**	Clerk may choose the optimum time	Changes between the primary and the final election are very confusing for voters.
If any of the deadlines in table 1 are not met (for any reason), each registered voter must be informed of the polling place change by mail.***	Clerk may choose the optimum time	Mail to voters is the best notification method.
If there is an unexpected emergency (such as a polling place fire) that requires a polling place change later than 45 days before an election (35 for special elections), the Clerk and the municipality are not in violation of the law.	Actions in both tables required as soon as feasible	Expected to be a rare occurrence.

** For elections that are solely for the school district, the school board assumes this cost.

*** For elections that are solely for the school district, the school board assumes this cost if they miss the 45-day deadline.

Note that under this proposal, the municipality (and the school district when applicable) retains full authority to establish polling places.

Paul Malischke malischke@yahoo.com
August 23, 2011