

**League of Women Voters of Wisconsin**  
**Election Observation Program**  
**Final Report – Election November 8, 2016**  
Released January 3, 2017

**SUMMARY**

The League of Women Voters of Wisconsin (LWVWI or The League) placed 249 volunteer election observers in 511 polling sites across Wisconsin for the November 8, 2016 election. The polling sites were selected by the organizers of this program in an effort to understand how the changing election laws and administering a greater number of provisional ballots would affect voters and Election Day processes. These sites include urban, rural, and suburban 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. 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 new 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. Wisconsin Election Protection 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.

## **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 Public Advocacy for Voter Protection program, The Brico Fund and others, an excellent coalition of partners within Wisconsin, as well as dedicated, experienced volunteers and staff. 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 people become observers 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 eighth election observers report.

## **METHOD**

### **Pre-election**

In the months following the April 5 Presidential Preference Election, LWVWI began recruiting volunteers to become election observers for the Fall General Election. About two-thirds of the volunteers for the November 2016 election had been LWVWI observers in previous elections. The other third of the volunteers were new to their observer roles. Allied groups helped by forwarding recruitment messages to their followers to encourage additional volunteers. 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 attend one of six live online webinar trainings prior to Election Day. The training highlighted the role, rules and importance of the observer and also walked 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 organizers for Election Day questions and support.

### **Day of the Election**

The majority of election observers were assigned to polling places within 15 miles of their home with the greatest traveling taking place in the northern counties of the state where polling sites are farther apart. From our volunteer pool, 182 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 four and six hours at that location. Observers were assigned to 107 polling sites in Milwaukee County and 87 sites in Dane County. The rest were in various other locations throughout

Wisconsin including rural, urban, and suburban settings. At least 22 polling sites were in locations with heavy student voter populations. 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 Milwaukee and Madison to answer questions of the observers. Additionally, the Milwaukee site was staffed with the Election Protection team. Observers were instructed to mail their completed observation forms to the LWVWI office 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 December 15, 2016, LWV WI collected 416 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 wonderful 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.

Observers noted that even when problems occurred with registration and/or presenting IDs 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 lacked organization, were understaffed, and did not have well trained staff. These problems consistently led to frustrated voters, frazzled and unhelpful election officials, and in some cases ultimately to voters being disenfranchised.

### **Polling Site Organization and Mechanics**

Observers reported that 34 sites did not have touchscreen voting machines available or had malfunctioning machines, despite a federal requirement to have such equipment available for voters with disabilities. This is an improvement over the report in the April 5 Election, when more polling sites did not have a functioning touchscreen. Observers noted that at most sites not equipped with a touchscreen machine, the Chief Inspector would assist a voter with completing a ballot, if the voter was unable to do so, or do curbside voting for voters unable to enter the polling place. These are services that should be available at all polling sites, and most Chief Inspectors are happy to provide them. Observers in some sites were concerned that the touchscreen machines were not set up to ensure privacy for the voters. When they addressed privacy concerns with the Chief Inspector they were told in some cases that the staff would do their best but sometimes

were inhibited by the layout of the polling site. An observer in Milwaukee County brought up a concern that if voters who need curbside voting service cannot get inside to get the attention of the election officials, how are they to vote? The election observer saw two voters in their car at the curb waiting to get someone's attention to vote. The voters tried to give the observer their IDs. The observer did not take the IDs but rather went inside to get the Chief Inspector. Her concerns were that she didn't know how long they had been waiting and the Chief Inspector conducting other tasks didn't go out to the voters right away. The observer was not sure they even voted. (413)

Our observers paid particular attention to proper signage and ward maps, and their observations reinforced the importance of clear and large signs. As in past elections, observers noted that when there is not clearly visible signage for the registration and voting lines, voters often became frustrated and confused. This was exacerbated in sites where no election official was designated to be a greeter, whose responsibility is to ensure that people are at the right place and get into the right line. Signs outside the polling site should be large or many in number. Signs inside should hang overhead so that when the location gets crowded the signs are still visible. Observers notes that signs that are attached to tables at waist height are quickly obscured when a small number of people are at the table, and confusion sets in quickly when the signs are not visible. When observers asked Chief Inspectors about the lack of decent signage, they were often told, "This is what we were sent." A few observers noted that Chief Inspectors could do quick day-of fixes to make signage better. But most could not do so, given lack of resources or time. Some observers also noted that clerks did not update their signage in some wards to reflect the residence requirement change from 28 days to 10 days. The observers brought this to the attention of the Chief Inspectors at these sites and they amended the signs, but in the cases where the observer did not arrive until late into the day, the signs were incorrect nearly all day.

LWVWI observers witnessed more than 600 voters at 230 sites who were told to go to another polling location. Observers noted that the best practice for assisting voters who were at the wrong polling location was to have a dedicated staff member (like a greeter) who directly assisted voters to understand where they should go to vote. Some sites used a ward map displayed on a wall. Others used a tablet to find a voter's polling site by using myvote.wi.org. Observers found this most helpful and voters appreciated the assistance. Unfortunately, observers also noted a few sites that did nothing to assist these voters. At best, the voters figured out for themselves where to go. At worst, voters did not learn about being at the wrong location until after having already waited in line to register or vote. The role of Greeter at many polling locations greatly relieved voter confusion about polling location.

Observers noted that when Internet access was available at the polling site, voters seeking to access myvote.wi.org or an electronic proof of residence document were able to get the information quickly and proceeded to vote or go to the correct location. When Internet service was not available, voters had to get out of line or leave the site altogether in order to find a spot where their devices would pick up an Internet signal. In some places when voters stepped outside to get access, they would return to line and proceed. In other locations, observers witnessed voters leaving without registering and without voting.

Observers noted that the best scenarios were when polling places could provide staff with tablets to assist voters to access the Internet to retrieve what they needed to vote.

Due to the high number of voters casting absentee ballots this election, observers noted that processing the absentee ballots on Election Day at the polling site created some challenges. Some sites could not find the time to run the absentee ballots through the machine with the heavy flow of Election Day voters. Some Chief Inspectors opted to wait for slow voting times to count the absentee ballots. Others tried to count them even during busy times, and that slowed down the voting process for day-of voters. A handful of election observers mentioned that at some polling sites they were concerned about the processing of absentee ballots, particularly when ballots were left out in the open and unattended. Observers noted this happened when staff was interrupted and had to attend to another task. This maybe due to a shortage of staff to handle absentee ballots and other tasks. Another concern about absentee ballot processing was that folded ballots would often jam the scanners and cause day-of voting to get backed up while the machines were being fixed.

### **Polling Site Management and Staff**

Most observers commented that the poll workers were professional, helpful, and respectful of voters. Out of 416 reports, only eight observers recorded that they found the opposite to be true and gave detailed descriptions of problematic actions by Chief Inspectors and other election officials. Observers commented that well-run polling sites had election officials who were described as “patient,” “excited to help voters,” “friendly,” “excellent and knowledgeable,” “made voters feel welcomed.” As an example of going above and beyond, an observer noted at one site that a Chief Inspector held babies so parents of young children could vote without juggling the ballot and the child. (328) Other observers noted that a polling site was very welcoming of first time voters by the election staff applauding after the voters put their ballots in the machine.

However, there were some problematic situations and polling sites that require attention. LWVWI observers in 65 locations noted that election officials’ knowledge about documentation requirements for registration and voting was inconsistent. For example, at a site in Waukesha County, a voter did not bring a proof of residence document. The registrar did not offer the voter information about which documents constitute acceptable proof. The LWVWI election observer advised the voter of her options after the voter was outside the polling site. The voter then produced acceptable proof and voted. The observer asked the poll worker why she did not give the voter options and the worker said, “The voter didn’t ask.” The observer reported this response to the Chief Inspector and eventually the Chief Inspector resolved the situation. (219)

At a few sites across the state, observers reported that electronic proof of residence was not being accepted. When this was pointed out, some Chief Inspectors called their clerk early on to verify that electronic documents were acceptable. But in other places, voters had been turned away before League observers discussed this with Chief Inspectors and corrected the problem. At other locations, election officials voluntarily assisted voters by letting them know that electronic versions of acceptable documents were suitable.

Overall the polling sites were adequately staffed for the volume of voters. This is an improvement from the April 5 Election where more sites were understaffed. Yet in the November Election, those sites that were not properly staffed were likely to be a negative voting experience. The sites that observers found poorly managed had long lines and high voter confusion. Where the election observer had negative perceptions of a polling site, there was likely to be inadequate signage, poll worker misapplication of the laws, and understaffing issues. Poorly run sites also were more likely to turn voters away and less likely to troubleshoot or problem-solve to help more eligible citizens to vote.

Poorly managed sites were seen in various locations – urban, suburban and rural – around the state, and poll workers at these sites were unable to assist voters or improve the mechanics of the process. In poorly managed sites, one problem often leads to more problems. For example, if the election officials are not knowledgeable about proof of residence or photo ID, there are likely to be more questions about whether a document is acceptable, which in turn leads to longer lines and more voters leaving without voting.

### **Voter Registration**

Observers witnessed nearly 500 people turned away from registration in the Fall General Election for lack of proper documents. Some, if not all, could produce some type of documents with an address, but they were not acceptable documents. Some observers did note that they saw some people come back with the correct documents while the observer was still at the site. Most poll workers tried hard to help eligible citizens find an appropriate document so the person could vote. Yet there were other individuals turned away who did not return while the observer was present, and a few potential voters who vocalized their frustration and said they would not return. A woman who had moved to a new location in Brown County three weeks earlier simply could not produce a proof of residence document in her name. All acceptable types of documents were in her husband's name. She was unable to vote. (76)

Most concerning is how many polling sites did not have voters who said they had previously registered in the poll book. Over 200 sites had 465 voters who were not in the registration rolls who claimed they previously voted at that location and some as recently as April. Therefore, voters had to re-register to vote on Election Day. Granted some of these individuals may have been mistaken or may have been lawfully purged from the rolls. However, it is likely that some were not in the registration rolls as a result of a clerical error. This is no fault of the voter and it shows how important Election Day Registration is as a safeguard for voters.

The change in the residence requirement from 28 days to 10 days made it possible for more people to register at their polling location. Those who did not meet the 10-day residence requirement were instructed to go back to their previous polling location. A more problematic situation for voters continues to be the limited types of documents allowed to establish proof of residence. As noted, 344 voters did not initially have correct proof of residence documents when registering. Sites that worked with voters could

sometimes find another proof of residence documents so the voter could register. Sometimes those attempts still could not produce what is required to register.

In Oneida County, an observer noted that voters were not always educated on eligible proof of residence documents. Many brought documents that are official but not acceptable such as phone bills or mortgage papers. The observer noted that the online system was not helpful since much of the county does not get good or consistent cell service. (411)

Polling sites with large populations of student voters did better in the November 8 Election to assist students with registration than they did in the April 5 Election. Poll workers and students were better educated on what was needed to register, so lines were shorter and students were better prepared with proper documents.

### **Acceptable Photo ID for Voting**

The observers found that application of the photo ID law is not consistent across the state. At some locations, voters were not asked to produce an acceptable ID. In a small town in northern Wisconsin, the postmaster showed his work ID and was allowed to vote. This ID is not on the list of acceptable IDs and others who have tried to use a work IDs for voting have been refused a ballot in other locations. (169) In Kaukauna, an observer noted a Chief Inspector accepting an out-of-state driver license for photo ID. At this location and other polling sites, the observers witnessed some voters not asked for an ID before being given a ballot. (390, 114, 36) In 77 locations, observers noted that poll workers asked voters about the mailing address on their photo ID. The Chief Inspector or another poll worker, sometimes at the request of the observer, corrected most of these incidents.

LWV observers noted some voters had initial difficulty producing an acceptable ID to vote at 110 polling locations. At these locations, 51 voters were able to produce another ID that was acceptable when asked for another form of ID. In cases where another ID could not be produced, observers saw 71 provisional ballots given for lack of acceptable ID. Another 37 voters were told about a provisional ballot and refused, most citing that they would not be able to secure an ID by the Friday deadline or they were not interested in getting a WI state ID or license. Observers noted 23 instances when a provisional ballot should have been offered to a voter lacking ID and was not. When observers followed up with the Chief Inspector about why a provisional ballot was not offered, some reasons given were that the Chief Inspector did not know how to administer a provisional ballot or did not want to administer a provisional ballot. In some cases the Chief Inspector explained that the voter was sent away to get another ID rather than being given a provisional ballot.

Most Chief Inspectors were aware of provisional ballots. Chief Inspectors across the state consistently told observers that they preferred not to give out provisional ballots if they could help the voters provide the documentation they needed to cast a regular ballot that would be counted that day. These officials helped voters troubleshoot proof of residence or photo ID problems. However, there were times noted by observers when a provisional ballot should have been offered to the voter and was not. Unfortunately, some observers noted that lack of training on provisional ballots created a very long voting experience for some voters of up to an hour. (14) There were also several situations in which the election

officials incorrectly gave or offered to give a provisional ballot to voters who were unable to provide a proof of residence document. The confusion about how and when to administer provisional ballots needs to be clarified and local election officials need to be properly trained now that provisional ballots will become more commonly used in Wisconsin elections.

## **RECOMMENDATIONS**

In past reports the League has recommended increasing the Election Day workforce and providing better training for election officials. While efforts have been made in that direction, the many changes in election law 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 November 8, 2016 election:

### **Improve Election Official Training**

Better training and support for our local election officials will decrease their stress and improve Election Day. Election officials need to understand a variety of changing procedures and requirements, including the list of acceptable documents for proof of residence to register and photo IDs to vote. They also must know when there are exceptions to these rules. Fortunately, a knowledgeable Chief Inspector can be most effective. In addition, resources such as phone numbers of the DMV and websites such as myvote.wi.gov can be very helpful for election officials to have at hand when assisting voters. It is crucial that election officials understand that electronic documents may be used as proof of residence. Finally, while it is not ideal to cast a provisional ballot, election officials must know when provisional ballots should be issued and be able to provide clear spoken and written instructions for the provisional ballot voter on what steps to take in order for the ballot to be counted.

### **Develop and Train Local Election Officials in Statewide Standards for Polling Site Management**

With better polling site management, both the voters and the election officials will have a superior experience on Election Day. One simple, yet essential role to have at each voting location is that of Greeter. The greeter can: reduce wait time by speeding up registration processes; reduce voter confusion by answering initial questions before voters get in line; and direct voters to correct lines and polling locations soon after they arrive. Voters appreciate polling sites with proper and easy-to-read signage. Signage that was placed on the tables rather than above the tables was harder to read. With no greeter and less visible signage, lines were longer and observers noted more frustration. Where possible, Internet access at polling sites is extremely helpful for voters to be able to access electronic documents for voter registration. Finally, accessible voting machines must be functional and set up to allow privacy for disabled voters.

### **Increase and Target Voter Education**

Statewide voter education by the Wisconsin Elections Commission is crucial to prepare citizens for each step of the voting process, especially the new requirements. Helping voters to be prepared before Election Day will lead to smoother election administration



and shorter lines for registration and voting. 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. In particular, seniors need additional targeted education about absentee voting, whether they qualify for an exemption to the photo ID law and how to obtain a free state ID.

### **Increase Options for Complying with the Proof-of-Residence (POR) and Voter Photo ID Requirements**

If we must have voter photo ID, then the law should be amended to allow for more types of acceptable ID including out-of-state driver's licenses and an option to sign an affidavit attesting to one's identity, under penalty of perjury. The list of acceptable Proof of Residence documents also should be expanded, and corroboration should be reinstated as POR for Election Day Registration. This worked well for Wisconsin voters for many years and did not lead to problems. With Online Voter Registration soon to be launched, the legislature should consider options to make it easier for *all* eligible citizens (not just those in the Wisconsin DMV database) to register before the election.

### **CONCLUSION**

Election Day in Wisconsin has numerous examples to promote as the gold standard for polling site management and voter experience. The League believes there is a significant need for both voter education and training of election officials, so that this high standard will be met for all polling places and all voters. With some targeted efforts on training and support of election officials, the best practices of many sites can be the voting experience of all Wisconsin voters.

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.

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