

**Voter Registration Program  
Must Overcome Obstacles  
To Be Effective**

**June 2016**

**Milwaukee County Office of the Comptroller  
Audit Services Division**

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# Milwaukee County

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• Director of Audits

June 10, 2016

To the Honorable Chairman  
of the Board of Supervisors  
of the County of Milwaukee

We have completed an audit, *Voter Registration Program Must Overcome Obstacles to be Effective*.

A response from the Office of the County Clerk is included as **Exhibit 3**. We appreciate the cooperation extended by management and staff of the multiple departments participating in the Voter Registration Program (VRP) during the course of this audit.

The report describes how ultimately only 33 people were registered in the VRP's first election cycle, despite careful efforts to develop a registration program targeted to individuals seeking County services in-person. Our audit identified reasons why the program was not as successful as policy makers had envisioned, and offers recommendations to solve those issues in the near term. We recognize that the biggest barrier to success for the program was likely the shifting landscape of elections law in the State of Wisconsin. Changes in State law were adopted during the course of our audit, which will require that the VRP is significantly altered in 2017. We close our report by offering suggestions for how the County can continue to provide voter registration support to its residents in the face of these changes.

Please refer this report to the Committee on Finance, Personnel and Audit.

Jerome J. Heer  
Director of Audits

JJH/cah

Attachment

cc: Scott B. Manske, CPA, Milwaukee County Comptroller  
Milwaukee County Board of Supervisors  
Chris Abele, Milwaukee County Executive  
Joseph J. Czarnecki, Milwaukee County Clerk  
Teig Whaley-Smith, Director, Department of Administrative Services  
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Steven Kreklow, Director of Performance Strategy & Budget, Department of Administrative Services  
Steve Cady, Research & Policy Director, Office of the Comptroller  
Janelle Jensen, Chief Committee Coordinator, Office of the Milwaukee County Clerk

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# Voter Registration Program Must Overcome Obstacles To Be Effective

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## Summary

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Chapter 6 of the State Statutes lays out the following ways in which an individual may register to vote in Wisconsin, as of the publication of this report:

- By mail, up to 20 days before the election;
- In-person at the office of an individual's municipal clerk, until the Friday before an election;
- At the polls on election day;
- By Special Registration Deputy (SRD), individuals trained by some municipalities to collect voter registration forms, up to the 20<sup>th</sup> day prior to an election.

Plans to create a Voter Registration Program (VRP) in Milwaukee County began in April 2014 when a resolution was introduced to the County Board. With assistance from the Office of Corporation Counsel, a second resolution and ordinance (File No. 14-906) was submitted to the County Board in November 2014. The legislation sought to create Chapter 112 of the Code of General Ordinances, outlining provisions of the County's new VRP. The County Board adopted and the County Executive signed the file in December 2014.

Chapter 112 establishes the following six sites as County VRP sites: Office of the County Clerk, Disability Resource Center, Housing Division-Section 8 Housing Choice Voucher Program, Milwaukee Justice Center, Office of the Treasurer, and the Veterans Services Office.

Employees from each designated site were selected to be trained as Special Registration Deputies (SRDs). SRDs can assist interested parties with filling out voter registration paperwork, verify that the applicant has shown an acceptable proof of residence, and can deliver registration applications to the appropriate municipal clerk on behalf of the applicant.

Adopted File No. 14-906 requested that Audit Services perform an audit of the VRP operation and uniform application upon one year of operation of the ordinance. While we were performing our audit fieldwork, the Wisconsin Legislature adopted legislation establishing State-wide online voter registration. The legislation directed that upon implementation of online voter registration, municipal clerks would no longer have the ability to appoint SRDs. Since the County utilizes SRDs to implement its VRP program, 2015 Wisconsin Act 261, which was signed into law on March 16, 2016, means operation of the VRP as envisioned in Chapter 112 will be short-lived.

Our report presents both recommendations the County can implement in the short-term to make the VRP more effective as well as long-term options the County can implement should the County want to continue to play a role in assisting residents with registering to vote.

***The County is not implementing its VRP as envisioned in Chapter 112 of the Ordinances.***

The VRP faced logistical hurdles from its inception. While not prohibitively costly, the process of getting 14 employees registered to serve as SRDs County-wide was a complicated endeavor. All SRDs had to be trained, and sworn in individually by each participating municipality. This was challenging given the geographic disparity between County employees' work sites and the various municipal clerks' offices and because the County SRDs work in four different buildings. As a result, not every SRD participating in the VRP is certified to register individuals in every participating municipality.

It became clear in our early interviews with Department/Division Heads overseeing sites and SRDs that very few people were being registered through the program. Collectively, VRP SRDs reported to have registered a total of 33 individuals. However, despite language in both Chapter 112 and in a VRP Memorandum directing SRDs to keep a reporting form of VRP activity, in our discussions with SRDs, they consistently stated they weren't familiar with the tracking form, and did not know they were to keep records of individuals registered. We suggest that this information is tracked going forward.

Section 112.04(2) of the ordinances includes a requirement that *reception area staff for each designated VRP site shall inquire whether the citizen wishes to register to vote*. Despite this directive, VRP sites collectively are taking a more passive approach to program implementation. Generally, VRP site receptionists are not inquiring into whether visitors are interested in registering to vote, but are instead waiting for visitors to request assistance with registering before notifying the site SRD. In such cases, visitors may be made aware of the VRP through VRP signage displayed in the office. Our observations indicated that apart from the signage, the VRP is not well publicized. For example, we did not find information regarding the VRP on the County's website, and internet searches did not lead us to information about the program.

Finally, both understanding of program procedures and enthusiasm for the VRP varied amongst SRDs. In general, we observed more positive feelings toward the program and their role from those who volunteered to participate as an SRD than those who were assigned to participate. Possible reasons for the lack of clarity in program procedures may stem from any of the following:

1. Inconsistent directives
2. Inadequate training
3. Program communication via email from multiple sources
4. Lack of practice leads to lost skills

Overall, we concluded that none of the directives outlined in Chapter 112 of the ordinances were fully complied with. Two directives were not implemented at all, and four were only partially implemented. We believe that with dedicated leadership from the Office of the County Clerk and Election Commission, the VRP can still be effective leading into the Fall 2016 Presidential Election. Our report provides five recommendations we think will help maximize program operations in the near-term.

***The County will need to alter its VRP in accordance with recent changes to State election law.***

On March 17, 2016, 2015 Wisconsin Act 261 (“WI Act 261”) was published. WI Act 261 made a number of changes to the State’s election law, the most discussed of which is the creation of a way for residents to register to vote online. WI Act 261 eliminates the use of registration by Special Registration Deputy (SRD) once the online voter registration system is implemented. Since the County VRP is centered on the use of SRDs to assist with registering interested citizens, once implemented, this legislation will require that the County’s VRP and Chapter 112 are changed. The online voter registration system is to be implemented as soon as practicable, no later than the 2017 Spring Primary Election.

Following this change, the County could continue to be involved in voter registration, both as a keeper and provider of up-to-date information, and with more hands-on assistance. We outlined the following options available to the County going forward:

1. Provide voter registration information
2. Assist with registration using paper applications
3. Train specialists to assist with online registration

The options presented could be implemented on their own, or together as part of a more comprehensive approach, but all will require some level of training.

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## Background

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In the State of Wisconsin, individuals who are at least 18 years of age, U.S. citizens, and have lived at their current Wisconsin address for at least 28 days can vote. Individuals serving a felony sentence or who have been adjudicated incompetent are not eligible to vote. Chapter 6 of the State Statutes lays out the following ways in which an individual may register to vote in Wisconsin, as of the publication of this report:

- By mail, up to 20 days before the election;
- In-person at the office of an individual's municipal clerk, until the Friday before an election;
- At the polls on election day;
- By Special Registration Deputy (SRD), individuals trained by some municipalities to collect voter registration forms, up to the 20<sup>th</sup> day prior to an election.

Chapter 6.28(4) of the State Statutes states that individuals may register to vote at the Office of the County Clerk in the County in which an individual resides. The Office of the Milwaukee County Clerk is included in this provision.

In 2011, the State Legislature adopted legislation requiring State residents to present government-issued identification in order to vote. The Governor signed 2011 Wisconsin Act 23 in May 2011; however, multiple lawsuits were filed challenging the law later that year. While the voter identification requirement was in place for the February 2012 Spring Primary Election, it was stayed due to the legal challenges soon after. The challenges rose all the way to the U.S. Supreme Court, which ultimately declined to hear the case in March 2015, and the requirements were again implemented after the April 2015 Election. Additional legal challenges remain unsettled at the time this report was published.

While the fate of the law was contemplated by the Court System, efforts were made by Milwaukee County officials and policy makers to provide citizens with information and assist individuals with obtaining the necessary identification by providing birth certificates free of charge for use to obtain identification for voting.

Building on those efforts, plans to create a Voter Registration Program (VRP) in Milwaukee County began in April 2014 when a County Board Supervisor introduced a resolution (File No. 14-333) to the County Board. As outlined in the original proposal, the VRP envisioned allowing residents to register



to vote at locations where they apply for, renew or update information for the receipt of social services from Milwaukee County. File No. 14-333 directed the County's Corporation Counsel to develop a recommended ordinance and related procedures to implement the program. The file was amended to also serve individuals paying their property tax bill at the County Treasurer's Office and applying for marriage or domestic partnership licenses at the Office of the County Clerk. The County Board adopted the resolution in April 2014, and it went into effect in May 2014, after being returned unsigned by the County Executive.

While the resolution was discussed at committee, the lead sponsor stated the program was influenced by the Federal National Voter Registration Act of 1993 (NVRA), often referred to as "Motor Voter," after the provision of the law directing states to offer an opportunity to register to vote at state motor vehicle agencies. NVRA also requires states to offer voter registration at sites offering public assistance and State-funded programs engaged in providing services to people with disabilities. Wisconsin is exempt from participation in the NVRA because it allows residents to register on Election Day.

With assistance from the Office of Corporation Counsel, a second resolution and ordinance was submitted to the County Board in November 2014 (File No. 14-906). The legislation sought to create Chapter 112 of the Code of General Ordinances, outlining provisions of the County's new VRP. The County Board adopted and the County Executive signed the file in December 2014. At the time of adoption, it was anticipated that VRP implementation costs would not exceed \$1,000 needed primarily for signage and postage.

Chapter 112 of the Ordinances is included as Exhibit 2. The six sites established in the ordinance as voter registration sites are summarized in Table 1.

**Table 1  
Overview of VRP Program Sites**

<u>Site</u>	<u>Location</u>	<u>Office Description</u>
County Clerk	Courthouse	Performs internal County services, and the following public services: issues marriage licenses, domestic partnership declarations, registers lobbyists, accepts applications for passports, sells bus tickets, and Wisconsin Department of Natural Resources licenses and permits.
Disability Resource Center	Marcia P. Coggs Building	Provides information and assistance regarding services for adults with disabilities ages 18-59.
Housing Division – Section 8 Housing Choice Voucher Program	Leased space in the City of Milwaukee	The Federally-funded United States Department of Housing and Urban Development program provides rent assistance for very low-income families and individuals so they may have decent, safe and sanitary housing provided by private owners and rental agents.
Milwaukee Justice Center	Courthouse	A collaborative project between Milwaukee County, Marquette University Law School, and the Milwaukee Bar Association, the Center seeks to provide assistance to self-represented litigants, in Civil matters, who cannot afford an attorney.
Treasurer	Courthouse	Public services include collecting delinquent property or real estate taxes for Milwaukee County's 18 suburban municipalities.
Veterans Services Office	Leased space in the City of West Allis	Assists eligible veterans and their dependents with applying for State and Federal Veterans benefits.

Source: Milwaukee County website

Three of the designated sites are located in the Milwaukee County Courthouse; the remaining three sites are at distinct locations away from the Courthouse Complex, including the Marcia P. Coggs building, and leased space on the near north side of the City of Milwaukee and in the City of West Allis. In addition to the sites enumerated in the ordinance, two individuals who work in the Circuit Courts and the Deputy Corporation Counsel were also trained to participate in the VRP. The Office of the Register of Deeds initially declined a request to serve as a VRP site, but later signed on when an employee who had been trained to register voters while in the Office of the Treasurer transferred to the Register of Deeds.

Employees from each designated site were selected to be trained as Special Registration Deputies (SRDs). At the time the VRP was developed, municipalities could appoint, train, and confirm SRDs

to assist with registering voters outside of the municipal clerk's office up to the 20<sup>th</sup> day before an election. SRDs can assist interested parties with filling out voter registration paperwork, verify that the applicant has shown an acceptable proof of residence, and can deliver registration applications to the appropriate municipal clerk on behalf of the applicant. Milwaukee County SRDs were trained by the City of Milwaukee, and subsequently given the opportunity to be sworn in as SRDs by the other 14 County municipalities participating in the VRP. The communities of Brown Deer, Glendale, Fox Point, and River Hills opted out of participation in the County's program. VRP duties performed by County employees serving as SRDs are in addition to their normal job duties.

Adopted File No. 14-906 requested that Audit Services perform an audit of the VRP operation and uniform application upon one year of operation of the ordinance. Since Chapter 112 of the Ordinances was published in late December 2014, we sought to begin our review in January 2016. While this is in keeping with the timeline prescribed in the adopted policy, due to logistical hurdles in getting the staff trained and certified, we acknowledge that for practical purposes the County's VRP was only really up and running for a few months rather than a year when we began our review. In keeping with the original timeline of review, we hope that we can provide meaningful suggestions that can be incorporated prior to the Presidential Election in Fall 2016.

While we were performing our audit fieldwork, the Wisconsin Legislature adopted legislation establishing State-wide online voter registration. The legislation directed that upon implementation of online voter registration, municipal clerks would no longer have the ability to appoint SRDs. Since the County utilizes SRDs to implement its VRP, 2015 Wisconsin Act 261, which was signed into law on March 16, 2016, means operation of the VRP as envisioned in Chapter 112 will be short-lived.

Given this scenario, our report is split into two sections. In Section 1, we discuss the County's compliance with the current ordinance, and offer suggestions for changes in the short-term to make the program more effective. Section 2 focuses on long-term options available to the County should policy makers direct that the County continues to play a role in assisting residents with registering to vote.

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## **Section 1: The County is not implementing its VRP as envisioned in Chapter 112 of the Ordinances**

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### **The VRP faced logistical hurdles from its inception.**

Chapter 112 of the Milwaukee County Code of General Ordinances prescribes how the County's VRP is to be implemented. The ordinance was adopted after it was carefully constructed by the Office of Corporation Counsel. Beyond that, the Office of Corporation Counsel played an instrumental role in working with the County Clerk/Election Commission to get the program up-and-running, including organizing County staff attendance at Special Registration Deputy (SRD) training and certification processes.

**While not prohibitively costly, the process of getting 14 County employees registered to serve as SRDs County-wide was a complicated endeavor.**

While not prohibitively costly, the process of getting 14 County employees registered to serve as SRDs County-wide was a complicated endeavor. Because State law places the onus of registration on municipalities, and not counties, each of the 19 municipalities in Milwaukee County must appoint each County SRD independently. Arrangements were made so that participating municipalities would accept the one-time training provided by the City of Milwaukee in October 2014, but each SRD did need to be sworn in by each municipality, and receive an individual SRD number for each municipality.

SRDs are to print and sign their name, and include their appropriate SRD number (for the particular municipality) on each voter registration application they collect. In general, SRD certifications are only valid for a two year term, at maximum. Most Milwaukee County VRP SRDs were sworn in County-wide in late 2015; their terms expire at the close of 2016.

Though necessary to comply with State law, this set-up presented challenges given the geographic disparity between County

employees' work sites and the various municipal clerks' offices in Milwaukee County since participating staff work in four different buildings. Special arrangements were made to carpool SRDs to training.

**Not every SRD participating in the VRP is certified to register individuals in every participating municipality.**

In addition, time was set aside by the County Clerk's Office at Metro Municipal Clerks Association meetings, where municipal clerks were gathered for training on the County's new voting machines, so that County SRDs could be sworn in by multiple municipalities at one time. Collectively, this required time away from other duties for each SRD. Due to scheduling conflicts and staff coverage issues, it was not possible for every VRP SRD to attend each meeting. While some SRDs made individual arrangements to get certifications, not every SRD participating in the VRP is certified to register individuals in every participating municipality.

Therefore, while the program was authorized to begin operations with the adoption of Chapter 112 in December 2014, it took months of preparation to be fully operational.

**Since implementation of the program, only a small number of individuals have been registered to vote, but verification is not possible due to the lack of record-keeping.**

To begin our review, we interviewed each Department/Division Head overseeing VRP sites and all site SRDs, in part to gauge leadership's understanding of and dedication to the VRP. In general, departments conveyed a willingness to participate with some reservations about whether they had adequate resources, and in the case of one office adequate public traffic to make program implementation worthwhile.

**Very few people have been registered through the VRP.**

It became clear early in our interviews that very few people were being registered through the program. Many of the SRDs we spoke to had not registered anyone when we spoke to them. Of those SRDs who had registered individuals, they had only done

so in one to two instances. Table 2 summarizes the number of individuals each SRD reported to have registered.

**Table 2  
Number of Individuals Registered by SRDs through VRP**

<u>Department</u>	<u>Spring Primary Feb. 16<sup>th</sup></u>	<u>Spring Election April 5<sup>th</sup></u>	<u>Interview Comments</u>
Circuit Court Clerk	0	1	SRD sent voter registration form to the County Election Commission.
Corporation Counsel	1	0	SRD registered 1 voter.
County Clerk/Election Commission	6	*15	**Election Commission walk-ins and in-person registrations counted as part of VRP efforts.
Disability Resource Center	1	3	SRD mailed voter registration forms to the appropriate municipal clerk's office.
Housing Division	0	0	No voters registered.
Milwaukee Justice Center	0	3	SRD mailed voter registration forms to the appropriate municipal clerk's office.
Register of Deeds	1	0	SRD completed 1 registration while working for the Treasurer's Office.
Treasurer	2	0	SRD registered 2 change of address for Spring Primary and 0 for the Spring Election.
Veterans Services Office	0	0	No voters registered.
<b>SRDs Registered a total of 33 Applicants</b>	<b>11</b>	<b>22</b>	

\* Five of the voters registered by the Milwaukee County Clerk's Office were performed as part of a League of Women Voters Initiative off-site. We included them in the VRP count, but acknowledge that they are not directly related to the County VRP, as established by Chapter 112.

\*\* The Election Commission totals only include the walk-in or in-person registrations and do not include registrations mailed or faxed to the Election Commission. Since the County Election Commission regularly received voter registration applications by mail and fax prior to the implementation of the VRP, we do not believe the 18 additional applications received by the Election Commission through mail and fax during this time period are a result of VRP efforts.

Source: Auditors provided information based on interviews conducted with SRDs.

As part of our work, we had hoped to be able to provide a detailed overview of the individuals registered. And, since County SRDs must forward completed registration forms to municipal clerks, we had planned to verify that VRP registrants ultimately made it into poll books.

Section 112.04 of the VRP ordinance discusses program accountability, enforcement, and monitoring. Included in that section is the following directive:

*SRDs from the designated VRP site shall complete a reporting form each Monday for the prior week, listing the number of citizens who come to the office, the number of citizens who accepted a VRP packet, and the number of citizens who registered to vote.*

In November 2015, Corporation Counsel distributed via email a VRP memorandum and packet, to be provided to citizens interested in the program, and a tracking form to be used to record each SRD's VRP activity. Despite the ordinance language, which was reiterated in the memorandum, our early interviews yielded the discovery that records of individuals registered through the program were not routinely kept. SRDs consistently stated they weren't familiar with the tracking form, and did not know they were to keep records of individuals registered.

**Records of individuals registered through the program were not routinely kept.**

While the ordinance and memorandum both directed that VRP records be maintained on a log, they're not clear on how long the logs should be kept or to whom they should be given, which may have contributed to the confusion.

As a result, we acknowledge that the overall count of 33 individuals registered through the VRP, as described in Table 2, is anecdotal.

We believe the number of individuals registered through the VRP, along with the municipality in which they reside, are important outcomes that should be recorded and reported going forward.

**VRP site receptionists are not inquiring regularly into whether or not visitors are interested in registering.**

Limited site observations coupled with our discussions with site leadership and SRDs uncovered potential reasons for the low participation rates. Section 112.04(2) of the ordinance states,

*Reception area staff for each designated VRP site shall inquire whether the citizen wishes to register to vote. If the citizen expresses interest in the VRP, staff members shall provide each interested person with a VRP packet and shall contact the office SRD to conduct the citizen's voter registration...*

**Generally, VRP site receptionists are not inquiring into whether visitors are interested in registering to vote.**

Despite this directive, VRP sites collectively are taking a more passive approach to program implementation. Generally, VRP site receptionists are not inquiring into whether visitors are interested in registering to vote, but are instead waiting for visitors to request assistance with registering before notifying the site SRD. The County Clerk stated that he has instructed his staff to inquire into whether most individuals are interested in registering to vote. Our observations indicate this is not happening on a consistent basis.

Instead, visitors may be made aware of the VRP program through signage, which we did observe to be hung prominently—both outside the offices of VRP sites and close to the reception desks in January 2016. An example of such signage is included in the photographs that follow.

We should note that signage was not always so clearly displayed outside of Courthouse VRP sites during subsequent visits. One VRP site leader told us he was instructed by the Office of the County Clerk to take down VRP signs after the cut-off for SRD registration leading into the Spring Primary and General Elections.



When we returned to the Courthouse after the Spring Election, we observed that signs were posted again at many—though not all—Courthouse VRP sites. While we understand that there is a window in which SRDs are not allowed to register voters, we do not think it's necessary to take down signs during that time period. Instead, sites could provide inquiring citizens with VRP packets, which contain addresses and contact information for municipal clerks, and can inform citizens of remaining registration options.

**VRP Program Signs  
Milwaukee County Courthouse  
May 12, 2016**



Photos taken by Audit Services staff inside and outside of the County Clerk's Office. The sign shown in the photo on the left provides information on Photo Identification required for voting.



Photos taken by Audit Services staff of the Photo Identification Law display outside of the Election Commission's Office, and a VRP program sign, visible through glass doors of the Milwaukee Justice Center.



Photos taken by Audit Services staff outside the Treasurer's Office and inside the Circuit Court Clerk's Office.

Multiple Department/Division heads we spoke to admitted to not taking steps to require receptionists to inquire into whether visitors are interested in registering. Some were not aware of the specific ordinance language and others wanted staff to instead focus on implementing the department's core missions and programming.

While the program was intended to be a secondary function, the ordinance language is clear in the policy's intent that all visitors be made aware of the option. The lack of effort to alert visitors verbally is compounded by a general lack of public information on the program.

**The program is not well known or understood by the public at large.**

Low program participation rates may also be due to the lack of publicity surrounding the program. Our observations indicated that apart from the signage, the VRP is not well publicized. We did not find information on the VRP on the County's website, and internet searches using the keywords "Milwaukee County Voter Registration Program" did not lead us to information about the program.

**We did not find information on the VRP on the County's website.**

While funding was appropriated in the 2016 Adopted Budget to create an opt-in program to notify citizens through text-messaging and/or email of upcoming elections, there was not a specific line item for the VRP. Our conversations with program SRDs yielded several low-cost ideas for publicizing the program, including sharing information on the County website and in regular communications like email and written newsletters with constituents and clients. Further, media releases describing the program and opportunities to register at the Courthouse and other public County buildings may garner press coverage.

Public information and outreach could also help promote the program internally. In our initial interviews with Department Heads

and SRDs, we found that many were not aware the VRP had been codified in the ordinances.

Efforts were made to promote the program internally to interested employees and contractors through the inclusion of an information item on the program in the County's internal weekly employee information email, "What's Up Milwaukee County" in late 2015. The submission was featured in four issues of What's Up, and some of the individuals who registered to vote through County SRDs were County employees.

**Program procedures and enthusiasm varied amongst sites and SRDs.**

In our interviews with SRDs and departments, we noted that many were enthusiastic about the idea, wanted to help, and wished there were more citizens interested in registering. In most cases, the individuals who expressed positive feelings towards the program and their role in it had volunteered to participate as an SRD. Through our conversations with each SRD, we also noted instances where SRDs were less excited by the idea, and in some cases felt it was not the best use of their time. In general, these individuals were asked to participate or "volunteered."

**Interviews with SRDs revealed differences in understanding of the program's policies and procedures.**

Asking each SRD to walk us through the VRP registration process, revealed differences in understanding of the program's policies and procedures. For example, some SRDs told us that they were not able to assist citizens in filling out the application, while others understood they could as long as the applicant signed the document. Some SRDs believed they were to deliver all applications to the County Clerk while others stated they were to deliver each completed application to the proper municipal clerk's office. And, as we discussed earlier in this section, only one of the SRDs we spoke to was aware that they were to record information about citizens who inquire and apply through the VRP.

During our review, we noted multiple possible reasons for the discrepancies between SRD's understanding of VRP policies and procedures.

### **1. Inconsistent Directives**

VRP procedures are written in two places: Chapter 112 of the Milwaukee County Code of General Ordinances and in a November 2015 memorandum on the VRP. Chapter 112 is published online and the November 2015 memo was distributed to SRDs and the Department/Division Heads overseeing SRD sites via email. There are discrepancies between the procedures outlined in each document. While the ordinance directs each SRD to *mail each completed voter registration application within three (3) business days of receipt to the appropriate Milwaukee County municipal clerk's office*, the November 2015 memorandum states the following: *The SRD must deliver completed voter registration applications each Friday to County Clerk Joseph Czarnecki and/or Deputy County Clerk George Christenson to ensure timely submission of registration applications*. Thus, it's understandable that SRDs' interpretation of VRP procedural steps could vary depending on which source the SRD counted on for direction.

### **2. Inadequate Training**

All VRP SRDs participated in SRD training with the City of Milwaukee Election Commission, and other participating suburban communities accepted this training. However, SRDs were never formally trained on the specifics of the County's VRP. As part of our review, auditors from our office sat in on a City of Milwaukee SRD training, and while the auditors found the training to be thorough and informative, it was specific to registering City of Milwaukee residents to vote. VRP SRDs would have benefited from another meeting to discuss procedures specific to the County's program, and have an opportunity to ask questions and clarify concerns.

### **3. Program Communication Done Largely Through Email, from Multiple Sources**

Given the number of employees participating as SRDs and their various workplaces, much of the County VRP information was disseminated through email. Benefits of email include the ability to share directions in writing and save for future reference. That said, emails are also often read quickly or overlooked entirely. In the case of the VRP, email correspondence to SRDs was coming from multiple sources: Corporation Counsel, the County Clerk's Office, and the City of Milwaukee Election Commission trainer. While we found the email communication we reviewed to be clear and specific, we can understand how multiple messages from multiple messengers can create confusion. One SRD we spoke to said she tried to keep up with the program email correspondence,

but sometimes glossed over it when she was busy with her other duties, which she prioritized over a program she was rarely called to participate in.

#### **4. Lack of Practice Leads to Lost Skills**

Nearly all of the SRDs we spoke with shared concerns that they did not use their SRD training enough to be able to apply it effectively. Most admitted that if they were called upon to register someone, they would likely need to reference their notes in order to complete the process since they had such little practice.

**Overall, sites are not fully complying with any of the directives prescribed in Chapter 112.**

Table 3 visually shows our ratings of the County's progress towards implementing VRP. A green rating would indicate full compliance, yellow shows partial compliance, and red indicates that the directive is not being implemented at all. Based on our review, we do not believe that any of the directives have been fully implemented, and therefore there are no green bars.

**We do not believe that any of the directives laid out in the VRP ordinance have been fully implemented.**

**Table 3**  
**Summary of County Departments' Compliance with the VRP Ordinance**

Ordinance Section and Summary	Compliance Rating	Explanation of Rating
112.02 – VRP Sites are designated and directed to offer voter registration.	Yellow	All sites listed agreed to participate and are making voter registration available to citizens who inquire (though none are in full compliance with ordinance directives).
112.03 – SRDs are trained by the City of Milwaukee and shall obtain SRD confirmation from each of the participating municipal clerks.	Yellow	All participating SRDs were trained by the City of Milwaukee, but not every SRD is certified in each municipality participating in the VRP.
112.04 (1) – Directs VRP sites to offer voter registration to citizens applying for benefits, recertifying their eligibility, or changing their address.	Yellow	Lack of fully certified SRDs in each office and program outreach prevents sites from being able to offer VRP in every instance.
112.04 (2) – Directs reception area staff to inquire into whether citizens want to register.	Red	Most sites admit to not implementing this provision.
112.04 (3) – SRDs are directed to keep a reporting log of weekly activities.	Red	SRDs admit to not doing this, most were not familiar with the reporting form.
112.04 (4) – SRDs are directed to mail voter registration applications to municipalities within three days of receipt.	Yellow	Based on our conversations with SRDs, we suspect this is happening, but are unable to confirm this given the lack of record-keeping. What to do with completed applications is also a source of uncertainty given a discrepancy between this directive and instructions in the program procedure memorandum.
112.04 (5) – SRDs are to distribute packets of information with the appropriate municipal clerk's contact information to citizens from four municipalities not participating in the VRP.	Grey	We are not able to assign a rating to this category since we did not test to see whether sites were distributing packets to individuals from non-participating municipalities; however, we did not observe prepared packets at any of the VRP sites.

Key: Green represents full compliance; Yellow represents partial compliance; Red represents no compliance; Grey areas were not reviewed.

Source: Auditor analysis based on interviews and observations

We did not fully test whether departments were distributing informational packets to citizens from the four non-participating municipalities so we did not rate that provision of the ordinance; however during our site visits, we did not observe stations with prepared VRP packets ready to be distributed at any of the sites.

**The VRP is challenging to implement since the program is operated by multiple different offices, in different locations, each overseen by different Division/Department Heads.**

**To be successful, the VRP needs dedicated leadership.**

We started this section with a general overview of the logistical hurdles faced with getting this program up-and-running. In completing our review, we also acknowledge the difficulty in guiding multiple different County operations, housed in different locations, and overseen by various Department/Division Heads, including Constitutional Offices, to provide a service to Milwaukee County citizens above and beyond core functions of those offices.

We mentioned the Office of Corporation Counsel's role in helping navigate various County staff through the aforementioned hurdles. In particular, Corporation Counsel's assistance helped craft a program that they hoped would withstand the shifting electoral environment in the State. Despite those efforts, changes in State law mean that the County's current program will need to soon be revamped. Our recommendations for options for implementing a similar program beyond 2016 will be discussed in Section 2.

That said, in creating this program, policy makers sought to provide an opportunity for citizens of the County, who are not currently registered to vote or who have recently moved, to do so while partaking in other County programs and services. While State law still allows the use of SRDs, we think there's an opportunity to help citizens register before the Presidential Election, historically the election with the highest turnout, this Fall.

To be successful, even in the immediate future, the program needs a Department leader to take the reins and organize efforts



moving forward. While Corporation Counsel was instrumental in getting the program started, the VRP is outside of that office's mission. In reviewing the expertise and functions of the various sites involved, we believe the best fit for administering this program across County disciplines is the County Clerk and Election Commission. Therefore, we make the following recommendations to the County Clerk and Election Commission. We think the relatively minor changes to program operations will help the County achieve its goal of assisting residents with registering to vote leading up to the Fall 2016 election.

As long as State law allows the SRDs to continue to operate through 2016, we recommend that the County Clerk/Election Commission make the following changes to maximize program operations:

- 1. Clarify, document, and communicate procedures specific to Milwaukee County's VRP, including: where completed applications should be submitted and a process for recording and verifying the number of individuals (and in which municipality they reside) registered through the VRP.*
- 2. Establish a County VRP training for new and continuing SRDs as a follow-up to the general SRD training provided by the City of Milwaukee so SRDs understand County VRP procedures.*
- 3. Set up a consistent channel of communication for updates, questions, and feedback surrounding implementation of the program.*
- 4. Work to establish program ownership and buy-in from all participating sites and SRDs.*
- 5. Establish a system to track and report program outcomes, such as in the performance measurement section of the County budget narrative.*

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## **Section 2: The County will need to alter its VRP in accordance with recent changes to State election law**

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**Special Registration Deputies will no longer be allowed to register voters once Online Registration is up and running.**

On March 17, 2016, 2015 Wisconsin Act 261 (“WI Act 261”) was published. WI Act 261 made a number of changes to the State’s election law, the most discussed of which is the creation of a way for residents to register to vote online. The creation of an online voter registration system is a major information technology undertaking for the State. As explained by the Government Accountability Office, once complete, it will allow any qualified elector who has a Wisconsin-issued driver’s license or state identification card to register to vote or update their registration online, assuming that the voter’s license/identification card number, name, date of birth, and address used on the application match records in the State’s Department of Motor Vehicles.

**WI Act 261 eliminates the use of registration by Special Registration Deputy (SRD) once the online voter registration system is implemented.**

WI Act 261 eliminates the use of registration by Special Registration Deputy (SRD) once the online voter registration system is implemented. The online voter registration system is to be implemented as soon as practicable, no later than the 2017 Spring Primary Election. The City of Milwaukee Election Commission is still providing training to SRDs through 2016 or until electronic voter registration launches, and plans to continue to offer training to “voter educators” after SRDs are eliminated.

As mentioned in the previous sections of this report, the County’s VRP, as currently written in Chapter 112 of the Ordinances, is centered on the use of SRDs to assist with registering interested citizens. Our examination of the implementation of VRP shows that even with the use of SRDs a limited number of people have been registered through the program. While we think there are opportunities for the County to continue to support its residents with this process, County officials could instead decide to repeal

Chapter 112, and effectively end the program. However, if policy makers and County officials want to continue to have a role in assisting voters with registration, we think the current program could be reframed to account for the legislative changes. The remainder of this report will be dedicated to laying out some of the options policy makers can consider.

**The County can play a role in assisting residents with voter registration in the future; however, in order to do so successfully, resources must be dedicated to the effort.**

Since poll books are updated at the municipal level, the County's role in registering voters has always been a matter of helping to facilitate the registration process for County residents. Due to their training and certification, SRDs have the ability to review, document, and sign off on an individual's proof of residence, and to collect and forward completed applications on to the appropriate municipal clerk on behalf of the applicant. Making this service available, in this way, is convenient for residents, but there are many ways in which the County can continue to assist qualified voters with registration even in the absence of SRDs.

**The County could continue to be involved in voter registration, both as a keeper and provider of up-to-date information and with more hands-on assistance.**

The County could continue to be involved in voter registration, both as a keeper and provider of up-to-date information and with more hands-on assistance. Brief overviews of the options available follow. The options presented here could each be implemented on their own, or together as part of a comprehensive approach.

#### **1. Provide Voter Registration Information**

Part of the current ordinance directs select County departments to provide voter registration packets to each individual interested in registering to vote. Packets contain a voter registration application, information on the ways in which Wisconsin residents may register, a fact sheet on acceptable forms of proof of residence, and contact information for the municipal clerks in each of the County's 19 municipalities.

At a minimum, County departments could continue to be a source of up-to-date information by making voter

registration packets available in offices with heavy public traffic.

## **2. Assist with Registration Using Paper Applications**

Many voter registration drives utilize SRDs, but Wisconsin Administrative Code, GAB 3.20 (4) also lays out the following scenario, *Individuals or organizations conducting voter registration drives that do not utilize special registration deputies to assist in the collection of voter registration application forms shall collect a copy of the required forms of proof of residence for first-time voters and submit the copy to the appointing authority with the completed voter registration application form.*

By implementing a scenario similar to the one described in the Code above, County officials would still be providing information and applications to voters, but could also assist voters with paper applications, copying/attaching of proof of residence documents, and could forward completed applications to municipal clerks on residents' behalves.

We acknowledge that the Administrative Code will change to reflect the changes in State law, but since applying for registration by mail will remain an option for Wisconsin voters, we envision this option being available.

## **3. Train Specialists to Assist with Online Registration**

Although SRDs will no longer be able to operate as SRDs once online voter registration is implemented, individuals currently serving as SRDs could become voter registration specialists, or experts in the online registration system, and help interested County residents with applying online by using the system.

Like option 2, this option would require training, and in many cases tablets, laptops, or desktop computer stations with Internet access to be effective. Some offices currently participating in the VRP, like the Veteran's Services Office, already have computer terminals available for use.

In order to be effective, all of the aforementioned options would require training and tracking to ensure proper implementation. However, given the City of Milwaukee Election Commission's commitment to continue to offer voter training, we think all of the options are attainable and could even be expanded to other

departments. For example, County employees serving in the capacity of voter registration specialists could register voters at communal meal sites or citizens assembled for jury duty.

At the close of Section 1, we recommended that the Office of the County Clerk and Election Commission assume responsibility for the VRP, and make immediate changes so that the program can be effective in the near-term. Looking ahead, we continue to recommend that the Office of the County Clerk and Election Commission are best positioned to provide a detailed analysis and recommendations for policy makers regarding how the County can continue to assist residents with registering after State law changes. In that light, we recommend that the County Clerk and Election Commission:

6. *Establish a plan to meet the spirit of assisting County residents with voter registration after SRDs are no longer allowed. Options include:*
  - a. *Assembling voter registration information packets to be distributed to interested citizens utilizing County programs.*
  - b. *Establish a training program for County employees to become voter registration specialists able to assist clients with completing the online registration process and/or paper applications, which the client can submit by mail or in-person.*
7. *Submit updated ordinance changes to reflect the new program model for review and approval by policy makers.*

**Given the diversity of Milwaukee County's population, any efforts to assist County residents with voter registration should make available printed materials in all languages that the State publishes.**

Finally, in performing our research for this audit, we observed that the State office overseeing elections provides registration instructions and materials in Spanish. At least one of the SRDs we interviewed informed us that she is bilingual, Spanish-speaking. Given the diversity of Milwaukee County's population, any efforts to assist County residents with voter registration should make available printed materials in all languages that the State publishes. Efforts should also be made to communicate information regarding any County employees trained to assist with voter registration who are also bilingual across sites to facilitate

outreach to citizens needing assistance. Therefore, we recommend that in planning future voter registration programming, the County Clerk and Election Commission:

8. *Use State-issued information to help prepare Voter Registration information packets in Spanish to be issued to Milwaukee County residents who are Spanish speaking and identify trained County voter registration specialists who are bilingual and may be able to assist such citizens.*

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## Audit Scope

The objective(s) of this audit was/were to:

1. Determine if Milwaukee County Departments charged with implementing the Voter Registration Program are complying with Chapter 112 of the Milwaukee County Code of General Ordinances;
2. Verify the number of individuals who have been registered to vote in Milwaukee County as a result of the County's Voter Registration Program (VRP); and
3. Determine whether Milwaukee County's VRP is uniformly applied, as envisioned in File No. 14-906 and Chapter 112 of the Ordinances.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

We limited our review to the areas specified in this Scope Section. During the course of the audit, we:

- Met with all Department/Division heads at VRP sites to determine their understanding and support for the VRP.
- Met with all SRDs to discuss their role and experience in helping to administer the program.
- Attempted to gather records kept by SRDs to verify the number of individuals who were registered through the program.
- Briefly observed the set-up and operations of selected VRP sites, including site traffic, signage, and reception greeting.
- Spoke with the Municipal Clerks from the four Milwaukee County jurisdictions, which declined to participate in the VRP.
- Attended and observed the SRD training program, run by the City of Milwaukee Elections Commission, by which all Milwaukee County employee SRDs were trained to perform their VRP duties.
- Researched Federal Voter Registration Act of 1993 and other relevant State and Federal rules and regulations.
- Researched and tracked recent State online registration legislation that would end use of SRDs and the VRP as it currently operates.



**Chapter 112 - VOTER REGISTRATION PROGRAM**

**112.01. - Policy.**

It shall be the policy of Milwaukee County to establish a voter registration program ("VRP") to allow Milwaukee County residents to register to vote for local, state, and federal elections at designated locations where they apply for, renew, or update information for the receipt of services delivered by Milwaukee County.

**112.02. - Designated Milwaukee County VRP sites.**

(1) Milwaukee County designates the following six (6) VRP sites to offer voter registration:

- (a) Office of the Milwaukee County Clerk  
Milwaukee County Courthouse - Room 105  
901 North 9th Street  
Milwaukee, Wisconsin 53233  
Telephone: (414) 278-4067
  
- (b) Milwaukee County Housing Division  
Section 8 Housing Choice Voucher Program  
600 West Walnut Street, Suite 100  
Milwaukee, Wisconsin 53212  
Telephone: (414) 278-4894
  
- (c) Disability Resource Center of Milwaukee County  
1220 West Vliet Street  
Milwaukee, Wisconsin 53205  
Telephone: (414) 289-6660
  
- (d) Milwaukee Justice Center  
Milwaukee County Courthouse - Room G9  
901 North 9th Street  
Milwaukee, Wisconsin 53233  
Telephone: (414) 278-2912
  
- (e) Veterans Services Office  
6419 West Greenfield Avenue  
West Allis, Wisconsin 53214  
Telephone: (414) 266-1234
  
- (f) Office of the Milwaukee County Treasurer  
Milwaukee County Courthouse - Room 102  
901 North 9th Street  
Milwaukee, Wisconsin 53233  
Telephone: (414) 278-4033

**112.03. - Special registration deputy requirements.**

Employees trained as special registration deputies (SRDs) by the City of Milwaukee shall obtain SRD confirmation from each of the participating municipal clerks, in the manner and to the extent required by each municipality.

**112.04. - Accountability, enforcement, and monitoring.**

- (1) The VRP sites designated in section 112.02 shall offer voter registration to citizens applying for benefits, recertifying their eligibility, or changing their address.
- (2) Reception area staff for each designated VRP site shall inquire whether the citizen wishes to register to vote. If the citizen expresses interest in the VRP, staff members shall provide each interested person with a VRP packet and shall contact the office SRD to conduct the citizen's voter registration. The VRP packet shall consist of the following documents:
  - (a) Wisconsin voter registration application (Government Accountability Board Form GAB-131).
  - (b) Proof of residence for voter registration (per the list found on GAB-131).
  - (c) Milwaukee County municipal clerk contact information.
  - (d) Addresses for voter websites (GAB and Milwaukee County Election Commission).
  - (e) Milwaukee County designated site - SRD contact information.
- (3) SRDs from the designated VRP site shall complete a reporting form each Monday for the prior week, listing the number of citizens who came to the office, the number of citizens who accepted a VRP packet, and the number of citizens who registered to vote.
- (4) SRDs shall mail each completed voter registration application within three (3) business days of receipt to the appropriate Milwaukee County municipal clerk's office.
- (5) For those Milwaukee County municipal clerks' offices that do not recognize SRDs, SRD staff at the designated VRP sites shall provide a citizen interested in registering to vote with the VRP packet and appropriate municipal clerk's address and telephone number so the citizen may register at that location.

#### **LEGISLATIVE HISTORY**

All sections effective upon passage and publication unless otherwise indicated.

Ch. 112. Created - Dec. 18, 2014, J. Proc.

#### **HISTORY NOTE**

(Ord. No. 14-16, § 1, 12-18-14)

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OFFICE OF THE COUNTY CLERK

JOSEPH J. CZARNEZKI • COUNTY CLERK

DATE: June 9, 2016

TO: Jerome Heer, Director of Audits

FROM: Joseph J. Czarnecki, Milwaukee County Clerk

RE: Response to Audit Report:  
Voter Registration Program Must Overcome Obstacles to be Effective (Audit Report)

The Office of the County Clerk believes the Audit Report is fair and accurate in its assessment of the Voter Registration Program (VRP). We offer the following comments:

As the Audit Report states, the coordination of the VRP was a monumental task given the following obstacles:

1. The ordinance did not clearly define which county department should be in charge. As a result, the Office of the County Clerk and Corporation Counsel worked cooperatively to implement the program.
2. Of the 19 municipalities involved, four refused to participate. The balance were somewhat reluctant participants.
3. The program required the participation of other county departments and staff.
4. The process of recruiting 14 employees from across several county departments was a complicated endeavor.

In addition, the uncertain nature of the law affecting voting registration was also a limiting factor in securing buy-in from municipalities. Wisconsin Act 261, which eliminates the use of Special Registration Deputies (SRDs) in April 2017, was enacted during the initial stages of the VRP.

Section 1 of the Audit report provides recommendations to improve the VRP while it is still in existence. The Office of the County Clerk is committed to follow these recommendations; specifically, we will:

1. Create a procedures document to better explain the processes involved with the VRP.
2. Provide follow-up training to existing Special Registration Deputies.
3. Establish a single-point of contact and channel for communications.
4. Work to establish program buy-in from everyone involved.
5. Establish a system to track and report VRP outcomes.

Section 2 of the Audit Report provides options for the County to continue to be involved in voter registration.

Voter registration is crucial for political participation in our democratic society. The Office of the County Clerk is committed to ensuring that every eligible voter is able to register to vote, cast a ballot, and have that ballot counted. Accordingly, we will continue to make voter registration a top priority by working with the County Board to amend the ordinance to reflect current state law while still promoting increased voter registration. Ideally, the ordinance will include the following Audit Report suggestions:

1. Encourage County departments to provide voter registration information.
2. Assist with registration using paper applications.
3. Train specialists to assist with online registration.

In addition to these suggestions, the Office of the County Clerk will explore other options to increase voter registration and voter participation going forward.

JJR:som