

RESEARCH BRIEF: VOTING

ABSTRACT

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This brief examines the voting process in Milwaukee and Wisconsin. Wisconsin had the second highest voter turnout rate among all states during the 2004 election. Almost all voting machines in Wisconsin use paper ballots or optical scan ballots, the two voting systems that are recommended by most empirical studies. While there were some sporadic long wait times to vote in Milwaukee during the 2004 Presidential election, data analysis indicates that very few people were apparently discouraged from voting due to the lines.

Currently, there is no rigorous method of assigning voting machines and ballots in Milwaukee, they are assigned based on an educated guess; this method has caused significant problems in other states when there is high turnout. Poor record keeping has also hampered investigations into fraud allegations. One proposed anti-fraud policy, requiring voters to present photo identification, is examined.

Voter Identification

- In general, Wisconsin residents do not need to provide identification when registering to vote or when voting¹
- Wisconsin residents can register at the polls by providing identification that contains their name and address; acceptable identification includes: a driver's license, state identification, real estate tax bill, residential lease, and a recent gas, electric or telephone service statement²
- The bipartisan Carter-Baker Commission found "no evidence of extensive fraud in U.S. elections or of multiple voting" but the commission believed that any voting fraud is intolerable and consequently recommended requiring photo identification combined with easy access to photo identification (e.g. mobile centers) and allowing those without identification to cast provisional ballots and provide identification within two days³
- Currently the only states that have laws requiring photo identification (without alternatives such as taking an oath) are Georgia⁴ and Indiana⁵
- An analysis of requiring photo identification should weigh the benefits (preventing fraud) against the costs (making it more difficult to vote); such analysis is difficult because it is unclear how much fraud currently exists and would be prevented by requiring identification and how many people would be ultimately discouraged from voting by requiring identification
- The U.S. Attorney, FBI, Milwaukee Police Department and Milwaukee District Attorney formed a joint task force that examined election fraud in Milwaukee in 2004; the task force was hampered by poor record keeping but "found evidence of more than 100 individual instances of suspected double voting, voting in names of persons who likely did not vote and/or voting in names believed to be fake"⁶

¹ The federal Help America Vote Act (HAVA) requires that voters present identification (e.g. driver's license or utility bill) only if they register by mail, and the identification must only be provided the first time the individual votes.

² Other forms of identification are also acceptable. If a Wisconsin resident cannot provide identification with proof-of-residence, the registration can be substantiated by another voter who resides in the municipality and who can corroborate the residency information; the corroborator must provide acceptable proof-of-residence. Source: Wisconsin State Elections Board (http://elections.state.wi.us/faq_detail.asp?faqid=121&fid=27&locid47&linkid=).

³ "Building Confidence in U.S. Elections: Report of the Commission on Federal Election Reform." September 2005.

⁴ The initial Georgia law was ruled unconstitutional last year by a federal judge who found that requiring photo identification was, in effect, a poll tax since the identification was not free unless the person declared they were "indigent" (which was undefined). In January 2006 a new law was enacted requiring photo identification (driver's license, state-issued photo identification, military photo identification, or photo identification issued by county voter registration offices) and allowing all county voter registration offices to issue free photo identification (under the original law an individual could not get photo identification in the City of Atlanta).

⁵ Four other states require photo identification (Florida, Hawaii, Louisiana, and South Dakota), but allow voters without identification to sign an affidavit. National Conference of State Legislatures (<http://www.ncsl.org/programs/legman/elect/taskfc/voteridreq.htm>).

⁶ Preliminary Findings of Joint Task Force Investigating Possible Election Fraud. May 10, 2005. In December 2005, The U.S. attorney stated that, due in part to poor record keeping, there would

- The UWM Employment and Training Institute published a report⁷ that estimates the cost of voter photo identification:
 - The report estimates that 23 percent of Wisconsin residents over age 65 (177,399 individuals) do not have a driver's license or DOT photo identification; the report estimates a total of 275,646 Wisconsin residents over age 18 do not have a driver's license⁸ or DOT photo identification⁹
 - The report estimates that 17 percent of Wisconsin Whites do not have a valid driver's license, roughly 52 percent of African-Americans do not have a valid driver's license, and roughly 52 percent of Latinos do not have a valid driver's license¹⁰
 - Only 65 percent of adults in Milwaukee County have a current and valid driver's license, compared to 83 percent of adults in the rest of the state¹¹
 - Members of minority groups also change residences more than Whites, and consequently a requirement that a driver's license have a current address would also disproportionately impact minorities
- The 24th Amendment to the U.S. Constitution prohibits poll taxes, and consequently photo identification would need to be provided at no cost
- Even with free identification, there are logistical hurdles (e.g. transportation) to obtaining identification, and an outreach effort to provide photo identification would be needed to minimize the impact of requiring photo identification to vote

Voting Systems

- After the 2000 Presidential election there were many studies of how voting systems (e.g. punch cards) can improve; these studies have generally found that voting systems do affect the number of residual votes (defined as the difference between the number of voters appearing on Election Day and the number of ballots actually counted)

probably be "a couple of dozen" prosecutions [some for felons voting which photo identification would not prevent] and that there was no evidence of massive voter fraud. Steve Shultze. December 5, 2005. "No vote fraud plot found" *Milwaukee Journal Sentinel*.

⁷ The report used Census data combined with driver's license records from the Department of Transportation (DOT); there are some problems with the methodology, but the report should provide reasonably accurate estimates. John Pawasarat. "The Driver License Status of the Voting Age Population in Wisconsin." 2005.

⁸ Census Bureau data indicate that there were 147,303 Wisconsin households without a vehicle in 2004; although there are reasons other than driving to have state identification, the lack of a vehicle eliminates one major reason to obtain state identification.

⁹ In a fiscal note for Assembly Bill 259 (2001), the DOT estimated that in 2000 there were only 122,797 Wisconsin residents older than 18 who did not have a driver's license or photo identification. However, this number is apparently based on an overestimate of the number of people with identification and so it is likely much less accurate than the Pawasarat estimate.

¹⁰ The percentage of individuals with either a valid or invalid driver's license *or* photo identification would be higher, but it is unclear how much the racial differences would change.

¹¹ Individuals may have DOT photo identification even if they do not have a driver's license, but DOT non-license photo identification is not linked to an individual's race or metropolitan area, and consequently non-license identification cannot be broken down by race or metropolitan area.

- Studies usually recommend paper ballots and optical scan ballots (combined with machines at the polling site that can check the ballots for mistakes)
- All precincts in the City of Milwaukee use optical scan ballots and in conjunction with technology that ensures that voters do not mistakenly casting votes for two candidates for the same office, which would invalidate their vote¹²
- 99 percent of Wisconsin voting machines are either paper ballot or optical scan machines¹³
- A recent published study¹⁴ finds:
 - The residual vote in recent Presidential races is roughly 2.2 percent
 - Paper and optical scan ballots have significantly fewer residual votes (compared to lever machines, paper ballots have 1.4 percentage points fewer residual votes, optical scan have .5 percentage point fewer, electronic machines have .2 percentage point fewer, and punch cards have .8 percentage points more)
 - One interesting finding: a lot of the variation in residual rates is not explained by voting technology or county demographic factors (e.g. average voter education etc.); the authors attribute this variance to “administrative” factors such as incompetent and inexperienced local election officials and the authors believe that such officials may be an especially large problem in Wisconsin¹⁵

Number of Voting Machines

- Wisconsin law requires that “there shall be one voting booth for every 200 electors who voted at the last general election”;¹⁶ this presents a problem when turnout changes drastically
- The Franklin County Ohio Board of Elections conducted a study of their performance during the 2004 Presidential election
 - In 2004, the Board allocated voting machines using a procedure that is “a little bit math and a little bit art”; basically, the Commission estimated the number of “active” voters based on the number of registered voters and other factors¹⁷
 - In the future, the Board will allocate one machine for every 200 voters in the precinct (this required a significant purchase of machines); this was

¹² After a voter has filled out a ballot, but before it is cast, the ballot is put through a machine that will reject the ballot if there is an overvote, enabling the voter to correct the mistake. The technology does not prevent voters from mistakenly not voting for any candidate for an office, since voters may purposely not vote as a form of protest. Susan Edman, Milwaukee Board of Elections.

¹³ Wisconsin State Elections Board.

¹⁴ Stephen Ansolabehere and Charles Stewart. “Residual Votes Attributable to Technology.” *Journal of Politics*. May 2005

¹⁵ Personal correspondence with Charles Stewart. There is no research on why there are such large differences between counties, and Stewart said that his attributions to local officials are only “intuitions.” Stewart believes that Wisconsin is likely to have more problems due to the decentralized nature of the election system.

¹⁶ Wisconsin Statutes 5.35.

¹⁷ Franklin County Board of Elections. “Election 2004: A Report to the Community.”

considered fair (the Board was accused of racism with the previous allocation) and there should be enough machines even with a very high turnout, although there may still be lines at certain times

Ballots

- To determine the number of ballots each polling site will need, the Milwaukee Election Commission determines the number of registered voters in the precinct and then adjusts the number of ballots based on the type of election (e.g. primary or Presidential) using data from previous years; the estimation seems to be an educated guess, as there is no formula
- By state law, each voter can be given up to three ballots if they make a mistake, and the need for extra ballots is also considered when assigning ballots

Long Lines

- A poll in Georgia conducted by the Vinson Institute of Government at the University of Georgia found that 0.25 percent of respondents stated that they did not vote due to long lines at polling places
- The Georgia poll found that African-Americans had a significantly longer average wait time than Whites (30 minutes versus 15 minutes)
- The Milwaukee Election Commissioner stated that Milwaukee did have a problem with long lines in the 2004 election, but the lines were often long at peak times (7:15 AM and 5:30 PM)
- The Milwaukee Election Commission currently does not measure the length of time it takes to vote
- A report by the National Research Commission on Elections and Voting recommended research on how long people have to wait in line to vote and the report also indicated that currently there is little research on this topic
- Long lines do not appear to have significantly impacted voting in Wisconsin (see the CPS data analysis in the Appendix)

Election Staff

- Currently the staff work the entire day (beginning at 6:30 AM and leaving when the polls close, usually after 8 PM)
- In the future, poll workers will be allowed to work in shifts to encourage more people to work at poll sites
- A City of Milwaukee Election Task Force (June 2005 Report) recommends that the Election Commission hire more temporary, part-time staff during peak elections and that the City should encourage other departments to loan employees for a month or two before elections; the task force also recommends improved training and higher staff compensation, as well as consolidating polling sites into fewer, but better staffed polling centers

Voter Registration

- In Wisconsin there are no uniform requirements for identification or proof of residence when registering; if an individual registers with a clerk or at a voting

drive more than two weeks before the election, they do not need to provide identification or proof of residence

- Wisconsin allows voters to register on Election Day; one study has estimated that such registration boosts voter turnout by 3-5 percentage points¹⁸
- In 2004, 20 percent of Wisconsin voters registered at their polling site (they were required to show proof of residence)
- Wisconsin statute requires that municipal clerks mail address verification cards to anyone who registers by mail or on election day; a study by the Wisconsin Legislative Audit Bureau found that 46 percent of municipalities did not send cards¹⁹

Voting Lists

- The federal Help America Vote Act (HAVA) requires each state to have a uniform electronic voting list that assigns each voter a unique identifying number, preventing multiple registrations
- The statutory deadline to create the list was January 1, 2006; Wisconsin has not met this deadline, but it is making progress (part of the delay is due in part to smaller municipalities that did not have to maintain registration lists) and hopes to finish the list by this autumn
- The new Wisconsin system uses the “top-down” approach recommended by voting experts; rather than the state periodically aggregating county voting lists (the “bottom-up” system), in Wisconsin municipal clerks will enter the information directly into the state database
- The Wisconsin system will eventually allow voters to go on-line to verify that they are registered and to locate their polling place

¹⁸ Stephen Ansolabehere and David Konisky. “The Introduction of Voter Registration and Its Effect on Turnout.” *Political Analysis*. 2005

¹⁹ The Bureau analyzed four counties in detail and found that 4.1 percent of cards were returned as undeliverable, often because the voters had moved after the election (some cards weren’t sent out for months after the election).

Appendix: Voting Behavior in Wisconsin in 2004

Source: *Current Population Survey November 2004 Voter Supplement*. U.S. Census Bureau and U.S. Bureau of Labor Statistics.

- The CPS is a nationally representative sample of households
- At least one member of each household is interviewed and information is collected on all members of the household (N=140,277)²⁰
- Analysis was performed on a subset of the data: U.S. citizens living in Wisconsin who were at least 18 years old and responded to the questions (n=1802)
- This sample was compared to 2004 U.S. Census American Community Survey estimates for the entire state: the sample contained fewer African-Americans over age 18 (3.3 percent compared to 4.7 percent) and the sample contained a lower percentage of low-income households

Summary

- The turnout rate in Wisconsin was the second highest in the country; the computed turnout rate with the CPS data, 80 percent, was slightly higher than other estimates, probably because our CPS sample does not include the homeless and other individuals less likely to vote
- Most people who did not vote stated that they did not vote because they were uninterested in politics or physically incapacitated; only one person out of 1,802 (0.28 percent) stated that he/she did not vote due to inconvenient hours, an inconvenient polling place *or* long lines and only one person (0.28 percent) did not vote due to transportation problems
- Based on this survey, there seem to be few logistical hurdles to voting in Wisconsin (which helps explain the high turnout rate); further increasing turnout would probably require motivating interest in politics and public policy
- Roughly 10 percent of Wisconsin voters voted before election day
- Over 86 percent of Wisconsin adults are registered to vote (it is possible to register at the polls on election day in Wisconsin and almost half of voters registered at the polls); most of those who haven't registered listed either a lack of interest or physical incapacitation

²⁰ I also conducted the analysis just using those members of the household who were personally interviewed. There was no substantive change in any of the results.

1. Did you vote?

Reply	Percent	# of people
Yes	80.36 ²¹	1,448
No	17.54	316
Refused/Don't know	1.94	35
Not eligible	0.17	3
Total	100.00	1,802

2. Why didn't you vote?

Reply	Percent	# of people
Not registered ²²	59.60	211
Don't know/ No response	12.15	43
Illness or disability	6.21	22
Didn't like candidates or issues	5.93	21
Not interested	5.08	18
Out of town or away from home	3.67	13
Too busy	2.26	8
Not eligible	0.85	3
Forgot	0.28	1
Transportation problems	0.28	1
Inconvenient hours, polling place or <u>long lines</u>	0.28	1
Other	3.39	12
Total	100.00	354²³

²¹ Excluding those not eligible to vote, the turnout rate was 80.5 percent. Wisconsin turnout was second in the nation (after Minnesota). The CPS computed turnout rate is reasonably close to an independent turnout rate of 77.1 percent that I computed using Census estimates of the eligible Wisconsin population (not including prisoners) and the number of Wisconsin votes cast for President as reported by the Wisconsin State Elections Board (the difference between the turnout rates probably arises from individuals who did not vote and were not interviewed for CPS (e.g. the homeless and people who refused to be interviewed).

²² Not having registered should not prevent voting because in Wisconsin, as residents can register at the polls on Election Day. However, once the respondent stated they had not registered, CPS interviewers did not ask further. These respondents were probably just not interested in voting, (see responses to Question 5 for the reasons respondents listed why they did not register).

²³ This includes all individuals who did not state that they had voted.

3. Did you vote on or before Election Day?

Reply	Percent	# of people
Election Day	71.81	1,294
Before Election Day	8.49 ²⁴	153
Didn't vote	17.54	316
Refused to answer/No response	2.16	39
Total	100.00	1,802

4. Are you registered to vote?

Reply	Percent	# of people
Yes	86.46	1,558
No	11.71	211
Don't Know/Refused	1.83	33
Total	100.00	1,802

5. Why have you not registered to vote?

Reply	Percent	# of people
Not interested/involved in politics	40.16	98
Permanent illness or disability	6.56	16
Did not know where or how	5.33	13
Did not meet deadlines ²⁵	3.69	9
My vote would not make a difference	3.69	9
Not eligible to vote	1.23	3
Did not meet residency requirements	0.41	1
Other	24.18	59
Don't know/No response	14.75	36
Total	100.00	244

²⁴ This is 10.57 percent of those who actually voted.

²⁵ Since you can register to vote in Wisconsin on Election Day, this is not a valid excuse.

6. Where/How did you register to vote?

Reply	Percent	# of people
At polling place	48.34	871
Government registration office	19.53	352
Not registered	11.71	211
Other	7.44	134
DMV	0.55	10
Don't know/Refused to answer/No response	5.33	96
School, hospital, campus	4.44	80
Registration drive	1.61	29
By mail	1.00	18
Public assistance agency	0.06	1
Total	100.00	1,802