

Testimony of Kevin J. Kennedy
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United States Senate Committee on Rules and Administration
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**Collection, Analysis and Use of Elections Data:
A Measured Approach to Improving Election Administration.**

Chairman Schumer, Ranking Committee Member Roberts and Committee Members:

Thank you for the opportunity to provide information to the Senate Committee on Rules and Administration about the collection, analysis and use of elections data. It is an honor to be here. This is a subject state and local election officials in Wisconsin recognize as an essential element in conducting elections. Please allow me to provide a brief background on the organizational structure of elections in Wisconsin along with a description of our approach to collecting, analyzing and utilizing data to improve the administration of elections in Wisconsin

Introduction

I have served as Wisconsin's non-partisan chief election official for more than 30 years. I am also a member of the National Association of State Election Directors (NASSED). I served as NASSED President in 2006 and currently serve on the NASSED executive committee.

I am currently appointed by and report to a non-partisan, citizen board of six former circuit court and appellate judges who comprise Wisconsin's Government Accountability Board. The Board oversees the state's elections, campaign finance, ethics and lobbying laws.

The Board has general supervisory authority over the conduct of elections in the State of Wisconsin. The Board has delegated to me its compliance review authority over Wisconsin's 1,924 local election officials and their staffs. This means any complaint alleging an election official has acted contrary to law or abused the discretion vested in that official must be filed with the Government Accountability Board before it may proceed in court. I have the authority to order local election officials to conform their conduct to law.

The Board has developed comprehensive training programs for local election officials. The Board is also required to certify the chief election inspector, the individual in charge of each of the state's 2,822 polling places. The Board is required to emphasize the integrity and importance of the vote of each citizen in its training programs. Wis. Stat. §5.05 (7)

Wisconsin's elections are administered at the municipal level in our 1,852 towns, villages and cities. The municipal clerk, an elected or appointed non-partisan public official, is responsible for processing all absentee ballots, including those for Wisconsin's uniformed services and overseas voters.

The State of Wisconsin has arguably the most decentralized election system in the nation. The State administers elections with the support of 72 counties, and Wisconsin's 1,852 municipalities conduct each election. About 62 percent of municipal clerks serve part-time. Wisconsin has 6,752 wards (precincts) organized into more than 3,500 reporting units for each election, and a voting age population of more than 4.3 million people. Wisconsin implemented Election Day registration in 1976, and required voter registration for all electors statewide since 2006. Despite the challenges of such a diversified election system, Wisconsin experiences consistently high voter turnout – usually first or second nationally, and ranked in the top five among all states in the Election Performance Index published by the Pew Charitable Trusts for 2008, 2010, and 2012.

Background

Since at least 1979, Wisconsin has statutorily required election data collection. Reporting has expanded from collecting voter turnout and voter registration statistics to include absentee voting information and further to meet the reporting requirements of the U.S. Election Assistance Commission (EAC) and the Federal Voting Assistance Program (FVAP), encompassing over 600 data points, as well as compliance with the Help America Vote Act of 2002 (HAVA).

Wisconsin's data collection and analysis efforts would not have been possible without a \$2 million grant from the EAC in 2008. Wisconsin used this grant to modernize data collection and analysis from a paper-based system to an electronic system. We developed the Wisconsin Election Data Collection System (WEDCS) for election statistics reporting, and the Canvass Reporting System (CRS) for election results certification. These systems now serve as models that other states can easily replicate. In 2012, Wisconsin became the first State in the country to collect election cost data from every county and municipality for statewide elections.

Wisconsin's Data Collection Process

The primary method of elections data collection in Wisconsin comes from analyzing transactional information in our Statewide Voter Registration System (SVRS), where clerks manage voter records including registrations, polling places, contests and candidates. Some clerks use SVRS to manage absentee ballots. Wisconsin created its SVRS in 2006 to comply with HAVA. Much of our successful collection and use of elections data is because of two key factors: Wisconsin manages elections and election systems top-down, and our elections management systems are coordinated rather than segregated.

Since Wisconsin began collecting election related data, we identified some gaps in data collection and analysis, both for general business purposes and for compliance with federal reporting requirements. WEDCS helps to bridge that gap by collecting data from municipal and county clerks that is not readily available through SVRS, as well as providing the opportunity to audit some SVRS data quality.

Wisconsin's statutory requirement for election data collection is instrumental in achieving 100 percent reporting compliance from all counties and municipalities. The statutes also

standardize the required information, when the reports are required (whenever there is a federal or state contest or statewide referendum on the ballot), and the deadline for reporting the required information (within 30 days of the election). Wisconsin also established an administrative policy of standardizing the required election cost data and reporting deadlines. Also critical to Wisconsin's successful data collection efforts is using standardized reporting formats, continuously asking the same questions in a logical order, while providing clear and detailed instructions and training materials to county and municipal clerks.

Wisconsin's election data collection leverages modern technology, replacing the previous paper-based reporting with an online data collection system. The process is simplified and improved by reducing data entry errors, eliminating the need for staff to attempt to decipher difficult-to-read handwriting, and shifting resources from data entry to auditing compliance and data quality. WEDCS and CRS utilize XML coding for data transmission and SQL Server Management Studio for auditing and analysis. By using readily available and widely used technology, we can develop cost-effective systems, easily find qualified IT personnel, and train program staff.

Election Cost Data

In 2011, the Wisconsin State Legislature wanted estimations of the fiscal impact of a statewide recall election. We surveyed county and municipal clerks in order to provide a cost estimate. In 2012, Wisconsin's Government Accountability Board used its statutory authority to require counties and municipalities to provide information for the purpose of election administration to require election cost reporting for every state and federal election. While the total amounts between the estimates in 2011 and the cost reports in 2012 were reasonably similar, we found that the categorical totals in some cases varied substantially. Wisconsin counties and municipalities now report election-specific costs after each Spring Election and General Election within 60 days, as well as general costs annually by January 31 for the preceding year.

While these cost reports do not represent an exact financial audit of election costs, they do provide an invaluable tool for policy analysis. The value of the data is greatly enhanced by providing clear and detailed instructions and training materials to county and municipal clerks, just as we do for statistical reporting. Like any undertaking, it is essential to articulate the purpose of collecting this data in order to achieve buy-in from clerks so they have a stake in accurate reporting and can benefit from their efforts. Data provide a common format for allowing each municipality or county to tell their story in a way that is relatable to other jurisdictions. We were able to eliminate the need to collect cost data after every election because we were able to identify from our 2012 cost data how costs fluctuated based on voter turnout and the complexity of the ballot. Separating out annual costs also provides a fiscal estimate of general election administration costs and long-term costs (e.g., personnel costs, voting equipment purchases, and maintenance).

Wisconsin's Data Analysis Process

Eliminating the need for staff to review hand-written reports by requiring municipal and county clerks to enter their own data, staff can focus on reporting compliance and auditing data quality. Even with the large number of municipalities, reporting units, and data points,

leveraging technology facilitates detailed auditing and analysis. Wisconsin law allows municipalities with a population less than 35,000 to create reporting units, combinations of wards with the same contests, for simplified reporting of election results and statistics. From these reporting units, we can compile statistics for any ward-based district from aldermanic to congressional districts.

We conduct both internal and external data validation in order to improve data quality. Internal data validations consists of using logical comparisons within each WEDCS report (e.g., making sure that the total number of absentee ballots counted is not more than the total number of absentee ballots issued). External data validation involves comparing information in each WEDCS report to information in SVRS and CRS. We compare the number of voters reported in WEDCS to the number of voters with participation reported in SVRS, and the total number of votes cast for the office with the highest turnout. The analysis of these comparisons includes thresholds for identifying reporting units that require follow-up in any or all three systems. We currently identify reporting units where there is a difference of at least 1 percent and 10 voters.

Perhaps one of the best ways to improve data quality and analysis is to make sure the information is readily accessible to the public. This creates an incentive for those who provide the data to ensure its accuracy. This also allows the media, academics, and the public to review and help audit the information.

As we modernize our elections management systems, we plan to automate the internal validations (clerks would not be able to submit a report that does not validate without acknowledging a warning message), and building reports that clerks can run themselves to verify the external validations. This would also allow staff to focus on more detailed auditing, as well as facilitate more detailed analysis into correlations between challenges and potential causes, for example, we could look into jurisdictions with high absentee ballot rejection or unreturned rates.

Uses for Improving Election Administration

Wisconsin is able to use a combination of SVRS transactional data (e.g., voter registration applications) and about 50 data points from the WEDCS reports to provide responses to more than 600 data points in the U.S. Election Assistance Commission's (EAC) biennial reporting requirement, the Election Administration and Voting Survey (EAVS). This process is substantially more efficient and results in much more accurately reported data than having each of Wisconsin's 72 county clerks and 1,852 municipal clerks individually report these statistics. Pew's Election Performance Index notes that Wisconsin's data completion increased from about 88 percent in 2008 and 89 percent in 2010 to virtually 100 percent in 2012.

There is considerable potential to use elections data to identify performance challenges and successes. We can analyze voter turnout by ward, municipality, county, or any other district level. We also look at voter registration rates, as well as absentee ballot return and rejection rates for regular, military, or permanently overseas voters. From this analysis, we can identify areas facing challenges, but also look to areas having considerable success for

possible improvements, and develop best practices to share across Wisconsin and the entire country.

Having elections data that is complete, of high quality, and meaningful allows us to provide quantifiable and informative data to policymakers. Being able to quantify and present information provides important perspective for decision-makers. Local governments are primarily responsible for paying the costs of administering elections in Wisconsin. However, saying that elections require considerable time and resources from local governments is far less informative than stating the county and municipal governments reported spending more than \$37 million for five statewide elections in 2012, of which nearly \$14 million was for a recall primary and election for which many jurisdictions did not budget.

Here is another example. Intuitively, elections are very dependent on interpersonal interactions, even as the use of technology increases. One position could be that a potential way to reduce the cost of election or identify savings that could support other improvements is to seek ways to reduce required staffing. Another perspective might argue for focusing on improving voting equipment programming. The personnel-focused perspective is much more compelling when showing that in 2012, personnel represented more than 65 percent of all reported election-related costs, compared to voting equipment at about 10 percent and ballots at about 13 percent.

Quality elections data can also provide valuable insight to inform debate. Looking at voter registration, we can show that more than 80 percent of Wisconsin voters' most recent registration was on Election Day. We can expand that to look at the number of registrations that occur within 30 days of an election. In debates about absentee voting by mail or in-person, we can illustrate trends over time about the percentage of voters who vote absentee or at the polling place on Election Day. We can expand on this even further by adding demographic dimensions (e.g., age group, location, etc.).

Another potential use of elections data is to combine statistical and cost data. By combining available data, we can estimate the average cost associated with each absentee ballot issued or cast. We can also estimate the average amount of money spent on training election inspectors or their average wages. Arguably, the best use of elections data is using the data to conduct a cost-benefit analysis (CBA) of a potential policy change. In 2013, Wisconsin worked with two teams of graduate students at the LaFollette School of Public Affairs at the University of Wisconsin-Madison to conduct two CBA studies. The first study compared methods of conducting voter-list maintenance by either sending out mass mailings to voters who had not voted in the previous four years, or by utilizing the U.S. Postal Service's National Change of Address (NCOA) system. The second study compared online versus paper-based voter registration. The complete reports and each team's presentation of their findings to staff are available on our website:

http://gab.wi.gov/publications/other/CBA_projects.

Importance of Data in Shaping Legislative Proposals

In the recently concluded 2013-14 legislative session 18 separate election proposals were acted on in the waning days of the session. With several of the bills, G.A.B staff was able to provide illuminating information about the impact of the proposals. We were able to show

how many voters cast absentee ballots in-person during what time periods to facilitate a discussion on changing early voting hours. G.A.B staff was able to supply detailed information about the costs and timing of conducting voter list maintenance. We were also able to marshal facts to address proposals that were not introduced such as the costs associated with eliminating Election Day Registration.

Conclusion

From our experiences collecting and analyzing election data, we can identify several valuable lessons learned. Data collection should be purpose-driven. With data, more is not necessarily better. Data collection, audit, and analysis requires extensive resources, and that time and effort should be spent wisely. Mission statements, vision statements, performance goals, and objectives should drive the data we collect. Public policy textbooks have often referred to this as focusing on SMART data – data that is simple, measurable, actionable, relevant, and timely. It is also important that those reporting the data clearly understand what you are asking of them and what they are reporting. This requires providing training that is clear, detailed, and easily understood.

Data entry can be susceptible to human error more so than transactional data. Therefore, we seek to minimize data entry and incorporate data collection into our everyday business practices and technology systems. Leveraging technology can also improve data auditing and overall data quality, which is essential for informing the decision-making process and for driving performance management.

Executive Summary
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Wisconsin's Data Collection Process

- Wisconsin has the most decentralized election administration system in the nation, with 1,852 municipal and 72 county clerks.
- Wisconsin has statutorily required election data collection since at least 1979 – before NVRA and HAVA requirements – which is instrumental in achieving 100 percent compliance.
- The State's current data collection and analysis efforts were made possible by a \$2 million grant from the EAC in 2008, which replaced paper forms with online Wisconsin Election Data Collection System (WEDCS).
- The primary elections data source is our Statewide Voter Registration System (SVRS), where clerks manage voter records including registrations, polling places, contests and candidates.
- Pew's Election Performance Index notes that Wisconsin's data completion increased from about 88 percent in 2008 and 89 percent in 2010 to virtually 100 percent in 2012.

Election Cost Data

- In 2011, the State Legislature requested cost estimates for a statewide recall election.
- In 2012, G.A.B. used its statutory authority to require election cost reporting for every state and federal election.
- Counties and municipalities report election-specific costs after each Spring Election and General Election, as well as general costs annually.

Wisconsin's Data Analysis Process

- Requiring online data reporting by clerks allows G.A.B. staff to focus on reporting compliance and auditing data quality.
- G.A.B. staff conducts both internal and external data validation to improve data quality.

Uses for Improving Election Administration

- SVRS transactional data and WEDCS reports provide responses to more than 600 data points in the U.S. EAC's Election Administration and Voting Survey (EAVS).
- This process is substantially more efficient and accurate than having each of Wisconsin's 72 county clerks and 1,852 municipal clerks individually report these statistics.

Importance of Data in Shaping Legislative Proposals

- The Wisconsin Legislature passed 18 separate election bills.
- G.A.B staff was able to provide impartial data on the impact of the legislative proposals.

Summary Biography of Kevin J. Kennedy

Kevin J. Kennedy is Director and General Counsel for the Wisconsin Government Accountability Board, a position he has held since November 2007. Before assuming the top staff position for the Board, he was Executive Director – and before that Legal Counsel – for the Wisconsin State Elections Board.

Kennedy was in private practice before joining the Elections Board in 1979, and prior to that served as an assistant district attorney in Washington County, Wisconsin. He graduated from the University of Wisconsin-Madison Law School in 1976, and received his Bachelor of Arts degree in Mathematics and Communication Arts from the UW-Madison in 1974.

Kennedy is a member of the National Association of State Election Directors (NASSED) and served as NASSED President in 2006. He also served as co-chair of the National Task Force on Election Reform established by the Election Center, a non-profit organization dedicated to training and educational opportunities for state and local election officials. Kennedy is also a member of the Council on Governmental Ethics Laws (COGEL) and has served on the organization's Steering Committee.