

# Special Investigations Unit

# Milwaukee Police Department



*Report of the Investigation into the  
November 2, 2004 General Election  
in the City of Milwaukee*

## DISCLAIMERS

When the task force was formed, the United States Attorney's Office and Federal Bureau of Investigation limited their participation to the investigation of potential criminal violations. These agencies indicated that they would not be involved in any general evaluation of election procedures. As such, the recommendations and findings in this report are those of the Special Investigations Unit of the Milwaukee Police Department and do not reflect the views of the United States Department of Justice, the United States Attorney's Office, the Federal Bureau of Investigation, or any other member of the task force.

In 2004 the Milwaukee County District Attorney's Office, at the direction of District Attorney E. Michael McCann, participated with federal authorities and the Milwaukee Police Force in a Joint Task Force investigating possible voter fraud. Today's Report is issued by the Milwaukee Police Department's Special Investigations Unit, and contains that unit's investigative findings, opinions and recommendations, especially relating to the management of elections within the City of Milwaukee. The findings, opinions and recommendations expressed in this Report will be closely considered by District Attorney John Chisholm as relevant to the investigation of future allegations of election related misconduct, but this office did not participate in the preparation of the report and is not endorsing the findings, opinions or recommendations of the report at this time.

**SPECIAL INVESTIGATIONS UNIT**

INTRODUCTION..... 5

On-Site Registration Cards ..... 7

Double Voter Entries ..... 7

1305 On-Site Cards reportedly not entered..... 9

Introduction ..... 9

Entered Cards ..... 11

Un-Entered Cards ..... 15

Not in the City of Milwaukee..... 17

Felons..... 19

Homeless Shelters ..... 21

Students ..... 23

Sandburg Hall (UWM) ..... 24

Recommendations ..... 26

FELONS ..... 27

Election Inspectors ..... 28

Deputy Registrars ..... 28

Conclusion ..... 29

REPUBLICAN PARTY OF WISCONSIN ..... 31

Complaint One – Registration from fraudulent addresses ..... 31

Complaint Two – Double Voters ..... 33

Complaint Three – Double Voters..... 35

Complaint Four – Double Voters – Chicago/Milwaukee ..... 36

WARD COUNTS ..... 37

Hand Count of Selected Wards ..... 37

On-Site Voter Count of Selected Wards ..... 39

ABSENTEES..... 41

Errors at the Election Commission..... 42

Sworn Registered Voter Cards ..... 42

Conclusion ..... 48

**SPECIAL INVESTIGATIONS UNIT**

CAMPAIGN WORKERS ..... 49

Major Political Party ..... 49

National 527 Group ..... 51

Conclusion ..... 52

DOUBLE ENTRIES/DOUBLE VOTES..... 55

Double Entries..... 56

Voting in the City of Milwaukee and another City ..... 57

Voting in the City of Milwaukee and another State ..... 57

Conclusion ..... 57

The Process ..... 59

Review..... 60

Undocumented Immigrants ..... 61

Deceased Persons ..... 61

Incapacitated Persons..... 61

No Prosecution..... 62

APPENDIX ONE – STATE STATUTES (circa 2004) ..... 63

5.15 Division of municipalities into Wards..... 63

6.10 Elector Residence. .... 63

6.33 Registration forms; manner of completing. .... 63

6.55 Polling place registration; voting by certification. .... 63

6.79 Recording Electors ..... 64

APPENDIX TWO – ABSENTEE BALLOTS (circa 2004)..... 65

6.88 Wisconsin Statutes..... 65

Rejected Absentee Ballots ..... 67

Handling Rejected Ballots ..... 67

# Special Investigations Unit

## *Investigation of the November 2, 2004 General Election in the City of Milwaukee*

### INTRODUCTION

The state of Wisconsin cast its 10 Electoral Votes for Senator John Kerry, who won the state of Wisconsin by over 11,000 votes, double the difference of the 2000 General Election. Approximately 2.9 million persons voted statewide with over 277,000 ballots cast in the city of Milwaukee. The results were certified at each level, county and state, and the outcome of every individual race was reported.

In the city of Milwaukee, voters not only were able to cast votes for President, but also for the United States Senate and Congress. At the State and local level, voters cast ballots for State Senate and Assembly, as well as in several local races such as District Attorney and County Clerk.

At the conclusion of the Election, various media outlets began reviewing the recorded results and reported that they had discovered a number of discrepancies in the records maintained by the City of Milwaukee Election Commission. These discrepancies became the subject of a number of media reports identifying errors in the process of verifying legal voters in the city of Milwaukee.

In response to these reports and other allegations of voter fraud, Mayor Tom Barrett formed a Task Force to review the procedures followed by the Election Commission. This Task Force released their findings into the internal actions of the Election Commission with recommendations to help alleviate any problems that may be encountered in future elections<sup>1</sup>.

During that same time period, the United States Attorney for the Eastern District of Wisconsin Steven Biskupic and Milwaukee County District Attorney E. Michael McCann initiated their own joint

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<sup>1</sup> The "City of Milwaukee Election Task Force" released its report June 27, 2005.

investigation into the allegations of fraud in the 2004 General Election. Their efforts to investigate this election led to the formation of a criminal Voter Fraud Task Force. The criminal Task Force included the Federal Bureau of Investigation, the United States Postal Inspectors, and members of the Milwaukee Police Department's Special Investigations Unit.

Initially, the investigators<sup>2</sup> were given the task to respond to the reported violations of the State of Wisconsin Election Laws by any entities or persons involved in the 2004 General Election. However, as the investigation began, numerous inconsistencies in the official records of the City of Milwaukee Election Commission became evident. The reports of more ballots cast than voters recorded were found to be true. The Election Commission conducted three separate counts of voters, which resulted in three different findings, none of which matched the final official ballot count reported to the Wisconsin State Elections Board.

As a result of the Election Commission's failure to adequately account for the results of the 2004 General Election, the investigators of the criminal Task Force initiated two separate inquiries into the Presidential Election cycle. One investigation centered on the record management of the Election Commission in an attempt to answer questions surrounding the shortage of voters to ballots cast, variations of individual Ward results with recorded voters, double entries of individuals, etc. This investigation concentrated its efforts on the reports of 1300 "un-enterable" On-Site Voter Registration cards, 2400 "undeliverable" verification cards, and

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<sup>2</sup> Throughout this report, unless otherwise indicated, the terms "investigators" and/or "Task Force investigators" refer to the Special Investigations Unit of the Milwaukee Police Department.

**SPECIAL INVESTIGATIONS UNIT**

Absentee ballots sent into the Milwaukee Election Commission. These inquiries led to the discovery of additional discrepancies and therefore, led to additional investigations. The findings of these additional inquiries are documented in this report.

The Milwaukee County District Attorney's office began a separate investigation into fraudulent pre-election voter registrations. Investigators employed by the District Attorney's office conducted this investigation. Although investigators in the Task Force assisted in their investigation, the Milwaukee County District Attorney's office was the lead agency into this portion of the review.

The Task Force investigators reviewed the records provided by the Election Commission to identify persons who had violated Wisconsin Election Laws. Individuals and groups were referred to the United States Attorney's Office and the District Attorney's Office for criminal prosecution.

It should be noted that although there were two separate investigations being conducted, both the internal review of Election Commission records and the criminal inquiry were interconnected. As fraudulent voters were identified, shortcomings in the procedures and records maintained by the Election Commission came to light. The same was true with the internal review of the Election Commission's record management. As this review progressed, additional fraudulent voters were discovered and new criminal inquiries were conducted.

***“The reports of more ballots cast than voters recorded were found to be true.”***

# On-Site Registration Cards

## Double Voter Entries

During the investigation, a number of double voter entries were discovered in the Milwaukee Election Commission's Electors database. The majority of these double entries were not double votes, but instead appeared to be data entry errors by the Election Commission.

One of the areas of the erroneously entered double voters is found in the On-Site Registration cards. Those entries are made to the Electors database after the On-Site Registration cards are received by the Election Commission and occur after the completion of an election. The investigators were informed by the full-time employees of the Election Commission that their personnel, both full-time and temporary, make those entries to the database by accessing the On-Site Registration cards and the Election Day Registered Voters list. The Election Day Registered Voters list is to be compiled on the day of the election by election inspectors after the voter registering is certified eligible to vote. However, the investigators were informed that the election inspectors completed some of these Election Day Registered Voters lists after the conclusion of the election. Additionally, some of the Election Day Registered Voters lists were not completed at the poll sites at all; instead these lists were compiled at the Election Commission while the On-Site Registration cards were being reviewed. Lastly, the Election Commission amended some of the Election Day Registered Voter lists by merging voters that had been allowed to vote in the wrong Ward, despite listing their legal addresses outside of that Ward.

The investigators were informed by the Election Commission that if a voter is listed on a particular Ward's Election Day Registered Voters list, but a matching On-Site Registration card cannot be located, a Temporary On-Site Registration card is filled out by an employee of the Election Commission. This card only contains the information listed on the Election Day Registered Voters list, that being name, address, and Voter number. This information is then entered into the Electors database. As soon as the completed On-Site Registration card is located for this particular voter, the information is then up-dated in the Elector's database and the Temporary card removed.

The Task Force investigators discovered that there were 785 On-Site Registered voters entered into the

November 2004 General Election database listing the Voter's name and address, but without a Date of Birth. These 785 entries were reviewed for the possibility of mistaken double entry or the possibility of a violation of Election Laws.

The Task Force determined that 132 of the entries that are missing a date of birth had been entered into the Electors database twice. Of those 132, three were forwarded for prosecution (results are detailed in another section of this report) and it was determined that the remaining 129 were either erroneously entered twice or that there lacked sufficient evidence to prove criminal conduct

The majority of these 129 double entries appear to be mistakes by Election Commission employees who failed to remove or update the Temporary entries when the original On-Site Registration was entered. An example is shown below. The two cards, Temporary and original, were found in the On-Site Registration card files. A check of the Ward's Election Day Registered Voters list showed that this particular person voted only once. However, the voter is listed twice on the Electors database. One of the entries contains his full information and the other one is missing his date of birth. Nonetheless, the Voter number on both cards is the same.

SPECIAL INVESTIGATIONS UNIT

The Task Force found that some of the erroneous double entries were more perplexing. For example, a voter with the first name of William is entered as “William” and “Wm.,” with the same last name and address. This voter is listed in the Ward’s Election Day Registered Voters list under both variations.

Different poll inspectors made the entries, as evidenced by the two different types of handwriting. However, both entries have the same Voter number and “Wm.” is the common reduction for William.

Most of the erroneous double entries were listed as the same name and address with the date of birth missing. However, investigators discovered that there were a large number of these double entries in which some of the available information had been changed when the second entry was made. In some cases, the name was spelled differently or the address was different. For example, a woman residing in the 4900 block of N. 18<sup>th</sup> with no recorded date of birth listed is also recorded in the 4900 block of N. 108<sup>th</sup> with a date of birth. This voter did reside at the N. 108<sup>th</sup> address at the time of the November General Election. She is now registered to vote and, more important, recorded as voting in two different Wards in the City of Milwaukee.

The Task Force investigators found that a person living in the 3400 block of N. 80<sup>th</sup> is also shown in the Electors database as voting under her previous name. Under the previous name listing, the address is the same and no date of birth is shown. There is no evidence that this woman voted twice using both names. The woman did file a change of name On-Site Registration card with both names written in the correct spaces. It appears that she was entered into the Electors database by the Election Commission under both names for one On-Site Registration card. This woman is now registered to vote under both names and recorded under both names as voting in Ward 89.

The possibility exists that there are more than the 129 erroneous double entries from these 782 On-Site Registrations without a date of birth listed. The entries listed in the Electors database with the same name and address information are listed together and easily discernable. The entries made with slightly different information are much more difficult to discover. (i.e. Reilly/Riley)

The Task Force investigators stop short of any allegations of wrongdoing by the Election Commission employees regarding the entries with the altered name or address information. Although there was pressure on the Election Commission to explain and diminish the voter-to-votes gap in the November 2004 General Election, the investigators have no evidence that this led to any purposeful attempt to double enter voters.

In conclusion, the Task Force investigators having found 129 erroneously entered double votes, led to a decrease of voters in the Milwaukee Election Commission Electors database for the November 2004 General Election. The “gap” between the reported ballots cast in the City of Milwaukee in the November General Election of 277,535 and the Electors database of 272,235 is now increased by the 129 erroneously entered double voters.

## *1305 On-Site Cards reportedly not entered*

### **Introduction**

Wisconsin Election law provides the opportunity for a person to register and vote on the day of an election (Appendix One). The green On-Site Voter Registration card is the means by which these same day registering voters are documented. A new voter, a previously unregistered voter, or a voter new to a Ward may come to the polls on the day of an election and fill out an On-Site Voter Registration card. Upon verification by an Election Inspector of the card, i.e., completeness, proper identification, and eligibility to vote at a particular location, the person is given a ballot and allowed to vote. After the election, these On-Site Voter Registration cards are entered into a database of Electors, registering the voter for future elections.

After the November 2004 General Election, the City of Milwaukee Election Commission reported to the public and media that of the more than 73,000 On-Site Voter registrations received on the day of the Election, there were 1305 registration cards that lacked sufficient information to be entered into the database of voters. The Election Commission reported that these 1305 cards represented voters that had cast ballots, but were not totaled in the final Electors database for the November 2004 General Election and therefore were not registered voters in the City of Milwaukee. At the conclusion of the verification of the On-Site Voter Registration cards by the Election Commission these 1305 cards were determined to be faulty in some way and were considered to be “un-enterable” into the registered voter database. The Milwaukee City Attorney’s Office was notified of these faulty cards and subsequently took possession of them. The cards were placed in the custody of Lisa Ames, who is a Paralegal in the City Attorney’s Office. Ms. Ames informed the Task Force that she secured the cards in a locked cabinet in her office, located on the seventh floor of City Hall. In an e-mail dated January 31, 2005, former Milwaukee Election Services Manager Victoria Robertson informed the City Attorney’s Office election liaison of the 1305 faulty On-Site cards and the reasons that these cards could not be entered into the Electors database. The following is the breakdown of the 1305 cards as detailed in the January 31, 2005 e-mail:

No Address	854
No Name	48
No Identification	120
No Signature	28
Invalid Address	6
No Voter Number	155
Not in the City of Milwaukee (NIC)	141
Illegible	23
<b>Total</b>	<b>1305</b>

When the criminal investigation into possible fraudulent activities during the November election was initiated, the Election Commission reported that between 4600 and 5300 more ballots were cast than voters who can be accounted for. The Election Commission cited the 1305 un-enterable On-Site Registration cards as one of the possible reasons for this “voter gap”. The criminal Voter Fraud Task Force (Task Force) identified these un-enterable On-Site cards as potential criminal violations and took possession of the 1305 cards on April 11, 2005 to conduct an investigation into the voters that had cast ballots in this manner.

Upon taking custody of the 1305 On-Site Voter Registration Cards, the Task Force began cross-referencing the names, when listed, on the cards with the Electors database for the November 2004 General Election provided by the Election Commission. It became apparent that a large number of these cards had, in fact, been entered into the Electors database. When the comparison of the 1305 “un-enterable” cards and the Electors database was complete, 541, or over 41%, of these cards were found to be entered into the Electors database for the November 2004 General Election. In an interview on May 2, 2005, Ms. Ames informed the Task Force that the 1305 On-Site Registration Cards had been returned to the Election Commission in order to enter voters to the Electors database. Ms. Ames stated that on March 17, 2005, her supervisor, Assistant City Attorney Melonie Swank, told her to return the 1305 cards to the Election Commission. Ms. Ames stated that she was told that the Election Commission was planning to enter the names of voters on the cards where sufficient information existed to identify the voter. Ms. Ames recalled that she gave the cards to Kathy Thornton, an employee of the Election Commission. Ms. Ames did not remember when the 1305 cards were returned to her custody. A subsequent

interview of Denise Walton of the Election Commission confirmed the entry of an unknown number of the 1305 previously “un-enterable” On-Site cards to the November 2004 Electors database. Ms. Walton stated that sometime in mid- to late March of 2005 the 1305 On-Site Registration cards were returned to the Election Commission from safekeeping at the City Attorney’s Office. Ms. Walton stated that the Election Commission had received permission from Kevin Kennedy, Executive Director of the State of Wisconsin Elections Board, to enter certain types of these cards. Mr. Kennedy had given permission to the Milwaukee office to enter the names of voters from those cards that were missing dates of birth, signatures, and/or voter numbers. These voters were to be entered if the addresses on the On-Site Registration cards were in the City of Milwaukee. This address confirmation was to be accomplished by checking the cards themselves or records of past voter history kept by the Election Commission. A Task Force investigator interviewed Kathy Thornton who confirmed the decision to enter into the Electors database some of the voters from the 1305 “un-enterable” On-Site Voter Registration cards.

***When the comparison of the 1305 “un-enterable” cards and the Electors database was complete, 541, or over 41%, of these cards were found to be entered into the Electors database***

It must be noted here that no one from the Election Commission, the City Attorney’s office, or Mayor Tom Barrett’s Election Task Force informed the criminal Voter Fraud Task Force of the entry of these 541 voters to the Electors database from the so-called 1305 “un-enterable” On-Site Registration cards. Further, the Task Force could not determine from any interview what criteria were used to determine that a card was not ‘enterable’. The Task Force in its review of cards that were entered into the database discovered many cards with similar flaws that had made other cards ‘un-enterable’. The Task Force only confirmed the entry of some cards in May of 2005 after the discovery of these voters in the Electors database. The Election Commission perpetuated the belief that the “voter gap” described earlier in this report was reduced by the reported 1305 “un-enterable” voters instead of the actual 764 voters represented by the final “un-entered” On-Site card count. The ultimate result is that the vote-to-voter gap remains substantial.

**Entered Cards**

Wisconsin State Statute 6.33 Registration forms; manner of completing (Appendix One) defines what information shall be listed on a registration card. Despite these guidelines, the Election Commission, with the approval of the State Elections Board, made a decision to enter the voter information from 541 On-Site Voter Registration cards, which had previously been considered “un-enterable” due to missing or incomplete information, into the Election Commission’s Electors database. An entry into the Electors database of a person voting as an On-Site registrant will enable the person to vote in all future elections as a registered voter. As a registered voter, the person is no longer required to present identification to verify their identity prior to voting.

As the Task Force conducted the initial review of the 1305 “un-enterable” cards, the inadequacies of the On-Site Voter Registration data entry system became apparent. Besides the On-Site cards that listed addresses that were non-existent or outside of the City of Milwaukee, and those cards that were lacking the name of the voter, the Task Force found numerous “un-enterable” cards that contained the same information deficiencies as hundreds of “entered” On-Site cards. There appears to be no uniformity in the criteria used to determine if these On-Site cards should be entered or not. The data entry of these cards takes place weeks after the election is not only held but also certified. The data entry of the information taken from the On-Site Voter Registration cards into the Electors database, registering the voter for all future elections, takes place at the Election Commission. Both permanent and temporary employees of the Election Commission do the data entry. It became apparent to the Task Force that the persons entering the On-Site information have the freedom to make data entry decisions individually, with no apparent guidelines or oversight. This allows wide differences in the entry of On-Site Voter Registration cards.

Wisconsin State Statute 6.79 Recording electors (2) (a) (Appendix One) states in part *...A separate list shall be maintained for electors voting under s. 6.15, 6.29 or 6.55 (2) ...Each elector shall have his or full name, address and serial (voter) number likewise entered and shall be given a slip bearing such number.* Of the 541 “entered” On-Site Voter Registration cards, 147 did not have a voter number listed on the card (Figure One). Both the Milwaukee Election Commission and Mr. Kennedy believed that the lack of a voter number on an On-Site card should not keep a voter from becoming a registered voter in

the city of Milwaukee’s Electors database. The belief was that no one would stand in line to fill out an On-Site Registration card and then leave without voting. The Task Force agrees that is it unlikely that a person would not vote after waiting in line for a prolonged period to register, however, proper verification of that person’s eligibility to vote should precede their entry into the Electors database. The Task Force conducted interviews with 27 of these persons. All 27 persons acknowledged that they did in fact vote in the November 2004 General Election.

Figure One

The image shows a 'CITY OF MILWAUKEE ON-SITE REGISTRATION CARD' for Timothy A. [redacted]. The card is dated 11/2/04 and is for District 4/60. It includes fields for 'New Voter in Milwaukee' (checked), 'Address Change', 'Name Change', 'Last Name', 'First Name', 'Middle Initial', 'Legal Voting Address', 'Date of Birth', 'ID Number', and 'Signature of elector'. The voter number field is blank. The card also contains a section for 'Please answer the following questions by checking "yes" or "no"' and a signature of the elector, Timothy A. [redacted].

Wisconsin State Statute 6.33 (1) (Appendix One) also provides for the voter providing their age. The City of Milwaukee On-Site Registration card provides this information via the inclusion of the registrant’s date of birth. The Task Force review revealed that the largest number of the “entered” 541 On-Site Voter Registration cards, a total of 163, did not contain a date of birth for the listed voter (Figure Two). The Task Force conducted a background check of these persons and determined that all of the entered voters were age-eligible to vote on November 2, 2004.

Figure Two

**CITY OF MILWAUKEE ON-SITE REGISTRATION CARD** TODAY'S DATE: 11/03/04 Over the Over (D.R.)

New Voter in Milwaukee *Richarda [redacted]* District: 4 Ward: 1310

Address Change (Print Former Milwaukee Address)

Name Change (Print Former Name)

Last Name: [redacted] First Name: *RICHARDA* Middle Initial: *K*

Legal Voting Address - include House Numbers (P.O. Boxes are not acceptable): *N 21st St Apt #7* Apt./Room No.: *7* Zip Code: *53205*

Date of Birth: [redacted] ID Number - Check the applicable box and provide the appropriate number:  
 WI Dept. of Transportation - issued driver's license or identification card number:  
 Last 4 digits of social security number: *8888* (only if you do not have a WI driver's license or I.D.)  
 I have neither a WI driver's license or I.D., nor a social security number

Please answer the following questions by checking "yes" or "no" (If you check "no" in response to either of these questions, do not complete this card):  
 1.) Are you a Citizen of the United States of America?  YES  NO 2.) Will you be 18 years of age on or before election day?  YES  NO

I certify that I meet the eligibility requirements of the State of Wisconsin, and that the information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, I may be subject to a fine or imprisonment or both under Federal or State laws.

Signature of elector: *[redacted]* Signature and address of corroborating witness: [redacted]  
 Signature of election inspector or special registration deputy: *T.D.* Voter number issued: [redacted]

Figure Four

**CITY OF MILWAUKEE ON-SITE REGISTRATION CARD** TODAY'S DATE: 11/2/04 Over the Over (D.R.)

New Voter in Milwaukee *Ivan [redacted]* District: 4 Ward: 1311

Address Change (Print Former Milwaukee Address)

Name Change (Print Former Name)

Last Name: [redacted] First Name: *Ivan* Middle Initial: *R*

Legal Voting Address - include House Numbers (P.O. Boxes are not acceptable): *W Wells St* Apt./Room No.: *309* Zip Code: *53233*

Date of Birth: [redacted] ID Number - Check the applicable box and provide the appropriate number:  
 WI Dept. of Transportation - issued driver's license or identification card number:  
 Last 4 digits of social security number: [redacted] (only if you do not have a WI driver's license or I.D.)  
 I have neither a WI driver's license or I.D., nor a social security number

Please answer the following questions by checking "yes" or "no" (If you check "no" in response to either of these questions, do not complete this card):  
 1.) Are you a Citizen of the United States of America?  YES  NO 2.) Will you be 18 years of age on or before election day?  YES  NO

I certify that I meet the eligibility requirements of the State of Wisconsin, and that the information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, I may be subject to a fine or imprisonment or both under Federal or State laws.

Signature of elector: *[redacted]* Signature and address of corroborating witness: [redacted]  
 Signature of election inspector or special registration deputy: *[redacted]* Voter number issued: [redacted]

A smaller number of the remaining cards that were entered lacked the signature of either the voter or the Election Inspector verifying the information provided by the voter, also required by Wisconsin Statute s. 6.33 (1) (Figure Three). Again, a background check of these voters confirmed that they were eligible to vote in the City of Milwaukee. The Election Commission was unable to provide an explanation as to why these cards were missing the required signatures.

In some of these cases of "entered" voters lacking a statutorily defined form of identification, the Election Commission entered the required information as the On-Site voter's information was being entered into the Electors database. The information added by the Election Commission subsequent to the Election is written on the card in red ink by one of their employees (Figure Five). It appears from the review of these cards that this information was obtained by the Election Commission from the past voter history of the individual. There are several incidents of social security and/or driver license numbers that appear to have been entered onto the On-Site cards after Election Day.

Figure Three

**CITY OF MILWAUKEE ON-SITE REGISTRATION CARD** TODAY'S DATE: 11/2/04 Over the Over (D.R.)

New Voter in Milwaukee *Debonica [redacted]* District: 4 Ward: 1310

Address Change (Print Former Milwaukee Address)

Name Change (Print Former Name)

Last Name: [redacted] First Name: *Debonica* Middle Initial: *M*

Legal Voting Address - include House Numbers (P.O. Boxes are not acceptable): *N 21st St* Apt./Room No.: [redacted] Zip Code: *53205*

Date of Birth: [redacted] ID Number - Check the applicable box and provide the appropriate number:  
 WI Dept. of Transportation - issued driver's license or identification card number:  
 Last 4 digits of social security number: *8888* (only if you do not have a WI driver's license or I.D.)  
 I have neither a WI driver's license or I.D., nor a social security number

Please answer the following questions by checking "yes" or "no" (If you check "no" in response to either of these questions, do not complete this card):  
 1.) Are you a Citizen of the United States of America?  YES  NO 2.) Will you be 18 years of age on or before election day?  YES  NO

I certify that I meet the eligibility requirements of the State of Wisconsin, and that the information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, I may be subject to a fine or imprisonment or both under Federal or State laws.

Signature of elector: [redacted] Signature and address of corroborating witness: [redacted]  
 Signature of election inspector or special registration deputy: *[redacted]* Voter number issued: [redacted]

Figure Five

**CITY OF MILWAUKEE ON-SITE REGISTRATION CARD** TODAY'S DATE: 11/6/04 Over the Over (D.R.)

New Voter in Milwaukee *Cherry [redacted]* District: 4 Ward: 160

Address Change (Print Former Milwaukee Address)

Name Change (Print Former Name)

Last Name: [redacted] First Name: *Cherry* Middle Initial: *A*

Legal Voting Address - include House Numbers (P.O. Boxes are not acceptable): *N 20th St Apt #B3* Apt./Room No.: [redacted] Zip Code: *53233*

Date of Birth: [redacted] ID Number - Check the applicable box and provide the appropriate number:  
 WI Dept. of Transportation - issued driver's license or identification card number:  
 Last 4 digits of social security number: *8888* (only if you do not have a WI driver's license or I.D.)  
 I have neither a WI driver's license or I.D., nor a social security number

Please answer the following questions by checking "yes" or "no" (If you check "no" in response to either of these questions, do not complete this card):  
 1.) Are you a Citizen of the United States of America?  YES  NO 2.) Will you be 18 years of age on or before election day?  YES  NO

I certify that I meet the eligibility requirements of the State of Wisconsin, and that the information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, I may be subject to a fine or imprisonment or both under Federal or State laws.

Signature of elector: *Cherry [redacted]* Signature and address of corroborating witness: [redacted]  
 Signature of election inspector or special registration deputy: *[redacted]* Voter number issued: [redacted]

Of those cards entered, the most troubling were the 39 On-Site Voter Registration cards where no form of identification was entered for the person voting (Figure Four). Wisconsin Statute s.6.33 (1) states that On-Site voter registration requires that the person registering provide acceptable identification as outlined in s.6.55 (7) (Appendix One) Although the Task Force investigators were able to verify the existence of the majority of the named voters on these cards, the lack of identification precludes any positive certification that the person listed on the card was in fact the person who voted.

Finally, 20 of the "entered cards" were missing a combination of required items. This varied in combinations of two or more of a lack of address, date of birth, signature, voter number, or identification. The Election Commission deemed all of these On-Site Voter Registration cards "enterable" (Figure Six). The Task Force used the provided information contained on the cards to verify these voters as best as could be accomplished within the limitations of the information available on the On-Site Voter Registration cards.

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Figure Six

The Task Force discovered that over 100 of the “entered” cards contained no discernable error nor were the cards missing any information that would preclude their verification. The investigators believe that these voters should have been entered into the Electors database after the November 2004 General Election (Figure Seven).

Figure Seven

As the Task Force conducted investigations into other aspects of the November 2004 General Election, the original 73,000+ On-Site Voter Registration cards were reviewed. A number of these On-Site cards were missing one or more of the required items, yet still were certified and entered into the Electors database by the Election Commission. The missing information included dates of birth, identifications, signatures and voter numbers. As a result of the differing criteria used by individual Election Commission employees to judge the legality of On-Site cards, there is the high probability that legal, eligible voters were excluded from becoming registered voters in the City of Milwaukee. The opposite therefore, also is true. Ineligible persons and ineligible addresses are now part of the City of Milwaukee Ward books. The opportunity for fraudulent voting has increased with every erroneous or ineligible entry.

Figure Eight

Not Signed by Election Inspector, no date on card.

Figure Nine

Not signed by Election Inspector

SPECIAL INVESTIGATIONS UNIT

Figure Ten

**CITY OF MILWAUKEE ON-SITE REGISTRATION CARD** TODAY'S DATE 11/2/04 Over (Use One D.R.) 11/3/92  
 New Voter in Milwaukee  
 Address Change (Print Former Milwaukee Address) [Redacted] District 6 Ward 168  
 Name Change (Print Former Name)  
Last Name [Redacted] Circle ID # [Redacted] First Name Willie Middle Initial [Redacted]  
Legal Voting Address - Include House Numbers (P.O. Boxes are not acceptable) Apt./Room No. 532 Zip Code 53226  
Date of Birth [Redacted] ID Number - Check the applicable box and provide the appropriate number:  
 WI Dept. of Transportation - issued driver's license or identification card number: [Redacted]  
 Last 4 digits of social security number: [Redacted] (only if you do not have a WI driver's license or I.D.)  
 I have neither a WI driver's license or I.D., nor a social security number  
Please answer the following questions by checking "yes" or "no" (If you check "no" in response to either of these questions, do not complete this card):  
1.) Are you a Citizen of the United States of America?  YES  NO 2.) Will you be 18 years of age on or before election day?  YES  NO  
I certify that I meet the eligibility requirements of the State of Wisconsin, and that the information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, I may be subject to a fine or imprisonment or both under Federal or State laws.  
Signature of elector: Willie Weller  
Signature and address of corroborating witness: [Redacted]  
Signature of election inspector or special registration deputy: [Redacted] Voter number issued: [Redacted]

No Identification listed eligibility questions not answered.

Figure Eleven

**CITY OF MILWAUKEE ON-SITE REGISTRATION CARD** TODAY'S DATE 11/02/04 Over (Use One D.R.) 7/1/16  
 New Voter in Milwaukee  
 Address Change (Print Former Milwaukee Address)  
 Name Change (Print Former Name)  
Last Name [Redacted] Circle ID # [Redacted] First Name Sha Neen Middle Initial D.  
Legal Voting Address - Include House Numbers (P.O. Boxes are not acceptable) N. 44TH Apt./Room No. 532 Zip Code 53216  
Date of Birth [Redacted] ID Number - Check the applicable box and provide the appropriate number:  
 WI Dept. of Transportation - issued driver's license or identification card number: 1111111111  
 Last 4 digits of social security number: [Redacted] (only if you do not have a WI driver's license or I.D.)  
 I have neither a WI driver's license or I.D., nor a social security number  
Please answer the following questions by checking "yes" or "no" (If you check "no" in response to either of these questions, do not complete this card):  
1.) Are you a Citizen of the United States of America?  YES  NO 2.) Will you be 18 years of age on or before election day?  YES  NO  
I certify that I meet the eligibility requirements of the State of Wisconsin, and that the information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, I may be subject to a fine or imprisonment or both under Federal or State laws.  
Signature of elector: Sha Neen  
Signature and address of corroborating witness: PROOF of Res: mit Journal  
Signature of election inspector or special registration deputy: Shirley Wenzel Voter number issued: [Redacted]

Journal Sentinel used as proof of residency.

## Un-Entered Cards

The Task Force made a decision to focus on the 764 “un-enterable” voters in the review of the original 1305 On-Site Voter Registration cards. The 541 “entered” cards have been reviewed during the course of this investigation for possible fraud as the voters are listed in the Electors database from the November 2004 General Election.

The Task Force began the review of the “un-enterable” On-Site Voter Registration cards by conducting a comprehensive check of information databases that were available. These databases included but were not limited to the Lexis/Nexis system, State of Wisconsin Department of Transportation database, and City of Milwaukee Property Assessment records and others. By cross-referencing the 764 On-Site cards with these databases the investigators were able to confirm the identity and legal City of Milwaukee addresses of 540 individuals. These 540 persons appear to have been eligible voters at the time of the November 2004 General Election.

The Task Force determined that the remaining 224 “un-enterable” On-Site Voter Registration cards required additional investigation to determine the eligibility of the voter filling out the card. The Task Force conducted more than 100 interviews in the investigation into these 224 cards. These interviews consisted of attempting to locate the voter or a family member, speaking to landlords and neighbors. This portion of the investigation has led to the “clearing” of the majority of the 224 questionable cards. The investigators were able to locate the voter themselves or another person to verify the identity and eligibility of the voter at the time of the November 2004 General Election. However, there remained a number of questionable and ineligible voters from the 764 “un-enterable” On-Site Voter Registration cards.

During the investigation into the 224 questionable “un-enterable” On-Site Voter Registration cards, the Task Force discovered examples of data entry error and fraud. Although the examples are mainly from cards that had not been entered, the examples highlight the shortcomings of the On-Site Registration system employed by the State of Wisconsin.

The first example is that of an individual who voted as an On-Site Registrant using an address in the 2100 block of West Pierce Street. This person in reality lives in Chicago, Illinois. The individual was located and interviewed by phone by a Task Force

investigator and confirmed that his legal address is in the 3000 block North Laramie Avenue in Chicago, Illinois. The illegal voter stated that he works as a DJ and spends some time in the Milwaukee area due to his employment. He was in Milwaukee on November 2, 2004 staying at a friend’s apartment on West Pierce Street. He said that he voted in Milwaukee using his friend’s address. He denies voting in Illinois. Initially he was not entered into the Electors database. His card was one of the original 1305 “un-enterable” On-Site cards. His information was entered into the Electors database at a later time. He is now a registered voter in the City of Milwaukee.

Another example of the inadequacies of the Election Commission data entry criteria is that of a family who resides in the 11000 block of West Appleton Ave. One member of the family voted as an On-Site Registrant with a change of address. Initially, this person was not entered into the Electors database. The other three members of this family were also not entered into the Electors database. All three had also voted as On-Site Registrants. The four On-Site cards filed and received by the Election Inspectors on November 2, 2004 listed the Appleton Ave. address. An unknown Election Commission employee that was to enter the voter information into the Electors database, ensuring that these persons would now be registered voters in Milwaukee for future elections, made the erroneous determination that the Appleton Avenue address was not in the City of Milwaukee. In fact this address is a residence in the City of Milwaukee and the City of Milwaukee Assessors Office database lists the address as being owned by two members of the family.

The Task Force found that the first described family member was entered into the Electors database at a later time. However, this person was entered using her past address in the 5800 block of North 113<sup>th</sup> Street, even though she clearly noted on her On-Site Voter Registration card that she was filing an address change. This voter is now registered to vote at her old address. She and the three other members of her family are not registered to vote at their present address on West Appleton Ave.

During the course of reviewing the 1305 “un-enterable” On-Site Voter Registration cards, the Task Force found that the Election Commission had entered persons such as a voter from the 2600 block of South Fulton erroneously. This person voted by filing a name change On-Site card. However, she is

**SPECIAL INVESTIGATIONS UNIT**

listed in the Electors database under her previous name, not her requested new name. A person residing in the 1700 block of W. Wells Street voted as an On-Site Registrant using an Illinois identification card. The Task Force found that another voter living in the 4900 block of W. Tesch is entered into the Electors database under her maiden name. She is also listed as voting twice in the November 2004 General Election under the maiden name. There is no evidence that she voted twice. The investigators found four other persons from the 1305 “un-enterable” cards listed in the Electors database twice with no evidence that these persons are double voters.

The Wisconsin On-Site Voter Registration system confirms the identity, address, and eligibility of the voter *after* an election is completed. Therefore, fraudulent voters such as the Chicago resident have their votes counted even though they are ineligible to vote in Wisconsin. The Chicago voter is a prime example of an out of state individual using a friend’s address and voting in Wisconsin. This ineligible voter filled out his On-Site card and voted in the November 2004 General Election. He is now a registered *Wisconsin* voter for future elections. He can now enter the poll site and just by providing his name to the poll inspectors, vote in any Wisconsin election. He could also request and receive an Absentee ballot from his Chicago address.

## Not in the City of Milwaukee

The original 1305 “un-enterable” On-Site Voter Registration cards turned over to the Task Force contained 141 cards that the Election Commission determined to be addresses not in the City of Milwaukee (Not in City). The Task Force reviewed these cards and discovered, as evidenced by the On-Site Registration cards of the Appleton Avenue family, that misinformed Election Commission employees erroneously held some of these cards back. The voters and addresses were legal Milwaukee addresses.

The Task Force discovered that another area of the ‘Not in City’ On-Site cards were students who mistakenly wrote in their home addresses which were not in the City of Milwaukee. However, these students attended one of the local universities and lived in Milwaukee at the time of the November 2004 General Election. These voters are also eligible to vote in Milwaukee.

Lastly, the Task Force found that a number of individuals failed to provide their new Milwaukee addresses on the On-Site cards when they filed a change of address notification. The only address listed on the On-Site card was the voter’s past, ‘Not in City’ residence. The Task Force was able to determine that these voters were in fact Milwaukee residents on November 2, 2004 and were eligible to vote in Milwaukee.

After determining the voters that were actually eligible to vote in the City of Milwaukee on November 2, 2004, the Task Force found that 55 individuals in the 1305 “un-enterable” On-Site Registration cards appeared to live outside of the City of Milwaukee on November 2, 2004. The majority of these ‘Not in City’ voters are Milwaukee County residents. The Task Force located and interviewed most of these people and determined that there did not appear to be any fraudulent intent by these voters.

There were some possible ‘Not in City voters’ that the Task Force was unable to locate and interview. The Task Force was also unable to determine if there was a legal City of Milwaukee address for these persons on November 2, 2004. Although the Task Force makes no allegations of fraud at this time, these individuals remained in the total count of ‘Not in City’ voters.

The lack of criminal intent on behalf of these voters does not alleviate the violations of Wisconsin state Election Laws by the Milwaukee Election

Commission. A number of these cards bore the name of the city in which the voter resided. There were instances where voters wrote in “Wauwatosa” or “Greenfield”, etc., in the space for legal voting address on the On-Site Voter Registration card. These voters were allowed by poll inspectors to vote in the city of Milwaukee.

The fact that the State of Wisconsin allows same day voting places the onus on poll inspectors to be that much more diligent when allowing persons to vote at a particular Ward. This diligence extends to the Election Commission itself when certifying the eligibility of newly registered voters. The newly registered voter’s information is certified after the voter casts a ballot in an election. If there is a violation of Wisconsin state election law, the Election Commission is mandated by state law to forward this information to the local district attorney for investigation.

An example would be a voter residing in the 3900 block of S. 43<sup>rd</sup> Street. This address is located in the city of Greenfield. This person not only voted in Milwaukee in the November 2004 General Election, but also voted at the same Ward in Milwaukee in the September 2004 Primary election. After the September election, his On-Site Voter Registration card was presumably “un-enterable” because of the Greenfield address. However, no effort was made to educate this person or the poll inspectors of that particular Ward to the fact that this person was voting not only in the wrong Ward, but the wrong city as well.

The voter was located at his Greenfield residence and interviewed by a Task Force investigator. He stated that he was never told that he was in the wrong voting location and has always voted at this location. The Task Force does not believe that this individual intentionally violated state election law and does not advocate for the prosecution of well-intentioned citizens making honest mistakes. However, efforts should have been made by the Election Commission to address the voting irregularities of this particular voter.

The Task Force can not stress enough that the Milwaukee Election Commission employees allowed obviously ineligible voters to cast ballots in races that were contested. Although the small amount of ‘Not in City’ voters would, in all likelihood, have no impact on a statewide contest, a closely contested Aldermanic or Assembly race could be affected by

## SPECIAL INVESTIGATIONS UNIT

this disregard of Wisconsin election law by the Milwaukee Election Commission.

As an example, the 4<sup>th</sup> Congressional District, which includes the entire city of Milwaukee, was re-districted after the 2000 Census. The District no longer includes all of Milwaukee County. Unlike in past elections, the majority of the suburbs in Milwaukee County are no longer part of the 4<sup>th</sup> Congressional District. The District now contains Cudahy, St. Francis, South Milwaukee, West Milwaukee, and parts of West Allis, along with all of the city of Milwaukee. Portions of the 'Not in City' voters were from areas that are not in the new 4<sup>th</sup> District. The election for the Congressional seat in the 4<sup>th</sup> District was an historical event in Wisconsin, with the Democratic candidate being Gwendolyn Moore, an African-American woman. Although the final outcome of the election was a landslide victory for Ms. Moore, there were questions if the District would elect her. The Task Force, through interviews with the persons that voted in Milwaukee from outside of the 4<sup>th</sup> District, found no evidence that these individuals crossed Districts lines to vote for or against either candidate in this contest. However, these individuals did cast ballots in this election and possibly in local contests (Wisconsin state Assembly and Senate) in which they were ineligible to vote.

The Task Force made no effort to determine the number of votes cast by ineligible voters in Assembly races that were contested in the City of Milwaukee. Both of the prosecuting units of the Voter Fraud Task Force (United States Attorney-Eastern District of Wisconsin and Milwaukee County District Attorney) made the decision not to prosecute anyone voting in the wrong municipality or Ward if this person only voted once in the November 2004 General Election. The Task Force did contact the home district of the 'Not in City' voter and when a determination was made that the ineligible voter did not vote twice (home district and Milwaukee) the criminal investigation of the ineligible vote came to an end.

The Task Force did note that the vast majority of these "Not in City" voters were in suburban areas that have a common border with the city of Milwaukee. For example, a number of the Wauwatosa voters lived in an area adjacent to a nearby polling location in the City of Milwaukee. During interviews with these individuals it became apparent that these voters were uninformed of their legal voting locations and proceeded to the closest polling site that they were aware of. This, of course does not alleviate the responsibility of the individual poll inspectors in

these affected areas to have a complete knowledge of the boundaries of their Wards.

The investigators did recommend that the Election Commission install "greeters" at the entrance to each poll site. These greeters would act as a filter to arriving voters. The poll greeter would be able to easily reduce the confusion at the poll sites for persons not familiar with their legal poll location.

The greeters would ascertain if the voter was at the proper poll location for their legal residence. Next, the greeter would then direct the eligible voters to the correct location, Registered Voter versus New Voter within the poll site. This simple addition to the poll inspector ranks would reduce the instances of ineligible Ward level voters. These poll inspectors would also alleviate any extended in-line wait for eligible persons to be informed that they are attempting to cast a ballot in the wrong Ward location.

The Task Force found instances of 'Not in City' voters where Election Inspectors obviously did not follow Wisconsin Election Laws regarding the mandated presentation and review of identification to vote as an On-Site Voter Registrant. On numerous On-Site cards of the 'Not in City' voters, a State of Wisconsin Driver's License number is provided as evidence of the form of identification. Investigators believe that if the poll inspectors had actually reviewed these Driver's Licenses the municipality of residence of the voter in question would have been apparent.

The investigators did discover an additional nine individuals that possibly had a home residence outside of Milwaukee County on November 2, 2004.

Their potential home district voting records were reviewed to determine if these persons were "double voters" and no second vote was found. The possibility exists that these persons were City of Milwaukee residents at the time of the November 2004 General Election and no record of such residency can be located through the available databases.

Under the current system, a motivated group, i.e. abortion, gun control, school choice could flood a local race and determine the outcome because it is apparent that the Milwaukee Election Commission allows anyone who shows up at a polling location, even when listing an address outside of the Ward or city, to vote.

## Felons

During the review of 764 “un-enterable” On-Site Voter Registration cards three individuals were found to be under supervision by the Wisconsin Department of Corrections for felony convictions. These three persons were under supervision at the time of the November 2004 General Election. They were therefore ineligible to vote in Wisconsin. The three ineligible voters are in the list of the 220 persons that voted in the November 2004 General Election while under felony supervision.

The Election Commission, for reasons outside of the felony supervision status, did not enter these three On-Site Voter Registration cards to the Electors database. All three On-Site Registration cards were missing some information, e.g. an address. The missing information did not preclude the investigators from finding a correlation between the three listed names and persons with the same individual identifiers as persons under felony supervision.

The discovery of the three potential ineligible felon voters came about by checking all 1305 “un-enterable” On-Site Voter Registration cards, where identification could be made, using the Wisconsin Circuit Court Access Program (CCAP). When a possible match occurred, the name was checked against the database provided by the Department of Corrections containing the names of persons under felony supervision on November 2, 2004. In the instances when identification could not be determined from the On-Site card, no check for felony supervision status could be made.

At the time of the 2004 General Election, the On-Site Voter Registration process employed in the State of Wisconsin precluded any prescreening for ineligible, felon voters. The three potential “un-entered” felon voters would not have been discovered if the Voter Fraud Task Force had not been established.

The mandated information that was missing from these three cards also kept the voter information from being entered into the Electors database. In the event that the Election Commission had attempted to check voter eligibility, no match of these persons could have been made.

The investigators came to the conclusion that within the On-Site Voter Registration system in place in the State of Wisconsin, ineligible felons could and did vote. Discovery at the poll level on the day of an election is highly unlikely. Identifying a felon voter

at a later time is also limited by the system and is of limited usefulness as it relates to excluding these persons at the time of any given election. Any chance of determining that a felon voted relies on the felon providing true and correct information on the On-Site card. If the On-Site card is found to be missing any state mandated information, that voter will not be entered into the Electors database. Therefore, for the sake of any investigation that felon will not be listed as voting, although the vote itself would have been counted.

Wisconsin’s Statewide Voter Registration System (SVRS) now (2006) in effect to prevent felon voters from casting ballots has a glaring weakness. Poll inspectors in each Ward are provided a list of ineligible voters residing in their respective Wards. On Election Day, the On-Site Registrant’s personnel information is compared to this ineligible voter list prior to the prospective voter being certified and provided a ballot.

The ineligible felon voters’ addresses are supplied by the Department of Corrections (DOC). If an ineligible felon voter attempts to On-Site vote in any other Ward outside of the Ward based upon their last known DOC address, he/she will not be on the ineligible voters list. This would obviously occur in instances of an ineligible felon voting as an On-Site registrant with an address change in a new Ward. Therefore, this person would not be advised that they were ineligible to vote.

The Task Force investigators did a complete review and report of the felon voting in the November 2004 General Election. The findings and conclusions of that investigation are contained in the section filed. However, the investigation into these 1305 “un-enterable” On-Site Voter Registration cards highlighted the difficulties that future elections will bring in regards to felon voting.

## SPECIAL INVESTIGATIONS UNIT

Wisconsin law provides for information to be included on a registration card. **Statute 6.33 Registration forms; manner of completing (1)** states in part that the card **shall** include; ...*“whether the applicant has lost his or her right to vote.”* At the time of the 2004 General Election, the City of Milwaukee’s registration card did not include this state mandated language. Although this too relies on the truthfulness of the person registering, the inclusion of the question regarding eligibility may have dissuaded some of those felons who did register and vote. The inclusion of this warning would also have aided in the prosecution of felons who did vote as the most common defense for their actions was; “I didn’t know”, “I forgot” or “I wasn’t asked.”

- ◆ *It should be noted that as a result of the indictments obtained by the Task Force in regard to felons who voted, the City of Milwaukee Election Commission now includes language specific to felons on their registration card.*

## Homeless Shelters

The Task Force investigators have found that the most obvious of the questionable voters are those that voted as On-Site Registrants using the addresses such as 1335 West Vliet Street. A number of On-Site Registration cards were found in the 1305 “un-enterable” cards listing this address. 1335 West Vliet is not a legal voting address. It is a storefront owned by a homeless support organization, Repairers of the Breach. Repairers of the Breach is a self described “day shelter” for the homeless. There were no overnight facilities at 1335 West Vliet Street on November 2, 2004.

There were 22 persons that voted using this address. Of greater importance, the Task Force found that 128 persons were registered to vote at this address during the time period before the 2004 General Election. Deputy Registrars working for various “Get out the Vote” organizations registered these individuals. Prior to November 2, 2004 there were no persons listed as registered voters with the address of 1335 W. Vliet Street. These 128 persons could now be registered voters in the city of Milwaukee, eligible to vote in future elections.

The Task Force investigators found another example of these illegal-voting addresses one block east of Repairers of the Breach. 1220 West Vliet Street is the legal address for the Marcia Coggs Human Services Center. The building is owned by Milwaukee County and is an office building with no residential facilities. The Task Force found that seven persons voted using this address. The poll book of registered voters for 1220 W. Vliet, District 15, Ward 314 listed 29 registered voters for November 2, 2004. A further check of area shelters revealed that the Milwaukee Rescue Mission, 1820 W Wells St, had 162 registered voters with 51 persons voting from that address; the Guest House, 1216 N 13<sup>th</sup> St, had 136 registered voters with 18 persons voting on November 2, 2004.

The Task Force is aware of the other inquiries into the area of homeless individuals and their voting rights. The current prevailing legal opinion is to err on the side of the homeless voter and allow the votes to count no matter where the person voted. However, in the cases of these two Vliet Street ineligible addresses, the investigators believe that these voters are ineligible. The investigators make this statement not because the majority of the now registered voters may be classified as homeless, but because the addresses are not legal residences and verification of

city residency of the persons registered are not possible.

The Task Force believes that the registered voting status of the homeless individuals provides an opportunity for fraud. As witnessed by the Racine aldermanic election held on April 5, 2005 in which the election was decided by three votes, 15 homeless individuals voted from a homeless shelter and possibly decided the winner of that election. The loser of the election, Jeff Coe, contested the residency of the homeless voters under Wisconsin State Election Laws. The Racine Emergency Shelter Task Force program rotates the over night shelters among different churches which are located in different Wards and districts in Racine. Racine Circuit Court Judge Emily Mueller ruled that the votes of the homeless would count.

The Task Force believes that the Milwaukee homeless vote has the potential to affect the outcome of a local election. The number of homeless voters now registered in various shelters throughout the city is in the hundreds. There are apparent homeless voters registered in multiple locations. Because of the City of Milwaukee Aldermanic District boundaries, these homeless voters are able to vote in different districts and, by sheer number, *could* have an impact on a closely contested local race. (This has also become an issue in the City of Milwaukee university student vote, but that will be addressed in the student vote section.) As these homeless persons are now considered registered voters, they are allowed under Wisconsin State Election Laws to vote Absentee and do not have to show identification to vote in future elections.

While the Task Force investigators make no recommendations regarding the homeless voters, deferring to the court system for remedy, the investigators must report the potential for voter fraud. From the Racine Aldermanic dispute to the 2000 election “Smokes for Votes” inquiry, the homeless have been identified as a potential difference maker in an election. The obvious nature of being homeless allows this unfortunate group of people the unique status of vote portability.

In Milwaukee, the Election Commission allows the homeless to vote, without question, in any Aldermanic District that they choose. This vote portability and the abject poverty that defines homelessness, make these unfortunate individuals

**SPECIAL INVESTIGATIONS UNIT**

vulnerable to become the tools of voter fraud by those that would exploit the homeless.

**Students**

The Task Force found that sixty-two (62) of the 1305 “un-enterable” On-Site Registration cards originated from Wards that included local universities. The majority of those cards coming from Wards in the area of Marquette University. However, there were a small number of cards from the University of Wisconsin-Milwaukee, Wisconsin Lutheran College, and Alverno College.

Investigators encountered the same errors with these sixty-two (62) cards as have been documented in previous sections of this report. For example, Election Inspectors were accepting and certifying On-Site cards and allowing ballots to be cast without properly reviewing the cards. Some of the cards accepted by Election Inspectors in these Wards bore no addresses, addresses from outside the State of Wisconsin or cards from voters who listed the name of a dorm rather than a valid City of Milwaukee address. Nonetheless, these people were allowed to vote.

Dormitory Name listed as address

Student ID accepted as Identification

Address Not in the City of Milwaukee

Having found that forty-seven (47) of the sixty-two (62) un-enterable cards attributed to students came from Wards in and around Marquette University, the names on those On-Site cards were forwarded to Marquette University with a request to confirm the enrollment of these persons at the time of the November 2004 General Election.<sup>3</sup> Of the forty-seven (47) names submitted, forty-two (42) were enrolled at Marquette at the time of election, but no connection to Marquette could be established regarding the remaining five (5).

It is apparent that the Election Inspectors of these particular Wards did not properly review many of the On-Site Registration cards prior to their certification, making it possible for an ineligible individual to receive a ballot and cast a vote.

The discoveries by the investigators of the apparent laxity of the poll inspectors at Wards with a high student population lead the Task Force to conduct a second inquiry into university campus voting.

<sup>3</sup> The officials at Marquette provided investigators information related only to enrollment.

## Sandburg Hall (UWM)

The University of Wisconsin-Milwaukee is located within the boundaries of the City of Milwaukee. The university is a true community college as the majority of the students do not live on campus. However, the university does provide student housing for a small percentage of the attending students. Sandburg Hall is the on-campus dormitory. This residence is located at 3400 North Maryland Avenue.

Polling Ward 39 is located in the building housing the students, Sandburg Hall. This Ward is almost entirely made up of the residents of Sandburg Hall. The Ward's boundaries consist of the university campus and a small residential area to the west of the campus. This residential area is defined as the area between East Edgewood Avenue and East Newport Avenue to the north and south respectively; and North Maryland Avenue and North Frederick Avenue to the east and west.

The City of Milwaukee Election Commission reported that 1887 persons voted in the November 2004 General Election from Ward 39. Persons listing Sandburg Hall, 3400 N. Maryland Avenue as their residence, cast the vast majority of these ballots. However, the Election Commission reported that the OP-TECH voting machine used at Sandburg Hall recorded 2101 ballots cast from Ward 39 compared to the 1887 individuals recorded as voting, a difference of 214 votes to voters. The Public Records Office of the university informed investigators that over 2600 students and university employees were on record as residing in Sandburg Hall in November 2004.

Unfortunately, because of the inadequate procedures employed by the Election Commission in regard to the November 2004 General Election, the investigators were unable to answer the questions raised regarding the ratio of voters to ballots in any definitive manner. Election Inspectors in this and many other Wards throughout the City of Milwaukee allowed persons to register on-site and vote in Wards where the individuals did not reside. The Election Commission's practice of "moving" those vote records to the proper Wards during the post-election data-entry process made it nearly impossible to reconcile the votes-to-voters discrepancy.

Investigators compared the Electors database of voters residing at Sandburg Hall, 3400 N. Maryland

Avenue, compiled by the Election Commission, to the resident list of students and employees of the university during the 2004 General Election. After reviewing the two lists, the investigators sent a list of persons that were on the Electors database as voting but not on the Sandburg Hall resident roster to the university to determine if these persons were actually students or had been mistakenly left off the Sandburg Hall resident list.

After the second review was completed by the university, 31 persons were found to be on the Election Commission's records as voting from 3400 N. Maryland Avenue who were not residents of Sandburg Hall. What is important to note is that these 31 individuals were found in the Electors database of the 1887 recorded voters from Ward 39, meaning that these 31 persons were not "moved" from Ward 39 to another Ward after the Election. The discovery that these 31 people did not live in Sandburg Hall did not reduce the 214 vote to voter discrepancy. This would indicate that over 10 percent of the ballots cast in Ward 39 during the 2004 General Election were not properly certified by the Election Inspectors or were ineligible to be cast in this Ward.

The investigators were informed that fifteen individuals of the 31 non-Sandburg residents were in fact registered students at the university on November 2, 2004. The university informed the investigators that their records showed that seven of these fifteen persons listed home addresses outside of the city of Milwaukee. The remaining eight persons, according to university records, were residents of Milwaukee, but not living in Sandburg Hall. The university held no records in regard to the remaining 16 people not listed as residents.

The investigators then accessed available databases regarding the sixteen apparent non-student voters and determined that the majority of these persons did exist.

- ▶ One of these voters appears to be a resident of the non-campus residential portion of this Ward and would have been eligible to cast a ballot. The information regarding this person's residence as 3400 North Maryland Avenue may have been erroneously entered into the Electors database by the Election Commission.

- ▶ A second person, who, according to university records, graduated in 2002, that voted using Sandburg Hall as his residence has the same name and date of birth as an individual residing in Michigan. This person voted by Absentee ballot according to Election Commission records.
- ▶ Investigators were unable to locate any information through the available databases to confirm the existence of six of these persons.

Lastly, it should be noted that the Voter Registration List for District 3, Ward 39 (Poll Book) contains the names of 5342 Regular Voters. 5217 of these Registered Voters list 3400 North Maryland Avenue or a variation of this address as their residence. The university reported that during the Fall Semester of 2004 just over 2600 persons resided in Sandburg Hall, meaning that over 2600 additional persons who do not live in Sandburg Hall are registered and able to vote from an address where they do not reside.

**The investigators did recommend to the Election Commission that prior to any election, current resident information for all university dorms be obtained and supplied to the Wards where these students would be voting.**

Additionally, these residences have a natural turnover on a yearly basis. The investigators recommended that the Election Commission conduct frequent purges of the registered voters for all university-owned student housing. These purges should not be limited to the two aforementioned universities, but to all such institutions within the City of Milwaukee.

***...2600 additional persons who do not live in Sandburg Hall are registered and able to vote from an address where they do not reside.***

## Recommendations

It is the opinion of the Task Force investigators that more than any other recommendation we could make, our investigation has concluded that the one thing that could eliminate a large percentage of fraud or the appearance of fraudulent voting in any given Election is the elimination of the On-Site or Same Day voter registration system. It is the opinion of the Task Force investigators that given the inability of Election Inspectors to check the eligibility of voters (e.g. felons) or in other cases the reluctance of Election Inspectors to check the eligibility of a voter (e.g. verification of information on cards), on the day of any election, there is no other way to ensure that only eligible voters are voting on Election Day. It is our opinion that as it relates to not only the irregularities encountered with the 1305 'un-entered' cards, but with the 2004 Election overall, a time period for the verification of registering voters prior to any Election must be included to ensure that the person registering is an eligible voter. If a verification period would be provided to the Election Commission before any Election, the majority of the problems detailed in this report would not have existed.

As it relates to felons, a verification period would have allowed Election Commission employees to check those potential voters registering with an up to date list that could be provided by the State of Wisconsin Department of Corrections. If this would have been done and those persons who are in the Ward book would only be permitted to vote, felons who are ineligible would not have been included.

Where the "Not in City" voters are concerned, the same verification period would have allowed to the Election Commission to do the same thing that the Task Force was able to do: confirm or deny that the registering voter was or was not a City of Milwaukee resident. This system would have registered eligible voters mistakenly omitted by the Election Commission, such as the Appleton Avenue family. All members of this family will have to re-register before voting again. This verification period also would have informed those voters who were simply mistakenly voting in Milwaukee that they are not voting in the proper Ward. But, most important, a verification period could have stopped someone such as the ineligible Chicago resident from voting in the City of Milwaukee and now will be eligible to cast future, unchallenged, votes.

As an alternative, if On-Site registration is to continue in its present form, then the presentation of a government issued identification card that includes

the voter's name, address (including city) and date of birth should be presented before that person is allowed to register and vote. The inclusion of identification alternatives such as a credit card bill, library card, lease, etc., where no photo is provided, does not ensure that the person presenting these types of documents is in fact the person they are asserting to be.

In the absence of any substantive change, it is recommended that the Election Inspectors be provided with adequate training and resources to ensure that they are not allowing persons who live outside of the City of Milwaukee to vote.

The investigators further recommended that after every election, the City of Milwaukee Election Commission fulfill its mandated responsibility to report those occurrences where persons may have violated Wisconsin State Statutes to the Milwaukee County District Attorney.

## FELONS

The Election Fraud Task Force conducted an investigation regarding the involvement of non-eligible voters in the November 2, 2004 General Election. The primary focus of the initial investigation was the voting of felons in this election. Wisconsin State Statute 6.03(1) (b) prohibits convicted felons, while under supervision, from voting.<sup>4</sup>

The Wisconsin Department of Corrections (DOC) provided the Task Force with a database listing 11,599 felons who were under supervision in Milwaukee County on November 2, 2004. However, the database did not break down the population of felons within individual cities or villages in Milwaukee County.

The Task Force cross-referenced the two databases, DOC and EC, to obtain a list of **exact** matches contained within the two lists. The Task Force considered only matches of first and last names and dates of birth. Investigators then compared addresses and other identifying information. Upon the conclusion of this selective comparison, it was determined that 220 ineligible felons voted in the November 2004 General Election.

The Task Force reports only the **exact** matches based upon the criteria previously described in this report. There is a strong probability that the number of felons illegally voting in November 2004 is higher. However, with the limitations of the database provided by the Election Commission and the shortage of voters to votes recorded, some ineligible felons may not have been discovered. Further, if an ineligible felon voter made any effort to disguise their identity, the Task Force would only have discovered this person by chance.

Therefore our findings, as it relates to the 220 felons that voted in the City of Milwaukee, is a number limited by the reliability of Election Commission records and the “honesty” of the felons themselves as they registered to vote. Nonetheless the Task Force had also identified at least four felons that possibly voted in municipalities other than the City of Milwaukee, but within Milwaukee County. These potential ineligible voters inquiries were forwarded to

their home jurisdictions and are not part of the 220 cases under review.

The United States Attorney’s Office and the Milwaukee County District Attorney’s Office reviewed the findings of the investigation and determined what charges would be issued relative to the felons. The United States Attorney’s Office indicted eight (8); the Milwaukee District Attorney charging two (2).

❖ **It should be noted here that it was the intention of the Task Force to seek charges on many more of the felons that voted, however, both prosecuting units found that the poor quality of the records maintained by the Milwaukee Election Commission provided enough reasonable doubt to make it nearly impossible to obtain convictions, and further federal indictments or state charges were not pursued.**

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<sup>4</sup> Wisconsin State Statute 6.03(1)(b), Disqualification of electors, states that “Any person convicted of treason, felony or bribery, unless the person’s right is restored through pardon or under s. 304.078(3).

## *Election Inspectors*

During the course of the investigation into felon voters, investigators discovered a troubling set of circumstances within the Election Commission's hiring of Election Inspectors. It was determined that the Commission had employed five persons that were convicted felons and were under Department of Corrections supervision at the time of the November 2, 2004 General Election. The Election Commission's voter database details that three of these felon Election Inspectors not only worked the polls the day of the November General Election, but also cast votes in this election.

The Task Force's review of Election Inspectors began during the investigation of a felon voter, Kimberly Prude, where it was determined that she was employed by the Commission in November of 2004 and she had registered On-Site voters on November 2, 2004 at the Rose Park Senior Center, 3045 N. Martin Luther King Drive. In her Mirandized statement, Ms. Prude stated that while she was in line to vote as an Absentee voter at the Milwaukee Election Commission following a "Get out the Vote" rally, an employee of the Commission recruited her to work at the polls on Election Day. Ms. Prude and another felon Election Inspector were indicted by the U.S. Attorney's office for voting in the November 2, 2004 General Election

Upon the discovery of Ms. Prude as an Election Inspector, the Task Force conducted criminal background checks on the Election Inspector list provided by the Election Commission. As a result of this inquiry it was determined that there were four other convicted felons employed as Election Inspectors. This background review also revealed that two persons who had entered guilty pleas to misdemeanor charges of Election Fraud within one year of the November General Election also were employed as Election Inspectors for the Election Commission. on November 2, 2004.<sup>5</sup> These individuals, Barbara Burton and Darcell Grafton, had been charged by the Milwaukee County District Attorney's Office with election fraud in 2003. Both

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<sup>5</sup>Wisconsin State Statute 12.60(3), the penalty section of the Chapter 12 "Prohibited Election Practices", states that "any Election official who is convicted of any violation of this chapter shall, in addition to the punishment otherwise provided, be disqualified to act as an election official for a term of five years from the time of conviction."

Ms. Burton and Ms. Grafton had been charged as part of the ACE<sup>6</sup> investigation of Election Fraud. Ms. Burton entered a plea of guilty to a single misdemeanor count of Election Fraud on December 12, 2003. Ms. Grafton also entered a plea of guilty to one count of Misdemeanor Election Fraud on March 23, 2004.

## *Deputy Registrars*

The Commission provided a database of those persons who had been sworn in as Deputy Registrars in this and previous elections. Assistant City Attorney Melanie Swank, who was a member of Mayor Barrett's Election Review Task Force, informed the Task Force that 2597 persons were registered and sworn in as Deputy Registrars during 2004. These reviews lead the Task Force to find that 18 persons were sworn in as Deputy Registrars in 2004 that were convicted felons and under Department of Correction supervision. Of the 15 felons that listed a sponsoring organization, eight named ACORN<sup>7</sup> as their sponsoring agency.

Wisconsin was a contested battleground state in 2004 and the Milwaukee area was flooded with "Get out the Vote" organizations that, by Wisconsin Law in 2004, were allowed to register new voters until ten days prior to the election. These organizations, for the most part, hired local individuals for the registration drives and, in some cases, paid the registrars by the number of persons registered. The 2597 Deputy Registrars sworn in by the Election Commission during 2004 is approximately five times the number of Deputy Registrars sworn in during 2002 election cycles.

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<sup>6</sup> African-American Coalition for Empowerment

<sup>7</sup> Association of Community Organizations for Reform Now

## *Conclusion*

The Milwaukee Journal Sentinel had reported that 361 felons voted in the 2000 November General Election.<sup>8</sup> The Task Force chooses to take this number on its face, with no further investigation, for comparison purposes. The election cycle of 2004 was the most contentious and hard fought in recent memory. However, there was a decrease of felons voting from 2000 to 2004 of almost 40 percent. Some of this decrease may be attributable to media reports of illegal felon voting after the 2000 election. The Task Force, during the criminal investigation of felon voting in 2004, did find several factors regarding felons under supervision that are much more likely to explain this decrease.

The most important change the Task Force discovered between 2000 and 2004 was that the Department of Corrections (DOC) amended its rules for Community Supervision to include a rule that specifically warns a felon under supervision that they cannot vote until released from supervision.<sup>9</sup> This rule states, *“You shall not, as a convicted felon, and until you have successfully completed the terms and conditions of your sentence, vote in any federal, state or local election as outlined in Wisconsin Statutes s. 6.03(1)(b).”* The earliest example the Task Force found of the listing of this rule is in the Rules for Community Supervision, 2002 version. The DOC Offender Handbook also contains a section regarding felons and the fact that they may not vote.

The Task Force interviewed a number of Probation/Parole Agents during the course of our criminal investigation. The Agents explained the procedures for providing the Rules for Community Supervision to their clients. The Task Force discovered that in some instances, the rules are given to offenders on more than one occasion. If, for example, an offender is sanctioned and incarcerated during their supervision, Agents reissue the supervision rules upon the offenders release back into the community. When an offender is transferred between Agents, the new Agent again issues the rules to the offender. The investigation of felon voting conducted by the Task Force investigators found that the efforts made by the Department of Corrections with the addition of Rule 13 to the Rules for Community Supervision and notification by

<sup>8</sup> Milwaukee Journal Sentinel, January 21, 2001 written by Dave Umhoefer and Jessica McBride

<sup>9</sup> Department of Corrections, Division of Community Corrections, Form DOC-10 Rule 13 (Rev 01/02).

individual agents of the loss of the right to vote to the felony offender is apparently decreasing the voting violations. The Task Force investigators would request additional warnings prior to any election cycle.

The Task Force further found that the State of Wisconsin Guilty Plea Questionnaire/Waiver of Rights form has been amended to contain a section explaining the loss of the right to vote upon being found guilty of a felony<sup>10</sup>. It should be noted that during the time frame of this investigation, many Courts were still using the earlier versions of the Questionnaire that did not include the admonishment not to vote until the person’s civil rights are restored.

**The Task Force investigators requested that the Courts accept only the new version of the Guilty Plea Questionnaire/Waiver of Rights form, which contains the notification of loss of the right to vote for felony convictions.**

Lastly, judicial notice of the loss of the right to vote in any local, state, and federal election **must** be made at the finding of guilt in all felony convictions.

***The Task Force did find that prior to the 2004 General Election there were a small number of Milwaukee County Circuit Court Judges who advised convicted felons that they could not vote until their civil rights were restored.***

The Task Force investigators believe that the State of Wisconsin’s open election process precludes the Election Commission and individual Election Inspectors from being the responsible agency for determining felony supervision status for voters. Wisconsin Election Law allows Same Day On-Site registration and voting at the polls.

Any prohibited person with the proper identification can enter a different poll site other than their DOC provided Ward, register, and vote on Election Day. The Task Force investigators believe that prior to all elections an effort must be made to thwart the

<sup>10</sup> Form CR-227, 05/04 Plea Questionnaire/Waiver of Rights

## SPECIAL INVESTIGATIONS UNIT

ineligible person's appearance at the polls and subsequent illegal voting.

Every day any number of felons under court ordered supervision complete their sentences and regain their civil rights and become eligible to vote. At the same time a similar number of persons are adjudicated guilty as felons and therefore become ineligible to vote. The Ward level ineligible voter lists provided to the Poll Inspectors prior to an election are not current.

A check of the Statewide Registered Voter System against the Department of Corrections database now determines if any ineligible felon voted in the election. A criminal investigation is then conducted for any violation of Wisconsin state Election Laws.

However, this evaluation occurs **after** the ineligible voter's ballot is cast and certified. The investigators believe that only repeated admonishments, coupled with certain criminal punishment and a pre-election verification period can curtail these ineligible votes.

The investigators are charged with enforcing the laws of the State of Wisconsin. At the time of the filing of this report, convicted felons under supervision are not allowed to vote in elections in the state of Wisconsin.

The Task Force investigators must emphasize that the Same Day Voter Registration system, as employed by the State of Wisconsin, allows for easy access to the election process by ineligible, felon voters. This access is true whether the ineligible voter is making a conscious act to circumvent the law or is mistaken in their interpretation of their individual legal voting status.

The investigators strongly endorse a new practice allowing for an adequate time period for all Election Commissions/Boards to verify the eligibility of voters within their jurisdictions as it relates to the felon voter.

# REPUBLICAN PARTY OF WISCONSIN

## *Complaint One – Registration from fraudulent addresses*

On Wednesday, October 27, 2004 the Republican Party of Wisconsin (RPW) filed a complaint with the City of Milwaukee Election Commission questioning the validity of 5619 addresses on the voter rolls of Milwaukee, the RPW claimed that these addresses did not exist. The RPW challenged these voters after comparing the registered voter list for the City of Milwaukee using the software program utilized by the United States Postal Service to confirm addresses.

The Election Commission held an emergency hearing regarding the RPW complaint and then rejected the attempt to have the questioned voters and addresses removed from the registered voter list for the November 2004 General Election. The Election Commission did, however, order that Election Inspectors check the identification of any person attempting to vote from the suspect addresses.

After the formation of the criminal Voter Fraud Task Force, the RPW made a formal complaint making the same claim that the 5619 addresses were fraudulent and requested a review of the addresses by the Task Force. United States Postal Inspectors were adjunct members of the Task Force and in that capacity, reviewed the findings of the RPW regarding the 5619 addresses. The Postal Inspector's Office determined that only 554 of the original 5619 addresses were actually not valid. The Postal Inspector's Office determined that the database used by the RPW to make their comparison contained an error in the address field, causing valid addresses to be unrecognized. The Postal Inspector's Office determined that the vast majority of the 5619 questioned addresses were in fact legal, valid addresses in the city of Milwaukee.

In early March 2005, Task Force investigators personally viewed each of the questioned 554 addresses. This physical check determined that on November 2, 2004 370 of these addresses did not constitute a legal residence in the City of Milwaukee. The remaining 184 addresses did physically exist at the time of the election in the city.

After visual verification was attempted, the addresses and the associated names were processed through available databases. These databases included Lexis-Nexis online searches, Google and Yahoo people searches, the City of Milwaukee Assessor's office,

Wisconsin Circuit Court Access Program, the City of Milwaukee Municipal-Traffic-Parking enforcement searches, the National Crime Information Computer, the Wisconsin Department of Transportation and the Greater Metropolitan Milwaukee SBC white pages.

As a result, the Task Force determined that there were a number of these voters who appeared to be actual persons. However, the addresses provided did not exist in the city of Milwaukee, finding specifically that;

1. 309 of the suspect addresses contained topographical errors made by Election Commission employees that, when corrected, led to a legitimate address
2. 66 persons had voted under one of the following conditions:
  - From an address where the person did not live in November of 2004
  - The address used did not exist
  - Voted in Milwaukee but were found to live outside of the City of Milwaukee, or;
  - *Appeared* to have voted multiple times in the Election, according to the records maintained by Milwaukee Election Commission.
3. In the case of one person, it appears that the person died prior to the election<sup>11</sup>. A person with the exact first, middle, and last names; as well as the same date of birth is listed on the records of the Election Commission and this death record reference.

Date of Death: 07-28-2001  
Voting address: 2800 block of N. 26<sup>th</sup> Street
4. One person, who is also recorded by the Election Commission as having cast a vote in this election, could not be located and voted from a non-existent address. Within the limitations of the databases accessed by the Task Force investigators, no record could be located to confirm that this person existed at the time of the election in the city of Milwaukee.

Voting address: 2400 block of W. Highland

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<sup>11</sup> <http://ssdi.rootsweb.com/>

## SPECIAL INVESTIGATIONS UNIT

Upon concluding the review of the suspect addresses, the Task Force discovered two Absentee votes that had been cast listing a non-existent address in Milwaukee. Internet references found by the investigators revealed that persons with the same names as the Absentee voters resided in Canada at the time of the 2004 General Election. These individuals have the same last names and reference is made regarding these individuals and an association to a University in British Columbia, Canada. The investigators, with the same limitations of available databases, were unable to find a Wisconsin connection to these individuals. All Internet references to individuals with the same names were from locations in Canada.

The investigators must note that the names cited in this section are somewhat singular in nature. The last name of the two voters is the same, with different first names and dates of birth. The recorded voting address for both persons is in the 2400 block of N. Maryland Avenue.

This portion of the investigation revealed that several persons, according to records provided by the Milwaukee Election Commission, appear to have voted multiple times. However, the only evidence that supports this allegation is the existence of more than one entry in the Election Commission database. Investigators could find no supporting documentation, i.e. multiple registration cards, multiple entries in poll books, to corroborate this information. Therefore, it is the belief of the Task Force investigators that these entries likely represent more data errors in the Election Commission database.

At the conclusion of the investigation into this complaint the Task Force investigators released the list of the voters and the suspect non-existent addresses to the City of Milwaukee Election Commission. The Task Force investigators believe that the Commission conducted their own review of these persons and addresses. The Task Force investigators expect that any false addresses have since been removed from the Commission's records.

The investigators must be on record that not all of the Election Commission's Election Inspectors followed through with the Election Board decision to require proper identification from persons voting from the addresses that were the subject of the Republican Party of Wisconsin's complaint regarding the suspect 5619 addresses. This conclusion is based on the more than 550 persons recorded as casting ballots from this questioned list.

## ***Complaint Two – Double Voters***

On Tuesday, August 9, 2005 the Republican Party of Wisconsin made a complaint alleging that nine persons had voted more than once in the November General Election. Task Force investigators reviewed this complaint. Of the nine allegations of double voting, six were immediately eliminated, as there was no evidence that two votes had been cast. The three remaining allegations required additional investigation in order to come to a conclusion regarding any criminal violations of Federal or State of Wisconsin Voting Statutes.

The complaint named four persons as having voted in Chicago, three voting in Madison, and two as voting in Minneapolis with a second vote being cast by the same voter in Milwaukee. The Task Force investigated these alleged double voters and determined the following:

### **CHICAGO**

1. Recorded as having cast a ballot from the 1600 block of N. Astor St., Milwaukee and the 6100 block of N. Kenmore, Chicago. It was determined that this person did not vote in Milwaukee. The Election Inspectors at Ward 54 erred in the entry of a voter number in the Ward Registered Voter book. The error was discovered and amended by Election Commission employees. Another person with the same last name residing at the Astor address was assigned the voter number, #20. The suspect voter had no voter number listed. However, the Election Commission entered both persons in the Electors database as having voted in the November Election.
2. Recorded as having cast a ballot from the 3500 block of S. Howell, Milwaukee and 6000 W. Surf, Chicago. It was determined that this person did not vote in Milwaukee. The Ward Registered Voter book for Ward 216 lists this person, but there is no voter number assigned to him. There is also no On-Site Registration card. This person is listed on the Milwaukee Election Electors database as having voted in the November 2004 General Election. This appears to be a mistaken entry by the Election Commission employees.

3. Recorded as having cast a ballot from the 2500 block of S. 30<sup>th</sup> St., Milwaukee and the 3000 block of S. Loomis, Chicago. It was determined that this person did not vote in Milwaukee. The Ward Registered voter book for Ward 138 does list this individual at the 30<sup>th</sup> Street address, however, there is no voter number assigned to her. There is also no On-Site Registration Card. This person is listed on the Milwaukee Election Commission Electors database as having voted in the November 2004 General Election. This appears to be a mistaken entry by the Election Commission employees.
4. Recorded as having cast a ballot from the 2300 block of S. Austin St., Milwaukee and the 5000 block of Long, Chicago. It was determined that the Milwaukee voter had a date of birth in 1980 and did vote in Milwaukee as an On-Site Registrant. The Chicago voter with the same name lists his date of birth in 1950. It appears that these voters are a father and son.

### **MADISON**

1. Recorded as having cast a ballot from the 1700 block of N. Cambridge, Milwaukee and an address on S. Strathfield Circle, in Madison. The Ward Registered voter book does list this person as having voted with a voter number of 779. However, this voter number is used twice in the Ward book. Another voter with the same address on N. Cambridge is also assigned voter number 779. Both persons are listed in the Electors database as having voted in the November 2004 General Election. The second voter was located at the Cambridge address and informed the investigator that he had voted in the November 2004 General Election. The suspect voter no longer resided at the Cambridge address. It appears that there was an error by a Poll Inspector on Election Day.
2. Recorded as having cast a ballot from the 3300 block of N. Newhall, Milwaukee and the 200 block of State St, Madison. The Ward Registered voter book does list this person as having voted with a voter number of 1579. However, the same number, 1579, is written in the Ward book for the person listed directly this voter. That person also resides in the 3300 block

## SPECIAL INVESTIGATIONS UNIT

of N. Newhall. Both voters are listed in Electors database as having voted in the November 2004 General Election. The second voter was contacted at her residence and informed the investigator that she had voted in the November 2004 General Election. The suspect voter does not reside at the Newhall address. Again, this appears to be an error at the poll site.

The Election Task Force has determined that none of the nine alleged double voters cast ballots in two different cities in the November 2004 General Election. The Milwaukee Election Commission erroneously entered six of the alleged double voters into the Electors database causing the "double votes." The remaining three persons have closely matching names but are not the same person.

3. Recorded as having cast a ballot from the 9000 block of W. Helena Court, Milwaukee and the 800 block of Williamson in Madison. It was determined that person did vote in Milwaukee as a pre-registered voter and the Election Commission lists his date of birth in 1951. The person that voted in Madison has a date of birth in 1977. These are not the same person. It appears that they are father and son.

### MINNEAPOLIS

1. Recorded as having cast a ballot from the 800 block of N. Milwaukee, Milwaukee and the 4200 block of Vincent N, Minneapolis. The Ward Registered Voter book for Ward 59 lists this person with the Milwaukee address but shows no voter number. There is an On-Site Registration card for an individual with the same name as this suspect voter with a date of birth in 1983. There is no date on the card. However, this person is listed on the 'Election Day Registered Voters' report as having been assigned a voter number, indicating that he did vote in the November 2004 General Election. The Election Commission of Minneapolis was contacted and the individual that voted in Minneapolis has a different middle initial and a date of birth in 1946. These are not the same person and it appears that the two maybe father and son.
2. Recorded as having cast a ballot from the 1000 E. Pleasant St. and the 3200 block of Diamond Eight Terrace, Minneapolis. The Ward Registered Voter book for Ward 54 lists this voter with an Absentee voter number of A1558. This same number is also used for another Absentee voter. After a review of Absentee envelopes for Ward 54 it was discovered that there was an Absentee envelope for the second voter, but no such envelope existed for the suspect voter. Both voters are listed in the Electors database. This appears to be another mistaken entry at the poll site.

### ***Complaint Three – Double Voters***

On Thursday, August 4, 2005, the Republican Party of Wisconsin (RPW) filed a complaint alleging that 60 individuals within the City of Milwaukee may have cast two votes in the November 2004 General Election. This complaint was based on the RPW's review of the Electors database provided by the Milwaukee Election Commission for the November 2004 General Election. The RPW also compared the National Change of Address through the United States Postal System to the possible double voters. If the investigators of the Voter Fraud Task Force understand the criteria used by the RPW, a "match" was defined when a voter's name was located on the National Change of Address system with their present and former addresses mirroring the addresses of the two voting addresses of the individual.

Prior to the receipt of this complaint, the investigators had initiated an investigation into the multiple double voter possibilities discovered in the Electors database. Media outlets had identified these potential double voters shortly after the Open Records release of the Electors Database. The Milwaukee Election Commission had responded to these media reports by releasing a statement that there was a "glitch" within the program used by the Commission to make 'change of address' entries for voters requesting such a change.

The Task Force conducted an investigation into the possibility that there were persons that had double voted. The investigators also interviewed the outside contractor that services the election Commission regarding the alleged "glitch". The contractor stated that after his review of the system and double entries, he found no such "glitch" existed. The contractor stated that the employees of the Election Commission that were entering the change of address information to the database failed to update the original voter information. The employees instead made the mistake of entering the voter and new address as an entirely new voter.

Twelve of the possible double voters provided by the RPW were part of an inquiry previously initiated by the investigators. It had already been determined that those twelve people had not voted multiple times. The summary of the findings of the investigation of the double entries is contained in a separate section of this report.

The investigators examined the remaining double entries provided by the RPW. There were no double

voters found. The double entries fell into one of three classifications,

1. The two entries represent two different persons with the same or nearly the same name.
2. The two entries are representative of one person; however there is no record that the person listed cast more than one vote.
3. The database, because of the "glitch", or the procedural error described above, erroneously listed the same individual twice.

Therefore, the investigators found that because of data entry errors by employees of the Milwaukee Election Commission, 21 individuals are listed twice in the Electors database. No evidence exists that these persons voted more than once in the November 2004 General Election.

***“The unreliability of the Milwaukee election records and the lack of confidence that both prosecutors and juries had in those records, prohibited the Task Force from proceeding with any further criminal inquiries into these seven alleged double voters.”***

### ***Complaint Four – Double Voters – Chicago/Milwaukee***

On Thursday, August 11, 2005 the Republican Party of Wisconsin (RPW) made a complaint alleging that persons had cast votes in both Milwaukee and Cook County, Illinois.

In the review of the complaint, the investigators were informed that the RPW filed an Open Records request with the Cook County Election Commission for the roster of voters casting ballots in the 2004 General Election. Upon receiving this roster, the RPW cross-referenced the Cook County list of voters with the City of Milwaukee Electors database. Finally, after obtaining any match by full name and date of birth, the RPW checked past voter history to verify the information. As a result of this comparison, the RPW forwarded the names of nine individuals that they believe cast ballots in Cook County and the City of Milwaukee.

The initial review conducted by the investigators eliminated two of the alleged double voters.

- ◆ One of the persons is recorded in the Milwaukee Electors database as having cast a ballot in the city. However, there is no documented evidence that this person actually cast a ballot. Although the person was found listed in the Ward Poll Book, there was no voter number recorded next to the individual's name. Further, no record of an On-Site Registration could be located. It appears that this person was recorded by the Milwaukee Election Commission in error.
- ◆ The second alleged double voter that was eliminated did cast a ballot in Milwaukee. However, the recorded date of birth for the Milwaukee voter differs by approximately 25 years as compared to the information supplied to the investigators by the RPW for the second voter.

This initial review of the complaint did result in the possibility that the remaining seven individuals were double voters. The records of the Milwaukee Election Commission showed that three of the individuals cast ballots as On-Site registrants while the remaining four are recorded as having voted as registered voters as noted in their respective Poll Books.

The registration and voting records of the seven individuals from Cook County were obtained by the investigators. The Cook County Election

Commission officially recorded all seven persons as having cast ballots in the November 2004 General Election. The full name, including middle initial and date of birth of these individuals did match. The investigators should also note that the names were not those that would be considered exceptionally commonplace, e.g.; Smith, Jones, etc.

This report documents the numerous examples of the inconsistencies in the Milwaukee Election Commission's records pertaining to the persons that possibly voted in 2004 General Election. The investigators have no direct knowledge of the record keeping ability of the Cook County Election Commission and therefore cannot make an informed judgment of the validity of the supplied records. The unreliability of the Milwaukee election records and the lack of confidence that both prosecutors and two juries had in those records, prohibited the Task Force from proceeding with any further criminal inquiries into these seven alleged double voters.

The existence of the possibility that persons crossed state lines to cast two ballots in a single election is real as evidenced by the highly publicized account of a local candidate who cast ballots in Wisconsin and Illinois in the November 2000 General Election. The ability of an individual to register to vote in Wisconsin on Election Day, even providing identification, allows access to the voting booth by a motivated person who may have cast a ballot in another jurisdiction. This could occur through the practice of "vouching" by one voter for another or through the means of supplying the poll inspector with dated Wisconsin identification.

Lastly, in Wisconsin once a person is registered to vote, no identification is required at the poll site. Therefore, an individual that had recently voted in Wisconsin and subsequently moved was likely to be listed in a Poll Book. That person's voting identity could have been stolen by anyone with the knowledge that the registered voter had left Wisconsin. In essence, the lack of a purge of non-active voters could allow the motivated and properly informed person the means to cast multiple votes in any election.

## WARD COUNTS

### *Hand Count of Selected Wards*

During the review of the November 2004 General Election, meetings were held to advise the heads of the participating agencies of the progress of the investigation. During one of these briefings, then Milwaukee District Attorney E. Michael McCann requested that the investigators, in their efforts to discern the reason for the discrepancy between the reported ballots cast in the questioned election and the recorded Electors database, conduct a hand count of a sampling of Wards in the City of Milwaukee.

The Task Force had assumed that the number of ballots recorded by the Optech machines used by the City of Milwaukee Election Commission had accurately recorded the actual number of paper ballots cast in this election in individual Wards. Mr. McCann requested that a sample hand count of the ballots be conducted to verify this assumption.

On October 27 and 28, 2005 members of the Task Force, joined by investigators from the Milwaukee County District Attorney's office, and two interns from the District Attorney's Office met at the Milwaukee County Election Commission, 901 North 9<sup>th</sup> Street Room G-3. The Administrator for the Office, Janice Dunn, oversaw the hand count of the selected Wards.

The investigators were advised by Ms. Dunn that the official ballots cast in the November 2004 General Election were stored at a warehouse operated by the Coakley Brothers Co., who was contracted by Milwaukee County to store the ballots. Ms. Dunn was required to make a formal request to the Coakley Brothers Co. for the delivery of ballots to the offices of the Milwaukee County Election Commission.

Ms. Dunn explained to the investigators that she was required by Wisconsin State Statute to witness and record any opening, and subsequent closing, of the seals of the bags that contained the ballots. The seals of those bags containing the ballots to be counted were removed for investigators by Ms. Dunn, who then resealed the bags at the conclusion of the count. Both of these actions were recorded by Ms. Dunn and witnessed by members of the Task Force.

Each of the Wards was initially counted by one person and the number of ballots recorded. A second person then counted the same Ward and that number was then recorded. At the conclusion of the second

count the two individual counts were compared. As was the case in this review, if the two numbers differed from the official count, a third count, conducted by both recorders and witnessed by a third person was completed.

The Task Force attempted to match the recorded number of ballots cast, as documented by the Optech machine tape totals, with the actual number of ballots sealed in the storage bags from each individual machine. The documented number of ballots cast, along with the candidates chosen on the individual ballots, becomes the official number of votes reported to the State of Wisconsin for Milwaukee County. The results of the hand count are as follows:

<u>Ward</u> <sup>12</sup>	<u>Optech Record</u>	<u>Hand Count</u>	<u>+/-</u>
43	1181	1199	+18
44	1947	1954	+7
97	827	818	-9
98	650	660	+10
238	1073	1068	-5
239	837	836	-1

The hand count of the six Wards revealed a total of 20 more ballots in the Optech voting machine than ballots recorded by these same machines. The ballots that are rejected for any reason are not accepted into the Optech machine and not counted as a vote. These rejected ballots are returned to the voter and a notation is made on the Optech tape listing the reason that the ballot was rejected.

The results of the hand count were reported to Mr. McCann, who requested that additional Wards be obtained from the Coakley Brothers Co. to be hand counted. The Task Force made a request through Ms. Dunn for Wards 216 and 298, which are single Ward poll locations, for a hand count.

On June 8, 2006, under the same restrictions as the first hand count, Wards 216 and 298 were counted. These counts confirmed the number of ballots

<sup>12</sup> These six Wards represent three poll locations, each set of consecutive numbers representing a polling location.

## **SPECIAL INVESTIGATIONS UNIT**

recorded by the Optech machines on November 2, 2004. Ward 216 recorded 858 ballots cast, and Ward 298 recorded 815 ballots cast, both matching the hand count of ballots in the sealed bags.

The notable difference between the two hand counts was the multiple Ward sites verses the single Wards.

The investigators believe that the sampling of eight Wards for these hand counts preclude any definitive conclusion.

## ***On-Site Voter Count of Selected Wards***

During this investigation, the Task Force discovered that a number of On-Site voters had cast their ballots outside of their legally defined Wards. As the Green On-Site registration cards were reviewed, the Task Force discovered corrections on the cards in the section reserved for notations by the employees of the Election Commission. These corrections were made as it related to the District and Ward of the voter.

The Election Commission explained that as the cards are certified by Election Inspectors at a particular poll, the District and Ward where the ballot is cast is noted on the Green card in the upper right corner. The Task Force discovered that a number of the cards contained changes in one or both of these two sections, discernable by the red ink reserved for use by employees at the Election Commission offices after a given Election. Investigators were informed that as the new voter is entered into the Database of Registered Voters, the program automatically places the voter into the proper District and Ward based on the address provided by the registering voter. If the new voter cast a ballot in the wrong Ward, the Election Commission employee entering the voter information changes the information on the card to reflect the proper District/Ward. This change is made with red ink.

Therefore, the information of the voter, who actually cast a ballot in the wrong District/Ward, would be “moved” within the database to the proper District/Ward and become a Registered Voter in the proper District/Ward. However, the actual ballot/votes cast by this person would remain on the record of the Ward where the person physically voted, which would result in a discrepancy between the Optech printer tape and the Electors database. Due to the enormity of the task, the investigators were unable to review each On-Site Registered Voter to ensure the proper Ward affiliation.

These findings would have no impact on the outcome of any statewide election as long as the individual was a legal, qualified voter in the state as defined by Statute. However, it must be noted that the outcome of local races could be affected by persons who, whether it be accidental or intentional, cast ballots in District/Wards outside of their defined represented areas. In the 2004 General Election, the ballot in the City of Milwaukee contained races for State Senate (3 with 1 contested), State Assembly (17 with 5 contested). The City of Milwaukee is divided into 314 Wards as defined by Wisconsin Statute 5.15

*Division of municipalities into Wards* (Appendix One). One of the purposes, as stated in the statute, of this is ...”***to enhance the participation of members of a racial or language minority group in the political process and their ability to elect representatives of their choice.***”<sup>13</sup>

The Task Force investigators are making no contention that the outcome of any of these races would be altered as every contested race was decided by a decisive margin. However, the official records filed in regard to the 2004 General Election by the City of Milwaukee Election Commission stated that more than 73,000 persons cast a ballot as an On-Site Registered Voter. The investigators fear that in a future local election, e.g., Aldermanic, these votes cast outside of the proper Ward could impact a local election where the margin of victory/defeat is much smaller. The possibility of a tainted election outcome could occur because of the apparent inability or unwillingness of City of Milwaukee Election Inspectors to correctly determine the eligibility of individual voters in their respective Districts/Wards. Secondly, the reporting of this marked disregard for procedure and Wisconsin law where it relates to the enforcement of Ward resident verification could lead to a concerted effort by any motivated person or organization to attempt to change the outcome of just such a race.

Due to the large number of On-Site Registered Voters, the Task Force was unable to determine the effect of these “cross-over” votes on local contested elections in the 2004 General Election. The investigators did however review a small number of Wards for discrepancies in the official On-Site Registered Voter count as recorded by the Election Commission and documented on the Election Day Registered Voter List.

As this review was being conducted, the investigators found that the Election Commission did begin to edit the Election Day Registered Voter Lists. Investigators located several of the lists that contained notations, sometimes in red ink, and apparent additions of voters, also in red ink. It could not be discerned if these edits occurred at the Ward level on Election Day or at a later date at the Election Commission. Therefore, in those Wards reviewed, the investigators totaled all of the names on each

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<sup>13</sup> Wisconsin Statute 5.15 *Division of municipalities into Wards*

**SPECIAL INVESTIGATIONS UNIT**

Election Day Registered Voter List that were provided to the Task Force by the Election Commission.

- ▶ The first number for each Ward represents the count of names memorialized on November 2, 2004 as On-Site Registered Voters. These names were certified in each Ward and documented by Election Inspectors.
- ▶ The second number is the official number of On-Site Registered Voters, for a particular Ward, compiled by the Milwaukee Election Commission at the conclusion of the data entry stage. This number should be the final number of voters in each Ward, including those voters who had been “moved” into their proper Ward based on their address.
- ▶ The third number is the number of voters that were determined to be ineligible to vote in a particular Ward based on their recorded address.
- ▶ Lastly, investigators found that in each Ward On-Site Registered Voter cards were accepted and certified without the voter giving an address. The Election Inspector was therefore unable to enter an address on the Election Day Registered Voter List.

<b>District/ Ward</b>	<b>On-Site Reg. Voters</b>	<b>Election Comm. Count</b>	<b>Ineligible</b>	<b>No Address.</b>
<b>14/216</b>	<b>167</b>	<b>161</b>	<b>1</b>	<b>1</b>
<b>15/298</b>	<b>285</b>	<b>174</b>	<b>41</b>	<b>17</b>
<b>1/7</b>	<b>281</b>	<b>223</b>	<b>48</b>	<b>8</b>
<b>12/209</b>	<b>178</b>	<b>159</b>	<b>15</b>	<b>2</b>
<b>10/275</b>	<b>287</b>	<b>251</b>	<b>31</b>	<b>1</b>

The Task Force investigators make no assertion that these few Wards represent the outcome of any total review of all Wards in this election. Nor do the investigators make any claim that these results reflect an average error rate to be used as a basis for estimating the “movement” of On-Site Registered Voters in this election record. Each Ward number provided below is the result of the individual poll inspector’s willingness or unwillingness to follow the Wisconsin Election law.

In conclusion, the investigators believe that the Milwaukee Election Commission must emphasize to each Election Inspector the importance of their Ward boundaries. On November 2, 2004 many Wards were overwhelmed by the number of people registering on-site, but this does not release the Election Inspectors from their state mandated responsibilities. Unfortunately, some voters will have to be informed that they are in the wrong Ward. It cannot be stated strongly enough that by allowing persons to cast ballots in Wards in which they do not reside, local, tightly contested elections could be compromised.

## ABSENTEES<sup>14</sup>

The November 2004 General Election saw an unprecedented effort by every political party to get voters to the polls to support their candidates. Arising from this effort was the push by all parties to encourage “Early Voting”. In Wisconsin, “Early Voting” was essentially the casting of an Absentee ballot. This effort in Wisconsin led to the abuse of the Absentee Voting process. The Absentee Voting process in Wisconsin is very broad in its statutorily defined criteria for legal eligibility to cast an Absentee ballot. It should be noted that the Milwaukee Election Commission and various elected and appointed officials at the City and State level endorsed this method of “Early Voting” to reduce the anticipated wait for individual voters at the polls on Election Day.

The City of Milwaukee Election Commission reported that approximately 20,000 Absentee ballots were cast in the November 2004 General Election. Because of this large number of Absentee ballots, the Task Force investigators were able to conduct only a sampling of these ballots. The investigators reviewed approximately 2,000 Absentee Certification Envelopes, however even this sampling revealed the many deficiencies in the Absentee Voting process employed by the Milwaukee Election Commission.

Wisconsin State Statutes mandate the steps to be followed by individual voters to apply for and cast an Absentee ballot. The statutes also define the criteria to be followed by the Election Commissions to certify the eligibility of these voters to legally cast an Absentee ballot in the State of Wisconsin. The investigators discovered during their sampling of the Absentee ballots that the manner in which the Milwaukee Election Commission conducted the certification process of eligible voters was fraught with error, allowing voters that were not eligible to vote in Wisconsin to cast ballots in the City of Milwaukee. These illegal ballots were recorded in the final totals submitted by the Election Commission to the state of Wisconsin Election Board. Further, it appears that the inability, or unwillingness, of some Election Inspectors to properly follow statutorily mandated guidelines for the certification of Absentee ballots at the polls lead to legal, eligible votes not being counted. The investigators found that not only did a number of Absentee voters not have their votes counted; the actual candidate choices on their ballots could not be positively guaranteed as having been

properly recorded. Investigators found that the Absentee Voting process in the city of Milwaukee was not able to handle the number of ballots cast, in part leading to the many errors, which are detailed in this section.

The Task Force discovered that the Election Commission certified Absentee Ballots that were submitted by voters using addresses that were not legal residences. Investigators found that Absentee Ballots were accepted from work places or offices that were within the City of Milwaukee, but the voter using those locations did not reside in Milwaukee.

- ▶ District 12/Ward 201 – 100 Block of South 2<sup>nd</sup> Street (Warehouse/Office)
- ▶ District 14/Ward 57 – 400 Block of East Stewart Street (Warehouse/Office)

The Task Force also found that Absentee Ballots were cast in the City of Milwaukee by voters who have not resided in their recorded residences for a period of time. Although the statutory definition for eligibility to vote by Absentee Ballot in Wisconsin are broad in their application, the fact that Wisconsin was a “Battleground State” led to the possibility that persons voted in this election from outside the United States and the State of Wisconsin.

- ▶ District 3/Ward 44 – 2900 Block of North Newhall Street – The elector, who now lives in California and moved there prior to the 2004 General Election, stated to an investigator that he voted in Milwaukee because his vote “*would count*” in Wisconsin.
- ▶ District 3/Ward 39 – 3400 Block of N. Maryland Ave. – The elector, graduated from the University of Wisconsin-Milwaukee in 2002 and now lives in Michigan.
- ▶ District 3/Ward 40 – 3400 Block of N. Murray Ave. – The elector, who is a New Jersey resident and is a registered voter there, voted in Wisconsin.

<sup>14</sup> Refer to Appendix Two – Absentee Ballots

## Errors at the Election Commission

The sampling of Absentee ballots cast in the November 2004 General Election led to the findings of what appeared to be fraudulent voting activities. But, most alarming was the apparent inability of the Election Commission to adequately handle and properly record the large number of Absentee ballots received in this election.

The Election Commission reported that they had mistakenly excluded nearly 250 Absentee ballots. Investigators found through this sampling that even though the Election Commission requested special dispensation from the state board to certify and add over 190 ballots, a number of ballots were missed and not recorded in the final totals.

Although a relatively small number of Absentee ballots were reviewed in relation to the total amount cast, the serious and irreparable errors found in this review are reflected in a flawed ballot count. All of these errors are the result of shortcomings in the system that is in place at the Election Commission and in their failure to comply with State of Wisconsin Election Laws. This sampling uncovered numerous procedural errors and apparent record documentation errors by the Election Commission. It appears that there was no guarantee that a person who cast an Absentee ballot had their vote counted in this election. The sampling of the Absentee ballots is not meant to provide a defined percentage of error/fraud; it is merely a means to document the assorted and numerous errors in this system.

First, and foremost, the investigators found that it was impossible to reconcile the records of the Election Commission. The certified record of Absentee voters on the Electors database, Ward Registered voter lists, and actual Absentee envelopes do not correspond with each other.

- ▶ Individual voters were recorded as having cast Absentee ballots according to the electronic database, however supporting documentation could not be found.
- ▶ Voters that had cast Absentee ballots as recorded in the Ward Registered Voter List (Ward Book) were not scanned into the final voter list provided to the State Election Board.
- ▶ Absentee Envelopes that had been opened were found and were minus their ballots, but the individual voter was not recorded either in the Registered Voter list or the database.

It should be noted following the certification of the November 2004 General Election, questions were raised regarding the shortage of approximately 5000 voters to votes cast in the City of Milwaukee. Local and State election officials cited the Absentee Voter system as the probable cause for this discrepancy. The investigators believe, as evidenced by this sampling, that recording errors did exist during the Absentee Voter process and could have accounted for a portion of this discrepancy, however a 25 percent error rate in the recording of Absentee voters is highly unlikely.

## Sworn Registered Voter Cards

A number of Absentee Certification Envelopes were conveyed to voting Wards on Election Day with a Sworn Registered Voter card attached. These cards were lime green in color and provide the electors' name, address, district, and Ward number. The cards are used to inform the Election Inspectors that these individuals are eligible, registered voters whose names and addresses may not have been included in the printing of the Voter Registration Lists. The Sworn Registered Voter Cards also mandate that the names of these persons be recorded on the "Absentee Ballots – Sworn Registered Voters List" by the Election Inspector. These Absentee Certification Envelopes are to be reviewed, certified and processed accordingly. The Sworn Registered Voter Cards are then removed from the Absentee certification envelope and placed in the On-Site Registrations envelope. This envelope should also contain On-Site Registration sheets, completed On-Site Registration cards, and the Absentee Ballots – Sworn Registered Voters List for that Ward. At the conclusion of the Election this envelope is returned to the Milwaukee Election Commission.

The investigators found that the handling of these types of Absentee Certification Envelopes at the Ward level resulted in many voters not having their Absentee ballots certified. Therefore, their ballots were not counted in this election. A number of Absentee Certification Envelopes, which displayed the "Sworn Registered Voter" lime green cards were located in both accepted and rejected envelopes from Districts and Wards throughout the City. The envelopes were found to be:

- ▶ Unopened
  - Contained what is presumed to be a ballot, but a vote was recorded

## SPECIAL INVESTIGATIONS UNIT

- ▶ Opened
  - Contained no ballot, but had no vote recorded, or
  - Contained a ballot, but a vote was recorded

### Examples:

- ▶ District 9/Ward 258 – An envelope of an Absentee ballot submitted by an eligible voter from the 6900 block of W. Glenbrook Rd, was in the rejected Absentee envelope with the Sworn Registered Voter card still attached and no vote recorded for this elector.
- ▶ District 3/Ward 40 – An envelope of an Absentee ballot submitted by an eligible voter from the 3200 block of N. Cramer St., was in the accepted Absentee envelope, open, with the Sworn Registered Voter card attached, contained no ballot, yet no vote had been recorded for this elector.
- ▶ District 3/Ward 52 – An envelope of an Absentee ballot submitted by an eligible voter from the 1500 block of E. Royall Place, was in the rejected Absentee envelope, sealed, contained a ballot and had the Sworn Registered Voter card attached. This voter was recorded as voting. The voter number for this elector appears on the sworn registered voter card.

***It should be noted that investigators could not find even one “Sworn Registered Voter” list from any District or Ward in Milwaukee for this election.***

### SEALED ENVELOPES CONTAINING BALLOTS

The investigators discovered 71 sealed Absentee Certification Envelopes from District 8 Ward 135. The majority contained what appear to be ballots and were cast from two addresses in the 1500 block of S. Layton Blvd. No obvious reason could be discerned as to why these particular ballots were not processed. When interviewed, the Chief Election Inspector for Ward 135 stated that the ballots went uncounted due to an error by one of her Election Inspectors. The

Chief explained that during the close out process on election night, none of her Election Inspectors informed her that there were unprocessed Absentee ballots and the voting machine was totaled out, prohibiting any further processing of ballots. The Chief stated that when she discovered this error, she immediately telephoned the Election Commission for guidance and was told that the Election Commission would process the ballots at a later date and that she should continue with her close out procedures. The Chief stated that the ballots were placed, unprocessed, in the accepted ballots envelope (Form EB103) with the understanding that someone at the Election Commission would see to it that they were counted.

Investigators found that of the 71 unprocessed Absentee Certification Envelopes; one voter was recorded by the Election Commission as having cast a ballot, four voters were not listed in the Electors database at all, and the remaining 65 voters were not recorded as casting a ballot in the November 2004 General Election. These 71 voters, through no fault of their own, had their ballots set aside and their votes went uncounted in this election. The Election Commission was made aware of these uncounted ballots and was unable or unwilling to take the necessary steps to ensure that these 71 electors had their votes count.

It is still unclear why one of the voters is recorded as having voted. This may have occurred if this person cast a ballot in person on Election Day or it is another example of an error committed by a Commission employee.

### UNSEALED ENVELOPES CONTAIN BALLOTS – VOTE RECORDED

Investigators found Absentee Certification envelopes that were opened and contained ballots, but the voter was recorded in the Election Commission database as having voted. A check of the Voter Registration Lists from the Wards where the individuals were registered revealed that some of these persons had voter numbers next to their names, indicating that a ballot had been cast, while others did not. Unless the individual voter decided to cast a ballot in person on Election Day, their votes, submitted by Absentee ballot, were not counted because the paper ballot remained in the envelope. More importantly, the recording of a vote number assigned to one of these voters indicates that either the Election Inspector erred and the elector’s votes were disregarded or some unknown person voted in the person’s place.

## SPECIAL INVESTIGATIONS UNIT

The investigators conducted interviews of several of these persons, all of whom indicated that they had cast Absentee ballots in this election and had not gone to their polling place. These individuals further stated that their Absentee ballots had been submitted in a timely fashion and were recorded as reflecting their individual electoral wishes.

### Examples:

- ▶ District 3/Ward 105 – An eligible elector submitted an Absentee ballot from the 2400 block of N. Pierce St. The envelope was found open, containing a ballot. In an interview of this elector, the elector stated that they did not vote in person and that the ballot appears to be the same ballot that was submitted. The elector further stated that the ballot is marked in the manner in which it was submitted.
- ▶ District 3/Ward 42 – An eligible elector submitted an Absentee ballot from the 2400 block of E. Bradford Ave. The envelope was found open, containing a ballot. In an interview of this elector, the elector stated that they did not vote in person and that the ballot appears to be the same ballot that was submitted. The elector further stated that the ballot is marked in the manner the elector recalls. The elector added that the ballot was given to an Election Commission representative who came to the elector's assisted living center.
- ▶ District 14/Ward 238 – An eligible elector submitted an Absentee ballot from the 2700 block of S. Wentworth Ave. The envelope was found open, containing a ballot. In an interview of this elector, the elector stated that they did not vote in person and that the envelope is the same envelope that was submitted to the Election Commission.

### **SEALED ENVELOPES – CONTAIN BALLOTS – VOTE RECORDED**

The investigators highlight these sealed envelopes because the listed voters are recorded as having cast ballots as reflected on the Milwaukee Election Commission database.

### Examples:

- ▶ District 4/Ward 56 (1) – An eligible elector submitted an Absentee ballot from the 1600 block of N. Prospect Ave. The envelope was with the accepted Absentees for this

Ward; however the envelope was unopened and appeared to contain a ballot. The elector is not on the Voter Registration List for Ward 56, but is recorded as having voted on the Election Commission's database.

- ▶ District 4/Ward 56 (2) – An eligible elector submitted an Absentee ballot from the 1600 block of N. Prospect Ave. The envelope was with the accepted Absentees for this Ward with the Sworn Registered Voter card attached; however the envelope was unopened and appeared to contain a ballot. This elector is on the Voter Registration List for Ward 56, but there is no accompanying voter number, yet the Election Commission database records a vote.

These recorded voter numbers were either erroneously entered by Poll Inspectors and these Absentee ballots were not counted; or some unknown persons were able to circumvent the Electoral process by utilizing the names of these eligible voters prior to the certification of the Absentee envelopes. In any event, the individual votes cast by these eligible voters were not counted in this election.

### **UNSEALED ENVELOPES WHICH CONTAINED NO BALLOTS – NO VOTE RECORDED**

Absentee Certification Envelopes, submitted by eligible electors were found to have been opened and contained no ballot. However, the elector is not recorded as having voted on the Election Commission's database. Some of these electors are in their respective Voter Registration Lists, with and without voter numbers, while others are not listed.

### **UNSEALED ENVELOPES – CONTAIN BALLOTS – NO VOTE RECORDED**

Investigators found Absentee Certification envelopes that had been opened and still contained the ballots. These persons were not in the Voter Registration List (Poll Book) and no Sworn Registered Voter Cards were attached to these envelopes. Therefore these Absentees should have been rejected. In follow-up interviews, these electors stated that they had registered to vote early enough to be placed on the Voter Registration Lists and were, in fact, found in the Election Commission database. Although these Elector's Absentee Certification Envelopes were recovered from the "accepted envelope" of their

## SPECIAL INVESTIGATIONS UNIT

District and Ward, no vote was recorded by the Milwaukee Election Commission for these electors on the Milwaukee Election Commission's database.

### Examples:

- ▶ District 9/Ward 258 (1) – An eligible elector submitted an Absentee ballot from the 9100 block of N. 70<sup>th</sup> St. The elector stated that they had registered to vote on October 9, 2004 and did not vote in person. The elector identified the envelope as the one submitted and identified the ballot as being consistent with their choices in this election. The Election Commission database does not list this elector.
- ▶ District 9/Ward 258 (2) – An eligible elector submitted an Absentee ballot from the 9000 block of N. 75<sup>th</sup> St. The elector stated that they vote often and should be registered. Election Commission records show that this elector has been registered since November 2000. The elector identified the envelope as the same one submitted and the ballot as being consistent with their choices in this election.

### SEALED ENVELOPES CONTAINING BALLOTS – VOTE RECORDED

Eight Absentee Certification Envelopes, which were bundled together from District 13 Ward 247, were sealed, appeared to contain ballots, and had a note attached to them from an unknown poll worker. The notation reads, "These Absentee ballots were not processed in machine. Their number was recorded in the black book." Investigators found that all of these Absentee Certification Envelopes appear to have been filled out properly. Two of the envelopes are from the same elector. A check with the Election Commission database shows six of these seven electors are recorded as having cast a ballot. The seventh person was not listed on the Commission's database at all, but was listed in the poll book with a voter number, indicating he had voted. The individuals gave the following addresses:

- ▶ 3400 block of S. 16<sup>th</sup> St.
- ▶ 3400 block of S. 17<sup>th</sup> St. (two persons)
- ▶ 3400 block of S. 19<sup>th</sup> St (this is the elector with 2 Absentee envelopes)
- ▶ 3300 block of S. 20<sup>th</sup> St.
- ▶ 3400 block of S. 20<sup>th</sup> St.
- ▶ 1800 block of W. Morgan Ave

All of these unopened envelopes were marked with voter numbers and two of the electors had Absentee voter numbers recorded next to their names in the Voter Registration List. The other electors

represented by these envelopes were not listed in the Voter Registration List for District 13 Ward 247.

Investigators found another Absentee Certification Envelope from District 13/Ward 247 submitted by the wife of one of the seven previously noted electors. Her envelope is sealed and appears to still contain a ballot. This Absentee envelope was not bundled with the noted segregated group, although both of these Absentee Envelopes are time stamped as received on the same date and at the same time by the Election Commission. This elector submitted her vote from the 1800 block of W. Morgan Ave. Investigators interviewed the elector's husband who stated he and his wife went to the Milwaukee Election Commission and submitted their Absentee ballots on the same date and at the same time. The Absentee Certification Envelope for the wife appears to have been filled out fully and correctly. The envelope has no notation on it as to why it was rejected. The Election Commission database shows her as having voted on November 2, 2004. A check of the Voter Registration List for District 13 Ward 247 shows she is not recorded on the list.

In District 3/Ward 42 an eligible elector submitted an Absentee ballot from an assisted living facility in the 2300 block of N. Prospect Ave. The envelope was marked 'rejected, already voted' When interviewed, the elector stated that the ballot was submitted to Election Commission employees who had come to the voter's place of residence. The elector identified the envelope as the same one submitted. The elector stated that they did not vote in person on Election Day. The Ward's Voter Registration List reflects that this elector voted.

Numerous Absentee Certification Envelopes were recovered from the "rejected" envelopes from polling places throughout the City of Milwaukee. These envelopes are all sealed; contain ballots, yet the Election Commission database shows all of these persons as having voted in the November 2, 2004 elections.

### UNSEALED ENVELOPES CONTAINING BALLOTS – VOTE RECORDED

Investigators recovered unsealed envelopes which contained ballots from the so-called "rejected" envelopes from Wards in all areas of the City of Milwaukee. However, upon checking the Election Commission's database of votes cast in the election,

## SPECIAL INVESTIGATIONS UNIT

many of these “rejected Absentees had votes recorded.

### Examples

- ▶ District 3/Ward 42 – An eligible elector submitted an Absentee ballot from an address in the 2400 block of N. Lake Dr. The envelope was marked ‘rejected, over voted’. An examination of that ballot confirms that the elector did over-vote. However, the Election Commission database records the elector as having voted. Investigators found no record for this elector on the Ward’s Voter Registration List.
- ▶ District 4/Ward 61 – An eligible elector submitted an Absentee ballot from an address in the 900 block of N. 14<sup>th</sup> St. The ballot was still in the envelope and a vote is recorded on the Election Commission’s database. Investigators interviewed this elector and were informed that representatives from the Election Commission came to the location and made Absentee ballots available to the residents. The elector filled out a ballot and envelope and gave it to the representative for submission. When shown the envelope and ballot, the elector identified both as the same filled out prior to the election. The elector stated that they only voted Absentee in this election. Investigators found that the Voter Registration List for Ward 61 records a vote number for this elector, with no ‘Absentee’ notation.
- ▶ District 4/Ward 61 – An eligible elector submitted an Absentee ballot from an address in the 1100 block of W. Wells St. The envelope, unsealed, contained a ballot and was with the Ward’s other “rejected” Absentee envelopes. Investigators examined the ballot and could not determine the reason why it was rejected. Investigators interviewed this elector, who identified the envelope as the one submitted for the election. However, the elector stated that the ballot in the envelope was not the ballot that this elector submitted. The elector explained that the straight party vote checked on the ballot was not the party that was checked when the ballot was submitted. This elector was adamant that no mistake had been made on their part and that the ballot contained in the envelope was not the ballot they submitted. A voter number is recorded on this envelope and in the Ward’s Voter Registration List.

## UNSEALED ENVELOPES CONTAINING BALLOTS – NO VOTE RECORDED

Investigators found Absentee Certification Envelopes that appeared to be properly completed, but rejected by Election Inspectors because the ballots contained in the envelopes were from another Ward. In these specific instances, the Election Commission apparently supplied these electors with the wrong ballots, ultimately denying those electors the opportunity to vote.

In District 14/Ward 249 an eligible elector submitted an Absentee ballot from an address in the 3400 block of S. Howell Avenue. The envelope appeared to have been properly completed, but was found open and contained a ballot. On its face, there is no reason that investigators could determine for this ballot not being processed. A check of the Election Commission database confirmed that no vote was recorded for this elector.

## NON-WISCONSIN RESIDENTS ALLOWED TO REGISTER AND VOTE

During this investigation, investigators found Absentee certification envelopes from electors that have not lived in Milwaukee or Wisconsin for many years or have never lived in Milwaukee or Wisconsin.

- ▶ Investigators found that persons came to the City of Milwaukee to work/volunteer for various political campaigns. Investigators discovered that once in Wisconsin these workers/volunteers arranged for or were provided temporary housing. It was determined that these workers/volunteers were not residents of Wisconsin and never intended to become permanent residents of Wisconsin. However, investigators found that a number of these workers/volunteers registered and voted illegally in the City of Milwaukee, returning to their home states shortly after the election.
- ▶ Investigators found one Absentee from an elector that had graduated from the University of Wisconsin-Milwaukee in 2002. He lived and worked at a university in California after graduation and in September of 2004 was hired by a university in Michigan, where it appears that elector is still employed. This elector is listed in the Election Commission database as a qualified elector and may vote in future elections.

## SPECIAL INVESTIGATIONS UNIT

- ▶ An elector that lives in the State of New Jersey, and is employed as a schoolteacher there, voted Absentee as a City of Milwaukee resident, but apparently has not lived in Milwaukee for years.
- ▶ Investigators also found that an attorney, who lives in New York City; a man who has been the director of a school in Hamburg Germany since 1974; and a man who has lived in Canada since at least 1971, all voted Absentee from addresses in the City of Milwaukee.

## Conclusion

This portion of the investigation revealed that the Election Commission and the Election Inspectors employed to carry out the Commission's policies were not prepared to manage the sheer number of Absentee ballots cast in this Election. As a result, a number of individual voters were denied the right to have their votes counted. The investigation also showed that having a vote recorded for any individual Absentee voter did not guarantee that their ballot was actually processed and that their individual votes became part of the final vote total.

The discovery of numerous Absentee envelopes, sealed and unsealed, containing ballots is of particular concern. Many of these electors are recorded as having voted, but their ballots were never processed. Due to the many inadequacies of the Election Commission and the abysmal quality of the records kept, the investigators are unable to prove criminal wrongdoing. However the finding of unprocessed Absentee ballots where the Election Commission records the elector as voting, could add weight to the allegations that fraudulent activities occurred during the election process in the City of Milwaukee.

The investigators also note Absentee votes cast by persons that do not appear to be eligible to cast ballots in the State of Wisconsin. Whether the individual was misinformed or motivated to vote illegally in Wisconsin is no longer the issue of this review. What is most troubling is that each ineligible ballot accepted in effect cancels a legal vote cast by a Wisconsin state resident.

The investigators request that the State Election Board mandate the training of an adequate number of Election Inspectors to process Absentee Certification Envelopes. The Milwaukee Election Commission, and its employees, must comply with existing Wisconsin State Statutes relative to the processing of these Absentee envelopes. The investigators believe that as further emphasis is placed on "Early Voting" the percentage of Absentee ballots in future statewide elections will increase. The processing of these ballots must be conducted in the proscribed manner to insure that every legal, eligible vote is counted.

Further, we recommend an earlier deadline for the submitting of Absentee ballots to allow Election Commissions additional time to verify the eligibility of individuals to vote in Wisconsin and to ensure that those ballots submitted are delivered to the proper

Ward in a timely manner to guarantee proper certification and processing.

***...the finding of unprocessed Absentee ballots where the Election Commission records the elector as voting, could add weight to the allegations that fraudulent activities occurred during the election process in the City of Milwaukee.***

## CAMPAIGN WORKERS

Beginning in May 2005 investigators for the Task Force began a review of a number of the Absentee Certification Envelopes submitted from select Wards throughout the City of Milwaukee from the November 2, 2004 General Election. The purpose of this review was to ensure that proper procedures had been followed as it related to Absentee voting and to ensure that the persons submitting the ballots were qualified electors. During that review, investigators conducted a Lexis/Nexis search of those voters to ascertain whether or not each person was a City of Milwaukee resident. If the voter was listed on Lexis/Nexis with a City of Milwaukee address, no further follow-up was conducted. However, if there was no listing of a City of Milwaukee address several other databases including but not limited to the City of Milwaukee Election Commission database, Assessor's Office, Municipal Court and Citation, the SBC White Pages, Google, NCIC, State of Wisconsin Circuit Court Access and Department of Motor Vehicles were checked. In some cases a physical check of the residence was conducted. In many instances, these additional inquiries established in some way that the person being reviewed was in the City of Milwaukee or had ties to the city that would make them eligible to vote.

It was during this review that the investigators discovered individuals that had come to Wisconsin as campaign staffers for one of the two major political parties or a national 527 group had cast Absentee ballots in this election. The investigators then found additional persons from these groups that had cast ballots as On-Site Registrants or as registered voters. The persons cited in this subsection, in addition to several others where investigation is not sufficient to include them, were in no way connected to the City of Milwaukee other than their work for the major political party or the 527.

### Major Political Party

In the 2004 Presidential Election, the State of Wisconsin became what was referred to in the media as a "Battleground State", considered by both the Democratic and Republican campaigns to be a "must win" state. As a result, resources and personnel were sent to Wisconsin at levels not seen before in any previous Presidential Election. According to media reports, resources such as money for advertisements and personnel were being shifted from states that a respective campaign was conceding to "Battleground States" such as Wisconsin as early as July 2004 (Boston Globe, July 27, 2004).

This particular campaign coordinated its efforts from several offices in the City of Milwaukee and other locations throughout the State of Wisconsin. Paid, professional campaign workers came to Wisconsin from different parts of the country in an effort to secure victories in not only the Presidential race but in other Federal contests as well. The investigators highlight the following staffers of this presidential campaign effort.

1. This staffer listed a home address in Chicago, IL. It was determined that **#1** had purchased a home in Chicago in late October 2003 and still resided at that address. However, he registered and voted in the City of Milwaukee on November 1, 2004 using a Milwaukee address.
2. This individual began work for the Wisconsin campaign in July 2004. Although **#2** finalized the purchase of a HUD financed home in the Washington DC area while she was working in the City of Milwaukee, she registered and voted as a City of Milwaukee resident.
3. This person worked for an unsuccessful 2004 Presidential primary candidate before joining this campaign. She reported her home as being in California, specifically Santa Monica. However, **#3** registered and voted in the City of Milwaukee using a Milwaukee address as her home.
4. This staffer is an attorney. **#4** lived in Washington, DC and the investigation determined that **#4** has lived there since at least 1999. **#4** registered and voted using a City of Milwaukee address as his home.
5. Prior to coming to Milwaukee for this campaign, **#5** had no known campaign experience. After leaving Milwaukee **#5** worked on a campaign in the State of California and at the time of this report resided in Los Angeles. He registered and voted in the City of Milwaukee using the same Milwaukee address as **#1** and **#4**.
6. Also an attorney, this individual has worked in various capacities in Europe, particularly in the England, where he resided before the Election. In the past, **#6** worked for a major political party's 'Get out the Vote' (GOTV) campaign. **#6** has a last know United States address in New York. **#6** registered and voted in the City of Milwaukee. The owner of that address was interviewed after the election and stated that **#6**'s sole purpose in coming to the State of Wisconsin was to work on the Presidential campaign for this particular major party and that **#6** had

**SPECIAL INVESTIGATIONS UNIT**

returned to England immediately following the Election.

7. This individual was a party official in another state before coming to Wisconsin where she worked for the “New Voter’s Project” in Milwaukee and in a second Wisconsin city. After leaving Milwaukee, **#7** worked for another campaign in a different state. At the time of this report her current whereabouts are unknown. **#7** held a valid Texas driver’s license at the time of the election. She registered and voted in the City of Milwaukee.
8. This person did not have any known previous campaign experience. **#8** is originally from Wisconsin, but not from the Milwaukee area. He held a valid Wisconsin driver’s license listing Stevens Point as his home. With the exception of Stevens Point, no other Wisconsin address could be associated with him. **#8** registered and voted in the City of Milwaukee, using a Milwaukee address. In an interview with the owner of the Milwaukee address, investigators learned that **#8** and **#3** had come to Wisconsin with the sole purpose of working on the presidential campaign. At the time of this report **#8** resided in the State of Arizona.
9. This staffer also worked for the “New Voter’s Project” in Wisconsin. **#9** is originally from the State of Massachusetts and holds a valid driver’s license from that state. **#9** registered and voted in the City of Milwaukee using a Milwaukee address as her home.
10. This person had no known previous campaign experience. **#10** is a Wisconsin resident; however she has never resided in the City of Milwaukee and in registering to vote, she used the address of the Milwaukee headquarters office of this particular campaign as her home address.

## National 527 Group

According to the George Washington University Web Site, the State of Wisconsin was one of five states where this 527 concentrated its efforts in the 2004 Presidential Election. In an October 2004 press release the 527 reported having 33 staff and 1000 volunteers. Citing this article, “[The 527] has knocked on over 250,000 doors in key swing precincts in Milwaukee, Dane, Waukesha, Sheboygan and Racine Counties.”

The 527, like the major party campaign, sent professional campaign staffers to further their efforts in Wisconsin. Among those found by the investigators were the following:

11. This individual is from Maryland and held a valid Maryland driver’s license. **#11** who has no known ties to the City of Milwaukee, registered as an On-Site registrant and voted in the City of Milwaukee.
12. This person is a resident of the State of Illinois and held a valid Illinois driver’s license. **#12** has no known ties to the City of Milwaukee, but she registered and voted using an address on the east side of the city.
13. This person’s most recent address listed by the Ohio Department of Transportation is in Columbus. **#13**, like the other 527 personnel, had no known ties to the City of Milwaukee but registered and voted in the city using the same address as **#12**.
14. This staffer is originally from Wisconsin and came to Milwaukee from either Massachusetts or Virginia for the election. Having no known ties to the City of Milwaukee, only the old central Wisconsin address, he registered and voted in the City of Milwaukee using the address of the 527’s Milwaukee headquarters’ office.
15. This individual held a valid Texas driver’s license at the time of this review. He registered and voted in the City of Milwaukee using an address which was a temporary housing facility for this 527.
16. In 2002 **#16** was an official in another state in this major party’s 2002 Coordinated Campaign. This person then worked for a Senator’s campaign in yet another state. **#16** has also been an official with the same political party before joining a failed 2004 Presidential primary campaign. **#16** worked in this campaign in two different states before taking a position with the 527 and coming to Wisconsin, where he registered and voted as a resident.

Both the major political party staffers and the 527 staff came to the City of Milwaukee and obtained temporary housing while they worked in the city. Both organizations’ staffers registered to vote in Milwaukee using those temporary addresses. Where proof could not be provided to Election officials that these staff members could vote in Milwaukee, other staff members who were registered voters vouched for them by corroborating their residency.

More alarmingly, other staff members who were deputy registrars for this election simply registered these individuals as Milwaukee residents, bypassing Election officials altogether.

***The actions of the listed campaign and 527 staff members appear to be violations of State of Wisconsin Law as it relates to the registering of voters and the casting of ballots in an election.***

## *Conclusion*

It is difficult for the investigators to believe that paid professional campaign staff members, who were tasked with assisting in the registration of new voters and the facilitation of those voters to, among other things, vote by Absentee ballot, the chosen method of voting for most of the individuals listed, would not have had a working knowledge of the voter eligibility requirements in the State of Wisconsin. Further, as it relates to both staffs, that of the major political party campaign and the 527, where the proof of residency could not be established by the use of a temporary housing address, other staff members from these organizations either registered the ineligible staff members themselves or corroborated a temporary address to establish eligibility.

All of the persons referred to in this portion of the report appear to have never been residents of the City of Milwaukee and as such would have no expectation that they would be able to vote as a Milwaukee resident. After the completion of the Presidential Election, all of the listed individuals left the City of Milwaukee and/or the State of Wisconsin. This further established that not only legally, but in their own minds, their presence in Milwaukee was for a temporary purpose (the November 2004 General Election).

There appeared to be no intention to make Milwaukee their place of residence henceforth. However, when interviewed, many of the persons described related that they contacted the Election Commission regarding their voting eligibility by phone or checked the Election Commission's Web site and were provided no information that would prohibit them from voting. Investigators checked the Election Commission Website; specifically the section captioned "Voting Information".<sup>15</sup> The first question and answer listed on the page was;

### ❖ **Who May Vote in Wisconsin?**

Voting in Wisconsin is limited to people who are United States citizens, at least 18 years old on Election Day, residents - **for 10 days or more** - of the election district or ward where an election is being held, and those persons not currently serving a sentence including probation or parole for a felony conviction.

<sup>15</sup> <http://www.ci.mil.wi.us/display/router.asp?docid=854>

*Nowhere did the official web site of the City of Milwaukee Election Commission state that a qualified voter must be a resident of the State of Wisconsin and/or the City of Milwaukee*

The investigators must emphasize that these individuals were staff members for a major party presidential campaign or a nationally active 527. Their efforts in Wisconsin focused on getting out the vote. It therefore stands to reason that these persons had to have some working knowledge of the voter registration and voting laws in the State of Wisconsin.

The belief of the *investigators* is that each of these persons had to commit multiple criminal acts in an effort to reach their ultimate goal of voting, showing that the act was a conscious, intentional effort to commit a crime. Each person described above committed at least two criminal acts associated with their effort to commit voter fraud. In the case of several of these individuals, additional criminal acts were committed by other persons in the completion of a criminal act. Registering a person to vote that was known to be ineligible, registering to vote when ineligible and the actual process of then voting are all crimes under Wisconsin State Statutes.

The investigators of this Task Force believe that all 16 people detailed in this section committed felony crimes in the State of Wisconsin. However, neither of the prosecutorial entities involved in the investigation chose to prosecute. Although the investigators do not agree with this decision, it is certainly understandable given the lack of confidence that all involved in this investigation have with the accuracy and reliability of Election Commission records.

The investigators have been advised by the prosecuting units of this Task Force that "residency", as it relates to eligible voting in Wisconsin, is a status difficult to define under Wisconsin State Statutes. The Milwaukee County District Attorney's Office focuses on the language as it relates to the 10-day residency prior to an election. The investigators

highlight the language under Wisconsin 6.10(1);  
 “...without any present intent to move...”

## *Wisconsin Statutes*

### *6.10 Elector Residence.*

**Residence as a qualification for voting shall be governed by the following standards:**

**(1) The residence of a person is the place where the person’s habitation is fixed, without any present intent to move, and to which, when absent, the person intends to return.**

**(8) No person gains a residence in any Ward or election district of this state while there for temporary purposes only.**

The investigators believe that, notwithstanding the special status provided for students, military personnel, and temporarily out-of-state Wisconsin residents, etc.; residency for voting privileges is a simple principle. An individual lived in a Ward and District where their ballot was cast at the time of the election for the proscribed time period prior to the election and **intended** to continue to live at the residence of their registration after the election.

As witnessed by the November 2004 General Election, many paid or otherwise motivated individuals came to Milwaukee during the election cycle and took up temporary housing for a 10 day period prior to the election. This should not enable these persons to cast votes in our state elections.

In Wisconsin we have been told, ad nauseam, that “every vote counts”. As witnessed by the closeness of the 2000 and 2004 Wisconsin Presidential contests, this is entirely true. The outcome of Wisconsin’s presidential popular vote is not only important to those of us that **live** in this state; it is vital to those political parties that want and need Wisconsin’s 10 Electoral College delegates to win the presidency.

The individuals cited in this section were initially discovered by chance. The connections that were made to the two political organizations were confirmed by Internet references to their respective affiliations. The investigators found, through media and Internet sources, that the two organizations, in their own words, placed *thousands* of staffers and volunteers in Wisconsin during the course of this election cycle.

The investigators make no claim that thousands of fraudulent ballots were cast in Wisconsin by the staffers of these two organizations during this election. However, the persons described in this section represent multiple levels of both of the organizations; from the upper management to the street level canvassers.

The investigators were unable to obtain any complete roster of the staff and/or volunteers for either of the two groups. There does remain a strong possibility that the discovery of these random staffers voting illegally is the proverbial “tip of the iceberg” as it relates to an illegal organized attempt to influence the outcome of an election in the state of Wisconsin.

The investigators fear that the lack of enforcement in regards to the residency statutes will result in a new class of Wisconsin voter, the “10-Day Resident”. Any political party or 527 could rotate staff and volunteers into Wisconsin for a 10-day period, thereby establishing “residency” and then cast ballots as a registered voter or as an Absentee.

***The investigators fear that the lack of enforcement in regard to the residency statutes will result in a new class of Wisconsin voter, the “10-Day Resident”.***

Additionally, the final wave of staff or volunteers arriving in Wisconsin just prior to an election, in light of Wisconsin’s liberal On-Site registration laws, would be allowed to vote on Election Day with their temporary Wisconsin address.

The status of being a “battleground state” in a national election should not be the welcome mat for those motivated persons from a decidedly Blue or Red state to travel to Wisconsin to vote because they want their vote to count. More to the point, the possibility that statewide and local elections have and will continue to be tainted by non-residents exists.

The aforementioned out-of-state campaign workers know that they have been discovered. And they also know that *nothing has happened to them*. With this knowledge, there is nothing that would stop either of the major parties from rotating volunteers and/or paid

**SPECIAL INVESTIGATIONS UNIT**

staff through Wisconsin in the weeks leading up to November 2008 for a 10-day period to gain “residency” and then cast ballots, Absentee, registered, or as same day registrants.

## DOUBLE ENTRIES/DOUBLE VOTES

From the inception of this investigation, a priority was placed on examining the reports that there were persons that had voted multiple times. The City of Milwaukee Election Commission and various media outlets had reviewed the Electors database generated

***The Milwaukee Election Commission, through their ineptitude, raised enough reasonable doubt to prevent any further criminal prosecution.***

from this election and discovered that hundreds of individuals appeared to have cast more than one vote. These allegations of “double voting” were based solely on the records compiled and maintained by the Milwaukee Election Commission.

As investigators began to review these allegations, it became apparent that the official records of this election were seriously flawed. When the deficiencies of the database were discovered, the investigators concentrated their efforts on determining the cause of the erroneously entered information and clearing the mistakenly listed double votes.

However, the errors committed by the Election Commission did not clear all of the instances of double voting and as a result; the United States Attorney for the Eastern District of Wisconsin indicted four persons. Two of these persons were tried in Federal Court, resulting in one finding of ‘Not Guilty’ and one ‘hung’ jury, where no verdict could be reached. In both instances, jurors responded after the trials that although there appeared to be evidence that these individuals had voted more than once, the mismanagement of the voting records by the Election Commission presented them with questions about the record system and they could not find guilt “*beyond a reasonable doubt.*” Of the remaining two indictments, one person was found to be mentally incompetent to stand trial and the indictment was dismissed and the last person’s indictment was deferred.

The investigators and the two prosecuting entities concluded that the record mismanagement by the Election Commission during and following the Election, in effect, precluded any further criminal prosecution of potential violators. The Milwaukee Election Commission, through their ineptitude, raised

enough reasonable doubt to prevent any further criminal prosecution. It was impossible to ask a jury to believe that records were accurate as they related to those persons being prosecuted, while admitting that there were numerous errors committed throughout the election process. No further criminal referrals were forwarded to prosecutors.

While it became clear that no further prosecutions would occur, the Task Force continued to investigate specific allegations made by organizations that individuals had been able to vote multiple times due to the laxity of voter verification in the state of Wisconsin. This sampling identified three areas of potential fraudulent voting.

1. Voting more than once in the City of Milwaukee (e.g. two different Wards)
2. Voting in the City of Milwaukee and another City in Milwaukee County, and
3. Voting in the City of Milwaukee and another State (based on a specific complaint)

***...jurors responded after the trials that although there appeared to be evidence that these individuals had voted more than once...mismanagement of the voting records by the Election Commission presented them with questions about the record system and they could not find guilt “beyond a reasonable doubt”***

## ***Double Entries***

To conduct this review, investigators searched the Electors database for exact matches based on both name and date of birth. This search resulted in the discovery of 314 potential double voters, whose names were listed twice in the electronic database as having cast ballots more than once. This list included voters with the same name or nearly the same names with the same address and dates of birth, similarly spelled names with the same dates of birth and voters with the same names and dates of birth but different addresses.

For example:

- Two entries listing the same address and date of birth; one with the first name of Jan, the second with the first name of Janine.
- Another set of names from the same address, listing the same date of birth; with the first names of Gloria and Floria.

A review of that list revealed that there were 13 sets of twins included in the list. Face to face interviews were conducted with at least one of the twins from each of the 13 sets. During these interviews it was confirmed that the person was in fact a twin and that they and their twin sibling both voted in the November 2004 election. This would account for 26 individually cast ballots, not double votes.

Upon examining this list, it was determined that there were 67 voters listed as voting twice and one voter was listed as voting three times. However, upon checking the hard copy of the city- and county-supplied voter Ward books it was discovered that only one vote was cast for each voter. This conclusion is determined by the fact each of these voters had only one voter number to their name and this number is assigned at the polling station at the time a ballot is given to the voter. Interviews were conducted with a number of these 67 voters, each stating that they had voted only once. The city registrar listing these voters twice is most probably a clerical error.

Further inspection of the Election Commission's voting list showed there were nine addresses of voters that were entered incorrectly by Election Commission employees. Investigators determined that the numbers in the address were inverted.

Example:

3150 W. Sample St.  
3105 W. Sample St.

Investigators visually checked the addresses and discovered that many of the incorrectly listed addresses did not even exist. Investigators were able to locate many of these voters who stated that they only voted one time and only from their proper address. The Ward book records for each location also only show only one voter number issued for the proper address and in no instance was a non-existing address ever listed in the Ward books.

There were an additional four voters who were listed as voting twice. The list showed that these persons had the exact name, address, and date of birth. Upon interviewing each of these voters it was discovered that these voters were parent and child, Junior/Senior, with one being a father and daughter relationship. It is clear that the Election Commission database was in error when assigning each of these voters the same date of birth.

The discovery of these erroneous double entries further increased the gap between the number of ballots cast and the recorded voters.

## *Voting in the City of Milwaukee and another city in Milwaukee County*

A comparison was made between the voting records of the City of Milwaukee and electronic voting records from municipalities within Milwaukee County<sup>16</sup>. Although there were instances where investigators found possible matches, most of the records provided by the sixteen municipalities did not contain the dates of birth of their voters. Therefore, most matches could be based solely on first and last name. Once a name match was discovered, available databases were checked to either confirm or reject the match. The vast majority of these matches were immediately rejected as not being the same person. However, there were a small number where confirmation with a particular municipality was needed. Investigators obtained the registration information of those persons, nonetheless, due to the unreliability of Milwaukee's records, no further investigation was conducted. But there exist persons that are recorded as having cast ballots in two different electoral jurisdictions without any reliable way of determining if they did in fact vote twice.

## *Voting in the City of Milwaukee and another State*

The Republican Party of Wisconsin (RPW) filed a complaint alleging, "double voting" by individuals in the City of Milwaukee and Cook County Illinois. The City of Milwaukee voting records were compared and they do indicate that individuals with the same identifiers are recorded as having cast votes in both locations. However, due to the inadequacies of the Milwaukee Election Commission records and the lack of any sort of voter identity verification, it is impossible to definitively conclude that the same person voted in both Milwaukee and Chicago. It is also impossible for investigators to state with any certainty that the same person did not vote twice. This complaint is detailed in another section of this report.

## *Conclusion*

The investigators discovered that within the official records of the Election Commission individuals are

recorded as having cast multiple ballots during the 2004 General Election. The possibility of "double votes" existed at the local level; between adjacent communities; and with a bordering state. We also note that by relying on the Milwaukee Election Commission records to arrive at this conclusion, "reasonable doubt" is an unfortunate factor. However, because of the flawed registration system in Wisconsin, "double voting" remains a strong possibility.

Due to On-Site Registration, there is no real time filter employed to determine if an individual has cast more than one ballot in any particular election. The violation, if discovered, would only occur after the ballots have been cast. The damage would have already been done.

During this Election, the investigators discovered that a person in the City of Milwaukee could register and vote under variations of their given name. For example, registrars dutifully granted official registration to individuals using variations of common proper names, e.g. "Mike" in place of "Michael"; "Tom" instead of "Thomas"; etc. This is not to say that the voter registering under a nickname committed fraud but this practice revealed a potential area of fraud in the registration system used in the State of Wisconsin.

The investigators found that a review conducted of persons that had cast ballots during any election was limited by the accuracy of the records kept by the municipality that the voter was recorded. Therefore, any erroneous or intentional variation in any of the voter's identifiers would possibly preclude the finding of a multiple voter. A simple change of spelling in any portion of the individual's name, a variation of the person's given name, or any change of a digit in the date of birth could conceal a number of multiple votes and/or registrations.

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<sup>16</sup> Bayside, Brown Deer, Cudahy, Fox Point, Franklin, Greendale, Greenfield, Glendale, Hales Corners, Oak Creek, River Hills, Shorewood, St Francis, Wauwatosa, West Allis and West Milwaukee.

## SPECIAL INVESTIGATIONS UNIT

The new Statewide Voter Registration system has these same shortcomings. On-Site Registration and voting with no voter identity verification provides no deterrent to “Double Voting”. Michael A. Smith can become Mike Smith; M.A. Smith, or Mickey Smith, depending on the person reviewing the Same Day Registration card, and unless a specific allegation is made against one of these name variants, the new name would just be added to the overall database, in effect allowing all three variants to vote in subsequent elections.

Even if the new system were capable of discerning the differences in the recorded names, the finding would not be discovered until after any multiple ballots had been cast and recorded.

During a random sample of District 13, Ward 225, investigators discovered that three voters, who filed ‘change of name’ registration cards in 2004, are all recorded as voting twice. The Election Inspectors in this particular Ward, for some unknown reason, recorded the voter number for these individuals on the On-Site Registration card and in the Ward Book after their previous name. These persons are recorded as having cast ballots in this election twice, under their previous last name and with their new one. The investigators easily discerned that these persons did not vote twice.

No attempt was made to cross reference every name change card filed with the respective Ward Poll Book. The investigators make no assertion that the finding of these three errors in this Ward reflects any citywide pattern of erroneous voter entries. This finding did however highlight the possibility that persons previously registered under one name could cast multiple ballots in an election. The possibility also exists that another person, who had information that the legal voter had a recent name change, could also cast a ballot under the past registration.

Finally, investigators found that throughout the Election the ease in which a person could cast multiple ballots and not be discovered, was evident. No effort known to this Task Force was made by the State Elections Board to cross reference any registration records locally, across municipal boundaries, or state lines. If this localized review of the election had not been authorized, no irregularities would have been discovered and reported. The results of this election have been certified and the possible “double votes” have had no apparent impact in any of the contested races. However, these problems may cause questions in the results of future closely contested races. The open registration

process, coupled with the poor record management of the voting records in the City of Milwaukee, undercut the public belief of fair and impartial elections in Wisconsin. That same poor record management precluded any prosecution as a deterrent factor. The Same Day Registration system, with no real time filter, could allow individuals to cast multiple or ineligible ballots that “count” in an election. There is no opportunity to remove these illegal votes after the fact.

## ADDRESS VERIFICATION POSTCARDS

At the conclusion of the Same Day Registered Voter process, verification postcards are mailed via US Postal Service to certify the addresses provided by the voters.

These verification postcards are generated by a subcontractor to the Election Commission. Once the postcards are printed, they are delivered to the Postal Service for delivery. Individual mail carriers determine if the address listed is a proper residence address within the City of Milwaukee. If the address is a residence, the postcard is delivered. If the address does not exist or is not a residence per the mail carrier, the postcard is returned to the Commission.

The investigators found that some of the postcards are returned to the Commission by residents of addresses where the postcard was delivered, but the person listed as using the address to vote did not live there.

Wisconsin Election law dictates that the Commission is to forward all returned postcard information to the local District Attorney's Office for review of possible fraud.

At the conclusion of this verification process, persons that cast ballots as Same Day Registered Voters are placed into the Electors database as Registered Voters. These persons will now appear in the Poll Books in their respective Wards for any future elections.

The verification process has obvious shortcomings on its face. Although the investigators do not question the individual mail carriers' professionalism, the pivotal point in this process is the determination that an address is a legal residence, *not that the listed person could reside there*. As explained to the investigators by Postal employees, the postcard is to be delivered if the address is a residence.

Therefore, any mail carrier familiar with his/her route may have personal knowledge that there are long-term residents at a particular address, but apparently the postcard must be delivered. The onus then falls to the resident of the address to return the postcard if the listed person does not reside there.

As stated above, some individual residents did indeed return postcards. However, the postcards themselves could easily be mistaken for junk mail and thrown out or the true resident of the dwelling listed may not

understand the importance of the verification postcard and again dispose of the card.

### *The Process*

The verification postcards are prepared by a subcontractor hired by the Election Commission. The subcontractor is Marks Information Documents, W156N8278 Pilgrim Road, Menomonee Falls, who subcontracts with a company called DXC, 9041 N. Deerwood Drive, Milwaukee.

A Task Force investigator interviewed representatives from both firms regarding the process involved in creating the verification postcards for the November 2004 General Election. The owner of Marks Information Documents, Kenneth L. PUTZIER, stated that he has been the subcontractor for the Election Commission for approximately 10 years. The verification process begins with a phone call from the Milwaukee Election Commission notifying the company that a floppy disk or compact disc (depending on the amount of data) has been prepared by the Commission. Putzier states that he then retrieved the disk from the Election Commission at the conclusion of the 2004 General Election. This CD was then delivered to DXC for processing.

DXC runs the provided information through a US Postal Service database which adds a ZIP Plus 4 to the addresses. A postage statement is generated and the postage cost is forwarded to the Commission. When the Commission deposits monies to cover the postage costs, DXC prints the postcards. DXC prints the name, address, Ward number, and adds a bar code to the postcards from the information provided by the Commission. The completed postcards are then forwarded to the Postal Service for delivery. The original CD is then returned to Marks for retention.

Putzier stated that 72,349 verification postcards were generated for the November 2004 General Election. These cards were delivered to the US Postal Service on January 4, 2005.

Putzier informed the investigator that the Commission does notify his company if the requested postcard run is for verification or if it is a purge. The run for the November 2004 Election was for verification. Putzier stated that his company had not run a purge request since April of 2001.

The information supplied by the representatives of the two firms was confirmed by the Election Commission

## *Review*

The Election Commission turned over to the Task Force 2378<sup>17</sup> verification postcards that had been returned as being undeliverable by the US Postal Service. In doing so, Election Commission employees explained that the cards represent the names and addresses of persons that they recorded as having registered and voted on the day of the Election.

The initial review of the cards determined that 1180 were obvious clerical errors. To determine this, the investigators compared the information printed on the returned postcards to the corresponding On-Site registration cards, when the card could be located. In most cases the address on the postcard contained simple numerical errors that were easily discernable to the investigators. The 1180 postcards represented as cleared by this review were simply judged as Commission employee error.

It should be noted here that this portion of the investigation was conducted near the end of the overall review and as such the Task Force had already become acutely aware of the incompetence displayed by the Election Commission throughout this process. Therefore, no further evaluation of these postcards was conducted.

The remaining names on the postcards were checked through available databases for any Milwaukee connection they may have had, believing that there was a high likelihood that any address discrepancy was due to Commission error, not voter fraud. By employing this liberal criterion, 1055 additional postcards were cleared from the original 2378. However, it did not go unnoticed by investigators that a number of the addresses differed substantially from the addresses found on the returned postcards, but due to the plethora of errors made by the Election Commission, investigators gave the benefit of the doubt to the voter. 138 returned postcards remained.

As it relates to those 138 postcards, the Task Force was unable to find any documentation that could verify the existence of 64 of the names. In addition, 57 persons did not appear to have any recorded evidence of residency in Milwaukee in 2004 with a portion of those people voting from non-existent addresses. We acknowledge that a high probability exists that erroneous information had been entered in

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<sup>17</sup> Five of the returned postcards were damaged to such an extent that they were not readable, making the actual number of reviewed cards 2373.

regard to the listed addresses on the postcards. These same shortcomings are quite likely reflected in the listed names of a number of the purported voters recorded on the postcards. Therefore, no conclusions can be drawn by the lack of some corroboration for a portion of the individuals named on the postcards.

Finally, the investigators did discover a number of questionable occurrences in the 2378 returned postcards;

- Eight persons had two separate postcards, although no record of double voting could be found for seven of these individuals<sup>18</sup>.
- Seven persons listed were deceased. There is one additional person, with a very common name, that may also be deceased. The investigators also discovered that the seven deceased persons are not recorded by the Commission as having cast a ballot in this election. However, the investigators were informed by the Commission that the verification postcard list was made up of persons that had voted as On-Site Registered voters in this election.
- 124 persons with verification postcards have no record as voting in this election.

The investigators did interview one individual that denied voting in this election, although there is a record of a ballot being cast in their name using their mailing address. Whoever cast a ballot in this person's stead did, however, use a different date of birth.

The Commission was unable to explain the non-voting status of the persons listed on the questioned returned verification postcards.

Finally, the investigators must again emphasize that any error or, more importantly, any fraudulent voter activity, would not be discovered until after the questioned ballot had been cast. The time frame employed in regards to the verification postcards permits the vote total to be certified prior to the postcards being generated. Any erroneous or fraudulent vote would be counted in the final tally.

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<sup>18</sup> Two of the cards belonged to a person who was eventually indicted for double-voting.

## INCOMPLETE TASKS

### Undocumented Immigrants

Throughout the course of this investigation, the issue of undocumented immigrants casting ballots in local and national elections has been at the forefront of the political dialogue. Inquiries have been made of the Task Force to ascertain if this suspected abuse of the electoral process occurred in the city of Milwaukee during this election cycle.

Although the investigators had highlighted non-resident voters as a priority at the outset of this review, the effort to identify this category of ineligible voters proved to be beyond the reach of this inquiry. There exists no record of undocumented immigrants to cross reference against the provided Electors database.

The investigators did compare media reports of undocumented individuals to the Electors database during this review. This very small sampling uncovered no apparent violations in the voting process. This finding is not meant to discount the possibility that undocumented individuals cast ballots in this election. In the rare instances that a person was identified, and noted by investigators, as an undocumented immigrant in media reports no record was found that this individual voted in this election in the city of Milwaukee.

### Deceased Persons

A second area of inquiry that the investigators had prioritized were the persistent allegations that the names of deceased persons were included among those persons who were recorded as casting ballots in this and past elections. The investigators made numerous requests for access to any available databases containing the names of persons that had died in time periods ranging from two to five years prior to the November 2004 General Election. These requests were never satisfied during the course of this investigation.

The investigators believe, not with standing the flawed records of the Milwaukee Election Commission, that this portion of the review would have determined the validity or lack of evidence concerning these allegations.

Therefore the investigators are only able to report accidental and random findings of apparent recorded deceased persons "voting" in this election. All of the found deceased voters were verified through the

records of the Social Security Death Index and the Nexis/Lexis database.

The investigators found a registered voter, who had been deceased for several years prior to November 2, 2004, recorded as having cast a ballot on November 2, 2004 in person. This person's death was confirmed through their spouse. Three other deceased persons were discovered within the Electors database provided by the Election Commission as voting in this election. However, no documentation was located to verify the casting of a ballot.

Lastly, as described in the subsection of this report detailing the 2300+ returned verification postcards, deceased persons were mailed address verification postcards. These cards were generated from On-Site voter registration data entered into the Electors database by the employees of the Election Commission after the conclusion of the November 2004 election cycle.

These examples of "dead voters" were discovered during the course of other segments of this investigation. The sheer number of recorded voters, over 270,000, precluded any in-depth canvass for the single purpose of verifying or disproving the allegations of this type of fraud.

### Incapacitated Persons

Approximately six months after the Task Force began the review of the November 2004 General Election as conducted in the City of Milwaukee, irregularities were found in the Absentee voting system in another jurisdiction outside of the state of Wisconsin. These irregularities were centered on the Absentee ballots cast by residents of care facilities with the assistance of outside persons.

The investigators were informed that Election Commission employees, and other organizations, provide a service to residents of nursing homes by personally conveying Absentee ballots to these types of facilities prior to the election. The investigators make no allegations of fraud with this practice of providing an easily accessible forum for the elderly or disabled to be involved in the electoral process.

However, questions were raised after the published reports of possible fraud in this process. The primary problem was the possibility that persons found to have been declared legally incapacitated were allowed to cast ballots. Also, such defined individuals may have been improperly guided by

## SPECIAL INVESTIGATIONS UNIT

motivated persons during the filing of the Absentee ballot.

The investigators were not able to follow through with any inquiry into the possibility that mentally incapacitated persons were allowed to vote in this election. The federal law providing protection of individual medical information (HIPPA) proved to be an insurmountable wall to any in-depth investigation.

The published investigation of Absentee ballot irregularities was conducted by media representatives.

In the context of law enforcement involvement, the investigators believed that the potential for criminal violations would warrant the application for a judicial order to obtain these types of records. Obviously the large number of Absentee voters from these facilities precluded any attempt to obtain such an intrusive order.

The investigators were further informed that Wisconsin Election Law provides that a person holding power of attorney for another can cast an Absentee ballot in that individual's name. Therefore, if the investigators had discovered that an ineligible person had cast a ballot, a second step would have to be initiated to determine if the ballot was indeed legally cast.

One has to question a law that essentially grants a person with power of attorney the ability to cast multiple votes as a Wisconsin resident, in any election.

### **No Prosecution**

Finally, the Task Force investigators feel it is necessary to once again make a statement as to why prosecution was not successful and why more prosecutions were not attempted.

During the course of this investigation, the members of this Task Force had to rely on the records that were provided to us by the City of Milwaukee Election Commission. In case after case where it appeared that a violation of the law had been committed, investigators could find no documentary proof of the violation or the documentation contradicted the digital record.

Despite the numerous discrepancies, investigators moved forward with several prosecutions of election fraud, referring both double-voters and felon-voters to federal and state court. As has been documented previously in this report, those prosecutions were met

with mixed results, with the overriding factor in the failures being the unreliability of the records provided by the Election Commission.

After nearly 18 months of investigation the Task Force believes that there was fraud committed in the 2004 Election, but as one investigator stated, ***"I know I voted in the Election, but I can't be certain it counted."***

## **APPENDIX ONE – STATE STATUTES (circa 2004)**

### ***5.15 Division of municipalities into Wards.***

(1) (a) 1. Every city, village, and town in this state shall by its common council or village or town board, respectively, be divided into wards as provided in this section, except as authorized in sub. (2). The boundaries of the wards established under this section, and the number assigned to each ward, are intended to be as permanent as possible, and to this end each ward shall when created contain a population increase or decrease within that part of the municipality in which the ward is located.

2. Once established, the boundaries of each ward shall remain unchanged until a further decennial federal census of population indicates that the population of a ward is then above or below the applicable population range or until the ward boundaries are required to be changed to permit creation of supervisory or aldermanic districts of substantially equal population or to enhance the participation of members of a racial or language minority group in the political process and their ability to elect representatives of their choice

### ***6.10 Elector Residence.***

Residence as a qualification for voting shall be governed by the following standards:

(1) The residence of a person is the place where the person's habitation is fixed, without any present intent to move, and to which, when absent, the person intends to return.

(8) No person gains a residence in any ward or election district of this state while there for temporary purposes only.

### ***6.33 Registration forms; manner of completing.***

(1) The municipal clerk shall supply sufficient registration form as prescribed by the board printed on loose-leaf sheets or cards to obtain from each applicant information as to name, date, residence location, citizenship, age, whether the applicant has resided within the ward or election district for at least 10 days, whether the applicant has lost his or her right to vote, and whether the applicant is currently registered to vote at any other location, and shall provide a space for the applicant's signature. The forms shall also include a space where the clerk may record an indication of whether the form is received by mail and a space for the identification serial number of any elector who is issued such a number under s. 6.47(3). Each register of deeds shall obtain sufficient registration forms at the expense of the unit of government by which he or she is employed for completion by any elector who desires to register to vote.

### ***6.55 Polling place registration; voting by certification.***

(2) (a) 1. Except where the procedure under par. (c) or (cm) is employed, any person who qualifies as an elector in the Ward or election district where he or she desires to vote, but has not previously filed a registration form, or was registered at another location, may request permission to vote at the polling place for that ward or election district, or at an alternate polling place assigned under s.5.25 (5)(b). When a proper request is made, the inspector shall require the person to execute a registration form prescribed by the board.

(7) (a) For purposes of this section, an identifying document constitutes acceptable proof of residence if it includes:

1. A current and complete name, including both the given and family name; and
2. A current and complete residential address, including a numbered street address, if any, and the name of a municipality.
  - (b) If an elector's address has changed since an identifying document was issued, the new information may be typed or printed on the document by hand, in ink.
  - (c) Identifying documents which constitute acceptable proof of residence under this section, when they contain the information specified in par. (a), include the following:
    1. An operator's license issued under ch. 343.
    2. An identification card issued under s. 343.50

## SPECIAL INVESTIGATIONS UNIT

3. Any other official identification card or license issued by a Wisconsin governmental body or unit or by an employer in the normal course of business, but not including a business card.
  4. A credit card or plate.
  5. A library card.
  6. A check – cashing or courtesy card issued by a merchant in the normal course of business.
  7. A real estate tax bill or receipt for the current year or the year preceding the date of the election.
  8. A residential lease which is effective for a period that includes election day.
  9. A university, college or technical institute fee card.
  10. A university, college or technical institute identification card.
  11. An airplane pilot's license.
  12. A gas, electric or telephone service statement for the period commencing not earlier than 90 days before election day.
- (d) Identifying documents specified in par. (c) which are valid for use during a specified period shall be valid on the day of an election in order to constitute acceptable proof of residence at that election.

### ***6.79 Recording Electors***

(2) MUNICIPALITIES WITH REGISTRATION (a) Except as provided in sub. (6), where there is registration, each person, before receiving a voting number, shall state his or her full name and address. Upon the prepared registration list, after the name of each elector, the officials shall enter the serial number or the vote as it is polled, beginning with number one. Each elector shall receive a slip bearing the same serial number. A separate list shall be maintained for electors who are voting under s. 6.15, 6.29 or 6.55 (2) or (3) and electors who are reassigned from another polling place under s. 5.25 (5) (b). Each such elector shall have his or her full name; address and serial number likewise entered and shall be given a slip bearing such number.

## APPENDIX TWO – ABSENTEE BALLOTS (circa 2004)<sup>19</sup>

### 6.88 Wisconsin Statutes

1. On Election Day, the municipal clerk has “absentee runners” deliver the absentee ballots to the polling place in a carrier envelope throughout the day.
2. Election inspectors open the carrier envelope, before the “runners” leave, to verify the ward numbers on all ballots they have delivered. Sign the Absentee Ballot Receipt form and related cards for each ward.
3. Election inspectors announce the absent elector’s name to provide the opportunity for challenge, and for the election inspectors to determine that the person is a qualified voter and has not already voted in the election.
4. If an absentee ballot is challenged, follow the procedures for handling challenged absentee ballots, as set out on page 17 of the “Election Day Manual for Wisconsin Election Officials.” Election inspectors must use their best judgement when dealing with challenges.
5. The election inspectors carefully review the certificate envelope.

**An absentee certificate envelope is reviewed and accepted if:**

1. The envelope is not open; or,
  2. The envelope has not been opened and then resealed;
  3. The signature of the elector appears on the certificate;
  4. The envelope contains any certificate that was sent to the elector via facsimile transmission or electronic mail;
  5. The address of the voter is on the certificate and the address is within the ward or wards served by the polling place, If there is a label on the envelope but the Elector’s name is not found on the Poll List. Accept the ballot and add the Elector’s name to the “*Absentee Ballots - Sworn Registered Voters List*” (lime green sheet in Poll List Book; see page 33).
  - 6 The certificate contains the signature of one witness. (A notary is not required.)
6. If the election inspectors have reliable proof that an elector has died before Election Day, the absentee ballot should be rejected.
  7. When the inspectors find that the Absentee Certificate has been properly

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<sup>19</sup> From the City of Milwaukee “Election Inspector’s Handbook” (Rev. 2/2004)

executed, that the applicant is a qualified elector of the ward or election district, and the applicant has not voted in the election, proceed as follows:

1. Enter "A" next to the elector's name on the poll list.
2. Open the absentee certificate envelope.
3. Take out ballot without unfolding and examining it.
4. Unfold and deposit the ballot in the OPTTECH III-P Eagle Machine.
5. The certificate envelope is placed in the envelope titled *Used Certificate Envelopes of Absentee Electors* (EB-103).
6. Verify that the ballots contain the initials of the issuing clerk. If not, these ballots are not rejected, but an indication must be made on the *Inspectors' Statement* (EB-104). This indicates an administrative omission and will serve as a reminder to the issuing clerk.

**8.** If the ballot is **accepted**, record the voter number on the poll list and absentee certificate envelope. Discard the pink slip. Place the absentee certificate envelope in the *Used Certificate Affidavit Envelopes of Absentee Electors* (EB-103).

**9.** If the ballot is **not accepted** and cannot be reconstructed, mark on the back of the ballot the reason for "REJECTION" and complete the third page of *Inspector's Statement of Defective and Challenged Ballots*. Do not give the absent elector a number if their ballot is rejected. Place the ballot back in its original absentee certificate envelope then put in the envelope titled *Certificate of Rejected Absentee Ballots* (EB-102).

**10. If the absentee certificate envelope is found to be insufficient and is rejected:**

1. The envelope is not opened, but is marked "rejected" and the reason for rejection is written on the envelope;
2. The elector's name is not entered on the poll/registration list;
3. The unopened certificate envelope, with the ballot enclosed, is placed in the envelope titled *Certificate of Rejected Absentee Ballots* (EB-102);
4. A notation is made on the *Inspectors' Statement* (EB-104) of the number of absentee certificate envelopes rejected along with a statement of the reasons for rejection.

### ***Rejected Absentee Ballots***

**If the machine rejects an absentee ballot, the ballot can be reconstructed if the voter's intentions are clear.**

If the absentee ballot is reconstructed, the Election Inspector **does not** initial the reconstructed ballot.

Mark the original ballot and reconstruct the ballot with the same number, commencing with the number "1".

Place the original ballot in the envelope marked "Reconstructed Ballots (Originals)". ***This envelope is to be sealed in the ballot bag with the voted ballots at the end of the night.***

### ***Handling Rejected Ballots***

If a ballot is rejected, the machine will return the ballot. The reason for rejection will be printed on the OPTTECHIII-P Eagle Machine tape. The inspectors should look at the tape for the message.

**DO NOT HANDLE THE VOTER'S BALLOTS UNLESS SPECIFICALLY REQUESTED TO DO SO BY THE VOTER.**

The ballot could be rejected for the following reasons: Blank Ballot, Over-voted, Cross- Voted and Misread-Re-enter.

The law provides for a voter to receive a total of three (3) attempts to cast their ballot.