



# THE LEAGUE OF WOMEN VOTERS OF MILWAUKEE COUNTY

## League Lines

JANUARY/FEBRUARY 2007

### Calendar

414-273-8683

*New web site!!* <http://lwvmilwaukee.org>, e-mail: [info@lwvmilwaukee.org](mailto:info@lwvmilwaukee.org)

#### January

10 Wed – Board Meeting, 6p.m.  
2121 N. Sherman Blvd.  
Washington Park Library  
Contact: Louise Petering, 414/351-3617

17 Wed - Unit Discussion Meetings  
Topics: Program Planning (State and Local)  
Consensus on “Voting Rights,” State Study  
Choose your location & time and  
BRING THIS & the yellow Nov/Dec  
BULLETIN

AFTERNOON UNIT, West, 1 p.m.  
St. Matthew’s Church  
1615 Wauwatosa Ave.  
Contact: Minna Jones (414) 476-5249

EVENING UNITS  
EAST – 6:30p.m.  
Shorewood Public Library,  
Community Rm. South  
Contact: Barbara Hussin (414) 351-0819  
WEST – 7:30p.m.  
Location Varies  
Contact: Ruth Snedic (414) 771-7690

22 Mon – Natural Resources Committee Mtg.,  
7p.m.  
Topic: Energy Study Consensus Part II  
Jennifer Runquist’s home  
3002 E. Kenwood Blvd., Milwaukee  
Contact: Jennifer Runquist, (414)332-5067

27 Sat – Intl Relations Committee, 2:00p.m  
Topic: War Crimes Prosecution and the ICC  
Gloria Weiskotten’s home  
8973 N. 70th Street, Milwaukee  
Contact: Marianne Steigerwald  
(414) 371-7836

#### February

3 Sat – Legislative Breakfast,  
8:30a.m. – 11:30a.m.  
Topics: Referendi 2006, “What’s next regarding  
the Marriage Amendment and Capital  
Punishment” and other topics  
Alverno College Conference Center  
Contact: Elaine Drobny (414) 332-6760  
(See Article p. 2). \$15.00

4 Sat - Intl Relations Committee, 2:00p.m  
Topic: State-Level Responses to Global  
Climate Change  
Alexian Village (precise location available at  
Jan 27 meeting)  
Contact: Marianne Steigerwald  
(414) 371-7836

10 Sat - Intl Relations Committee, 2:00p.m.  
Topic: Children’s Rights  
Anne Morrissey’s home  
4215 N. 100th St., #220, Milwaukee  
Contact: Marianne Steigerwald  
(414) 371-7836

14 Wed - Board Mtg & Bulletin Deadline, 6p.m.  
2121 N. Sherman Blvd.  
Washington Park Library  
Contact: Louise Petering, 414/351-3617

17 Sat - Intl Relations Committee, 2:00p.m.,  
Topic: U.S.–Mexican Realties  
Lucille Bowen’s home  
4215 N. 100th St., #240, Milwaukee  
Contact: M. Steigerwald, (414)371-7836

20 Tue – VOTE  
Nonpartisan Primary Elections &  
Election Night Reporting  
Contact: Barbara Hoppe, (414) 355-5872

21 Wed – Unit Discussion Meetings  
Consensus, “Part II, State Study on Energy”  
Choose your location & time below.  
BRING THIS & the yellow Nov/Dec  
BULLETIN

AFTERNOON UNIT  
WEST, 1 p.m.  
St. Matthew’s Church  
1615 Wauwatosa Ave.  
Contact: Minna Jones (414) 476-5249

EVENING UNITS  
EAST – 6:30p.m.  
Shorewood Public Library,  
Community Rm. South  
Contact: Barbara Hussin (414) 351-0819  
WEST – 7:30p.m.  
Location Varies  
Contact: Ruth Snedic (414) 771-7690

26 Mon – Natural Resources Committee, 7:00p.m.  
Topic: Energy Study Consensus Part II  
Jennifer Runquist’s home  
3002 E. Kenwood Blvd., Milwaukee  
Contact: Jennifer Runquist, (414)332-5067

26 Mon – Intl Relations Committee, 7:15p.m.  
Topic: The Economics of Immigration  
Mike Daun’s home  
2815 N. 67th Street, Milwaukee  
Contact: Marianne Steigerwald  
(414) 371-7836

### SAVE THE DATES

#### January/February

Jan. 17 & Feb. 21  
Invigorating & Inspiring–Unit Discussion  
Meetings. Times and locations in the Calendar

#### May

7 Monday  
2007 Annual Meeting  
Keynoter, State Supreme Court, Chief Justice  
Shirley Abrahamson.

#### BRING THIS BULLETIN & THE GOLD NOV/DEC BULLETIN TO THE JANUARY & FEBRUARY UNIT DISCUSSION MEETINGS

You’ll need them for program planning and the “Voting Rights” study consensus in January and the “Energy” study consensus in Feb.

## LEADERS LINES

Louise Petering, Co-President

Some of you newer members – and those needing renewal – must be asking as you scan the headlines in this bulletin, what is the focus of the League? Essentially, it is “making democracy work.”

The women and men who belong to the League realize that informed, active citizens who are interested in shaping better communities are critical to “making democracy work” – even though myriad issues affect us individually and collectively. To help us sort out what we can do, the League is organized on three levels, local, state and national. Issues are placed in one of four program areas, government, social policy, natural resources, and international relations. Recognizing that all issues are inter-related and that all issues cannot be dealt with at the same time we choose to focus on a handful of issues at a time.

How do we decide to focus on these issues? Using the grassroots approach so aptly explained by Sarajane Kennedy in her article in this bulletin, “January Discussion Units: ...Program-Making, League at Its Grassroots Best!” We, the people here in Milwaukee County, decide what our local Milwaukee County League will do, all the Leagues around Wisconsin decide what we study and advocate collectively in Wisconsin. Likewise all the Leagues in the US decide what we study and advocate collectively in our nation. Annual Meetings, and Conventions are part of the process, but League is indeed grassroots and we do till the political croplands! Yes, it is work, but democracy is worth the work. We get to know one another and have fun working. As you read this bulletin, find an opportunity in League to contribute to a better community, state and nation. You’ll find friends as well.

A bit about fun – Many Thanks to Fran and Steve Swigart for hosting our Winter Social on December 3rd. The good-sized crowd enjoyed conversation, hors d’oeuvres and sweet treats before hearing new information about Predatory Lending from Bethany Sanchez, Metropolitan Milwaukee Fair Housing Council. After Bethany’s presentation, our own Dorothy Dean spoke about Convenient Lending. Festivities then resumed. During the serious discussions those at the Social decided we would work during the coming four months to come to concurrence or consensus on our local study of Convenient/Predatory Lending at April Unit Discussion Meetings. They also thought we should also work through state League to get this item considered for adoption as a State Study!

As the second half of the 2006-2007 League year begins, do invite family, friends, and

co-workers to join you at League Unit Discussion Meetings in January and February and the Legislative Breakfast the first Saturday in February. All meetings will provide time for getting acquainted and will be informative. No one will leave unenlightened! A Happy and Healthy New Year to you and yours!

## FEBRUARY LEGISLATIVE BREAKFAST

Elaine Drobny, League Coordinator

The annual Legislative Breakfast co-sponsored with the Wisconsin Women’s Network on the morning of February 3rd provides an opportunity for those in the audience to ask local State legislators questions on the topics of the program. While all topics are not determined as of this writing, the two referenda (Marriage Amendment and Capital Punishment) passed by the electorate in November 2006 will be included among those discussed. Other possible topics include Crime, Education, Jobs/Brain Drain/Poverty Level in SE Wisconsin, Pay Equity, and Voting Issues.

The breakfast is open to the public. Registration is \$15. For further information, or to volunteer call Elaine Drobny, 414-332-6760. Look for your invitation and registration form in the mail.

## MEMBERSHIP

Mary Stefaniak and Gloria Weiskotten, Membership Co-Chairs

We have been busy updating member information. Please send any new contact information to Mary Stefaniak at maryvstef@sbcglobal.net so that the new Directory (out by the end of January) contains your correct contact information. Also if you have news of members you’d like to share, please contact us at info@lwvmilwaukee.org.

Welcome to our newest members, Amanda Baynton (active on the Natural Resources Committee), Joyce and Bruce Boehlen (interested in the local Convenient/Predatory Lending and national Immigration studies), Ethel Hood and Bethany Sanchez (interested in the local study), Claudia Jordan, Melinda Myers, and Joan Morningstar.

League grows when YOU ask your friends and co-worker, female or male, to join the League or when YOU give a gift membership to the League of Women Voters. A gift membership is appropriate at any time of year. You may use the form on the cover of this bulletin and add your information as well as the recipients OR email us at info@lwvmilwaukee.org.

We extend our sympathy to Past President Barbara Toles on the passing of her brother. Best wishes to Kit and Tom Halloran-O’Meara for his speedy recovery from hip-replacement surgery.

## CONVENIENT/PREDATORY LENDING LOCAL STUDY

Dorothy Dean, Chair

From January through March the C/PL Study Committee will meet several times so that our League can arrive at consensus on our local study at April Unit Discussion Meetings and consider the consensus for adoption at our Annual Meeting on May 7th. Please see our website, <http://lwvmilwaukee.org>, for the schedule of upcoming committee meetings.

If you have questions about either convenient or predatory lending, feel free to attend the committee meetings and ask those questions. Committee members range from the well informed to the uninformed. This range enables us to have understandable discussions and effective positions. Don’t be shy about attending.

To begin understanding the issue, read the Local Study article on page 5 in your Nov/Dec bulletin or at <http://lwvmilwaukee.org>. Also check out the report of The City of Milwaukee Task Force on convenient lending. The full report with attachments is available online at the City of Milwaukee web site. <http://legistar.milwaukee.gov/mattersearch/index.aspx>. When you get to the site enter #050489 in the search box.

Don't be shy about attending!! I welcome anyone who would like to help with our local study on these two types of abusive lending. Dorothy K. Dean, [dorothykd@hotmail.com](mailto:dorothykd@hotmail.com), 414-961-7315.

## **ACTION**

Ruth Snedic

Our "email action team" is working to promote League's advocacy agenda and program positions. If you are interested joining the "team," as "Action Coordinator," I need your email address in order to send out calls for action on pending legislation. If you would like to be part of the email action team please contact me at (414) 771-7690 or [rjrsnedic@milwpc.com](mailto:rjrsnedic@milwpc.com).

**National** – Email action team members contacted our Congressional representatives to urge passage of the DC Voting Rights Act, H.R. 5388, sponsored by Rep. Tom Davis (R, VA) and Delegate Eleanor Homes Norton (D, DC). The legislation has not yet passed.

**State** – On behalf of our League, and based on our Wisconsin position that encourages "... conservation ... of undeveloped areas with the primary purpose of leaving them in their natural state," Co-Pres. Petering urged Rep. Friske and the Joint Committee for Review of Administrative Rules not to de-list the Butler Garter Snake. She noted that species decline and extinction are indicators that our environments themselves are in decline and must be protected from further degradation and remediated so that all life forms, including human, are able to thrive in a healthy environment. The Committee voted 7-2 to rescind a vote that would have removed the snake from the state threatened species list.

**State/Local** - Co-Presidents McKenzie and Petering sent a letter to Governor Doyle asking his support to establish Common Funds in municipalities. Approval of Common Funds would allow local communities to use 15% of Tax Incremental Financing (TIF) monies for a Common Fund and to spend 75% of those monies on affordable housing. Thanks to Barbara Hussin and Sue Lindberg for work on the letter and board members for input.

## **INTERNATIONAL RELATIONS**

Great Decisions 2007, Marianne Steigerwald, Chair

Again this year the International Relations Committee will meet weekly and use the study guide produced by the Foreign Policy Association to discuss each topic of the "Great Decisions 2007" series. The schedule of the IR Committee meetings appears in the calendar of this bulletin. The Great Decisions series itself takes place weekly on Tuesday evenings from January 23 through March 13th. The programs run from 7:00-8:30p.m. in the UWM Student Union – Union Ballroom,

2200 E. Kenwood Blvd. Registration for each program begins at 6:30 p.m. Admission for the event for Non-Members of the Institute of World Affairs is \$8/session.

Jan. 23: Justice Richard Goldstone [CONFIRMED], Former Chief Prosecutor of the United Nations International Criminal Tribunals for the former Yugoslavia and Rwanda on war crimes prosecution and the ICC

Jan. 30: John Garamendi [CONFIRMED], California Lt. Governor-elect on state-level responses to global climate change

Feb. 6: Pamela Shifman [CONFIRMED], Child protection officer, UNICEF on children's rights

Feb. 13: Carlos Manuel Sada Solana [PENDING], Consul General of Mexico in Chicago on US-Mexican relations

Feb. 20: Susana Guerra Vallejo [PENDING], Director of the State of Guanajuato's office assisting Mexican nationals abroad on the economics of immigration

Feb. 27: Col. Tony Pfaff [CONFIRMED], Senior US Army intelligence officer with recent service in Baghdad on Middle East security and reform.

## **JANUARY UNIT DISCUSSIONS: VOTING RIGHTS CONSENSUS AND PROGRAM- MAKING, LEAGUE AT ITS GRASSROOTS BEST!**

Sarajane Kennedy, Program-Making Coordinator

Our unit meetings on Wednesday, January 17 offer a unique opportunity for every member to take part in both the late stage and the beginning stage of state program making. How fitting that we will spend the first part of the meeting discussing the current 2005-2007 state study, Voting Rights, with a view toward reaching consensus, and the second part of the meeting reviewing current state positions and considering suggestions for a 2007-2009 state study idea or action focus.

Since State Positions are the result of earlier studies and provide the basis for League Action, it is necessary that there be a periodic review of these positions with a decision to maintain, drop or restudy them. This review is also a great opportunity to expand your understanding of issues we are involved with on the state level. (Please see and review the attached summary of State Positions.)

During 2005-2007, we have tackled two state studies, Energy and Voting Rights. The 2003-2005 state study dealt with Alternative Forms of Education.

The 2001-2003 state study dealt with Civil Liberties. What do you see as the big issues in Wisconsin or what will be big issues in the future that we might propose to study in 2007-2009? Might it be Convenient/Predatory Lending as discussed at our December Social? In proposing a new study, the item must be timely, of statewide scope, have local participation and allow for effective action. If there is an existing state or national position on the issue you identify, an action focus can be recommended instead of a study.

You may not have attended the state convention where this grass roots planning process ends in the adoption of a study or the adoption of a position, but this is our opportunity to participate in two stages of the process at our level, as State League members. Come to the unit meeting of your choice! Be part of League's rich grass-roots tradition.

# STATE STUDIES MATERIALS

## STATE STUDIES: ELECTRICAL ENERGY AND VOTERS' RIGHTS

*Editor's Note: Having adopted these two studies at the LWV WI Convention in 2005, local Leagues will be taking consensus on the Voting Rights Study at Unit Discussion Meetings on January 17th. We will take consensus on Part II of the Energy Study at Unit Discussion Meetings on February 21. The articles that follow will prepare you for these consensuses. (Program planning will also take place at the January Unit Discussion Meeting. Materials for Program Planning are found earlier in this bulletin.) Please read the items below and bring this and the Nov/Dec bulletin to the meetings on Jan. 17 and February 21.*

*To participate in the consensus process you must be a paid-up League member. When the local consensuses are complete, our results and those from Leagues around Wisconsin will be sent to the state League for compilation by the study committees, consideration by the state board, and voted on by delegates to state convention in June, 2007. If adopted at state convention, the consensus items will be incorporated into our state positions and be used as the basis for action.*

## VOTING RIGHTS STUDY

Kit Halloran O'Meara and Marilyn Boeldt, Co-Chairs

Yes, 2007 is here. January provides you with an opportunity to determine how the Voting Rights position should be improved and to start thinking about the 2007 Spring Elections and (do we dare mention it?) the very busy 2008 election year.

**Please review the following materials and remember to bring them and your Nov/Dec bulletin (gold) to the January meetings.** The study materials prepared by the state committee on Photo ID, Felon Disenfranchisement, Deputy Registrars and Absentee Voting are below. Read them and others on Election Officials, Poll Watchers, etc. for a full picture on election/voting issues. The Consensus questions appeared in the Nov/Dec bulletin. Looking forward to seeing you in January!

### PHOTO ID

The Wisconsin State Legislature has introduced many bills that would require a photo ID card for voting. The ones that reached Governor Doyle's desk were vetoed by him. Legislators are now attempting to introduce a constitutional amendment that would require every person presenting him or herself at the polls to present photo identification.

Our legislators are undeterred by the fact that in October of 2005 a Georgia judge blocked implementation of a similar law, holding that he believed the plaintiffs have a substantial likelihood of succeeding on the merits of their claims that the photo ID requirement is an unconstitutional burden on the right to vote and constitutes a poll tax.

Wisconsin legislators favoring this bill state that it will address the question of election fraud. In reality, it will not.

The information below came from [www.demos.org](http://www.demos.org): Voter fraud at polls is minimal and unlikely to change election outcomes.

- Implementation of restrictive polling place ID requirements create

added burdens for already harried poll workers, for miniscule gain. Data from the U.S. Department of Justice shows that while 196,139,871 votes have been cast in federal elections since October 2002, only 52 individuals have been convicted of federal voter fraud. Most of these convictions were for vote buying or for voter registration fraud, neither of which would be prevented by restrictive ID requirements at the polls.

- The Coalition on Homelessness & Housing in Ohio and the League of Women Voters Coalition found that, while more than 9,078,728 votes were cast in Ohio during the 2002 and 2004 elections, there were only four instances of ineligible people voting or attempting to vote in the state--approximately 0.00000044 percent of the total number of votes cast.

A far-ranging federal probe into allegations of fraud in Wisconsin uncovered no evidence of a conspiracy to influence the 2004 presidential election. U.S. Attorney Steve Biskupic's investigation resulted in charges against 10 formerly incarcerated individuals for voting illegally and against four others for voting twice. Of those four, three cases have been dispensed with without conviction; the fourth prosecution is still pending in court. By way of comparison, 2,997,007 votes were cast

Photo ID mandates do not address the concerns raised by proponents.

- Restrictive ID requirements may plausibly prevent fraudulent voting by individuals using false names, but these cases are extremely rare. Individuals who registered under fictitious names during the 2004 election--such as Mary Poppins and Dick Tracy--did not cast ballots and were caught by election officials prior to Election Day.
- Unscrupulous partisans do try to sway the results of high-stakes elections--through organized voter intimidation and vote suppression campaigns. These tried-and-true conspiracies can prevent thousands of votes from being cast. Individual voter fraud is by comparison not only rare, but a high-cost/low-gain gamble. While the odd fraudulent voter risks detection by trained election officials, imprisonment and/or stiff fines, his sole vote is unlikely to alter the outcome of any election.
- Stringent polling place ID requirements will not prevent vote-buying schemes, ballot tampering, voting by disfranchised felons or ineligible non-citizens, voting in multiple locations, or the abuse of absentee voting provisions.

Restrictive ID requirements risk disfranchising millions of Americans.

- The American Association of People with Disabilities estimates that more than 3 million Americans with disabilities do not possess a driver's license or state-issued photo ID.
- A University of Milwaukee study has found that approximately 23 percent of Wisconsin residents aged 65 and older do not have driver's licenses or photo identification, while fewer than 3 percent of Wisconsin students have driver's licenses showing their current address. The study also revealed that less than half of African-American and Hispanic adults (47 percent and 43 percent respectively) living in Milwaukee County have valid driver's licenses.
- AARP of Georgia estimates that about 153,000 Georgia seniors who voted in 2004 do not possess a government-issued photo ID. These Georgians could not have voted had the 2005 ID law been in effect.

- The 2001 Commission on Federal Election Reform estimated that 6 to 10 percent of voting-age Americans do not have a driver's license or state-issued photo ID--as many as 20 million eligible voters. The same report found that those who lack photo ID are disproportionately poor and urban.
- In 1994, the U.S. Department of Justice found that African Americans living in Louisiana were four to five times less likely to have government-issued photo ID than whites. These numbers are likely to have grown in the wake of Hurricane Katrina. A large percentage of those victimized by the storm have lost birth certificates, social security cards and all other government-issued documentation.

### **FELON DISENFRANCHISEMENT**

Prison populations have ballooned by nearly fifty percent across the United States in the last ten years to 1.5 million inmates at the end of 2004 (Prisoners in 2004, Office of Justice Programs, Bureau of Justice Statistics, NCJ 210677, October 2005). And the numbers of persons on probation and parole have likewise increased to almost five million in 2004 (Probation and parole in the United States, 2004, Office of Justice Programs, Bureau of Justice Statistics, NCJ 210676, November 2005).

During that same decade, Wisconsin's correctional populations more than doubled -- from 10,337 in 1995 to 21,540 in 2004 -- second only to North Dakota for the fastest rate of increase in the nation. And the number of those on probation and parole in Wisconsin stands at 68,000 this year, to increase to 72,000 in 2006, according to Tony Stroeveler of the Department of Corrections.

The Sentencing Project estimates there are now 9.5 million ex-offenders (no longer under probation or parole supervision) in the general population. Not all of these felons and ex-felons have lost their right to vote, but many have. Now 48 of the 50 states bar those in prison from voting and all but a handful also disenfranchise those on parole and probation. Only Maine and Vermont allow all felons including inmates, to vote. Six states -- mostly in the south -- and the District of Columbia exclude all ex-offenders from voting permanently.

The Sentencing Project noted in *Losing the Vote: The Impact of Felony disenfranchisement Laws in the United States*, October 1998:

The racial impact in certain individual states is extraordinary:

In Alabama and Florida, 31 percent of all black men are permanently disenfranchised.

In five other states -- Iowa, Mississippi, New Mexico, Virginia, and Wyoming -- one in four black men (24 to 28 percent) is permanently disenfranchised.

In Washington state, one of four black men (24 percent) are currently or permanently disenfranchised.

In Delaware, one in five black men (20 percent) is permanently disenfranchised.

In Texas, one in five black men (20.8 percent) is currently disenfranchised.

In four states --Minnesota, New Jersey, Rhode Island, and Wisconsin --16 to 18 percent of black men are currently disenfranchised.

The Sentencing Project notes that Florida had an estimated 600,000 ex-felons who were unable to vote in the 2000 presidential election. Given current rates of incarceration, three in ten of the next genera-

tion of black men can expect to be disenfranchised at some point in their lifetime. In states that disenfranchise ex-offenders, as many as 40 % of black men may permanently lose their right to vote.

Wisconsin bars those in prison as well as those on probation, parole and extended supervision (replaced parole under the Truth in Sentencing law) from exercising their right to vote. Consequently next year, nearly 100,000 persons (72,000 on probation or parole or extended supervision) plus over 21,000 in prison will be denied the vote. This is more than two percent of the approximately 5,000,000 eligible voters in Wisconsin; and of course, African-Americans are disproportionately represented in this total. This number and proportion will grow quickly as the impact of Truth in Sentencing, with its longer sentences, begins to be known.

### **DEPUTY REGISTRARS**

Deputy registrars play an important role in Wisconsin in getting out the vote. They help reduce the registration burden on municipal clerks and keep Election Day registrations to manageable numbers. Some deputy registrars are paid by organizations, but many are dedicated volunteers. For the November 2004 election, a survey found 95 municipalities that appointed deputies, with well over 5,000 deputies total.

Special registration deputies must be qualified electors in Wisconsin and are required to take an oath. They must be deputized by the clerk of each municipality in which they wish to register voters. These are individuals appointed for a specific term, such as those working for voter registration drives immediately before an election. Special registration deputies are considered local election officials acting on behalf of the municipal clerk and must follow the same registration requirements municipal clerks do. Accordingly, they are not required to obtain identification or proof of residence from qualified electors before the registration deadline. Except when they have been appointed to work at polling locations, special registration deputies are not allowed to register voters within thirteen days of an election.

Some recent developments:

**Payment** – The Legislative Audit Bureau reported that four individuals were charged with submitting fraudulent registration forms while serving as special registration deputies before the November 2004 elections. Reportedly these registrars were paid by their employer on a per registrant basis, which may have encouraged them to submit fraudulent registration forms to increase their compensation. In response, the Governor (AB-542) and the Legislative Council (SB-612) proposed outlawing payment related to the number of registrants. As of this writing, all indications are that SB-612 will become law.

**Rules** – The audit bureau notes that Section 6.26(3), Wis Stats, requires the Elections Board to develop rules for appointing, training and revoking the appointments of special registration deputies. Although this requirement took effect in 1988 as part of 1987 Wisconsin Act 391, the Elections Board has not promulgated these rules. It is expected that the Elections Board will promulgate those rules in 2006. Perhaps the Board will accept public input into the rules.

**Accountability** – The new statewide voter registration system may have a field that allows the clerk to track the registration form submitted by each deputy, thereby increasing accountability. SB612 creates 6.26 (4) of the statutes: "Each special registration deputy under this section who obtains a registration form from an elector shall print his or her name on and sign the form, affirming that the deputy has accepted the form.

*continued on pg. 6*

continued from pg. 5

Statewide deputies – As of January 1, 2006, the Elections Board is authorized per statute 6.26 (2) to appoint special registration deputies for the purpose of registering electors of any municipality. This change was contained in 2003 Wisconsin Act 265. It is significant because deputies appointed under this authority will not have to get multiple appointments to register voters in multiple municipalities. The staff of the Elections Board stated in January that they decline to implement this clause until they have promulgated rules.

Proposal to eliminate – In late 2005, the Special Committee on Election Law Review<sup>2</sup> submitted a report that recommended eliminating deputy registrars except for those who work at specific locations such as high schools. The reasons given were that people could register through deputies and vote without ever having to show identification; that registrars often submitted forms to the wrong municipality; that forms were submitted in large batches too close to an election; and that forms were submitted for people already registered. When this was presented to the Joint Legislative Council on December 14, 2005, Senator Judy Robson eloquently criticized this recommendation as a significant blow to voter registration drives. The recommendation was later removed from the proposed legislation, which became SB612.

Training – SB 612 provides that no person may serve as a poll worker, special registration deputy or special voting deputy unless that person has received training required in the bill unless certain unforeseen circumstances occur. It also provides that the State Elections Board shall by rule prescribe the contents of training.

1. Voter Registration, September 2005, Wisconsin Legislative Audit Bureau <http://222.legis.state.wi.us/lab/PastReportsByDate.htm>

2. Special Committee on Election Law review was formed by the Joint Legislative Council. Members were five legislators, four clerks and two election law lawyers. The Executive Director of the State Elections Board was a non-voting member. <http://www.legis.state.wi.us/lc/3/COMMITTEES/Special%20Committeesd/2004/ELAW/index.htm>.

## **ABSENTEE BALLOTS**

### **Current Position**

Maximum opportunity including ease of obtaining and executing absentee ballots. (In 1978 we supported automatic sending of absentee ballots to registered voters confined indefinitely to a home or institution. Enacted. In a League supported general election overhaul in 1989-90, there were special absentee voting provisions for military electors and included military families.)

### **Current Issues**

Our position of “maximum opportunity” has served us well even as absentee ballots have taken a more central position in the 2000 and 2004 presidential elections. However, the discussion has shifted somewhat to include the concept of using absentee ballots to create an early voting system. Since Wisconsin went to a “no excuse needed” for absentee ballots, many of us were urged to vote early to be available as a volunteer on election day and the corps of election observers multiplied. In some municipalities the increased absentee ballots put quite a strain on the system.

Oregon has a sophisticated early voting system. Almost all of Oregon’s voting process is accomplished in the mail. Registered voters receive a ballot in the mail between 18 and 14 days before “election day.” The voter fills out the ballot and either mails it back so that it arrives in the county election office by 8 pm on election day or places it in a drop box before that deadline. Absentee ballots are still available. A voter with either visual or dexterity limitations can vote at a special machine at the county elections site or by requesting assistance at home. For more information see [www.oregonvotes.org](http://www.oregonvotes.org).

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A number of changes to absentee ballots have been proposed by the Legislative Council Special Committee on Election Reform. When reviewing these, consider whether they would:

- ease obtaining or casting an absentee ballot?
- make absentee ballots more widely available?
- move toward an early voting system in Wisconsin?
- assure an accurate and efficient count of the votes?
- be fair?

## **Special Committee Draft Proposals**

### **Requests:**

- Applications or requests from registered voters, including military and overseas voters, may be made by fax or e-mail with a copy of an original signature. (The absentee ballot when returned must be accompanied by the original request & signature.)

### **Military:**

- Every request for a military absentee ballot is to be considered a request for all subsequent elections until the clerk is properly notified or two general elections pass with no ballots being returned.
- Some late arriving ballots may be counted if received before the deadline for a recount request or if postmarked on or before election day. They will be counted **ONLY** in a recount. The clerk must announce and post the number of absentee ballots not yet returned by military electors (but not the names of the electors.)

### **Observers:**

- Absentee ballots must be opened, names announced, and placed in ballot box or machine so that election observers can see and hear.
- Observers may go along to nursing homes, etc. with special deputies at time and place announced.

### **Alternate Absentee Ballot Site:**

- An alternate site may be established by the governing body of the municipality. If that is done, **NO** absentee ballot activity going on at the alternate site may be done at the clerk’s office at the same time.
- Same rules for election day observers apply to absentee voting at the clerk’s office or at the alternate site.
- Same rules for electioneering near the polls apply to either the clerk’s office or the alternate site.
- Counting the absentee ballots may be done at the alternate site by a special absentee ballot board of canvassers **IF** established by the municipality’s governing board. The counting can only be done on election day and no results may be announced until all have been counted.

**Witnesses:** All absentee ballots are to be witnessed by an adult U.S. citizen (prior requirement was just a U.S. citizen and would presumably have allowed a child to be the witness).

### **Some Thoughts:**

1. It might be a good idea if local Leagues could check with their clerks to see if it would be valuable to them to move the absentee ballot activities to an alternate site. And why? Would it make it easier or more confusing for absentee voters? For election administration?
2. There is a list of registered voters on a “permanent” absentee ballot list; that is, they automatically get an absentee ballot each election. They have signed a statement saying they are indefinitely confined or disabled. Unfortunately some of the letters going out to this list seem to indicate that they have to be confined to a nursing home. Perhaps a

local League might want to check with their clerk to see how a voter who just has difficulty getting to the polls can be on the automatic list.

3. The Uniformed and Overseas Citizens Absentee Voting Act is the federal law that allows all US citizens (military & families, federal employee or civilian) to vote in federal elections. It created the Federal Voter Assistance Program (FVAP) which is charged with administering the overseas voting program including creating the uniform application, promoting the voting, investigating irregularities and coping with the variety of states' rules and regulations. Although FVAP is based in the Defense Department, it is responsible for civilian voting overseas as well. A League might wish to check on any interaction between a municipality and FVAP. Relatives of overseas voters often report difficulties encountered also.

4. Those concerned about the appropriateness of special concessions for military electors might consult The Election Law Journal, April 2005 issue. It has an article on the controversy concerning late military ballots written by Professor Diane Mazur of the University of Florida Levin College of Law.

5. Leagues might check with their local clerks on the maintenance of privacy of absentee ballots under both the current and proposed systems of canvassing.

## ELECTION OFFICIALS

In Wisconsin Statutes ( [www.legis.state.wi.us](http://www.legis.state.wi.us) ) Chapter 7 and subsection 30, the election laws of Wisconsin are explained in regard to the Appointment of Election Officials (poll workers). Several paragraphs on Qualifications and Procedure give specific information on how poll workers are to be chosen. Throughout these paragraphs there are many references to the need for poll workers to be affiliated with the political parties recognized by the state: Democratic, Green, Libertarian and Republican. The above noted subsection states: "For as long as nominees are made available by the political parties under this section, appointments may be made only from the lists of submitted nominees." Names submitted to a municipal elections board would be listed according to party affiliation. The idea is to give equal representation to all parties.

Each polling place is to have seven officials including one person named as the chief inspector. Currently only the lead poll worker (chief inspector) in each polling place is required to be trained. SB 612 calls for all election officials to be trained and for the state to set the parameters for the training. It also directs the state elections board to produce and update a video training program and make it available through the internet. The new legislation also allows for an additional nonpartisan poll worker at each site to serve as a greeter.

Once named to the position, a poll worker serves for two years. They may continue to serve being reappointed every two years. Election officials obtain certification through training offered through state and local auspices. They must comply with the training requirements to maintain their certification. The new SB 612 will also require the municipalities to pay the officials for the training time. The new legislation will also provide that high school students meeting requirements set by their school boards may be appointed as election officials for a single election (though they may be reappointed.)

I called a city, a village and a town in Dane county to ask about how a person is chosen to become a poll worker. In each case, I was told that anyone can apply, there is no test for party affiliation, and the clerk appoints workers as needed. In some cases they put an ad in the paper to interest citizens in the work. Several clerks said, "It's sort of like they have been doing this forever," referring to the poll workers. The

city of Milwaukee has an election official recruitment project to reach corporations, managers of other city departments, civic groups and interested individuals.

## ELECTION OBSERVERS/POLL WATCHERS

Hollywood has occasionally dramatized the role of poll watchers over the years. We have seen them preventing people from entering the polls, sometimes using physical force, instructing people which way to vote and either adding or removing ballots from the ballot box. In some places, these were acceptable, uncontested behaviors for many years. In Wisconsin, while there was some of this behavior in the past, it was never widespread, perhaps because Wisconsin has a history of legislation regarding the conduct of poll watchers.

The laws regarding election observers go back as far as 1891. At that time two "challengers" per election district could be appointed by each political party to observe election proceedings and the counting of ballots at each polling place. Derivatives of that first legislation became Chapter 7.39 Wis. Stats, which allowed recognized political parties to appoint two party observers per polling place, and partisan candidates in primaries or any nonpartisan candidate to appoint one observer per polling place.

Legislation (1989) allows any member of the public to observe an election, except for a candidate. The chief inspector may reasonably limit the number of observers and may order an observer removed if that person disrupts the operation of the polling place or engages in any electioneering. It rendered Chapter 7.39 effectively obsolete.

A chapter of the Administration Code (ElBd4) was created to empower the Elections Board to administer the statutes authorizing non-partisan and bipartisan elector organizations not affiliated with a candidate to appoint election observers in order to monitor compliance with election laws by local election officials. On election day, election officials can position election observers so that they can closely monitor procedures though they are not to interfere with proceedings. The Elections Board provides a form for use by registered election observers to determine whether or not the polling place is complying with criteria and standards established by the Elections Board. This is the mandated way to report any polling place variances. Election observers must be registered with the Elections Board by their organization 45 days prior to the election and sent to the municipality seven days prior to the election. They cannot be affiliated with any candidate.

S.7.41 Stats gives the chief inspector of a polling place authority to limit the number of persons representing the same organization in the polling place at the same time and to designate a specific area to which all election observers are restricted. However, this area must ensure ready observation of all public aspects of the voting process. The chief inspector may order removal of any election observer who disrupts the operation of the polling place.

An election observer is not entitled to view registration lists per S.6.36 (4) Stats, S.6.47 (2) Stats, S.6.79 (6) Stats. The registration list contains confidential information, such as names and addresses of eligible persons. The same restriction applies to the pool list. Upon request, inspectors can disclose the existence of such lists and the number of electors whose names appear on the list as well as the number of those electors who have voted at any point in the proceeding. Further, the election observer may not view the certificate of any absentee voter or any confidential listing.

Reports indicate that these statutes were not followed during the last national election and that election observers were sitting next to inspectors, looking at registration lists and hearing and double-check-

ing the location of electors' names on the lists, then following the elector to ensure that he/she was given the correct number upon receiving the ballot. They also allegedly followed electors up to the point of placement of the ballot and even asking the elector who they voted for. The election inspectors were constantly asking for explanations of what they perceived to be discrepancies with numbers in the machines.

SB 612 directs the Elections Board to promulgate rules for election observers within sixty days to Legislative Council staff. This is an important step in ensuring that election observers fulfill the purpose intended under the law and no other. What other rules might we suggest? How can we ensure that election officials are also trained in these rules?

## **ENERGY STUDY PART II FEBRUARY 21, UNIT DISCUSSION MEETING**

Jennifer Runquist, Chair, Natural Resources Committee

The League of Women Voters of WI is nearing the end of a two-year study of electric power in WI. The purpose of the study is to develop a substantive energy information base for our members who in turn will inform their communities. To accomplish these goals, the state study committee has developed information papers and related documents.

These are available at [www.lwvwi.org](http://www.lwvwi.org). By reading the materials below and participating in the consensus process, we will expand and strengthen our energy positions. Then we can assume a more aggressive advocacy role with respect to electrical energy issues. The first phase of LWVMC consensus process took place on November 15, 2006. Part II of the consensus will take place at the Unit Discussion Meetings on February 21. See the calendar, page 1, for optional meeting times and places. Please read the materials on Strategies for Clean Electricity, Planning and Regulation that appear below to prepare for the consensus.

### **I. STRATEGIES FOR CLEAN ELECTRICITY**

Electricity production releases about  $\frac{1}{3}$  of all human derived carbon emissions worldwide. In order to keep emissions at the 2004 level of 7 billion metric tons, a Carbon Mitigation Initiative was introduced. Three categories were identified 1) managing energy demand with efficiency and conservation, 2) de-carbonizing the energy supply by utilizing nuclear fission and renewables wind, solar, biomass or by capturing CO<sub>2</sub>, and 3) biological storage of carbon in forests and agricultural soils. Since the total amount of carbon that transfers between the atmosphere and the land and waters normally during the year, due to biological processes, is very much greater than the CO<sub>2</sub> emissions due to human activity on a yearly basis, increasing biological storage could be useful. Additional elements will affect our energy future as well, such as the predicted peaking and diminishing of oil and natural gas sources, growth of carbon emissions by developing societies in addition to that of the USA and Europe, and possible technological developments in electricity storage and hydrogen fusion, which is as clean as nuclear power but without hazards to public safety, transportation and storage problems.

#### **A. Primary strategies for stabilizing emissions of CO<sub>2</sub>.**

Primary strategies include conservation and energy efficiency, renewable fuel sources, and management strategies to reduce demand including distribution of generation resources. Energy efficiency means using less energy to perform the same function at the same level of quality. Energy conservation means using less energy by either reducing demand by energy efficiency or by a significant change in behavior by electricity users. Conservation is aligned with movements fostering simplicity and sustainability and questions the growth of large homes and buildings with more rooms and more electrical applications, many of which are on continuously. Increasing energy efficiency and conser-

vation offers the greatest potential to reduce energy use, due to use of fuel-efficient vehicles, energy-efficient space heating, cooling, water heating, lighting and refrigeration in residential and commercial buildings. WI Act 141 2006 requires the Department of Commerce to upgrade the Commercial Building Code to 2005 International Energy Conservation Code efficiency standards and purchase equipment for state buildings that meet Energy Star or equivalent high efficiency standards.

Energy efficiency programs include: helping customers overcome barriers to making better energy decisions; improving the ability of product manufacturers or service providers to offer higher efficiency products and services; requiring energy efficiency standards for buildings, equipment and appliances and supporting lower hook-up charges for more efficient buildings. Demand management shifts or reduces demand that occurs at the time of peak demand on the utility system by a voluntary reduction of customer services. Management strategies to reduce demand reduces electricity consumption so that the need for imported power and the stress on the transmission network is lessened. Another strategy for transmission demand reduction is to build distributed generation consisting of small generators that can be located on small sites near to electrical demand.

Renewable fuel sources are energy resources that do not need to be replaced but are continually produced by natural processes. Wind, solar, geothermal, hydroelectric, wood refuse, biomass, and other wastes from agricultural operations are renewable sources.

In WI wood burning and hydroelectric are the largest alternative sources for electricity and steam. Biogas from landfills and wastewater treatment plants and biosolid waste produce steam. In 2004 55 wind turbines produced 105 kWh, only 4% of the electricity generated by utilities' hydro plants. Additional wind projects are planned for WI. Commercial investments depend in part on the federal Production Tax Credit.

Policy supporting renewable technologies include the 1993 WI Energy Priorities Law that places top priority on conservation and renewables and the lowest priority on fossil fuels. Utilities are now required to generate or purchase electricity from renewable sources. The 1999 Renewable Portfolio Standard (RPS) escalated to 2.2% renewable by 2011. The 2006 revised RPS requires 10% generation by 2015 for utilities and that the state purchase 20% of its electricity from renewable resources by 2010. WI's state energy efficiency fund, known as Focus on Energy, funds demonstration programs for individuals, businesses and government.

#### **B. Strategies for stabilizing emissions of CO<sub>2</sub> from conventional fuel sources: Coal.**

Coal is responsible for nearly 40% of American emissions of CO<sub>2</sub>. Reserves of coal in the United States can meet demand for about 250 years and is cheaper than other conventional fuels. It is expected that 280 large coal-fired plants will be built in the United States by 2030, each with a life span of 60 years. Growth in coal use around the globe may increase global warming and air pollution, due to pollution from acidic and toxic emissions, and may damage waters, due to contact with coal wastes. Coal is primarily mined in western states or along the Appalachian Mountains in the east, thus, coal has to be transported long distances by railroad to many power plants.

Wisconsin is in the midst of a major energy infrastructure building cycle and the state is addressing the issues of efficiency of operation and CO<sub>2</sub> emissions. Current coal plants operate at about 32% efficiency but efficiency could be improved to 60%. A study of integrated gasification combined cycle (IGCC) technology was initiated as part of Governor Doyle's Conserve Wisconsin agenda. Gasification is a process by which coal, under high pressure and temperature, is trans-

formed into gas that can be cleaned of pollutants prior to being burned for electricity generation. With conventional coal technology, pollutants must be stripped out of the exhaust. IGCC is a precondition for a plant that chooses to have the ability to capture and store CO<sub>2</sub>. Supercritical pulverized coal, SCPC, an efficient conventional coal technology, is being used in plants now under construction near Milwaukee and Wausau. IGCC has a cost premium over SCPC of \$5 to \$7/megawatthour (MWh) of energy generated. A typical coal-fired baseload plant generally produces electricity for \$35 to \$55/(MWh) of energy generated, thus a \$5 to \$7 premium is a sizable difference.

The cost premium was reversed when carbon capture technology was added to IGCC, yielding a premium that was approximately \$10/MWh less than SCPC. Without the carbon capture capability, IGCC is the higher cost option; with carbon capture capability, IGCC is the lower cost option. This is due in part to effect of an anticipated carbon tax credit for capture technology. There is limited construction and operating experience with IGCC. Only two IGCC plants produce electricity commercially in the U.S. today, with five total in the world. Carbon capture and storage technology (CCS) at coal plants can prevent about 90% of the fossil carbon from reaching the atmosphere. CO<sub>2</sub> can be captured at the power plant, delivered by pipeline and injected under very high pressure into geographical formations such as depleted oil fields, where it has been used for thirty years to facilitate the extraction of oil. Because IGCC is essential to the ability of a plant to capture carbon, today no U.S. power plant actively captures and stores carbon. However, all technological components for CCS at coal conversion plants are commercially ready and have been proven in applications unrelated to climate change mitigation. Concerns remain about the sudden escape and gradual leakage of sequestered CO<sub>2</sub> into the environment.

Natural gas supplies 22% of WI's electrical energy. Methane is the least polluting fossil energy source and the most efficient. Reserves in the U.S., including Alaska, are expected to last between 60-75 years. New exploration and the possibility of increasing imports of natural gas in a liquefied form may extend access to natural gas, but these alternatives are costly. Natural gas use has increased almost 25% since 1990. The major markets for natural gas in Wisconsin are space heating and industrial processes. Over two-thirds of Wisconsin households use natural gas, as do more than 151,000 businesses. The situation was especially severe in 2005, when the average price increased nearly 300 percent over prices in the 1990s. In 2005, 60 percent of the electric rate increases approved by the PSC were attributable to increasing natural gas prices and increased use of natural gas to fire electric generators. From an electrical industry perspective, the advantage of using natural gas for the generation of electricity is low capital costs. Natural gas fired plants can be built on a smaller scale, require smaller sites, and can be located closer to the center of demand. They must, however, be located near to a gas pipeline of adequate capacity to avoid constructing expensive new pipelines. The major disadvantages are that natural gas costs are higher and have a greater degree of variability.

Nuclear power supplies a sixth of the world's electricity. Along with hydropower that supplies slightly more, it is the major source of carbon-free energy today. There are 103 nuclear power plants operating in the U.S. Three are located in Wisconsin and provide 20% of WI's electricity. No nuclear plants have been built in the U.S. for thirty years. In 1978, the LWVWI adopted the current position on nuclear power based on the national and state League studies. LWV-WI supported state statute 196.493 in 1983, which requires that before any new nuclear power plants are built in Wisconsin, specific criteria must be met before the plant is certified. The criteria include the following: that a nuclear waste dump is available to dispose of the nuclear waste from Wisconsin's reactors, that there is a reliable and adequate supply

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of nuclear fuel, and that the cost of building and operating a new nuclear power plant is economically advantageous for ratepayers. The existing LWV-WI position on nuclear power being recommended, with minor edits, to the LWV-WI 2007 convention is as follows: "Within national guidelines, support prohibition of further licensing and construction of nuclear fission reactors until scientific questions regarding their effects on public health and safety can be resolved." Our long experience with nuclear energy allows us to understand its importance as one source of fuel for electric generation, but also to be cognizant of the significant hazards that it presents. These hazards include extraction of uranium, accidental releases, and transportation and disposal of nuclear wastes.

The nuclear industry today: A revival of the nuclear industry is stimulated by the demand for a fuel that releases no greenhouse gas and by the federal Energy

Policy Act of 2005, which provides about a billion dollars over eight years utilizing tax credits for the first five new reactors and re-insurance for the first six new reactors. Potential regulations of greenhouse gas emissions in the form of carbon tax or carbon trading are also providing an incentive towards the use of nuclear energy. Major impediments to the development of power plants include high capital costs, nuclear waste management and storage, and for some, concerns that expansion of nuclear power may raise nuclear weapons ambitions in certain countries. The nuclear industry is concerned about public antipathy and anxiety regarding the presence of a nuclear plant nearby its' community. Even though the industry has not been building new plants, it has continued to do research and design a series of new reactors. Research areas include reduction of costs so that nuclear power is competitive with other fuel sources, development of chemical and geological barriers that would prevent leakage of radioactive waste for many centuries or millennia, and the reprocessing (or recycling) of spent nuclear fuel so that it can be a source of new energy and thereby reduce the amount of end waste that needs to be stored. The proposed facility at Yucca Mountain in Nevada has been under construction for two decades and is currently estimated to be ready for wastes by 2017. When Yucca Mountain is licensed, it will take twenty years to collect and store wastes currently stored at individual sites throughout the nation.

Reconsideration of the use of nuclear power. Over the past several months, esteemed scientists and environmentalists have shifted their position to favor nuclear power based on the recent understanding of the devastating effects of global warming. One of the most acclaimed of these scholars, Dr. James Lovelock, whose early work lay the foundation for carbon detection, says "any risks posed by nuclear power are small when compared with the 'fever' of heat-trapping carbon dioxide produced by burning coal, oil and other fossil fuels." Other supporters of nuclear power believe that it is cleaner and cheaper than fossil fuels.

## II. ENERGY PLANNING Background.

The restructuring of the energy industry in the 1990's made significant changes in the planning for generation and transmission of electricity in Wisconsin. Changes at both federal and state level were based on the assumption that market place competition and volunteer efforts were more effective than regulation in providing adequate and affordable supply of power.

In 1996, the Federal Energy Regulatory Commission (FERC), under the authority of the Energy Policy Act of 1992, issued an order that assured electric transmission lines were accessible to wholesale power use. Subsequently, FERC created the development of Regional Transmission Operators (RTOs) to provide independent oversight of the nation's power grid. Our RTO is the Midwest Independent Systems Operator (MISO). Their responsibilities are to manage interstate wholesale energy markets and dispatch electricity on a regional basis.

There has been persistent criticism of deregulation efforts centered on the basic characteristics of the electric power industry, such as: there is no substitute product for electricity; there is no storage of electricity; power plants and lines are very expensive leading to high fixed costs and long lead time to build facilities and long lifetimes for those facilities. In 1999, the Wisconsin Legislature, responding to FERC's lead, passed Act 204 that required investor-owned electric utilities with transmission infrastructure to transfer control of such facilities to an independent transmission company. As a result, the generating utilities that formerly planned for both generating and transmission are no longer involved in transmission planning and the transmission utility is not involved in generation planning. Act 204 also eliminated the Advance Plan which was the state's primary long-range comprehensive electric planning process done under the auspices of the Public Service Commission with data and information provided by utilities. The Advance Plan was replaced by a biennial, non-binding, planning instrument known as the Strategic Energy Assessment that focuses on identifying and resolving current issues rather than strategic long-range planning.

**A. For current planning processes MISO, our RTO, administers the use of the transmission system** in a service area covering fifteen midwest states and the Canadian Province of Manitoba. One of the primary functions of each RTO is transmission planning to meet the needs of the regional electricity markets. This is a shift from planning conducted by individual utilities to meet their customers' needs. The proposed role of the RTO is to: bring a regional transmission perspective to the planning process; guide the setting of regional objectives; identify regional planning issues not visible to the local utility; encourage inter-utility dialogue; create planning models; and assist in the coordination of local plans. Beyond the issues related to planning, there is a continuing dialogue in Wisconsin about the value of MISO. The advantages of MISO are that it has made the wholesale electric purchase process more transparent and may make better use of the existing transmission resources throughout the Midwest. The concerns include MISO's ability to facilitate transactions beyond its service area as part of a broader regional or national system and issues of costs related to administration of MISO and the allocations of costs.

### **B. State energy planning by the Public Service Commission**

Beginning in the 1970's, the Public Service Commission initiated and oversaw an advance planning process for power plants and transmission lines siting and construction. The Advance Plan was a long-range comprehensive plan that was prepared on a biennial basis and covered a twenty-year period.

The Plan required the utilities to file a twenty-year energy forecast and to plan for generating plants and transmission lines together, so that only the facilities needed to meet demand were built. The utilities filed the plans for approval by the PSC that reviewed the plan and conducted an approval process that included public hearings. The advance plan process was perceived by some as cumbersome, time-consuming for all parties, and lengthy to the extent that information needed to be updated by the time utilities were preparing applications for future construction. Act 204 repealed the advance planning process, effective January 1999. It is important to know that this action left the PSC without any mandate to force the utilities to prepare a comprehensive long-range plan. In doing so, it shifted control from the PSC, which is responsible to assure fair treatment of the consumer, to the utilities. Act 204 also created the Strategic Energy Assessment that may be considered a planning instrument but is not a substitute for a comprehensive long-range plan. The SEA is prepared by PSC staff with voluntary submission of

necessary data from the utilities. The SEA covers only seven years and does not require that the utilities plan together. Unlike the Advance Plan, the SEA contains no analysis of the best combination of power plants, transmission line or energy efficiency. It has been criticized for not devoting more analysis to critical issues, such as global warming, conservation, energy efficiency, renewables, and lack of recognition of the finite nature of fossil fuels. Many agree there is an urgent need for more planning and more integration of various planning processes.

**Public Participation:** The PSC has requirements for citizen involvement in public hearings and has made considerable efforts to make the process more open, and to provide public internet access to public documents, including hearing notices, briefs and testimony, other materials which would assist effective participation, and basic information about the many aspects of energy and the industry.

### **C. Planning by Wisconsin Utilities**

Utilities plan for generation and transmission of electricity. Planning includes specific projects that may take 5 – 8 years of planning, gaining regulatory approvals, and construction phases. During this period, there are annual reviews of forecasts of load, resources and fuel prices. Planning related to long range issues, such as trends in availability of fuels, energy economics, consumer demand and new technologies, are usually on a ten-year basis with annual updates. Forecasting future demand is the first and most crucial part of planning done by utilities that generate and transmit electricity. Current forecasts utilize complex models that predict a range of possible demand outcomes depending on different combinations of variables that reflect assumptions, such as population growth, land use and transportation patterns, fuel prices, construction and operating costs, and industrial productivity. The development of similar forecast models using common baseline data would help integrate generation plans among the utilities and the transmission utility. Equally important, it would assist the PSC in its oversight responsibilities. It is important that the underlying assumption of the forecasting models be transparent to the public and that utility representatives be able to describe and explain them to citizens. This would improve public understanding and give credence to projects that utilities are promoting. A new planning role is proposed for the local utility (the American Transmission Company) in relation to MISO. The role would be to assess: the needs of the local generating utilities and their distribution systems; local support or opposition; environmental permitting; physical limitations; and state concerns. These factors require ongoing relationships and communications with local stakeholders, using a process that feeds their input back into the planning process. The transmission owner's responsibilities would include: development of planning criteria; conducting an open planning process; and the construction of needed projects for the system. The concept further proposes that the role of the stakeholders is to help policy makers focus on the "right" set of issues and concerns. Stakeholders are identified as local elected officials, local environmental and public advocacy groups, landowners, local media and civic leaders. Stakeholders would participate in the locally driven transmission planning process with objectives that include load serving needs, reliability, maintenance, and generation interconnections. This description of the stakeholder role suggests a much more serious and continuing role than that practiced in Wisconsin, and may influence the League's consideration of public participation.

**Public Participation:** The extent and ways which utilities involve citizens in their planning processes differ. They usually do not involve citizens early in the process because their experience has indicated that citizens are not interested in energy in general but only as, and when, it

affects them directly. In addition, few utilities have ongoing citizen advisory committees. However, some utilities use local focus groups or short-term citizen advisory committees when they are planning for new construction, and may continue them through the

construction phase. Utilities may hold community meetings to gather public input for long-range plans for the service area, such as the preference of renewables over conventional fuels and the cost implications of each. There is little evidence that the utilities are interested in either establishing or cultivating ongoing citizen advisory committees or in having citizens involved in decision-making at any level

#### **D. Planning by Counties and Municipalities**

Wisconsin counties and municipalities have been involved for decades in planning for land use, transportation, and protection of agricultural land, natural resources, and recreational areas. The Wisconsin Comprehensive Planning Law requires all communities with populations over 12,500 to develop plans for anticipated growth by 2010. Nine factors must be taken into account: housing, transportation, utilities, community facilities, agricultural, natural and cultural resources, economic development, intergovernmental cooperation, land use, and implementations strategies. This law, along with traditional county powers such as zoning, is the legal basis for counties and municipalities to insist that they be involved in the planning of generating and transmission of electric power on an early, regular and continuing basis. Utilities are required by MISO, as well as by their own policies and by prudent business practices, to cultivate ongoing relationships with local public entities responsible for natural resources, land use, recreational and transportation planning. It is imperative that better and more effective ways of communication and interaction between utilities and stakeholders and interested citizens be developed and implemented. It is also imperative that we think of integrated planning as involving citizens as well as utilities, regulatory agencies and the RTOs.

#### **E. Planning by independent entities, a model for dialogue and development of solutions.**

The Energy Initiative, a collaboration of representatives of industry, independent energy consultants, and advocate groups, examined the electric reliability of Dane and Waukesha Counties in 2004. The report concluded that "There is a compelling need to create a comprehensive energy planning process, where potential measures, including transmission, energy efficiency, demand management, and large and small power plants are considered together. The goal is not to recreate the process known as the "advance plan" but to create a more flexible, long-range planning process that can accommodate short- and long-term needs as well as consider statewide and regional influences."

### **III. REGULATION OF ELECTRIC UTILITIES BY THE WISCONSIN PUBLIC SERVICE COMMISSION**

The Public Service Commission (PSC) is one of 12 units of the executive branch that have been designated as independent agencies. These independent agencies are usually headed by part-time boards or multiple commissioners. The Governor appoints most of these officials, with advice and consent of the senate, which serves to strengthen executive control of these units. The PSC is responsible for regulating Wisconsin's public utilities and ensuring that utility services are provided to customers at prices reasonable to both ratepayers and utility owners. Responsibilities of the PSC include setting utility rates, determining levels for adequate and safe service, confirming or rejecting utility applications for major construction projects such as power plants and transmission lines, approving utility bond sales and stock offerings

and ruling on proposed mergers between utility companies. For many years, the PSC was among the most highly regarded state regulatory agencies in the country. Over the past fifteen years, the authority and the credibility of the PSC has been eroded, coincident with the restructuring of the electric industry, the growing influence of utility lobbyists, and a rise in the level of misuse of power within state government.

#### **A. Funding and staffing for the Public Service Commission**

The total funding for the PSC regulatory functions in 2005-2007 is \$28.5 million, collected by the utilities from the charges on the electricity bills. During the recent state financial crisis, the Governor has reduced the budgets of all state agencies including the PSC. Staff numbers were 20% higher in 1997 than now, a loss of 31.5 positions. In addition, legislative changes have sharply reduced the amount of time for staff review of construction applications while the number of applications has increased. One example of staff reductions is in the critical area of analysis of the impact of proposed projects on conservation. In the 1990's, eight people worked in this area; in 2006 there is one half-time position. Staff numbers must increase substantially to ensure good decision-making and facilitation of public input. Currently, there are no restrictions on the commissioners or staff from leaving the PSC and moving directly into the employ of utilities and law firms representing them. Well-trained and experienced staff, who are knowledgeable about PSC information, policies and procedures, can find attractive, higher paying jobs with a better working environment. Not only does the PSC lose talented staff but has to constantly train new employees. Equally important is the impact on the public already suspicious about the relationship of regulators and industry.

#### **B. Erosions of authority of the public service commission**

Over the past several years, there have been several examples of legislative and political actions that have either directly eroded the authority of the PSC or have indirectly created public cynicism about the credibility of the Commission : (1) the repeal of the Advance Plan that authorized a long- range comprehensive planning process under the authority of the Commission and the creation of the Strategic Energy Assessment that is neither long-range nor comprehensive, and does not allow major issues to be addressed in a sustained manner; (2) legislative changes which benefit industry but deny effective PSC scrutiny, such as the reduction in time for the review of construction projects. Multiple examples of the loss of credibility of the PSC identified by advocates, energy professionals, and citizens include the following:

- (1) Appointment of commissioners who are subject to the influence of the governor, regardless of political party;
- (2) Influence of industry lobbyists who aggressively seek legislative changes which limit access to information or which allow industry to move more quickly;
- (3) Campaign contributions by utilities and their legal firms to those running for statewide office while there is a pending regulatory procedure before the PSC;
- (4) Administrative action by the PSC itself to allow private communications between the PSC and a party before the PSC renders a decision;
- (5) Through another administrative change, the prevention of all professional staff from publicly making recommendations on whether a utility proposal is in the public interest, thus limiting public access to information; and
- (6) The PSC approval of a 12% rate of return for utility stockholders which is among the highest in the nation.

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Become a member of the League of Women Voters and help *Make Democracy Work!*

Dues [Circle One]:      \$60 Individual      \$75 Household (2 or more individuals)      \$25 Student      \$25 Limited Income  
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Name \_\_\_\_\_ Home Phone (\_\_\_\_) \_\_\_\_\_

Address \_\_\_\_\_ Work Phone (\_\_\_\_) \_\_\_\_\_

City \_\_\_\_\_ WI Zip \_\_\_\_\_ e-mail \_\_\_\_\_

Involvement [Check One]: Active \_\_\_ or Supporting \_\_\_ Interests \_\_\_\_\_

Please Note: Please circle your preferred means of contact and mail this form with your check to the **League of Women Voters of Milwaukee County, P.O. Box 100785, Milwaukee, WI 53210**. Thank You. (Non-tax deductible contributions may be made to the LWV Milwaukee County. For a tax deductible gift to the LWV Milwaukee County, write a separate check, minimum \$50, payable to the LWV Education Fund. Mail contributions to the membership dues address above.)



THE LEAGUE OF WOMEN VOTERS  
OF MILWAUKEE COUNTY

P.O. Box 100785  
Milwaukee, WI 53210  
414-273-8683  
<http://lwvmilwaukee.org>