

WISCONSIN STATE
LEGISLATURE
COMMITTEE HEARING
RECORDS

2003-04

(session year)

Assembly

(Assembly, Senate or Joint)

**Committee on
Campaigns &
Elections
(AC-CE)**

File Naming Example:

Record of Comm. Proceedings ... RCP

- 05hr_AC-Ed_RCP_pt01a
- 05hr_AC-Ed_RCP_pt01b
- 05hr_AC-Ed_RCP_pt02

Published Documents

➤ Committee Hearings ... CH (Public Hearing Announcements)

➤ **

➤ Committee Reports ... CR

➤ **

➤ Executive Sessions ... ES

➤ **

➤ Record of Comm. Proceedings ... RCP

➤ **

*Information Collected For Or
Against Proposal*

➤ Appointments ... Appt

➤ **

➤ Clearinghouse Rules ... CRule

**

➤ Hearing Records ... HR (bills and resolutions)

➤ **03hr_ab0118_AC-CE_pt01**

➤ Miscellaneous ... Misc

➤ **

Vote Record

Committee on Campaigns and Elections

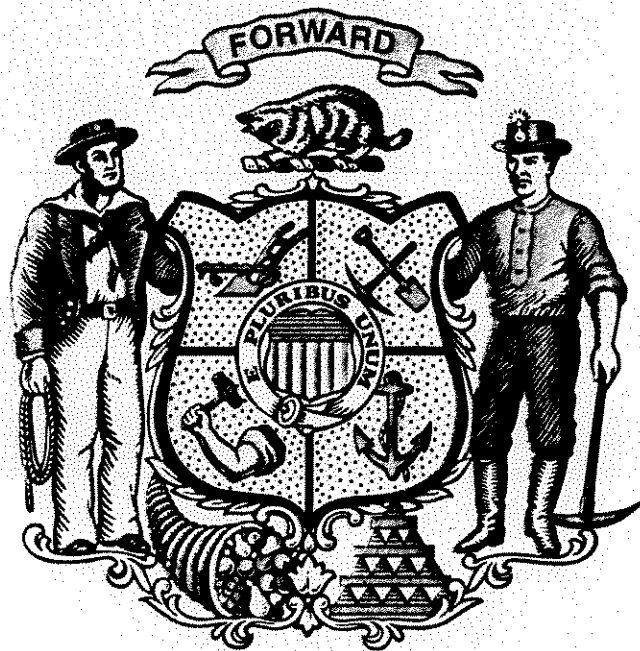
Date: 3/6/03

Bill Number: 118

Moved by: R Seconded by: Wood

Motion: Passage

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Stephen Freese	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mark Gundrum	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Glenn Grothman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Jeffrey Wood	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative David Travis	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mark Pocan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>5</u>	<u>1</u>	<u> </u>	<u> </u>



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Testimony of State Senator Gwendolynne Moore on Numerous Assembly Bills Assembly Committee on Campaigns and Elections March 6, 2003

Thank you for allowing me the opportunity to submit this written testimony in my absence. I would like to thank Chairman Freese and the members of the Assembly Committee on Campaigns and Elections for holding this public hearing to discuss numerous Assembly Bills that seek to modify Wisconsin's election process.

As you know, it is a fundamental function of government to ensure that each citizen truly has equal and unimpeded access to the ballot box and that every American voice is properly recorded. It is also important for the judicial branches of government to pursue the vigorous enforcement of laws when deliberate election fraud does indeed occur. However, as legislators, we must balance our duty to safeguard our system from election fraud with our duty to protect the voter's rights. We must not be swayed to alter the basic tenets of our election laws based solely upon the *perceived* fear of voter fraud. We must proceed with extreme caution when we entertain any legislation under the guise of "reform" that could compromise the franchise of our citizens. Ultimately, the voter's right to participate in the election process must be paramount.

Legislation that is being considered today, in particular Assembly Bill 111 (AB 111), is just such a proposal that severely threatens our citizens' franchise instead of providing any real electoral reform. **A voter should not be required to show a valid Wisconsin driver's license or photo id in order to receive their ballot.**

Disguising their proposals as necessary "election reforms" which would ensure the integrity of the system, Republican partisans are continually proposing new initiatives that would disproportionately disenfranchise Wisconsin's low-income, minority, elderly, handicapped, homeless, and student populations. Now Republicans seek to capitalize on a never previously utilized absentee ballot provision to justify implementation of an onerous voter ID bill. I am deeply troubled by Representative Freese's attempt to capitalize on the recent allegations of voter fraud that have been identified in recent **Milwaukee Journal Sentinel** articles. Rep. Freese exploited this recent development by publishing a press release that misleads readers to believe AB 111 would have prevented this alleged voter fraud. Obviously, AB 111 does not address the concerns raised by the ACE incident, as Rep. Krug and Rep. Ladwig have recently introduced absentee ballot legislation to deal with this specific issue.

What AB 111 does do is place undue and unnecessary burden on some of our most vulnerable voters, including our low-income, minority, elderly, disabled, homeless and student citizens, by

requiring all voters – regardless of whether they are registered or not – to present a DOT-issued Wisconsin driver's license or photo ID in order to obtain a ballot. In essence, this measure is an unconstitutional **poll tax** on those whose grasp on the franchise is currently most vulnerable; the elderly, the low-income and the homeless, or handicapped. Individuals will still have to pay to obtain a birth certificate or other identifying information. Further, they could lose work time, wage compensation, or other financial support all in order to obtain an unnecessary ID.

Additionally, AB 111 is fiscally irresponsible, as it severely increases state spending by mandating the DOT to provide necessary identification free of charge for all citizens. During this time of state fiscal uncertainty, it is negligent for Republican legislators to create such an enormous fiscal impact on state government. It was estimated that AB 259, last session's voter ID legislation, which also would have provided an ID card free to anyone who requested it, would have cost the state \$850,000 annually. The author of AB 111 chose an inopportune time to introduce this legislation, as it is a time when our state is bracing itself for a \$4.2 billion deficit, the like of which our state has not faced since the Great Depression!

Just a few weeks ago Republicans restored \$22 million in cuts to the Transportation Fund proposed within the Governor's budget adjustment bill. It is extremely ironic with our state's enormous deficit that now this Republican proposal is proposing expensive new ideas to the already overly stressed DOT budget. In fact, DOT previously estimated that it would require 3 additional full-time employees to fulfill the photo ID mandate. This is distressing, and seemingly irresponsible, at a time when the state is considering eliminating 2,900 state jobs.

The Department of Transportation (DOT) estimates that roughly 130,000 people across the state do not have the kind of documentation referred to in this legislation. Furthermore, the DOT estimates that only 20% of these people would ever get necessary documentation if AB 111 became law. That means that roughly 100,000 Wisconsin residents currently without DOT-issued photo identification, many of who are elderly, low-income, minority, homeless, or handicapped, would be disenfranchised by this bill.

Many of these people do not have the time or the resources to go to the DMV to obtain identification simply to vote. For example, if AB 111 were passed, a low-income person would be forced to jeopardize their employment or utilize precious vacation time to visit the DMV. Further, an elderly person who may have health problems would have to stand in the DMV line for hours to maintain their franchise. Adding to that hardship, many DMV offices have been eliminated or have had their hours of operation reduced due to budget cuts.

Furthermore, students from out of state who study at Wisconsin's colleges and universities and are eligible to vote in this state would not be allowed to present photo identification from their home state or a Wisconsin university identification card in order to prove their identity. They, too, would have to go to the DMV to obtain a Wisconsin photo identification card.

Many of Wisconsin's most diligent voters have been registered at the same address and have voted at the same polling station for most of their adult lives. This is particularly true in Milwaukee's inner city, where many low-income minority voters have never had the kind of photo identification required in AB 111.

Most states do not require an identification card, photo or otherwise, for their state's registered voters. In fact, only state, South Carolina, a state that still refuses to remove the Confederate flag from its state capitol, requires all voters to present a photo ID or be denied the right to vote. Moreover, **29 states are precluded by state statute from asking for any kind of voter identification at the polls.** Instead, AB 111 seeks to depart from this group of states and "reform" our electoral system by disenfranchising voters.

AB 111 could potentially undermine the provisional ballot process. Under AB 111, if you fail to provide a valid DOT-issued Wisconsin photo id, your secretly cast vote will be put aside as a provisional ballot, and you will have until 4 pm the day after the election to obtain the necessary ID and prove your identity. One day is not sufficient time to procure an ID if you were born in another state and need to obtain a birth certificate, or have other work demands. If you fail to prove your identity your vote will not be counted!

Voter registration by corroboration must not be repealed. Currently, a person who does not have a residential address can vote if that person brings with them to the polls another registered voter from the same municipality. This means that homelessness in Wisconsin does not mean disenfranchisement. AB 111 would require the voter to show photo id even in the presence of corroboration. We should not strip a voter of his or her rights simply because that person lacks an address or a photo id. According to the January 8, 2001, edition of the Journal of the American Medical Association, 1% of the US population is homeless throughout the course of a year.

The mere *perception* of voter fraud provides no factual basis, no compelling interest, to change the tenets of Wisconsin's open election system, which consistently produces one of the highest voter turnouts in the nation and encourages voters from all walks of life to participate in our democracy. Wisconsin has a long, proud history of progressive election laws and of inclusiveness in the electoral process.

In fact, Wisconsin was one of the first states to give immigrants the right to vote. In 1848, our state's Constitution allowed immigrants to vote as they declared their intention for naturalization. For over 150 years, our state has sought to make the polls as accessible as possible to new voters.

Many have attempted to exploit charges of voter fraud in Milwaukee during the 2000 election. In that election, Milwaukee District Attorney McCann found that out of the 361 individuals with criminal backgrounds who were accused of voter fraud, only 3 had not had their civil rights restored. **McCann did not press charges against these three individuals because they were unaware that they were disqualified from voting.**

Now, under the guise of election "reform", the bill being debated here today will have the effect of disenfranchising many of Wisconsin's poor, minority, elderly, handicapped, homeless, and student voters, many of whom tend to vote Democratic. **While I certainly hope that the intent of this proposal is not to silence the voices of Wisconsin's most vulnerable who happen to vote Democratic, the effect of this proposal will do just that.**

I am equally concerned by the ramifications of **Assembly Bill 122 (AB 122)**, which like AB 111 disenfranchises voters rather than enacting real election reform. **This controversial, divisive and unnecessary bill seeks to single out one particular constituency, prohibiting them from contributing to political campaigns and therein severely limiting their access to the political process.** Anyone who receives income from a gaming establishment would lose his or her right to play a role in the political process. Gaming operators, including casinos, lotteries and racetracks that violate this law would face a Class I felony, a fine of \$10,000 and possible imprisonment of not more than three years and six months!

The bill's drafting notes reveal that there are potential constitutional questions regarding the infringement of equal protection rights of persons who earn their income from gaming operations. Should the concept of singling out constituency groups be considered constitutionally acceptable, this bill should be expanded to include all corporations and entities that routinely "influence" campaigns and elections. Unless AB 122 prohibits all groups that influence campaigns from contributing, the bill is unjust and possibly unconstitutional.

And lastly, I would like to voice additional comments about several of the other eleven bills that the committee is considering here today:

I believe that **Assembly Bill 113** would do little to impact the election process in Wisconsin. Proponents argue that people who view results through media outlets prior to poll closings may be persuaded by the preliminary results and may opt not to vote. This legislation does not address these concerns, as most preliminary results publicized prior to 10 pm are national, particularly from east coast states whose polls close earlier than Wisconsin's due to time zone. I feel that federal legislation would be the proper outlet for addressing this concern, as it should impact the entire nation, not just the state of Wisconsin.

I support **Assembly Bill 114** as a fair proposal that intends to provide uniform polling hours and will provide greater opportunity for citizens to exercise their constitutional right to vote.

Under current election law, every vote cast, including all write-ins, are counted. **Assembly Bill 115** intends to disenfranchise voters who cast write-in votes for candidates that have failed to declare candidacy in the time specified in the bill. Every vote should

count, whether it is cast for a candidate on the ballot or is written-in by the voter. AB 115 disenfranchises voters and the election process.

County boards of supervisors, common councils, village board of trustees, town boards of supervisors, county chairpersons or mayors currently have the authority to fill temporary vacancies in their respective levels of government. **Assembly Bill 118** takes away local control and instead creates an un-funded mandate for local government and taxpayers. By mandating automatic special elections to fill all vacancies for local elected positions, Wisconsin taxpayers will bear significant additional election costs. With the looming multi-billion dollar state deficit as well as deficits at the local level, it is not a stretch to say that citizens are more concerned about increased government spending than filling short-term vacancies in current elected positions.

The change in campaign finance reporting proposed by **Assembly Bill 119**, which requires that non-resident registrants be held to the same filing requirements as Wisconsin residents, seems to be fair and common sense reform to campaign finance law.

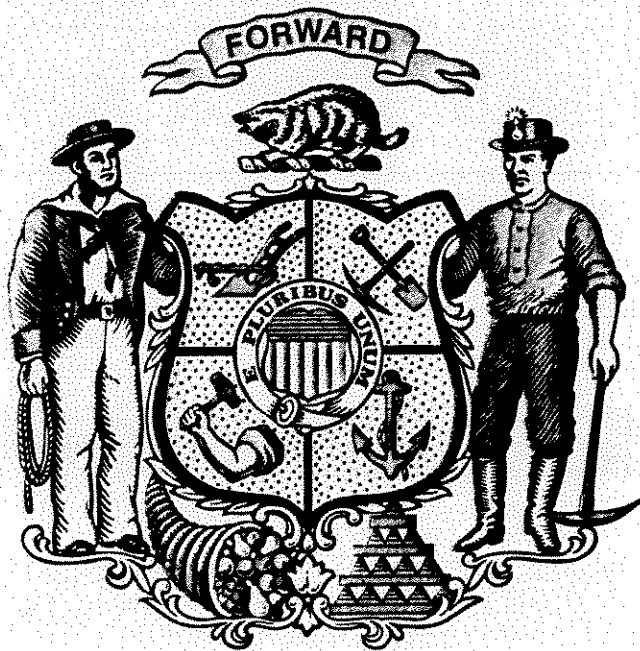
Greater education regarding voting rights should always be encouraged to ensure voter awareness and diminish accusations of fraud. I support the concept of **Assembly Bill 120** as it carries on Wisconsin's tradition of educating citizens about the electoral process. I especially support the provision that gives the court system and the Department of Corrections (DOC) discretion as to how they will notify affected persons. During these times of state fiscal uncertainty, we should be attempting to pass legislative proposals that mandate minimal new fiscal increases on state government. While I have no information on whether this new requirement will create great additional costs to the court system and DOC, I am cautiously optimistic that the intent of the author is to limit such fiscal increases on state government.

Assembly Bill 121 gives municipal bodies the authority to test all polling officials to prove their ability to speak and read English. While it is important that polling officials be able to converse and communicate effectively with those electors at that polling place: I hope this is not a "back door" approach to encourage the introduction of divisive "English Only" proposals.

Finally, I support the section **Assembly Bill 123** that creates a segregated fund and spending authority for the State Elections Board to carry out the federal requirements imposed in the Help America Vote Act of 2002. I reserve judgment at this time of the remaining items within this bill because I am unclear of their effect on the citizens of Wisconsin.

I hope, as you consider your vote on these numerous election bills, the members of this Committee will remember that the integrity of our election system can only be protected by ensuring that every voice continues to be heard.

Thank you for allowing me the opportunity to share my views on bills being discussed at today's hearing.



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To: Members of Wisconsin State Assembly
From: Rick Stadelman, Executive Director
Date: March 18, 2003
Re: Assembly Bill 118 Special Elections to Fill Vacancies

The Wisconsin Towns Association respectfully requests that the State Assembly oppose AB 118 or at the minimum delete the provisions which apply to towns which give the option to fill vacancies that occur in elected town offices before June 1 by a special election in November.

Current law (Sec. 17.25 of Wis. Statutes) provides that a vacancy in elective town offices is filled by appointment by the remaining town board members and the town clerk in case of a town supervisor vacancy or by the town board in the case of a vacancy in any other elective town office such as the town clerk, town treasurer, assessor, or constable. Under current law, the filling of a vacancy is by appointment and should be made within a reasonable time of the vacancy occurring.

As we see AB 118 this bill would authorize an option to have a special election in November for vacancies that occur before June 1. With the typical town board of three supervisors, the option of waiting over five months to have a special election to fill the vacancy would appear to disrupt the normal operation of the town board by requiring the two town board members to carry on the affairs of the town for an extended time. If the vacancy is in the office of the town clerk or town treasurer, the town board is going to need to fill the vacancy at the minimum during this time with an acting clerk or treasurer to see that town bills are paid and receipts deposited. Creating the option of a special election may create political pressure from some town electors to use the special election process rather than the more timely appointment procedure of current law.

Wisconsin Towns Association believes the current law under Sec. 17.25 of Wis. Statutes) is very functional for town government and has not caused harm to democratic and representative government in towns.

We would respectfully request that Sec. 8 of AB 118 and references to towns in earlier provisions of the special election sections be deleted from the bill.

Thank you for your consideration in this matter.