

WISCONSIN STATE
LEGISLATURE
COMMITTEE HEARING
RECORDS

2005-06

(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

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*Information Collected For Or
Against Proposal*

> Appointments ... Appt

> **

> Clearinghouse Rules ... CRule

**

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

> **05hr_sb0042_AC-CE_pt01**

> Miscellaneous ... Misc

> **

Griffiths, Terri

From: Richard, Rob
Sent: Tuesday, February 15, 2005 10:44 AM
To: Griffiths, Terri
Subject: FW: Opposition to Assembly Bill 63/Senate Bill 42

-----Original Message-----

From: Pat Salmon [mailto:psalmon@wisaficio.org]

Sent: Tuesday, February 15, 2005 11:11 AM

To: Rep.Ainsworth; Rep.Albers; Williams, Vincent; Lundquist Nuutinen, Sarah; Rep.Berceau; Rep.Bies; Rep.Black; Rep.Boyle; Rep.Colon; Rep.Cullen; Bacher, Luke; Riley, Neci; Rep.Fitzgerald; Rep.Freese; Rep.Friske; Rep.Gard; Rep.Gielow; Rep.Gottlieb; Mcginnis, Cindy; Rep.Gronemus; Rep.Gunderson; Rep.Gundrum; Rep.Hahn; Rep.Hebl; Rep.Hines; Rep.Honadel; Rep.Hubler; Rep.Huebsch; Rep.Hundertmark; Rep.Jensen; Rep.Jeskewitz; Rep.Kaufert; Rep.Kerkman

Subject: Opposition to Assembly Bill 63/Senate Bill 42

 Wisconsin State AFL-CIO

TO: Members of the Legislature
FROM: Phil Neuenfeldt, Secretary-Treasurer
DATE: February 15, 2005
RE: **OPPOSITION TO ASSEMBLY BILL 63 / SENATE BILL 42**
Voter Photo Identification Requirement

The Wisconsin State AFL-CIO strongly opposes any election reform that will effectively disenfranchise voters. AB 63 / SB 42 requires each person who registers or votes at the polls on election day to present a valid Wisconsin driver's license or photo identification card issued by the DOT, or a military identification card. It also includes other restrictive requirements.

For many people, producing a photo ID is simple because they have a driver's license. But for thousands of seniors, the disabled, students, and many low-income workers and others who rely on mass transit, it will frustrate and restrict participation. Americans have a *constitutional right* to vote.

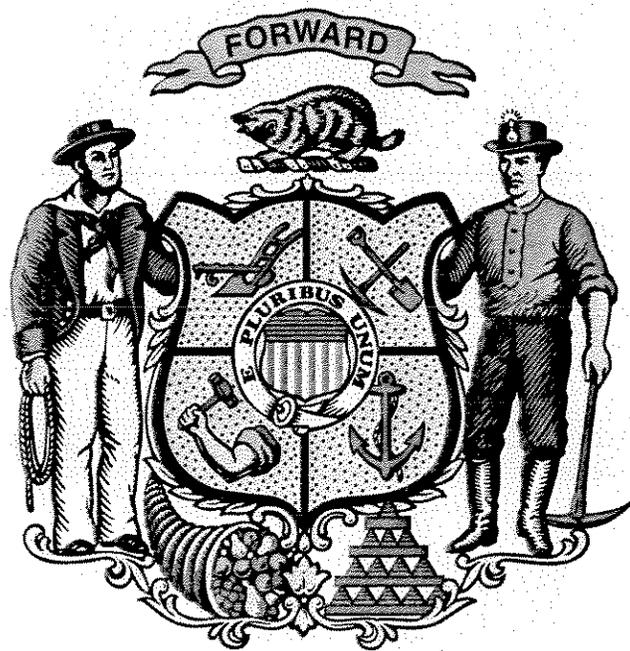
Comparisons have been made to photo ID requirements for renting videos or taking out library books, but those are not the rights of citizenship. **We agree that the integrity of the voting process must be assured, but to construct barriers to registration and voting as a response to certain problems with election procedures is an extreme reaction.**

Elected officials in various communities have asked for sufficient time to conduct a thorough review of voting procedures, and that is certainly justified and reasonable. **It may be necessary to truly invest in our democratic process by providing the funds needed to attract and properly train a sufficient**

number of poll workers. Perhaps the minimum number of poll workers should be increased. Adequate resources must be available to process voter registration applications, handle early voting ballots, count provisional ballots and anticipate same-day registration demand. This would be a truly constructive response rather than AB 63 / SB 42 which will effectively deny the constitutional right to vote to untold numbers of people.

We urge your opposition to this legislation.

PN:JR:pas,opeiu#9,afl-cio



MEMO

TO: Senate Republicans
FROM: State Senator Joe Leibham
DATE: May 11, 2005
RE: Background Information on Photo ID Legislation

Attached please find background information regarding Senate Bill (SB) 42, photo ID legislation that would require voters to provide a photo ID prior to voting or registering to vote.

Specifically, you will find the following information:

- Highlights of the recent election fraud findings from the Joint Election Fraud Task Force Investigation;
- Background on an amendment that I will offer to SB 42 on the floor;
- A chart comparing voting under SB 42 to current law;
- A one-pager on the bill at a glance; and
- Dispelling the myths of photo ID.

As we again debate this commonsense measure tomorrow, please remember that the opponents of this legislation previously argued that this legislation was a solution without a problem and that "once we find out that we have a problem, we will consider this measure."

The preliminary information released out of the City of Milwaukee yesterday has provided evidence of a problem.

Please feel free to contact me, or Eric Schutt from my staff, with any questions at 6-2056.

Highlights of FBI, US Attorney, Milwaukee County DA and Milwaukee Police Joint Task Force on Election Fraud's Preliminary Findings:

- More than 100 individual instances of suspected double-voting, voting in names of persons who likely did not vote, and/or voting in names believed to be fake.
- More than 200 felons voted when they were not eligible to do so.
- Paid "special deputy registrars" falsely listed approximately 65 names in order to receive compensation for the registrations.
- The number of votes counted from the City of Milwaukee exceeds the number of persons recorded as voting by more than 4,500.
- Closing quote from report on preliminary findings – "Although many hours already have been undertaken, we realize that much more investigation is still to be done. There are many leads and interviews that still must be pursued."

Background on Senator Leibham's Amendment to SB 42

1. Current law requires the court or the Department of Corrections (DOC) must inform a person verbally if he/she is disqualified from voting as a result of their charge. This amendment would require the court, or DOC, to notify the individual in writing that he/she is disqualified from voting and would require the individual to sign a form stating that they understand that they are not eligible to vote. This form must also inform the individual when his/her civil rights are expected to be restored. If the individual refuses to sign the form, this must be noted and recorded.
2. Would require felons to be listed in the statewide voter registration system currently being created by the WI State Elections Board under the Help America Vote Act (HAVA), and to subsequently be listed in local poll lists at polling locations on election day with the words "ineligible to vote due to felony conviction" after their name.
3. Would require the municipalities to have a comprehensive list in each polling place of felons whose last known address falls within the wards that are voting at that polling location with the words "ineligible to vote due to felony conviction" after their name at the same-day registration table on election day.
4. Electors who claim that they are eligible voters and that the information on the poll lists is inaccurate will be eligible to cast a "challenged ballot" on election day. A challenged ballot is counted on election day, but the voter number is recorded on the ballot and a challenge form is completed by the local election official at that polling location so that given the event of a recount that specific ballot can be matched with the specific voter. Casting a challenged ballot is different than casting a provisional ballot. Challenged ballots are counted immediately; provisional ballots are not counted until an ID has been presented.
5. Felons who attempt to vote via absentee ballot would also be noted and cast as a challenged ballot.

Photo ID Legislation – Compared to Current Law

Senate Bill 42 - Highlights of Photo ID Legislation Compared to Current Law

Current Law	Changes Due to Photo ID Legislation
<p><u>Voting on Election Day</u></p> <ul style="list-style-type: none"> -Elector arrives at polling place and states name and address. If elector’s name is on the poll list, elector is allowed to vote. -If elector’s name is not on the poll list, elector must register at polls by completing voter registration forms and presenting acceptable proof of residence. -In some instances, even if elector’s name is on polling list, elector may be required to present proof of residence. -If an elector is unable to provide the necessary proof of residence, another qualified elector of the municipality may vouch/corroborate for elector’s eligibility. 	<p><u>Voting on Election Day</u></p> <ul style="list-style-type: none"> -Elector arrives at the polling place to register or vote and is required to show a valid photo ID. -In addition to presenting a valid photo ID, electors will still be required under current law to present an acceptable proof of residence. -This legislation <u>discontinues</u> the use of the vouching/corroborating system. -Please note, as drafted this legislation continues current requirements for certain electors to provide proof of residence in order to register or vote. However, the address listed on the photo ID does <u>not</u> have to match the address on the registration. <p>As drafted, the photo ID is truly meant to serve as photo verification of the elector.</p>
<p><u>Absentee Ballots</u></p> <ul style="list-style-type: none"> -Registered electors who vote by absentee currently submit absentee ballot certified by one witness to the clerks office to be delivered to the polling place on election day where their address is verified against the poll list and their ballot is counted. 	<p><u>Absentee Ballots</u></p> <ul style="list-style-type: none"> -Registered electors who vote by absentee would continue to submit ballot certified by one witness including a copy of their valid photo ID card. The ballot would then be delivered to their polling place as prescribed under current law. -If an elector does not include a copy of the valid photo ID card their ballot would be marked as a provisional ballot and the elector would be entitled to present their valid photo ID at the polling place on election day or at the appropriate clerk’s office until 4 p.m. on the day after the election to have their ballot counted. -Electors voting from nursing homes and CBRF facilities would be able to sign using the witness statement in lieu of providing a copy of a valid photo ID. Also, electors who are on the permanent absentee ballot list would be allowed to submit a signed written statement in lieu of providing a photo ID.

Photo ID Legislation – At a Glance

What qualifies as a valid photo ID under this legislation?

- Valid current Wisconsin driver's license issued by the DOT.
- Valid current military id card
- Valid WI identification card issued by the DOT

What if the address on the valid photo ID is not current?

- This legislation requires a photo ID to verify an individual's identity! That is it. Electors' addresses will continue to be verified using one of the available items prescribed by current law.

Who is exempt from the photo ID requirement?

- People whose addresses are confidential as a result of domestic abuse or in certain cases a person who has been required by a law enforcement officer to surrender his/her license.
- Military and overseas voters who are voting via absentee ballot.
- People voting via absentee ballot who have already provided a copy of his/her id card in connection with previously voting via absentee ballot who have not changed his/her name or address.
- People who are indefinitely confined, in which case they may submit a statement signed by a person who witnesses their absentee ballot verifying his/her identity.
- People voting from nursing homes or qualified CBRFs may submit a statement signed by a person who witnesses their absentee ballot verifying his/her identity.
- People who have received a citation from a law enforcement officer within 60 days of an election and is required to surrender his/her WI license. People in this category may present the original citation or a copy of this citation as proof of identity.
- People who have provided an affidavit stating their sincerely held religious beliefs that prohibit such photographing.

What if an individual is unable to afford the cost of getting an ID card?

- WI ID cards will be provided at no cost for those individuals stating their inability to cover the cost of the \$9 ID card.

This legislation has been endorsed by the following newspapers:

Appleton Post-Crescent
Oshkosh Northwestern
Eau Claire Leader-Telegram
The Janesville Gazette
Beloit Daily News

La Crosse Tribune
Fond du Lac Reporter
Green Bay Press Gazette
Marshfield News Herald
Wisconsin Rapids Daily Tribune

Dispelling the Myths of Photo ID

Myth #1 – Photo ID Will Disenfranchise Varying Numbers of Voters Without IDs

“These ads expose a serious flaw with the Republican voter ID bill -- it could disenfranchise about 100,000 Wisconsin seniors who don't have driver's licenses,” 4/5/05 - Kim Warkentin, Executive Director of the Democratic Party of Wisconsin (DPW) – DPW press release.

“It would put new hurdles in the way of about 150,000 senior citizens.” 4/13/05 – Governor Doyle – The Milwaukee Journal Sentinel (MJS)

Dispelling Myth #1 – The Facts About Photo ID

“According to Census 2000, there are 3,994,919 residents 18 or older. According to DMV data, there are 3,872,122 residents who hold either a photo license or photo ID card. This leaves approximately 122,797 residents age 18 and older who hold neither a license nor an ID card.”

– 2/7/2005 – WI Department of Transportation Fiscal Estimate for Photo ID Legislation.

“2,997,007 or 75 percent of the eligible voters in Wisconsin voted in the 2004 November Election – the most voters and the highest percentage in recorded history for WI.”

–Kevin Kennedy - WI State Elections Board

The Governor's number of 150,000 seniors being disenfranchised under the bill does not add up. Based on the DOT, there are a total of 122,797 people who do not have a photo ID. However, nobody knows exactly who these individuals are. Furthermore, there are 875,115 more people in the state who possess photo IDs than the most voters and the highest percentage to ever be recorded in the state.

Myth #2 – Photo ID Will Disenfranchise Elderly Voters

“Doyle said Wednesday that the photo ID requirement would be a new barrier for up to 150,000 senior citizens who have been voting all their lives.” – 4/13/05 - MJS

“Photo ID will serve only to suppress the vote. It will suppress the vote of the elderly and disabled who do not have a driver's licenses or photo ID.”

– 4/13/05 – Senate Minority Leader Judy Robson (D-Beloit)

Dispelling Myth #2 – The Facts About Photo ID

“Republicans pushing the legislation (photo ID) have worked hard to address concerns that Doyle expressed when he vetoed a photo ID bill last session.”

– 2/23/05 – The Janesville Gazette

Based on concerns expressed in Governor Doyle's veto message of AB 111, photo ID legislation from last session, the authors of SB 42 included the following measures to address issues regarding elderly voters.

Specifically, AB 63 proposes to allow elderly voters who are voting from nursing homes or community based residential facilities to submit a statement verifying their identity that would be signed by the same person who is required under current law to witness and sign the absentee ballot envelope. Similarly, SB 42 provides the same exception for any individual who is registered on the permanent absentee ballot list.

Myth #3 –Photo ID...A Republican Conspiracy

“The Republican Party of Wisconsin is using exaggerated claims, misinformation and outright lies in an attempt to scare residents into believing that our elections are somehow fraudulent...The GOP accusations disguise their hidden agenda, and are an insult to the citizens who volunteer their time to help administer Wisconsin elections..”

– 3/25/05 – State Senator Lena Taylor (D-Milwaukee) – press statement

Dispelling Myth #3 – The Facts About Photo ID

“Over 80% of my constituents at two town hall meetings told me that they favored voter ID. I personally visited almost every poll worker at the polls on April 5, 2005... and over 80% of the poll workers told me that they were in favor of voter ID. Over 90% of the numerous contacts my office has received on this issue have been in favor of voter ID... The depth of their feelings in favor of voter ID on the Southside of Milwaukee is eye-opening.”

– 4/15/05 – State Senator Tim Carpenter (D-Milwaukee) – press statement

“In a statement, Plale called the photo ID requirement a first step in fixing Wisconsin’s election laws.” – 4/13/05 - State Senator Jeff Plale (D-South Milwaukee) – MJS

“Voting Should Require Photo Identification” – 2/2/05 - Appleton Post-Crescent

“Photo ID a big step to reducing growing ballot fraud trend” – 2/3/05 – Oshkosh Northwestern

“It’s not too much to ask that voters be prepared to prove their identity.... To cast a ballot – the greatest privilege of American freedom – one ought to accept a little responsibility. It seems to us the minimum standard is the ability to prove one’s identity and legal eligibility to vote.”

– 2/28/05 – The Beloit Daily News

“Voter identification bill is a reasonable precaution.” – 3/1/05 –La Crosse Tribune.

“Photo IDs would encourage people to get a valid form of ID, thus ensuring every vote cast is legitimate.” – 3/4/05 – Fond du Lac Reporter

“Photo IDs safeguard voting.” – 3/9/05 – Green Bay Press-Gazette

“Make photo IDs part of bipartisan clean vote plan.” – 4/9/05 – Marshfield News Herald

"...Doyle's proposals ought to include support for the photo ID requirement, another commonsense way to safeguard the system from fraudulent balloting and give Wisconsin voters more confidence in election results.."- 4/6/05 – WI Rapids Daily Tribune

Furthermore, in late February 2005, Senator Leibham conducted a survey of municipal clerks from municipalities across the state with 5,000 or more people – those clerks required by state law to retain poll lists. Of the 129 clerks who responded, approximately 70 percent supported a photo ID requirement to vote.

Myth #4 – Photo ID Will Disenfranchise Minorities and the Poor

"But most Democrats said Republicans want a photo ID law to drive down turnout by minorities and the poor, who usually vote for Democrats." – 4/13/05 – MJS

Dispelling Myth #4 – The Facts About Photo ID

Under SB 42, individuals who would be unable to afford the cost of a \$9 dollar state ID would be provided a state issued ID card at no cost. Furthermore, nothing in the measure proposes to disenfranchise any member of society. In fact, the bill serves to increase voter participation in the process by restoring integrity to WI's elections by providing voters with a sense that their vote will be counted.

Myth #5 – Individuals Who Move Would be Disenfranchised

"The rule (photo ID) would also hamper residents who have obtained the cards only to have them lost or stolen or to move, in which case their listed addresses become outdated. To vote, of course, you must show you live at your current address." – 4/21/05- MJS

Dispelling Myth #5 – The Facts About Photo ID

Under SB 42, photo ID would be used to verify an elector's identity, not to verify an elector's address. Voters already on the poll list, would simply be required to show one of the valid forms of photo ID to verify their identity prior to voting.

For first-time voters, or those who need to reregister, they would be required to present one of the valid forms of photo ID to verify their identity and then one of the forms of identification prescribed under current law to verify their address prior to registering to vote.