



JEFF STONE

STATE REPRESENTATIVE
82ND DISTRICT

Thank you for the opportunity to testify on behalf of Assembly Bill 225, which modifies several laws within our election process but all with the same goal of allowing everyone who is eligible to vote to cast a ballot and for everyone who votes to be eligible to do so. Many legislators collaborated on this bill, as you will notice; some of these bills have been discussed in committee previously. It

is important to note their contributions to improving Wisconsin's election process.

The leading provision in this bill is a change to Wisconsin's Photo ID law. This bill allows a person who has been unable to obtain an ID due to indigence, religious objection, or lack of necessary documentation (like a birth certificate) to instead affirm this to the Chief Elections inspector at the polling place and have their ballot counted. This is very similar to Indiana's current photo ID law that was upheld in a Supreme Court decision and to laws that I had originally drafted in previous sessions. This bill also adds US veteran ID cards to be accepted as a proper voter ID.

The bill has provisions that are aimed at improving election operations:

- Clerks can now combine certain wards for report purposes
- Allows boards of canvass to conduct recounts by hand unless a court orders otherwise
- Increase the per ward fee for a recount from \$5 to \$25



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- Another provision in this bill has to do with standardizing early voting. Under this bill, early in-person absentee voting may take place only between 7:30am and 6:00pm, unless the voter makes an appointment with the municipal clerk for a weekend slot.
- Standardizes dates for local referendums

Ballot security provisions including:

- Requiring a witness address for a valid absentee ballot
- Requiring a poll book signature for a valid ballot
- Requiring a record of proof of residency used on same day registrations
- Currently a person may register at the polls with Cell phone bills under GAB rule. They consider it a utility bill, but this will put it in statute.
- Registration documents will be expanded to include Credit card bills – these are secure documents similar to bank statements. These proof of residency documents used for registration must be presented in hard copy rather than via electronic display. This reverses ruling that GAB against staff advice last session (staff said they preferred more time to look into the issue). It also ensures that poll workers, many of whom are older, are able to properly see and inspect the documents. Some many find looking at a 3-5 inch screen difficult.

Addressing concerns within The Government Accountability Board appointments is another area this bill addresses. The Government



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Accountability Board is a six member board of semi-retired judges serving 6 year terms. The new nominee must be selected from a list submitted by the Government Accountability Candidate Committee, a committee made up of more judges. By law, the committee must provide the governor with a minimum of only two choices to fill one vacancy, or three choices to fill two vacancies. The result is not much of a choice at all. We are changing this to ensure that the governor receives a greater number of qualified candidates.

This bill contains elements previously heard by the committee regarding recall of local elected officials: Current law requires a petition for the recall of an elected municipal or school district official to simply state a reason for the recall. While the stated reason must be related to the responsibilities of the office, it is not limited to neglect of duty, misconduct, or malfeasance in office. Local recall can be initiated on any grounds related to the office, including a vote or viewpoint on a policy issue. In recent years, a pattern of unwarranted local recall efforts has emerged. Local elected officials often become recall targets for simply fulfilling their duties by making policy decisions regarding the matters which come before them. The granting or denial of permits, personal disputes, and the issue of whether or a road should or should not be paved are just a few examples of reasons local officials have faced recall. In an effort to assure local recall is used when most appropriate, we are proposing a higher standard for the recall of local officials. The bill provides that an elected city, village, town, town sanitary district official, or school board member cannot be recalled



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unless they have been charged with a crime, a local ethics law violation under Wisconsin statute, or a violation of a local ethics ordinance. A statement indicating such a charge must be included on the recall petition, and a copy of the criminal or civil complaint alleging the crime or violation must be attached. These changes do not have an impact on county elected officials, who are under the same legal rules as state officials, so a case to recall former Milwaukee County Executive Tom Ament would have proceeded, even if this law was in place.

Thank you for your consideration on the bill, I will entertain questions on these or other provisions in this bill.

Assembly Committee on Campaigns and Elections

Testimony from the Government Accountability Board

Prepared by Kevin J. Kennedy

Presented by Michael Haas and Jonathan Becker

June 4, 2013

Room 417 North, State Capitol

Public Hearing

2013 Assembly Bill 225

Chairperson Bernier and Committee Members:

At the request of our Director and General Counsel, Kevin Kennedy, I'd like to thank you for the opportunity to appear today and comment briefly on 2013 Assembly Bill 225. Director Kennedy had a previous commitment to attend a meeting on governmental ethics in Kentucky. I am here today with my counterpart, Jonathan Becker, the Ethics & Accountability Division Administrator. This legislation would affect my area of elections, as well as his areas of campaign finance and lobbying law.

Our main message to the committee today is to please slow down.

This legislation addresses some significant policy areas of election and campaign finance administration that would benefit from a more thorough vetting, involving input and discussion from people across the state, including county and municipal clerks. The proposed changes in campaign finance regulation, recall standards, time period for absentee voting, electronic proof of residence and voter identification are just some examples of substantive policy changes.

Also, this bill contains some technical and drafting issues that need additional time to be ironed out prior to passage. Frankly, our staff has not had enough time to fully analyze the operational changes this legislation proposes, let alone develop a fiscal estimate of their impact on the budgets of the State and local governments.

We were able to begin a review of the “slash 2” version which was circulated for co-sponsorship on the Friday before Memorial Day. Late last Friday afternoon, we obtained the current version when the agency was requested to prepare a fiscal estimate for the bill. Given the short amount of time our staff has had to review the legislation, I will offer a few brief comments to illustrate why we believe it is important to take more time with this legislation.

Technical Issues

Our preliminary review indicates there are several areas in the bill where technical or drafting issues need to be addressed.

New language in Section 29 of the bill permitting the Board of Canvassers to review the validity of any ballot submitted with an affidavit in lieu of a voter ID is misplaced. Section 29 places this language under the duties of poll workers following the completion of voting. The language should be added to the statutory provisions related to the work of the municipal, school district and county boards of canvassers. In fact the title of Section 7.51 describing the post-election activities of poll workers should be changed from “Local Board of Canvassers” to “Post-Election Duties of Election Inspectors” or something similar.

Section 39 of the legislation deals with changes to conducting special elections to fill a vacancy in office. However, no provision has been made to ensure 47 days of absentee ballot transit time for a special primary or special election for congressional office. This is critical to ensure full compliance with the federal Military and Overseas Voter Empowerment Act. As you may recall, federal court consent decrees required that we complete comprehensive reports to the U.S. Department of Justice in 2010 and 2012 to ensure that Wisconsin’s municipal clerks were complying with that federal law.

In the section dealing with campaign finance changes to Chapter 11, there are inconsistencies in the attribution statements required of independent disbursement committees and political action

committees that make independent disbursements. There are also discrepancies in the timeframe for reporting of disbursements between independent committees and PACs. Finally, there is a discrepancy in the threshold for required record keeping as compared to the threshold for reporting of contributions and other information related to political activities. Addressing these discrepancies will provide clear and consistent guidance for people involved in the political process and who are subject to regulation by our agency.

These are several examples of drafting or technical issues that should be corrected as the legislation proceeds.

Additional Administrative Changes

The Government Accountability Board and its staff have also identified a number of administrative issues that we believe ought to be addressed in any comprehensive legislation related to campaign finance regulation and election administration. For example, the threshold for triggering campaign finance disclosure for referenda is too low to pass constitutional scrutiny.

In March of this year, the Board voted to seek introduction of legislation, LRB 1722/1, to raise the threshold for campaign finance disclosure of referendum-related activity from \$750 to \$2,500. There have been a number of court cases over the years challenging the thresholds for registration and reporting of political activity related to referendum elections. The threshold was once at \$25, but that was found unconstitutional, so the Legislature raised it to \$750 at the Board's request. But that, too, has been found by court decisions to be too low. We believe \$2,500 will pass muster with the courts.

Similarly, the threshold for political committees to register remains at the \$25 level established in 1974. This level should be raised. We believe that the proper threshold is a legislative determination that should be thoroughly deliberated with input from the public and the regulated parties.

At our most recent meeting in May, the Board voted unanimously to ask the Legislature to make changes in statutes governing absentee voting and other election laws, based on

recommendations from a task force consisting of county and municipal clerks. Specifically the Board recommended these changes:

1. Electronic Transmission of Ballots

Currently only military voters and permanent overseas voters (U.S. Citizen voters residing overseas with no present intent to return) are eligible to receive ballots by electronic transmission. Voters who are overseas temporarily may not receive ballots electronically.

The Board voted to accept the clerk task force's recommendation to permit electronic transmission of absentee ballots to all overseas voters who request it.

2. Absentee Ballot Request Deadlines

Deadlines for requesting absentee ballots by mail vary depending on the type of voter. Generally, voters have until 5 p.m. on the Thursday before the election to request an absentee ballot by mail. Military and indefinitely confined voters have until 5 p.m. on the Friday before the election to request a ballot by mail. At federal elections, active duty military voters may request a ballot up to 5 p.m. on Election Day.

The Board voted to accept the task force's recommendation to standardize the deadline for by-mail absentee ballot requests by moving the deadline for both military and indefinitely confined voters to request an absentee ballot by mail from the Friday before the election to the Thursday before the election. In addition, the Board supported moving the Election Day deadline for active military voters to request an absentee ballot for a federal election to the Thursday before the election.

3. Elimination of Requirement for Signature of Witness on Absentee Certificate Envelope

Wisconsin law requires the signature of a U.S. citizen witness on an absentee ballot certificate envelope. Obtaining the signature of a U.S. Citizen is frequently difficult for Wisconsin voters living in remote areas overseas. In addition, Wisconsin is one of only four states that require any witness signature on an absentee certificate envelope at all.

The Board endorsed the recommendation to eliminate the requirement that the witness to absentee voting be a U.S. citizen.

4. Annexation Notification

When municipalities annex property which affects voting district boundaries, the G.A.B. often does not receive timely notice of the changes to make adjustments in the Statewide Voter Registration System. This affects our ability to set up accurate voting wards and ensure that voters in annexed territories receive proper ballots. Because we have not received timely notice, we have spent considerable staff time close to elections working with clerks to fix these problems. The Board voted to accept the task force's recommendation that the G.A.B. should be added to the list of state agencies which the Secretary of State is statutorily required to notify of completed annexations

For each of these issues, our Board has directed staff to request that the Legislature act on the recommendations of the taskforce comprised of county and municipal clerks, and we have provided correspondence to the Committee regarding those issues.

Our preliminary review of the bill reveals some additional areas where positive changes could be made related to election administration. Some examples include:

1. Combining Wards

Removing the restriction proposed in Section 5.15 (6) (b) of the Statutes that, when municipalities combine wards by adding a small ward (20 voters or less) to another ward, the combined ward may not exceed the statutory maximum population size. The incremental change in these cases is so small that the impact on the maximum population size (4,000, 3,200, or 2,100 depending on the size of the municipality) is insignificant.

2. Financial Institutions

Changing the reference to "bank" in Section 6.34 (3)(a)9. to "financial institution" to make clear that a credit union or savings and loan institution statement may be used as proof of residence for Election Day registration. This makes sense and conforms the statute to common practice.

3. Poll Book Signature Format

Changing the requirement that the G.A.B. prescribe the poll book signature format by administrative rule in Section 6.36 (2)(a). This is a simple task that can be

accomplished in collaboration with local election officials without investing the significant agency resources and time required by administrative rulemaking.

4. Curbside Voting

Specifically exempt voters who cast a ballot curbside under Section 6.82 (1) because they are unable to enter the polling place from having to sign the poll list. Very few electors avail themselves of this option because polling places are required to be accessible to individuals with disabilities. Halting voting to take a poll list to a curbside voter is a cumbersome process. The curbside voting practice has a number of other safeguards attached to it that eliminate the need for a curbside voter's signature on the poll list.

5. Recording Confidential Information on Poll Lists

Eliminate the requirement in Section 6.79 (4) that poll workers record on the poll list the type and unique number of identifying documents provided along with Election Day registration. The legislation requires recording this information on the voter registration card, which is current practice. Because this information must be redacted in response to public record requests, the poll list is not the proper place to record the information. In addition, it is not practical because the names and addresses of voters registering at the polling place are not recorded on the poll list, but on a supplemental list prepared by the poll workers.

6. High School Poll Workers

This bill provides, with certain exceptions, that an individual who serves as an election official at a polling place on Election Day need be an elector only of a county in which the municipality where the official serves is located. This change should also include high school election inspectors authorized by Section 7.30(2)(am) among the poll workers to allowed to serve at any polling place within their municipality of residence.

7. Indefinitely Confined Voters

The Board has also requested that we seek legislative clarification of Section 6.86(2) of the Statutes. That provision directs clerks to remove the name of an indefinitely confined absentee voter from the list of voters who automatically receive absentee ballots if the voter does not return an absentee ballot for an election. The clarification that is required is whether this procedure applies when an indefinitely confined voter

does not return an absentee ballot for a primary election. There is a practical difficulty in sending the voter a 30-day notice that is required between the dates of a primary and the spring election, or the primary and a general election. The statutes also do not mandate a deadline for clerks to send such a notice. This is an administrative issue that would benefit from a legislative decision on which the G.A.B. could rely in giving guidance to clerks.

Conclusion

The Government Accountability Board respectfully requests that the Committee take its time in evaluating this legislation. To summarize, there are drafting and technical issues that need to be addressed. The policy initiatives are significant and the Legislature would benefit from a more extensive analysis of those policy issues. There are also a number of practical changes that the G.A.B., along with local election officials, have identified that ought to be included in any comprehensive campaign finance regulation and election administration legislation.

Thank you for your consideration of our views. I would be happy to try to answer any questions Committee Members may have at this time. The G.A.B. staff is also available to work with you to address the issues we have raised, and will provide you with more information as soon as we have had the time to fully analyze this bill.

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JUDGE TIMOTHY L. VOCKE
Chair

KEVIN J. KENNEDY
Director and General Counsel

May 31, 2013

The Honorable Kathleen Bernier, Chair
Assembly Committee on Campaigns and Elections
Room 107 West, State Capitol
Madison, WI 53708

Subject: LRB-1763

Dear Representative Bernier:

The staff of the Government Accountability Board is currently reviewing the draft legislation circulated by Representative Stone as LRB-1763. Given that the proposed legislation would affect many statutes governing election administration, I am forwarding several other legislative recommendations recently adopted by our Board. We would request that these items be considered for inclusion in any comprehensive revision of the election laws.

Beginning in the fall of 2012, the Board convened a Clerks Concerns Taskforce, at the request of county and municipal clerks. The purpose of the Taskforce was to review concerns raised by local election officials that the tasks required for administering elections has become too cumbersome and complicated, straining the resources of counties and municipalities as well as causing many local clerks and election inspectors to terminate their service. The Taskforce submitted various recommendations for administrative and legislative changes to our Board, which have been considered in two public meetings of the Board, and a number of those recommendations have been adopted by the Board.

The Board has directed its staff to communicate to the Legislature the recommendations it adopted and which require statutory revisions. We are also forwarding several recommendations made by the Taskforce but that were not adopted by the Board. The Government Accountability Board respectfully requests that the Legislature consider including the following legislative amendments as part of LRB-1763 or any other set of election-related bills in this session:

Absentee Voting Procedures

1. Permit electronic transmission of ballots to all absentee voters who are overseas, including voters who are overseas temporarily, if electronic transmission is requested by the voter.
2. Standardize the deadline for by-mail absentee ballot requests by moving the deadline for both military and indefinitely confined voters to request an absentee ballot by mail from the Friday before the election to the Thursday before the election, and by moving the Election Day deadline for active military voters to request an absentee ballot for a federal election to the Thursday before the election.

3. Eliminate the requirement that the witness signature on absentee ballot certificate envelopes be executed by a U.S. citizen.
4. The Clerks Concerns Taskforce also recommended the following two changes regarding absentee ballots which the Board directed staff to refer to the Legislature for its consideration without taking a position on their merits:
 - Require all absentee ballots to be physically returned by 8:00 p.m. on Election Day, instead of by 4:00 p.m. on the Friday after the election.
 - For as long as the voter photo ID requirement is not in effect, the deadline for voters to validate their provisional ballot is moved from 4:00 p.m. on the Friday after the election to 4:00 p.m. on the Wednesday after the election. If the voter ID requirement is in effect, the deadline for validating provisional ballots should remain as 4:00 p.m. on the Friday after the election.

Four-Year Voter Record Maintenance

The Board directed staff to communicate to the Legislature that the Board does not object to completing the Four-Year Voter Record Maintenance on behalf of municipal clerks, but that the Board wishes to have clear express authority stated in the statutes, along with necessary funding.

Annexations

In order to facilitate accurate mapping of voting district boundaries and properly assign electors to voting wards, add the Government Accountability Board to the list of agencies that the Secretary of State is required to notify under Wis. Stat. § 66.0217(9)(b).

Public Records

The Clerks Concerns Taskforce also recommended that voted ballots should not be subject to public inspection under the Public Records Law, but that providing copies of ballots would remain permitted. The Board directed staff to refer this recommendation to the Legislature for its consideration without taking a position on the merits of the proposal.

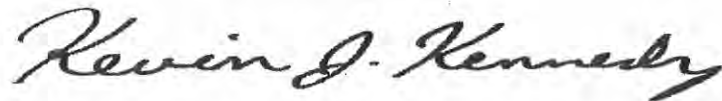
The Board believes the recommendations described above are primarily administrative in nature, and they would result in simpler and more consistent procedures to be implemented by local election officials. Training of clerks and election inspectors would be simplified, and the proposed changes would address some of the workload concerns that have been expressed by local election officials.

The Board's recommendations are the result of considerable discussion, both at the staff level and among members of the Taskforce and the Board. As you know, representatives of your office and Senator Mary Lazich attended the Taskforce's meetings and were able to hear the concerns and feedback of municipal and county clerks. While this correspondence does not outline all of the policy and administrative factors related to the recommendations, we can certainly provide additional background information if that would be helpful.

The Honorable Kathleen Bernier
LRB-1763
May 31, 2013
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I would be glad to work with you and other legislators to develop these statutory changes, or to answer any questions regarding the background and reasoning related to these recommendations. Thank you for your consideration of this request.

Government Accountability Board

A handwritten signature in black ink that reads "Kevin J. Kennedy". The signature is written in a cursive, flowing style.

Kevin J. Kennedy
Director and General Counsel

cc: The Honorable Mary Lazich
Members, Assembly Committee on Campaigns and Elections
The Honorable Jeff Stone



WISCONSIN MANUFACTURERS & COMMERCE

TO: Members of the Assembly Campaigns & Elections Committee

FROM: Scott Manley
Vice President of Government Relations
Wisconsin Manufacturers & Commerce

DATE: June 4, 2013

RE: Support for AB 225

Wisconsin Manufacturers & Commerce (WMC), the state's chamber of commerce, supports passage of Assembly Bill 225 (AB 225), and its effort to statutorily codify the right to corporate free speech as affirmed by the state and federal Supreme Court. In particular, we urge you to support the bill's provisions that propose to update the definition of "political purpose" for issue advocacy, and allow corporate-sponsored independent expenditures, as affirmed by the U.S. Supreme Court in the *Citizens United* decision.

"POLITICAL PURPOSE"

At the heart of Chapter 11 of state statutes is its definition of "political purpose" in Wis. Stat. § 11.01(16).

Activities that are for a political purpose are subject to campaign finance regulation. When an act is *not* for a political purpose, the act is *not* subject to state campaign finance laws.

To provide full protection for political speech and a speaker's First Amendment rights, it is very important for political purpose to be drafted and interpreted narrowly. Updating the statutory definition of political purpose will make it clear that only communications that are express advocacy are regulated under state campaign finance laws.

BACKGROUND

Express advocacy is a communication that expressly advocates the election or defeat of a clearly identified candidate. Support for or opposition to a specifically identified candidate often involves words such as "elect," "defeat," "vote for," "vote against."¹ Express advocacy is not literally limited to these "magic words" and includes the functional equivalent of express advocacy when a communication is susceptible of "no reasonable interpretation other than as an appeal to vote for or against a specific candidate."²

A communication that does *not* expressly advocate the election or defeat of a clearly identified candidate is "issue advocacy." By definition, issue advocacy communications avoid any explicit discussion of an identified candidate's election or defeat and, instead, provide information on an issue or policy question associated with a public official or candidate often, though not always, as part of a grassroots lobbying effort.

¹See *Buckley v. Valeo*, 424 U.S. 1, 44 n. 52 (1976); *Elections Board v. Wisconsin Manufacturers & Commerce*, 227 Wis. 2d 650, 669-71 (1999).

² See *Federal Election Commission v. Wisconsin Right to Life*, 551 U.S. 449, 469-70 (2007).

The express advocacy standard articulated in *Buckley*, has been adopted by the Wisconsin Legislature in the statutory definition of political purpose:

[a]cts which are for political purposes include . . . [t]he making of a communication which expressly advocates the election, defeat, recall or retention of a clearly identified candidate.

Wis. Stat. § 11.01(16)(a)1.

Absent from state campaign finance law is any regulation of issue advocacy – communications that do *not* expressly advocate the election or defeat of a clearly-identified candidate. Instead, Wisconsin only regulates the statutorily-defined category of political speech that is express advocacy. Unlike Congress, the Wisconsin Legislature has not adopted any limitation on, or registration or reporting obligation for, issue advocacy. While proposals have been introduced by state legislators to revise the definition of political purpose, expanding the scope of state campaign finance law to try to regulate issue advocacy, none of these legislative proposals has ever been adopted.

Notwithstanding the current political purpose statutory language and the Legislature's refusal to act on any proposed amendments, the Elections Board and now the G.A.B. have attempted during the last 16 years to regulate issue advocacy through enforcement actions and proposed administrative rules.

Most recently, with the language in Wis. Admin. Code § GAB 1.28(3)(b), the G.A.B. expanded the scope of communications considered to be for a political purpose and attempted to regulate individuals other than candidates and organizations other than political committees when they are *not* engaged in express advocacy. In promulgating the revised GAB 1.28, the G.A.B. exceeded its statutory authority by broadening the definition of political purpose beyond that mandated by the State Legislature.

While the organizations who support limited regulation have consistently prevailed in these matters, it is time consuming and expensive to defend against the G.A.B.'s efforts to broadly interpret political purpose and expand the scope of regulation. Accordingly, to prevent any further efforts by the G.A.B. to regulate activities under Chapter 11 that are not express advocacy, the statutory definition of political purpose should be modified so that it is even more clear in its narrow scope.

CURRENT LAW

As described above, current Wis. Stat. § 11.01(16)(a)1. introduces the express advocacy *Buckley* standard into state law but does not provide any additional detail or description of the standard. Instead, that detail is currently set forth in administrative rule rather than state statute.

On paper, Wis. Admin. Code § GAB 1.28 greatly expands the scope of political purpose beyond express advocacy and would also include certain issue advocacy communications. However, in response to several lawsuits, the G.A.B. has stipulated not to enforce subpart (3)(b) of the current rule. Therefore, under current law, the scope of regulated communication is limited to subpart (3)(a):

The communication contains terms such as the following or their functional equivalents with reference to a clearly identified candidate and unambiguously relates to the campaign of that candidate:

1. "Vote for;"

2. "Elect;"
3. "Support;"
4. "Cast your ballot for;"
5. "Smith for Assembly;"
6. "Vote against;"
7. "Defeat;" or
8. "Reject."

Wis. Admin. Code § GAB 1.28(3)(a).

AB 225 (SECTIONS 49, 50, 51, 52, 53)

The definition of political purpose is updated by adopting into statute the language from GAB 1.28(3)(a). This language is consistent with the U.S. Supreme Court's holding in *Buckley v. Valeo* and the Wisconsin Supreme Court's decision in *Elections Board v. Wisconsin Manufacturers & Commerce*. See Section 51.

State law is also modified to make clear that only express advocacy – not issue advocacy – is subject to campaign finance regulation. See Section 53. This is necessary to prevent the G.A.B. from attempting to adopt regulations that expand the scope of communications subject to regulation beyond those containing express advocacy.

CITIZENS UNITED AND CORPORATE INDEPENDENT EXPENDITURES

After the U.S. Supreme Court's decision in *Citizens United v. FEC*, 558 U.S. 310 (2010), corporate financial support for independent expenditures (third-party express advocacy communications) *cannot* be prohibited. *Citizens United*, however, only addressed corporate spending on independent expenditures and not corporate contributions to candidates and political parties. In those jurisdictions where these direct corporate contributions are prohibited, they remain prohibited as *Citizens United* did nothing to upset those existing bans.³

In its decision, the U.S. Supreme Court made clear that any attempt to restrict or limit political speech by any speaker – e.g., individuals, corporations, labor organizations, tribes – would be highly disfavored. Current Wisconsin law prohibits corporate sponsored independent expenditures. Accordingly, the Wisconsin Legislature needs to modify state law to allow any speaker to directly sponsor independent expenditures. A statutory change would permit corporations and others to financially support independent expenditures. The Legislature also may choose to subject that sponsorship and financial support to disclaimer and disclosure requirements.

By incorporating the holding of *Citizens United* into state law, Wisconsin would be joining about half the states that already allow corporate sponsored independent expenditures. Such a change would also ensure that corporate sponsored independent expenditures remain permissible even if *Citizens United* were ever overturned.

CURRENT LAW

In response to *Citizens United* and after receiving an advisory opinion from Attorney General Van Hollen that it was permissible to do so, the Government Accountability Board ("G.A.B.") adopted a new administrative rule, Wis. Admin. Code § GAB 1.91. The regulation provides that

³ Under both Wisconsin and federal law, corporate campaign contributions to candidates and political party committees are strictly prohibited. See Wis. Stat. § 11.38; 2 U.S.C. § 441b. About half of the states already allow corporate sponsored independent expenditures and corporate contributions.

independent expenditure communications may be made by organizations, including for-profit and non-profit corporations, which are primarily organized for non-political purposes, as long as the organizations comply with the registration and reporting requirements of GAB 1.91.

Under GAB 1.91, an organization that is planning to make disbursements for independent expenditure communications must first establish a separate, segregated account prior to any such disbursement. This account will be used to deposit any funds transferred from the sponsoring organization as well as any donations specifically earmarked for such communications. All amounts deposited in and disbursed from this account (a "1.91 Account") will be reported to the G.A.B. and publicly disclosed. Those required public disclosure filings include:

- An initial registration statement (Form GAB-1);
- An oath for independent disbursements naming the candidates subject to the communication and declaring the independent nature of the activity (Form GAB-6);
- Periodic campaign finance reports (pre-primary, pre-election, and continuing reports) including specific details on independent spending (Form GAB-2, Form GAB-7);
- 24 hour reports in the 15 days prior to an election (Form GAB-7); and,
- Disclaimer statements on the communication itself that disclose the sponsor's identity.

Importantly, an organization with a 1.91 Account (a "1.91 Organization") may receive unlimited donations from individuals, corporations, political committees and other 1.91 Accounts. A 1.91 Organization may not coordinate disbursements with a candidate benefiting from the independent expenditure, and may not make direct contributions to candidates or political action committees ("PACs").

A 1.91 Organization need not file extensive campaign finance reports that require donor information like those completed by a PAC. Instead, the G.A.B.'s administrative rule only requires the disclosure and reporting of contributions "made for" independent expenditures. Contributions "made for" independent expenditures that must be disclosed to the G.A.B. include:

- funds from the sponsoring 1.91 Organization transferred to its 1.91 Account;
- funds from other organizations that are directly deposited into the 1.91 Account; and,
- transfers to the 1.91 Organization from other organizations when donors earmark their donations for independent expenditure communications.

Donations to a 1.91 Organization that are not "made for" independent expenditures and other sources of corporate revenue do *not* need to be disclosed on the campaign finance reports filed with the G.A.B under GAB 1.91.

AB 225 (SECTIONS 48, 56, 59, 65, 68, 69, 70, 71, 72)

In short, AB 225 codifies GAB 1.91 into statute while at the same time improving it to avoid the administrative burdens that have been objected to in litigation filed by Wisconsin Right to Life. See *Wisconsin Right to Life, Inc. v. Deining* (2:10-CV-00669-CNC E.D. Wis.) (appeal pending at the 7th Circuit). In sum, the bill:

- Creates a definition of "independent disbursement" and "independent disbursement committee." (Section 48)
- Creates sections clarifying the minimal registration and reporting requirements for non-political organizations engaged only in independent disbursements. (Sections 56 and 59)

- Makes clear that an independent disbursement committee may only sponsor independent disbursement communications and cannot make contributions to political committees. (Section 65)
- Establishes a framework for registration and reporting of independent disbursements by corporations and other organizations not organized exclusively for political purposes. It does not require the establishment of separate 1.91 Accounts. (Sections 68, 69, 70, 71, 72) Those provisions include:
 - Making it clear that corporate independent disbursements are permissible.
 - Requiring an initial registration and oath when value of spending exceeds \$750.
 - Filing periodic reports as well as 24 hour reports.
 - Including disclaimer statements on the communication itself.

AB 225 also makes clear that all corporations and labor organizations will be treated the same with respect to independent disbursements.

We urge your support for these important reforms that codify constitutionally-protected speech for the business community.



LEAGUE OF WOMEN VOTERS® OF WISCONSIN
EDUCATION NETWORK

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Phone: (608) 256-0827
<http://www.lwwwi.org>

June 4, 2013

To: Assembly Committee on Campaigns and Elections

Re: Opposition to AB 225

Founded in 1920 by suffragists who had worked for decades to win the right to vote for women, the League of Women Voters believes that voting is a fundamental right which must be guaranteed. The legislation you are considering is a huge overhaul of our Wisconsin election system, and it deserves more time for thoughtful consideration of public input.

We are concerned about the many provisions in this bill that restrict citizens' ability to vote, while others make it easier for moneyed interests to influence our elections. We urge you to take the time to carefully consider input from multiple perspectives in order to understand fully the wide-reaching implications – as well as the devil in the details of implementation – for both voters and local officials if this bill should pass.

Photo ID

If we must have a photo ID law, it is a step in the right direction to allow an exemption for people who are indigent, who have a religious objection, or who do not possess the underlying documentation needed to obtain an acceptable ID. However, the exemption in this bill is problematic, for several reasons:

1. There are many reasons why a person might not have an ID. They might not be able to get to the DMV to obtain one. Their ID might have been stolen or lost shortly before the election.
2. The bill requires people to not only sign an affirmation but also swear or affirm before the chief inspector at the polling place. The affirmation may be humiliating, and many people do not want to take an oath orally in front of their neighbors about their financial status or religious beliefs.
3. The bill specifies that ballots of people who make the affirmation will be marked in the same manner as a challenged ballot, compromising the privacy of the ballot.
4. The bill creates more work for local election officials, who are charged with investigating and standing in judgment of their neighbors' affirmations in the case of a recount. What will be their criteria? How poor is too poor? Will they question their neighbors' religious convictions?

In the absence of evidence that voter impersonation exists, we still do not believe a voter photo ID law is justified. It costs millions of taxpayer dollars to implement, it prevents people from voting, and it does not solve a problem. That is a net loss for democracy.

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If we must have this law, we recommend that you allow a broader array of acceptable IDs, as do other states. That will save money and not exclude as many voters.

Proof of Residence for Election Day Registration

The trend is clear that more and more secure financial and personal business transactions take place online. We support adding cell phone and credit card statements to the list of acceptable proof-of-residence documents, as a matter of keeping up with the times. However, we oppose the measure that prohibits an elector from providing an electronically displayed proof of residence document. After all, printing a document from a website does not add security. It only makes a printed copy of what is online.

The League had election observers in 440 polling places in November, and there were no reports of election officials not being able to read the electronic documents. There were complaints about this from other election observers who thought they should be able to see the proof-of-residence. But it is the job of the election officials, not the observers, to view documents that include people's private information. In fact, we did hear concerns from voters who were worried about the privacy of such things as their account numbers on their bank statements.

Poll book signature requirement

It is the responsibility of the poll worker to ensure that the poll book is signed. The voter should not be penalized if the poll worker has made a mistake.

The worst of this provision is that there is no way to know which ballots were cast by the people who did not sign the poll book. Therefore, ballots would have to be pulled at random during a recount, which could well affect the outcome.

The public should know about how this will take place, and we will do what we can to make that happen. Most people would balk at the idea that, even if they sign the poll book, their own ballot may be tossed because a poll worker forgot to ask another voter to sign.

Nominees to the Government Accountability Board

When the GAB was created through bipartisan legislation in 2007, a system for selecting board members was debated and adopted to ensure that the board would be independent of partisan influence. By doubling the number of nominations made by the candidate nomination committee, this bill transfers more of the vetting and selection authority to the Governor's office. Thus it disrupts the checks and balances intended to maintain a nonpartisan board.

Voting by Absentee Ballot in Person

Currently municipalities are not required to offer evening or weekend hours for early voting, but many do. People who work long hours, need to deal with child or elder care, or travel often find evenings and weekends much more convenient for voting. This bill limits the ability of local clerks to provide services to their constituents.

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By treating all municipalities equally, this bill treats voters unequally. The legislation requires that only the clerk – not a clerk’s staff member or designated agent – may work with citizens in evening or weekend hours for in-person absentee voting. This gives an unfair advantage to voters in small municipalities, where one clerk serves a smaller number of voters.

Campaign Finance Provisions

While AB 225 would make it more difficult for individual citizens to vote, it eases restrictions on moneyed interests that seek to influence our elections. It removes the disclosure requirements for most so-called “issue ads” which purport to be about issues but for some reason fill the airwaves with mention of specific candidates before an election. Voters deserve to know what groups are funding these ads.

The bill deletes a century-old prohibition on campaign contributions by corporations and cooperatives. This ban, which was enacted to protect Wisconsin elections from undue influence by moneyed interests, is currently blocked by the Citizens United ruling. However, the League still heartily supports it, and we believe it should remain on the books in the hope it can be enforced in the future.

Finally, the bill extends the period in which lobbyists may make campaign contributions, increasing the perception of and the potential for conflict of interest for elected officials who are running for re-election.

Conclusion

While there is not time to analyze and address all of the anti-voter aspects of AB 225, we wonder what Wisconsin voters could possibly have done to deserve such restrictive legislation. Wisconsin consistently ranks near the top nationally for clean, efficiently administered elections with high voter participation. The problems we have seen have largely been a matter of poll worker error or, more rarely, mismanagement.

The best way to improve our elections, therefore, is to provide for more and better training of local election officials in order to reduce errors.

This bill would make voting more difficult and elections more expensive. We oppose AB 225 and urge you to do the same.

To: Representative Bernier, Chair, Representative Pridemore (Vice-Chair), and members of the Assembly Committee on Campaigns and Elections

Date: June 4, 2013

From: Alicia Boehme, Disability Rights Wisconsin,

Disability Rights Wisconsin (DRW) is the designated protection and advocacy agency for people with disabilities in the state of Wisconsin. We receive funding through the Help America Vote Act of 2002 to ensure equal access to the polls for people with disabilities, to educate the disability community on their voting rights and responsibilities, and to work with the Government Accountability Board and clerks to improve voting access. All of our work is non-partisan.

As a part of our work over the past 10 years, DRW has conducted a joint non-partisan project with the Wisconsin Board for People with Developmental Disabilities (BPDD) called the Wisconsin Disability Vote Coalition to educate the disability community and ensure that people with disabilities get out-to vote on Election Day. Through our work we have gained a good understanding of the disability community, their voting experiences, and barriers they face to participating in the electoral process.

AB 225 is a comprehensive bill that seeks to change election law in a variety of ways. We are especially concerned about certain aspects of the bill and what it will mean for voters from the disability community. We do know that state voting laws impact the voting rates of individuals with disabilities and we want to make sure that changes being considered today do not result in lower voting rates for this community as they currently fall significantly below that of the general voting population.

Proof of Identification Requirement:

While we are pleased that the bill permits the use of veteran identification as a form of voter identification, we maintain our opposition to a photo ID requirement because the requirement places an additional barrier to voters with disabilities and is likely to discourage or prevent voting within the disability community and increase the number of people with disabilities who don't vote. Furthermore, it is unclear if this bill addresses hidden costs and other barriers that voters from the disability community may face in order to obtain photo identification such as inaccessible DMV offices with limited hours and the high cost of accessible and other transportation especially for people living in rural communities where DMV offices are scarce. For some voters, it could cost upwards of 75 dollars one way to pay for transportation to a DMV.

Absentee ballot restrictions:

People from the disability community often vote by absentee ballot because they are indefinitely confined, mobility and transportation is difficult or impossible on Election Day, they live in an institutional setting of one kind or another, or for other reasons. An absentee ballot might be the only voting choice for many people with disabilities. Nationally, voters with disabilities vote by absentee ballot at much higher rates than other voters. Changes to absentee voting, therefore disproportionately impact the disability community.

AB 225 seeks to restrict absentee ballots in two major ways. First it is restrictive by throwing out ballots where witnesses fail to provide their address on the absentee ballot, and second by limiting voting hours for in person absentee voting.

This bill has the potential to have many ballots go uncounted by allowing clerks to discard those that do not have the address of a witness. First, due to their disability (e.g., vision loss, reading disability or developmental disability), some voters may not be able to monitor whether or not their witness put their address on the outside of the ballot. Second, voters will likely have no idea that their vote is not counted. There is no proactive measure in this bill to notify voters that a mistake was made and their vote is not counted. **We are opposed to this part of the bill, but one way to improve it is to require clerks to notify voters that their vote has not been counted and, if there is time, mail back the ballot for the witness to add their address so the vote can be counted.**

This bill also unnecessarily restricts the hours of in-person absentee ballots, which is not good for voters with disabilities who are much more likely to vote in-person absentee ballot than non-disabled voters. For some this is due to difficulty securing transportation on Election Day, while for others it is to avoid long voting lines. Restricting absentee balloting will especially impact voters with disabilities who live in larger municipalities, as these municipalities have been more likely to hold weekend or extended evening hours during presidential elections and generally have been where long lines have been a problem. **Research proves that long lines to vote in-person absentee or at the polls are an absolute deterrent for voters with disabilities to participate in democracy. In addition, people with disabilities want flexibility when they can vote in person. There is no need to restrict the ability of a clerk to extend voting hours; we recommend that this section of the bill be removed.**

Residency of election officials:

We think it is good policy to have strong pool of poll workers for municipalities to choose from because a voters experience at the polls can make a difference in whether or not they choose to return to vote again, especially for an infrequent or first-time voter. This is certainly true for many voters from the disability community that we have spoken to throughout the years. **We are therefore in favor of allowing individuals to serve as a poll worker within their county** and are hopeful that this will ease the recruitment difficulties that some municipalities currently face.

Mary Jo McDonald
4354 N Marlborough Drive
Shorewood, WI 53211
(414) 962-8195 mjom3@sbcglobal.net

My name is Mary Jo McDonald and I am the Chief Inspector of wards 9-12 in Shorewood. I would like to address 5 of the proposed Election Administrative Changes contained in AB225.

First – Selection of poll workers.

It is important that clerks are allowed to select and train the most competent workers and that polling places remain totally non-partisan. The increasing changes in election rules and procedures have made this a difficult job. We need accuracy, attention to detail and a focus on customer service. Political parties are not trained or equipped to know and evaluate worker competence. Do not adopt this portion of the bill.

Second – Proof of Registration

In August 2012, the GAB joined the 21st century by allowing electronic records to be used as proof of registration. From personal knowledge, I can tell you that the statements for WE Energy, AT&T and my bank are an exact duplicate of the paper statement. The poll worker inspects the document but does not keep a paper copy. The name, address and account number is currently recorded on the registration. Why is inspecting an electronic copy a problem needing change?

One ongoing problem that many voters have is that bills, leases and many records are entered only in one person's name in the household. The wider variety of acceptable proof of registration is often best found on a phone at the polling place with directions and prompts from the poll worker.

Third – Rejection of a ballot if a poll book is unsigned.

Poll workers work a 15-hour day and try diligently to be as error free as possible. When an error is identified because the books are checked frequently throughout the day, I am required to log it on the Inspector's statement along with the time. This becomes part of the official record. The present process of signing the poll book has greatly reduced error and is often easy to determine voter intent. On the few occasions where a poll book is unsigned, it is a clerical error by the poll worker, not intent to fraud. There should be no voter penalty requiring a ballot to be discarded whether in a recall or not.

Fourth – Hours of In-person Absentee Voting

As communities in Wisconsin with large and very small populations have very different needs, it is important to provide for local control and flexibility regarding hours for early absentee voting. The clerk is best able to determine what the community needs is in this regard. No specific limitations should be imposed. This is another problem that does not exist.

Fifth – Voter ID

Voter ID will only prevent voter impersonation. There are no documented cases in Wisconsin. Voter ID proposes a solution for a problem that does not exist, but it does disenfranchise many voters statewide.

In Summary, voting is a right and not a privilege. It is my duty to facilitate voting in my wards. Wisconsin has a long history of high voter turnout with clean elections and efficient procedures overseen by the non-partisan GAB and non-partisan poll workers. AB225 continues to discourage voter participation while it proposes onerous roles for voter procedure that do no need fixing. Thank you for your attention.



WISCONSIN BOARD FOR PEOPLE
WITH DEVELOPMENTAL DISABILITIES

To: Representative Bernier, Chair, Representative Pridemore (Vice-Chair), and members of the Assembly Committee on Campaigns and Elections

Date: June 4, 2013

From: Wisconsin Board for People with Developmental Disabilities,

The Wisconsin Board for People with Developmental Disabilities (BPDD) works with Disability Rights Wisconsin and the Survival Coalition through the Disability Vote Coalition to assure that the constitutional right to vote for individuals with disabilities is protected and that individuals with disabilities get out and vote. BPDD was established to advocate on behalf of individuals with developmental disabilities. The BPDD testimony comes from the perspective of how AB 225 will impact voters from the disability community.

In the more than 10 years that BPDD and Disability Rights Wisconsin (DRW) have worked on the non-partisan Wisconsin Disability Vote Coalition, we have gained a vast understanding of the disability community and their voting habits. Although the gap has been reduced, people with disabilities vote at a rate of between 10-15 percent below that of the general voting population. We know that state voting laws impact the voting rates of individuals with disabilities, and we want to make sure that changes being considered today do not result in lower voting rates for this community.

AB 225 is a comprehensive bill that seeks to change election law in a variety of ways. We are concerned about certain aspects of the bill and what it will mean for voters from the disability community.

Proof of Identification Requirement:

We have opposed Photo ID in the past. Individuals with disabilities often experience difficulty getting photo identification, including the ability to access the Department of Motor Vehicles during office hours, the expense of getting to and from DMV sites, and the distance of many people with disabilities from DMV sites.. The BPDD position remains that Photo ID disproportionately impacts individuals with disabilities' ability to vote and we continue to oppose this requirement.

Absentee ballot restrictions: AB 225 seeks to restrict absentee ballots by limiting voting hours for in-person absentee voting.

People from the disability community often vote by absentee ballot for several reasons, including:

1. They are indefinitely confined,
2. Their mobility and access to transportation are difficult or impossible on Election Day
3. The waiting lines on election day are long, and the nature of many people's disability involves fatigue or other challenges that make waiting difficult or impossible.
4. The Longer periods of times that individuals have available to vote through the absentee process, especially in large urban areas, assures that individuals with disabilities will have better access to voting.

Residency of election officials. We think it is good policy to have strong pool of poll workers for municipalities to choose from, because a voter's experience at the polls can make a difference in whether or not that individual chooses to return to vote again, especially for an infrequent or first-time voter. This is certainly true for many voters from the disability community that we have spoken to throughout the years. **We are therefore in favor of allowing individuals to serve as a poll worker anywhere within their county** and are hopeful that this will ease the recruitment difficulties that some municipalities currently face.

ELECTION PROTECTION **YOU HAVE THE RIGHT TO VOTE**

Contact: Atty. Ann S. Jacobs
Wisconsin Election Protection
Legal Coordinating Committee
(414) 736-5001
Ann@DomnitzLaw.com

Date: June 3, 2013

Re: Wisconsin Election Protection’s Objections to AB 225

Wisconsin Election Protection is a non-partisan coalition of organizations whose purpose is to protect voter rights, to expose and prevent voter intimidation, and to preserve access to the polls for all voters.

Wisconsin Election Protection has been monitoring elections in Wisconsin since 2004, and had approximately 500 citizen observers and 150 attorney observers state-wide for the 2012 presidential election. We also had hundreds of observers state-wide for the 2012 recall election.

Wisconsin Election Protection strongly objects to the adverse effects AB 225 will have on voter registration and voting.

Photo ID Should Not Be Required For Voting, And The Proposed Changes To Wisconsin’s Photo ID Law Violate Voters’ Constitutional and Due Process Rights

Wisconsin Election Protection is opposed to Photo ID being required to vote.

Years of observations and monitoring indicate that the greatest threats to voting have been impediments such as long lines, inaccessibility of polling places, and registration difficulties that confronted *eligible* voters. At the same time, changes that have made registration or voting more stringent and complicated have had the effect of keeping eligible voters from voting. It appears very likely that more eligible voters have been kept from voting by these requirements – not even including Photo ID – than the handful that have been prosecuted for voter fraud in the past decade. Instead of expending effort and financial resources to make voting more difficult and time consuming or intimidating, careful consideration should be given instead to

strengthening and improving existing procedures to ensure that eligible voters are allowed to vote.

We are extremely concerned that efforts to reimpose a photo ID requirement would add another, confusing layer of requirements for clerks, chiefs, poll workers and voters. Voter ID would be cumbersome to administer and add to long waiting times and the polls. Worst of all, it would be more likely to result in denying eligible voters the right to vote than in the prevention of “voter impersonation fraud” – the only kind of fraud that photo ID could prevent or deter.

The new system of photo ID as proposed in this bill has several significant problems that work to increase the constitutional and due process problems already present in Wisconsin’s Photo ID Law.

- **It Deprives Voters of a Secret Ballot (§6.79(3)(c))**

As proposed, AB 225 sets up a system whereby voters who cannot obtain a Photo ID will have their ballot marked in the same manner as a challenged ballot. Because a challenged ballot includes identifying information, elections officials (and, potentially, observers or other third parties), will presumably be able to identify which “challenged” voter voted for which candidate, depriving those voters of their right to a secret ballot. This loss of the secret ballot should not be tolerated.

- **It Requires Voters To Audibly and Publicly Declare Their Indigency; This is Not a Voting Qualification And Voters Should Not Be Shamed For Being Poor (§6.79(3)(c))**

To paraphrase Tevye the Milkman from *Fiddler on the Roof*, there’s no shame in being poor, but it’s no great honor either. Persons with lesser economic means should not be publicly shamed for seeking to exercise their right to vote by being required to declare their indigency publicly at a poll site. Consider how the U.S. Supreme Court viewed such requirements:

[W]e must remember that the interest of the State, when it comes to voting, is limited to the power to fix qualifications. Wealth, like race, creed, or color, is not germane to one's ability to participate intelligently in the electoral process. Lines drawn on the basis of wealth or property, like those of race, are traditionally disfavored. To introduce wealth or payment of a fee as a measure of a voter's qualifications is to introduce a capricious or irrelevant factor. The degree of the discrimination is irrelevant. In this context—that is, as a condition of obtaining a ballot—the requirement of fee paying causes an “invidious” discrimination that runs afoul of the Equal Protection Clause. *Harper v. Virginia State Board of Elections*, 383 U.S. 663, 666-67, 86 S.Ct. 1079, 16 L.Ed.2d 169 (1966)

- **It Will Result in Voters Being Investigated For Being Poor (§6.79(3)(c) & §7.51(2)(cm))**

Not only does AB 225 require voters to publicly admit indigency, but voters who complete the proposed affidavit/oath process will apparently be subject to investigation by clerks or by the Board of Canvassers in a standardless review process that is

potentially subject to abuse (including political viewpoint discrimination) and is likely to intimidate and deter voters from voting.

- **It Fails to Include Other Reasons Voters Cannot Obtain Photo ID's (§6.79(3)(c))**
Voters have many reasons they cannot obtain ID's in addition to those provided for in this act. For example, Wisconsin has very limited locations of motor vehicle departments, particularly in the northern areas of the state. A person may well not be able to travel to the DMV to obtain their card, whether due to lack of a vehicle, or gas money, or hours of availability or the like.
- **It Takes Chief Inspectors Away from Other Duties**
The only person authorized to administer the oral oath is the Chief Inspector. In some districts where multiple persons will need to complete this process, it will take the Chief Inspector away from his/her other duties and cause that person to spend substantial time administering the oaths.
- **It Increases The Time To Process Voters By Requiring Both Oral And Written Affidavits (§6.79(3)(c))**
The proposed process requires both a verbal and written oath – a very unusual situation and one which will complicate and extend the voting process.

The Process for Challenging The Registration Is a Due Process Violation of the Voters' Rights (§6.79(3)(c))

The proposed process of challenging the registration of persons register on Election Day includes the removal of the voter's ballot. There is not notice to the voter, nor any opportunity to be heard, let alone remedy (or rebut) any supposed violation. The penalty is loss of their vote with no opportunity to be heard. Such a procedure, with an after the fact penalty, clearly violates the due process rights of the voter. Given the procedure proposed, the risk is great that who a person voted for will become the basis to challenge the ballot, rather than the actual registration.¹

Early Voting Should Be Expanded, Not Limited

As a part of Election Protection's activities in the 2012 Presidential Election, we observed early voting in a number of communities, including Milwaukee and Racine. Early voting was consistently efficient, and most importantly, helpful to voters *and* election officials. The only questions or concerns we received about early voting in 2012 were related to the *lack* of early voting hours in some locations, not having too many early voting hours.

¹ This is not a spurious comment – given that the ballot will be noted with the voter's number, a nefarious person can view the ballot, observe who the voter voted for, and then decide whether to challenge the ballot.

Wisconsin specifically vests its clerks with the authority to set hours for early voting, in recognition of the varying needs of different communities. To tell one municipality that it may not recognize that its voters may not be able to early vote during ordinary working hours does a grave disservice to the voters.

The ability of local communities to tailor early voting hours to meet the needs of local voters is critical. Many voters are simply unable to take time off of work to vote during ordinary business hours. This can be for a variety of reasons, including the obligations of work, school, transportation or child care.

Early voting was taken advantage of *throughout* the state – it was not only an urban phenomenon. In Brookfield, early voting increased 12.6% in 2012. Similarly, in Allouez near Green Bay, early voting increased 25%. The city of Waukesha also increased 26%. This compares with an increase of only 8.4% in Madison.² Clearly, voters throughout the state found early voting useful and important.

The flexibility and recognition of the needs of voters by their respective municipal clerks did not turn away any voters in any other community. It did not prevent persons in other municipalities from voting. Voting is not a zero sum game. Wisconsin has more than 1,800 clerks responsible for administering elections in their municipalities. There is nothing that stopped other clerks from tailoring their hours to fit the needs of their communities. For example, if a farming community would find that very early morning hours were worthwhile, clerks could adjust their hours accordingly. This flexibility is key to assisting voters from many walks of life exercise their right to vote.

Wisconsin had very high turnout for the November election, with few reports of long lines. It is clear that early voting contributed to the ease with which voters were able to vote on Election Day. It minimized lines, simplified voting, and contributed to excellent turnout. Compare this to Florida where a reduction in early voting hours resulted in waits of 7 hours or longer. We should be expanding our use of early voting and celebrating its results, not seeking to limit or alter it.

Partisan Influence on Poll Workers Should Be Minimized, Not Expanded

As the legislature has added additional laws and rules to the process of election administration, the job of the poll worker has become more complex. In 2012, Wisconsin poll workers rose to the challenge, learning the new rules and implementing them. This dedication to the effective administration of elections was seen state-wide, as we noted in our 2012 Presidential Election Report.

² <http://www.redstate.com/briansikma/2012/11/03/wisconsin-early-voting-gains-solid-in-gop-areas/> (Last Viewed 6/3/13)

Any effort to move away from the current system to one which *increases* partisan influence without regard to the professionalism of the poll worker should be rejected. Poll workers – like all elections officials - should administer elections in a non-partisan manner and keep their politics out of polling sites. The law thus far has worked well to accomplish this. We object to any change that would increase partisan influence on the electoral process.

Electronic Proof of Residence Should Be Retained

Wisconsin Election Protection asked our volunteers to watch to see how the newly-permitted use of Electronic Proof of Residence went during the 2012 Presidential Election. We can report it was a resounding success.

Uniformly, our volunteers noted that the use of Electronic Proof of Residence was wide-spread and without problems or concerns. There were no reports of poll workers unable to operate or understand the devices upon which the proof of residence was displayed. Voters throughout the state easily accessed and shared that information with the poll workers. It sped up the registration process.

Overall, it was a very successful addition to the voting regulations and should be retained.

Adding Credit Card Statements to Acceptable Proof of Residence Is A Good Idea; Medical Bills Should Be Included As Well

The addition of Credit Card Statements to the list of acceptable proof of residence is an excellent supplement to existing permissible documentation. Wisconsin Election Protection encourages the addition of Medical Bills to that list as well.

Comments on AB 225

Proof of Identification Requirement

1. We don't need different categories to explain why the voter doesn't have photo ID. In the end, we are accepting the voter's sworn statement that he is who he says he is; therefore, a simple sworn affidavit attesting to his/her identity should be sufficient.
2. On the subject of attesting: Why are some voters' words good enough but not the words of other voters? For example, citizenship. On the voter registration application completed by all voters, the voter attests to being a U.S. citizen. But when a college student registers, we can no longer use the certified housing list provided by the local university for proof of residency because it doesn't indicate 'U.S. citizen' besides the student's name. Why is it necessary for a student's citizenship to be corroborated by another party?
3. Why is a voter's word good enough sometimes but not all times? If we accept a voter's attestation that he/she is a U.S. citizen, why can't we accept an affidavit attesting to his/her identity? (Driver's licenses, the most widely-used form of photo ID, are issued to non-citizens. Producing a driver's license at the polls is not proof of citizenship.)

Marking the ballot of an affidavit voter

In 7 years as a municipal clerk, I have never had a single instance of a person unable to vote because someone else has claimed his identity. To mark a ballot so that it is traceable back to a particular voter is a serious matter. Even provisional ballots are not marked – only the carrier envelope holding the ballot temporarily is. AB 225 requires that we mark the ballots of 'affidavit voters', thereby making it clear that anyone without photo ID will always be a 'questionable' voter without the same right to privacy as other voters.

Furthermore, what exactly is meant by 'the clerk may investigate the qualifications' of any voter who signs an affidavit? You may rest assured that I will not investigate. If voter fraud is suspected, I will turn it over to my district attorney's office to investigate; I will not perform any investigation. Clerks have been trained to trust the voter's word when they sign an election document. We are not trained to perform investigations.

Proof of Residency for Voter Registration

Under this bill, electronic copies of proof of residency will no longer be accepted. What is the difference between a printed statement and viewing it on a handheld device? I see this provision as an impediment to people who conduct their bill paying and banking online.

Securing Ballot Containers

Under this bill, only the chief inspector and one other inspector whose party affiliation is different than the chief's may secure the ballot container. Most of my poll workers have not declared party affiliations and do not desire to do so. All of my poll workers are trained and have taken an oath, so I would trust any of them to secure the container. Sometimes I secure the ballot container in the presence of all of my poll workers. Are none of us to be trusted? Why is partisanship being forced into my polling place when we work hard to leave partisanship at the door?

Voting by Absentee Ballot In-person

In a small municipality, a clerk can easily handle voting in-person by appointment evenings and weekends.

In a city, it can be impossible for the clerk to schedule personal appointments with every voter wishing to vote evenings and weekends; in the past, special hours have been published for evenings and weekends to accommodate working voters, with designated staff assisting. This bill does not allow for that practice to continue. And for voters still in line at 6pm on a weekday who have not yet voted – would they be sent away without voting? Why are voters in large municipalities being punished for living in a densely populated area?

Residency of Election Officials

This bill would require that election inspectors be a resident of the county where they serve. If I interpret this correctly, the major political parties would be able to draw from anywhere in the county when compiling their lists of individuals I must use as inspectors. Clerks around the state already spoke out against this concept when Rep. Pridemore proposed it earlier this year. I have no trouble finding inspectors in my municipality and they are all trained and qualified. They get along well with each other and know the voters because they are neighbors (note for those who are worried about voter fraud: theoretically, this is the best preventative there could be!). We don't tolerate partisanship of any type in our polling place. Most of my election inspectors refuse to declare a party affiliation. When my election inspectors take their oath, they can be counted on to perform with honesty and integrity. If the political parties decide they want to control who works at my polling place, 1) I would have no prior knowledge of how these politically-chosen individuals would behave, 2) I would have to conduct additional training to make sure they are qualified to work at my polling place, with my equipment and ballot type, 3) I would lose long-time, dependable election inspectors because they would cease being available if they were seldom scheduled to work, 4) the politically-appointed inspectors would not know my residents, and 5) my residents would certainly notice unfamiliar faces at the table and wonder who they were, and some residents would be intimidated by knowing these were political appointees.

I can't overstate how much a polling place's atmosphere can help the election process. My village hall is a friendly, welcoming place where residents have a chance to visit with each other. In short, my residents have faith in our elections because they like and trust the people they see handling their ballots.

Again, why is partisanship being forced into our polling places when we work so well without it?

Jeri McGinley
Clerk/Treasurer
Village of Park Ridge, Portage County
516 Sunrise Avenue
Stevens Point, WI 54481
715-343-1590

Comments on AB 225
June 4, 2013

To the Members of the Assembly Campaigns and Elections Committee
Chairman, Representative Kathy Bernier
Vice-chairman, Representative Don Pridemore

Point 1: These comments apply to both the segments listed below.

Poll Book Signature Requirements and Challenging an Elector's Registration During A Recount:

I support the proposal stating in statute that an elector shall not be considered to be a voting elector if he or she is required to sign the poll list and does not do so. To be a uniform this statute applies not only during a recount but for any election ballot cast to be counted. Current law already allows for the signature exception of a voter who is deemed by two poll workers to be "exempted by reason of disability". Other voters, including those allowed to vote absentee at curbside due to inability to enter the polling place, are required to sign a poll book or supplemental poll list. If the law requires the signature, not providing the signature invalidates the required process in the same manner as a voter who refuses to give name and address to the poll workers. To receive a ballot, a voter must obey the law.

Another concern raised in the two sections noted above, is the use of the "draw down" procedure when there are more ballots to be counted than there are recorded voters on the poll list. The reason there are more ballots than voters is primarily due to a mistake made by the poll workers and should be corrected at the polls before the municipal canvass is completed. Poll workers are assigning voter numbers on the poll list as the voters appear before them. An audit process conducted at regular intervals at the polls throughout Election Day should allow the number of ballots and the number of voters to be equal.

The "draw down" indiscriminately invalidates the ballots of eligible voters who have followed Wisconsin election law when casting their legal ballot and who have every right to expect that their ballot will be counted.

Voters, who "by the luck of the draw-down" and without their knowledge or any recourse, will have their ballot not counted in order to correct an error that allowed more ballots than voters to accumulate at a ward within polling location. The "draw down" is not only unfair but disenfranchises these legal voters who are not even aware that their precious right to vote was taken from them

I would urge this committee to begin to study and to develop another process for correcting the "too many ballots, not enough voters" problem. "Drawing down" the ballots of voters who have not signed the poll book, or whose absentee envelope is insufficient, or whose Election Day voter registration is unverified or unverifiable or whose ballot is otherwise declared defective/ invalid will reduced the number of valid ballot that can be "drawn-down" but does not totally protect those valid ballots either.

Point 2:

Securing Ballot Containers:

I support this proposal but would ask that specific language be added to include the chain of custody and security for containers used to transport prom paks from a central count absentee ballot location to the clerk's office for merging with the prom paks used at polling places. Prom paks transported from a polling location to a clerk's office should,also, be enclosed in sealed and secured containers.

I have observed at the Milwaukee Central Count Absentee location for each election since 2010. Once the prom paks are processed and tabulation completed, the prom paks containing all the tabulation information are placed in plastic bins, that have no lids and no security devices attached. The open bins are then driven by either van or a private car downtown to the clerk's office. I do not know if this is standard procedure at all central count absentee locations but the proposed section of AB 225 needs to specify chain of custody and security for all transported election materials.

The prom paks contain all the data from the processing and tabulation of the municipality's absentee ballots and are valuable election materials that should be in a closed container with a security device affixed before they leave the central count facility. The number of prom paks enclosed the container and the name of the person responsible for the transportation as well as the time of the departure should be placed on the outside of the container. When the clerk receives the containers, the clerk or designee should indicate time the delivery is received and sign their name as the person receiving the containers and removing the security tags.

I, also, observe voting in the residential facilities and serve as a Special Voting Deputy in Brookfield. There were for many years similar chain of custody and security concerns with those election materials. The recently revised GAB manual governing the administration of SVD voting has finally addressed and detailed chain of custody and security issues for those ballots and election materials.

All other election materials are required to be secured and require the signatures of those responsible for their safety and transport to the office of the clerk. To be uniform, all prom pak deliveries should be treated the same way.

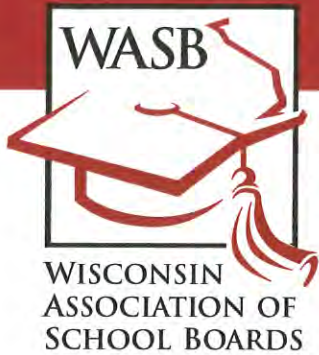
There are many other good provisions in AB 225 and some potential amendments that I would support:

1. Clarifying campaign finance laws in Wisconsin as per Supreme Court rulings
2. Providing a pathway for eligible voters who can prove indigence, or who do not have a birth certificate, to obtain, with State help, the required ID or the necessary birth certificate documentation to obtain the required photo ID. Act 23 already provided for a religious exemption where required but I would support required thumb print on the ID.
3. As when Act 23 passed, require GAB to be responsible for outreach to agencies and other groups whose clients or members may be most in need of information of how to obtain the required photo ID. With over a year until the next election, making sure voters are prepared with required IDs should be a priority. On Election Day, those without proper ID will need to sign an affidavit, vote a challenged ballot and be given written information directing them to the office of their clerk to begin the process of obtaining an ID to have their ballot counted.
4. REQUIRE clerks to investigate qualifications of voters using affidavit process and prepare report prior to county canvass.
5. Encourage efforts to provide for a much more rapid processing of registrations that need verification via the required HAVA checks and provide funds for equipment up-grades to get the job done as quickly as possible.
6. Require clerks to send out voter registration verification postcards with 5 days of receiving the registration and not to enter registration into the SVRS until postcard received from registrant.
7. Require a hard copy of Proof of Residence when registering at the polls. Require all POR to provide residential address of registrant.
8. Require the official registration list to indicate the type of identifying document used as POR and require documentation of ID number on the POR used .
9. Require all voters to sign the poll book in order to have their ballot counted but continue the current exemptions already in the law for those unable to sign their name.
10. Require a US witness signature and address on the certificate envelope of an absentee ballot.

11. Pass legislation detailing uniform security requirements for all election materials.
12. Require two election inspectors, one from each majority party when parties have submitted party nominees, to perform all functions within a polling place.
13. Change the date for closed registration to 28 days prior to Election Day.
14. Support proposed efforts to make uniform the hours available for in-person absentee voting. By mail absentee ballots are available to voters who do not find the in-person hours compatible with their schedule.
15. Support combining of small wards and would encourage finding a legislative solution to the problem of dealing with a ward that is disproportionately large in a community.
16. Support scheduling recalls, referendums and special elections to coincide with regular election dates.
17. Support allowing poll workers to be scheduled within their county of residence.
18. Allow observers within 6 feet of ballot and registration tables.
19. Support the proposed prohibitions on certain expenditures of school districts and timing of school district referendums.

Thank you for considering my comments.

Mary Ann Hanson
3740 Mountain Drive
Brookfield, Wisconsin



122 W. WASHINGTON AVENUE, MADISON, WI 53703
PHONE: 608-257-2622 • TOLL-FREE: 877-705-4422
FAX: 608-257-8386 • WEBSITE: WWW.WASB.ORG

JOHN H. ASHLEY, EXECUTIVE DIRECTOR

TO: Members of the Assembly Committee on Campaigns and Elections
FROM: Dan Rossmiller, Government Relations Director
RE: Assembly Bill 225, relating to election law reform
DATE: June 4, 2013

The WASB Supports Limiting the Use of Recall of Local Officials

The Wisconsin Association of School Boards (WASB) supports the provisions of AB 225 that restrict the use of a recall petition to those individual office holders charged with committing a crime or violating a code of ethics law applicable to local officials.

The WASB has long been in support of narrowing the use of a recall petition to illegal or immoral activity. The members of the WASB, through the action of its member Delegate Assembly, voted in January of 2003 to support "...change in 9.10, *Wis. Stats.*, relating to recall of elected officials, in order to appropriately narrow permissive reasons for recalling school board members and other elected officials to *illegal or immoral activity* (emphasis added)."

With the exception of Milwaukee, where school board members serve four-year terms, school board members serve three-year terms. The WASB believes the use of a recall petition should be reserved for narrow, clearly defined circumstances, as provided in AB 225. Taking controversial stands on issues of the day, or promoting public policy opposed by a vocal minority should not subject an elected official to a recall; if some voters want change, the next regularly scheduled election is when that action should take place.

The WASB believes this portion of AB 225 reflects good public policy and accomplishes what school board members have supported for over a decade. However, we have strong concerns about other provisions in the bill.

The WASB Opposes a Prohibition on the Use School District Revenue to Simply Inform the Electorate about a Pending Referendum Question

The WASB opposes the provisions of AB 225 that would prohibit a school board from using any revenue to publish or disseminate any information that would inform the electorate about a pending referendum question. Under current law, it is *not* permissible for school boards and school board members, as well as other public employees, to use public funds and resources to defeat citizen initiatives or support candidates in election campaigns, including recall elections. In regard to referenda, current law *allows* a school district to use public funds to prepare and

distribute information to the electorate about the amount, need for, and intended use of referendum funds in order that the electorate can make an informed decision regarding the referendum question. However, even under current law, the “public purpose doctrine” prohibits school boards from using public funds to expressly advocate for passage of a referendum by, for example, publishing and disseminating literature that urges residents to “vote yes.” (*See 68 Op. Att’y Gen 167*).

School boards are uniquely situated to provide voters with full disclosure of all the facts related to the board initiatives they propose, such as bond referenda. The WASB supports the use of public funds to explain an initiative before the voters to inform the citizenry and to explain the proposal in a balanced and nonpartisan manner.

The WASB is concerned that the prohibition in AB 225 on the use by a locally elected school board of school district funds to provide strictly informational (as opposed to promotional/advocacy) materials about a referendum that the board has proposed goes too far. It would effectively prohibit even the distribution of neutral fact sheets intended to explain the basis for the board’s action. Further, it is unclear whether the language in AB 225 would prohibit a school board from directing its paid administrators to hold meetings where the referendum is explained to the public. We strongly oppose these provisions in their current form.

Wisconsin has long been governed by what is known as the “public purpose doctrine,” which although not explicitly written into the state constitution, functions much like a constitutional provision.

The public purpose doctrine constrains the use of public funds. It has two components, a general requirement that public funds may be used only for a public purpose, and a requirement that the unit that imposes a tax must be the unit of government that spends the tax revenue. The public purpose doctrine has served our state well. We believe it has served to appropriately constrain the use of public funds for only public purposes. Use of public funds for improper promotional activities, such as to purchase items such as bumper stickers, posters or other overzealous get-out-the-“vote yes” activities are clearly not allowed under current law and are not a public purpose under the public purpose doctrine.

The provisions in the bill before you restricting the use of school district funds for informational activities, raises many questions that we cannot address in this memo. We intend to follow up with you to explain our concerns in greater detail in the very near future.

The WASB Opposes Restrictions on the Timing of Referendum Elections.

The wide-sweeping proposal also restricts when a school district can schedule a referendum. The WASB’s members oppose legislative efforts to curtail the power of local control related to scheduling referendum. Local school board members are accountable to the public and should be afforded the power of when to schedule a local referendum.

FOR IMMEDIATE RELEASE
June 4, 2013

Contact: Mike Browne
Phone: (608) 444-3483

Records Reveal Work on GOP Assault on Voting in Wisconsin Began Mere Days After 2012 Elections

One Wisconsin Now Uncovers Heavy Influence by Top Assembly Leader, Milwaukee Singled Out for Early Voting Restrictions

Madison – A review of legislative drafting records by One Wisconsin Now has uncovered that Republicans began work to attack state election laws mere days after the November 2012 election and that an omnibus bill on the legislative fast track, introduced by Rep. Jeff Stone, was developed under the close supervision of Assembly Speaker Robin Vos.

One Wisconsin Now Executive Director Scot Ross commented, “The Republicans were so obsessed that they failed to win Wisconsin’s Electoral College votes for the seventh election in a row that they started drafting this voter suppression scheme before all the votes in the November 2012 election were counted.”

The legislation, Assembly Bill 225 (AB 225), was announced late in the afternoon on the Friday before Memorial Day and is being rushed through the legislative process while much of the public and media attention is focused on the biennial budget. Among the provisions of the bill are:

- Re-imposition of a voter ID requirement found to be Unconstitutional by lower courts and still subject of state and federal lawsuits
- Measures making it easier for ballots cast by legal voters to be discounted due to minor clerical errors;
- Restrictions on early voting hours and essentially eliminate weekend voting in large urban areas;

Repeal of the state policy that allows voters to use electronic copies of qualifying documents to verify their residency;

- Increased partisanship of election regulators at the state Government Accountability Board and in local polling places; and
- Repeal of campaign transparency requirements and repeal of the 100 year-old-plus ban on corporate contributions.

“This bill is a massive, across the board assault on voting in Wisconsin. Government ought to be protecting and expanding our right to vote,” said Ross. “But Gov. Walker and top Republican leaders are going in the opposite direction, making it harder and less convenient to vote and easier to toss out votes cast by legal voters.”

Drafting records indicate that work began on one of the more egregious measures included in the package -- limits on early voting hours that effectively ban weekend voting in larger municipalities and eliminate nonpartisan "souls to the polls" drives by churches --- on November 8th 2012, just two days after the November 2012 general election. A handwritten note associated with the draft of the provisions noted that Milwaukee allowed early voting on weekend and the intent of the bill was to eliminate it.

The work on the omnibus assault on voting was carefully overseen by Assembly Speaker Robin Vos' office. Despite the drafting request being made by Assembly Campaigns and Elections chair Rep. Bernier and being introduced by Rep. Jeff Stone, Vos was given explicit permission to review preliminary drafts and correspondence between requesters and drafters. In addition, there is extensive correspondence between Vos staff and legislative attorneys drafting the language of the bill, giving directions and making modifications to the legislation.

Ross concluded, "The real fraud in Wisconsin elections today is politicians like Gov. Walker, Speaker Vos and their partisan underlings manipulating the rules to try to give themselves an unfair political advantage. And Assembly Bill 225 is exhibit A in the case against them."

###

One Wisconsin Now is a statewide communications network specializing in effective earned media and online organizing to advance progressive leadership and values.

2013 DRAFTING REQUEST

Bill

Received: 11/8/2012
Received By: jkreye
Wanted: As time permits
Same as LRB:
For: Duey Stroebel (608) 267-2369
By/Representing:
May Contact: Drafter: jkreye
Subject: Elections - miscellaneous
Addl. Drafters: jkuesel
tkuczens

Extra Copies:

Submit via email: YES
Requester's email: rep.stroebel@legis.wisconsin.gov
Carbon copy (CC) to: joseph.kreye@legis.wisconsin.gov
jeffery.kuesel@legis.wisconsin.gov
tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Limit times for voting by absentee ballots in person

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkreye 11/9/2012			_____			
/1	jkreye 2/25/2013	evinz 11/14/2012	jfrantze 11/14/2012	_____	lparisi 11/14/2012	sbasford 2/22/2013	

issue
absentee balloting in-person

Rep Strodel

11/2/12

some number may allow times that others

do not (for example, Malw used
weekend availability)

? * limit M to F (possible solution)

normal business hours → the statute would not
specify (?)

* limit hours between 7:30 - 5
40 hours a week

effective 60 days out

ASAP - but not in the middle of an election

see 6.86(2) ? (1)(a) ?
* 11)(b) ?

2013 DRAFTING REQUEST

Bill

Received: 2/28/2013 Received By: jkuesel
Wanted: As time permits Same as LRB:
For: Kathleen Bernier (608) 266-9172 By/Representing: Chad Zuleger
May Contact: Rep. Vos may inspect file. Drafter: jkuesel
Subject: Elections - campaign finance Addl. Drafters: jkreye
Elections - miscellaneous tkuczens

Extra Copies:

Submit via email: YES
Requester's email: Rep.Bernier@legis.wisconsin.gov
Carbon copy (CC) to: Andrew.Hanus@legis.wisconsin.gov
tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Elections and campaign finance - various changes

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 3/14/2013			_____			
/P1	jkreye 3/27/2013	kfollett 3/14/2013	jfrantze 3/15/2013	_____	sbasford 3/15/2013		
/P2	jkreye	wjackson	rschluet	_____	srose		

Kuczenski, Tracy

From: Hanus, Andrew
Sent: Thursday, May 09, 2013 5:01 PM
To: Kuczenski, Tracy
Subject: RE: Campaign finance provisions from 0078/5

Yes that is correct. And just FYI we are working on your other questions, should have them for you tomorrow.

Thanks for your work on this!

Andrew Hanus
Office of Assembly Speaker Vos
211 West, State Capitol
Phone: (608) 266-9171

From: Kuczenski, Tracy
Sent: Thursday, May 09, 2013 2:37 PM
To: Hanus, Andrew
Subject: RE: Campaign finance provisions from 0078/5

Hi Andrew –

In your first note to me, below, you ask that I impose the new lobbyist ethics training requirement beginning with the next biennium. I assumed you meant the biennium starting on July 1, 2015 (not the biennium starting in a few months). Is that correct?

Tracy K. Kuczenski
Legislative Attorney
Wisconsin Legislative Reference Bureau
tracy.kuczenski@legis.wisconsin.gov
(608) 266-9867

From: Hanus, Andrew
Sent: Friday, May 03, 2013 2:57 PM
To: Kuczenski, Tracy
Cc: Kuesel, Jeffery; Kreye, Joseph
Subject: RE: Campaign finance provisions from 0078/5

Thank you all.

Tracy, to answer the rest of your questions in the drafting notes in LRB 1763/P3:

-DN on page 49: Please impose the new lobbyist ethics training requirement beginning with the next biennium. Also, I think we talked about this one when we met, but to make sure, just have the draft retain current language that permits GAB to impose a fee for such training.

-DN on page 50: No.

-DN on page 51: Yes.

Kuczenski, Tracy

From: Hanus, Andrew
Sent: Friday, May 10, 2013 12:09 PM
To: Kuczenski, Tracy
Cc: Zuleger, Chad
Subject: RE: Campaign finance reporting

*May 17, 2013: per Andrew add
1A ~~AB~~ AB 202 (Pridemore's
election officer draft)
w/ amendment to 5
Fact.*

Hi Tracy,

Thanks for getting back to us so quickly on this. Please see our responses in blue below.

Hi Andrew and Chad -

Even after discussing this with Jeff, I am struggling to make sense of my hand-written instructions regarding your requested changes to the campaign finance reporting requirements.

As I understand your instructions generally, you wish to retain the current reporting scheme for special elections, but wish to eliminate "preprimary" and "preelection" reports and replace these reports with quarterly or monthly reports. More specifically, this is how I have interpreted your instructions:

-That was originally correct, however, after discussing it further, we believe that we will keep the current "preelection" reports (but NOT the preprimary reports) in addition to the new quarterly/monthly requirements.

1. Registrants who are subject to continuing reporting requirements under s. 11.20 (4) (committees or individuals supporting or opposing candidates for office, including committees of a political party, and by individuals, groups or corporations supporting or opposing a referendum) will be required to submit reports quarterly.

-Correct

2. A candidate or personal campaign committee of a candidate at a partisan primary or at the general election will be required to submit quarterly reports except for the period of time stretching from April 1 to December 31 of the even-numbered (election) year; during this time period, reports will be required monthly.

-Correct

3. A candidate or personal campaign committee of a candidate at a spring (nonpartisan) primary or spring election will be required to submit quarterly reports except for the period of time stretching from January 1 through March 31; during this time period, reports will be required monthly.

-Correct

4. With certain exceptions, a registered committee or individual other than a candidate or personal campaign committee making or accepting contributions, making disbursements or incurring obligations in support of or in opposition to one or more candidates for office at a partisan primary or at the general election, or supporting or opposing other committees or individuals who are engaging in such activities, will be required to submit quarterly reports except for the period of time stretching from April 1 to December 31 of the even-numbered (election) year; during this time period, reports will be required monthly.

-Correct

5. With certain exceptions, a registered committee or individual other than a candidate or personal campaign committee making or accepting contributions, making disbursements or incurring obligations in support of or in opposition to one or more candidates for office at a spring (nonpartisan) primary or spring election, or supporting or opposing other committees or individuals who are

engaging in such activities, will be required to submit quarterly reports except for the period of time stretching from January 1 through March 31; during this time period, reports will be required monthly.

-Correct

Assuming that I have understood your request correctly, here are my questions about how the instructions will play out in the statutes and in practice (please review s. 11.20 (8)):

A. On what date will monthly reports be due to the filing officer? The first of the month or some other date? If the first of the month, that would be April 1 of the even-numbered year for partisan candidates and January 1 for nonpartisan candidates, yes? If so, for the nonpartisan candidates, will the January 1 report fulfill the quarterly report requirement for the period ending December 31 of the immediately preceding year?

-The monthly reports should be due on the 7th of the month, with the applicable reporting period being the entire previous month. The first monthly report for a partisan candidate should be April 7, with the reporting period being the entire month of March. We will not have a "monthly" report in November (we will have coverage from the current preelection report we are leaving in statute), but we will have one on December 7th.

B. What will be the closing date (the last date for which data must be included in the report) for these monthly reports?

-Answered above

C. For the quarterly reports generally, what will be the due dates and closing dates?

-The due dates will be the 7th day of every third month, and the covered period will be the previous 3 months. For example, after a November election, we will have a December 7th monthly report, and then the quarterly reports will kick in on March 7th, which will report on activity from December, January, and February.

D. For the quarterly reports for partisan candidates, do you expect there to be a quarterly report in the even numbered year that occurs before the first monthly report is due? If so, what will be the due date and the closing date for that quarterly report?

-Yes, it will be March 7th and the reporting period will be the previous months of December, January and February.

If I did not interpret your instructions properly, I trust you will let me know...

Is there anything else that I am missing/forgetting?

I apologize for being so obtuse about this; thank you for your patience!

No problem Tracy, this has been more complicated than we thought it would be. We appreciate your feedback!

Thanks,

Andrew and Chad



TO: Interesteds

FR: One Wisconsin Institute

DATE: June 4, 2013

RE: Anti-voter provisions of omnibus election law legislation (LRB-1763/2)

Late afternoon on Friday before Memorial Day weekend, Rep Jeff Stone, author of voter ID legislation found unconstitutional by two circuit courts, launched another assault on voter rights and electoral participation.

Voting is a right and a responsibility. It is a citizen's civic duty to cast their vote so they have a say in the direction of their community. By the same token, the government ought to be protecting and expanding the right to vote, not, as Rep. Stone proposes, making it more difficult for legal voters to vote and to have their vote counted.

The real voting fraud being committed in Wisconsin today is partisan politicians manipulating the rules to their advantage. Recently in Wisconsin, Gov. Walker and the GOP controlled legislature have moved aggressively in that regard.

Among the measures they adopted was a radical gerrymandering of Congressional and State Legislative districts that led to Republicans gaining seats in the State Assembly despite receiving 174,000 fewer votes than Democrats and a voter ID requirement that could prevent an estimated 300,000 legal voters from exercising the franchise.

Rep. Stone's LRB 1763 is another incidence of that fraud.

The following is a brief analysis of some of the major threats to free and fair elections in Wisconsin proposed by Rep. Stone in his omnibus bill – specifically numerous measures to make voting more complicated and less convenient and making it easier to challenge and disallow the votes of legal voters.

Making Voting More Complicated and Less Convenient

Nationally, and in Wisconsin, Republicans have sought to obtain partisan political advantage by making it harder and more complicated for certain populations of legal voters to cast their ballots.

Rep. Stone's LRB 1763 would advance that tactic on numerous fronts including:

Re-imposing a Voter ID requirement: The bill would, with minor changes to the ID requirement re-impose a voter ID requirement very similar to the law passed by the legislature in 2011 that is still the subject of multiple lawsuits and enjoined from enforcement by a circuit court. In court testimony it was estimated that up to 300,000 otherwise legal voters – disproportionately seniors, veterans, minorities, students and persons with disabilities - would not meet the requirement.



Eliminating electronic proof of residency: In recognition of the changing way commerce is conducted in the 21st century, the Government Accountability Board (GAB) adopted a policy that would allow individuals to show electronic copies of qualifying documents like leases and utility bills to satisfy proof of residency requirements. Stone's bill would overrule the GAB policy and prevent individuals from being allowed to verify their residency using electronic copies of qualifying documents to establish residency.

Limiting early voting hours: LRB 1763 incorporates the provisions of legislation introduced by Rep. Duey Stroebel to place limits on the hours of early voting. Municipalities would be legally barred from allowing voters to cast ballots early at their clerks office in the evening after 6pm. Weekend voting, offered with great success in several larger cities, and non-partisan voter participation efforts such as African American churches "souls to the polls" efforts would be functionally eliminated.

Loosening requirements for and increasing partisanship of poll workers: In recent elections, numerous complaints have been filed over the disruptive behavior of GOP partisans in polling places. Rep. Stone's bill would expand the ability of political parties to place partisans in polling places and loosen residency requirements to only require partisans reside in the county, not the municipality in which they are serving as a poll worker.

Making it Easier to Disallow the Votes of Legal Voters

As important as making sure legal voters have the opportunity to cast their ballot, is providing an assurance that their vote will be counted. Rep. Stone's proposal would undermine that assurance to Wisconsin voters by increasing the number of provisional ballots likely to be cast and making it easier, and more likely, for the ballots of legal voters to be thrown out for minor clerical errors made by others.

More provisional ballots: A provision of the revised voter ID requirement included in LRB 1763 would set aside a challenged a ballot cast by a legal voter that does not satisfy the photo ID requirement, and allow that vote to be invalidated during the post-election canvass or a recount.

Disallowing legal voter for minor clerical errors or omissions: The bill includes numerous avenues for discounting legally cast votes due to minor clerical errors made by others. Among the reasons for which a vote from a legal voter could be discounted are failing to sign the poll book when receiving a ballot at the polling place, a challenge invalidating a same-day voter registration at a post election canvass or recount or the failure of a witness to an absentee ballot to include their address on the absentee ballot certificate.

Turning Back the Clock on Voter Rights

By Frances Black

The desire to return to the “way things were” can be a sweet sentiment. What can be wrong with a return to better, simpler times? Nostalgia in politics normally means longing for a better time for certain groups only; namely white men.

Legislators try to do this in a litany of ways. Pushes for abortion restrictions and “traditional marriage” are the most natural examples; but the largest looming threat is an attack on voter rights.

Wisconsin State Representative Jeff Stone’s voter suppression bill, LRB-1763, is clear: only certain voters are desired, the ones who have long run this country.

In an interview with Wisconsin Public Radio’s Joy Cardin, Stone stated, “If we want to have an efficient, accurate, effective voting system really the best way is that way we’ve done it for hundreds of years, which is to have people come to the polls on that one day” adding, “I think from a cost standpoint that really is the best way to administer elections.”

Hundreds of years ago, Election Day allowed only land owning or taxable white men the chance to vote. We’ve come a long way since then, enfranchising people of color, women, Native Americans, the poor, qualified electors over 18, and even military members serving overseas. America has a clear pattern of expanding voter rights, not contracting them.

Nostalgia for “hundreds of years ago” is a dangerous notion.

Efficient elections would be unrepresentative, but perhaps that’s what Jeff Stone and co-sponsors of the bill want. According the CNN exit polling, if the old model of only white men voting had stood in 2012, Mitt Romney would have won with 501 electoral votes.

Maybe that is why voter ID laws, shortening of absentee voting, and no guarantee that a vote will actually be counted are suddenly hot button issues. 35 states are currently considering legislation. 26% of our electorate is now composed of minorities. Two thirds of young and minority voters voted for Obama in 2008.

Naturally, Stone’s bill hits poor, minority, and young voters hardest.

Let’s not forget Stone’s other objective: cost. Mandating voter ID is a costly measure for Wisconsin. The Legislative Fiscal Bureau estimates that the real cost of voter ID would be \$5.7 million. Wisconsin, with a projected budget deficit of over \$1 billion, cannot afford Stone’s “cost efficient” elections.

Jeff Stone says he’s trying to “build a system that people can have confidence in.” The only system voters should have confidence in is a system where everyone has their equal say on Election Day.

Frances Black is an intern at One Wisconsin Now and is mathematics major at Smith College entering her senior year in the fall.

June 4, 2013

Assembly Campaign and Election Committee

Testimony of Neil Albrecht, Executive Director, City of Milwaukee Election Commission

Good Morning Chairwoman ___ and members of the Campaign and Elections Committee. My name is Neil Albrecht and I am the Executive Director of the City of Milwaukee Election Commission. I am here this morning to offer testimony regarding Assembly Bill

There are several positive aspects of this bill that I believe could improve election administration in the State of Wisconsin, such as allowing municipalities to combine reporting units for wards with less than 20 residents.

However, there are also aspects of this bill that are very concerning to the City of Milwaukee's ability to administer elections fairly and in a manner that encourages, not discourages, voter participation. While this bill is comprehensive, I will focus this morning on three primary concerns:

- The waiver option for a person unable to pay a fee associated with securing a photo ID.
- The reduced hours for voting an absentee ballot in person.
- The expansion of the residency requirement for election workers from the municipality to the county.

Beginning with the fee waiver for an indigent person, I would like to share that while I have spent the last seven years as an election administrator, I have a professional background, both employment and volunteer, that includes working with people in poverty. This includes recently a recent opportunity to officiate a GED graduation ceremony for a class of 40 people of varying ages, from 17 to 65, inspired to pursue higher education and emerge further from a life of poverty. While the hardships of poverty are a reality, I cannot think of anything more demoralizing than now asking one of these 40 individuals that has come out to vote on an Election Day to sign a waiver – or submit an oath as is consistent with the challenge process - acknowledging that they are too poor to have a photo ID. Further, to segregate this population from every other voter with the resources to secure a photo ID by informing this individual that they will be voting a challenged ballot, a ballot that will be marked with an identifying code that ties their voted ballot to their name before it is inserted into the voting machine. It is intimidating and the damaging effect this would have on the integrity of fair elections is disheartening to consider. It will also place a tremendous additional burden on the state's election workers, which are already struggling with the changes to election rules that now seem to occur from election to election.

The city's second concern relates to the reduction in hours for voting an absentee ballot in person. Through out the seven chapters of state law that govern elections, there are aspects of uniformity and aspects of autonomy. Some procedures are very specific, such as the production of voter lists and issuing and recording a voter number when an elector votes. Many others offer autonomy to Wisconsin's unique and effective model of administering elections on a municipal level, including the selection of the number and location of voting sites and whether or not to employ the services of Special Registration Deputies. That autonomy recognizes that there are unique differences in voting access needs between urban and rural settings, small and large municipalities, people that are retired and working families, and other nuances. It then allows municipalities, when appropriate, the ability to offer voting access in a manner that meets the unique needs of their residents, particularly the needs of working families where the scheduling conflicts of working a full day, picking up kids after school and juggling other responsibilities can be the most significant road block to voting a ballot.

Wisconsin consistently celebrates one of the highest voter turn out rates in the country, second only to Minnesota. This remarkable level of voter participation is accompanied by voter trends, one of which is to avoid the often long lines associated with an election day. In Milwaukee, the number of in-person absentee votes has risen from 5,000 in November 2000, to 10,000 in 2004, to 32,000 in 2008 to 35,000 in 2012. The effectiveness of our administration of this process has helped significantly in reducing crowding at voting sites on Election Day.

No municipal clerk, I repeat no municipal clerk, in the State of Wisconsin has been required to offer extended hours for in-person absentee voting. Rather, recognizing the unique needs and challenges of every municipality, clerks have been afforded the autonomy to develop a voter access plan that meets the unique needs of their residents. I would ask that we all remember that, until just last year, in-person absentee voting was available for three weeks prior the election, including three weekends and the Monday preceding the election. Subsequently, it was reduced to two weeks, one weekend, and eliminated voting the Monday before the election. Eliminating this autonomy in the name of uniformity doesn't make elections fairer, but a further reduction in hours will reduce voter participation of voters with long work days, and, increase crowding at every voting site on Election Day.

Our last concern relates to the expansion of the residency requirement for election workers from a city to a county level. The City of Milwaukee maintains a workforce of over 2,500 election workers. Poll worker recruitment or the process of recruiting individuals with the skills necessary to do the difficult work can be a daunting task. The expansion of the election worker residency requirement may on the surface seem productive and an effective election worker recruitment strategy, the somewhat antiquated State Statute ___ must be considered. This statute encourages the two primary political parties to submit the names of registered party members to work at the polls on an

Election Day and indicates a priority placement in their assignment. With the expansion of the residency requirement, the political parties lists will also expand to a county level and the individuals appearing on these lists will receive priority placement and bump current election workers who live in the municipality but do not affiliate with a political party. This, in itself, is concerning. Of equal concern is the pattern we witness time and time again with the election workers that are recruited by the political parties – there is tremendous enthusiasm for the busy partisan elections and none for the non-partisan municipal elections. Subsequently, we risk bumping our longstanding residents of the city to place individuals from the lists submitted by political party of non-municipal workers and then going back to them, hat in hand, and asking them to return for the slower elections. The probable effect of this change is that it will make it more difficult to maintain a staff of election workers from election to election.

Thank you for this opportunity to present this information today and I sincerely appreciate your consideration of these three items.

From: Paul Malischke, malischke@yahoo.com
4825 Bayfield Terrace, Madison, WI 53705

To: Assembly Committee on Campaigns and Elections
Date: June 4, 2013

Please reject AB-225, and these three clauses in particular.

Limits on early voting

The relating clause of the bill has a short and accurate summary of the clause about early voting: *"limiting the times for voting by absentee ballot in person."*

The bill does **NOT** standardize the hours for early voting. The bill does not establish any minimum hours for in-person absentee voting.

But it does limit the right that municipalities currently have to set a schedule appropriate to their needs. By limiting access to in-person-absentee, the bill would move voters to absentee ballot by mail. Voting by mail is less secure than in-person-absentee voting.

For in-person-absentee, voting can be set up with similar protections to those on Election Day. There can be privacy for filling out the ballot, protecting against the possibility of coercion or even bribery. We can also restrict electioneering close to the location for in-person-absentee voting. For mail-in voting, we do not have these protections, and there is the possibility of the ballot being intercepted, or lost or delayed in the mail.

It is not realistic to expect 1850 municipalities of hugely varying sizes to maintain similar hours for early voting, but here is a proposal to take a step to standardize hours. We can utilize our county clerks as other states do. Our county clerks currently perform important election functions, working closely with our municipal clerks. Many of them or their deputies have experience as a municipal clerk.

I propose that for November elections, County Clerks would be required to hold in-person-absentee voting for the whole county for two Saturdays, the 10th day and 17th day before the election. This would be for two days every two years. The county clerk could arrange with an experienced municipal clerk to manage the early voting. In-person-absentee voting as currently offered by the municipalities would not change. Municipalities would continue to offer services appropriate to their municipality.

Two weeks ago, Governor Rick Scott of Florida signed a law **expanding** early voting. They can now have early voting for as many as 14 days.

Missing address of a witness for an absentee ballot

"An absentee ballot may not be counted if the certificate is missing the address of a witness."

Is there any data on how many ballots this would affect? Is there any data on how many missing witness addresses indicate fraudulent activity?

Instead of legislating more ways to reject absentee ballots, let's look at why people are not correctly filling out the certificate envelope that holds the absentee ballot. The certificate envelope is hard to decipher since statute 6.87 lists specific wording, and requires substantially equivalent wording on the certificate envelope. That wording is hard to comprehend, and so lengthy that the font size is too small for many to read.

The first sentence on the current version of the certificate envelope is 100 words. It has 4 commas and two semicolons. According to the Flesch-Kincaid readability test, the grade level is 16.7, a little higher than a bachelor's degree.

Let's ask the GAB to propose legislative changes to statute 6.87 to make it easier to design a user-friendly certificate envelope.

Please delete this clause from the bill.

Randomly invalidating ballots due to missing signatures in the poll book

"This bill provides that, for purposes of a recount, an elector shall not be considered to be a voting elector if he or she is required to sign the poll list and does not do so."

If pollworkers forgot to request that voters sign the poll book, this will lead to what is called a "draw-down".

During a recount, we can't identify the ballot of the voter who did not sign, so ballots will be turned face down in a pile, and some **randomly** invalidated. This means that some voters – who did everything right - will NOT have their ballots counted, because some **other** voters forgot to sign the poll book. This procedure is on page 9 of the recount manual, and in 9.01 of the statutes. We should be trying to minimize the number of ballots subject to this procedure, not inventing new categories for random ballot invalidation.

Please delete this clause from the bill.

June 4, 2013

Assembly Committee on Campaigns and Elections

Re: AB 225

Thank you for the opportunity to comment on this bill. It is a truly bad piece of legislation. It simultaneously reduces the two ingredients that are critical to the success of our democracy: The ability of citizens to carry out their key responsibility of voting; and the confidence that those voters have in the importance of their vote and the workings of government.

The goal of our government should be to encourage and enable all eligible voters to cast their ballots. This bill will restrict voting by requiring voters to have a photo ID or provide sworn statements that they are too poor to get such an ID, that they do not have the needed documentation to get the ID or that they have some belief system that prohibits them from getting an ID. If such an affirmation is made, the ballot will be marked, subjecting it to further scrutiny. This requirement will place an undue burden on the poor. It will be a humiliating process for them. It will cause confusion and uncertainty. All of these will be the byproduct of a solution trying to find a problem. Numerous studies have been done of voter "fraud" in Wisconsin and nationally. None have pointed to any fraud that would be eliminated by this type of voter ID requirement.

The change to the proof of residency requirement is another change that will make voting more difficult and uncertain for young people, who have long accepted an electronic document as real in every way. Now the young person will come to vote using same day registration and find that the electronic document is not acceptable. The choice will be to forgo voting or to find a printer and return later with the same document in paper form. Electronic documents are accepted for nearly everything. Again, we have a solution seeking a problem, but a solution that will tend to make it harder for young people to vote.

Denying someone's vote because he or she has not signed the registration is another solution without a problem. In a large turnout election, voters and poll workers make mistakes. One of those mistakes may be the failure to sign. In any case, what does it mean to say that an elector is not a voting elector for purposes of the recount? His or her ballot cannot be identified, so the total count will simply be reduced randomly. This is just another source of confusion.

The change to the voter challenge process to require the board of canvassers to make a determination on the validity of each challenge before any drawdown is completed seems to be an invitation for voter harassment. Partisan poll-watchers could easily intimidate voters and tie the process in knots. Again, where is the fraud that we are apparently trying to wring out of the electoral process?

The final effort to suppress the vote is the reduction in the hours in which an in-person absentee ballot can be filed. I live in rural Wisconsin, where the problem for

town clerks is supposed to exist. It does not exist, but the change will reduce the hours of early voting, again make voting more difficult.

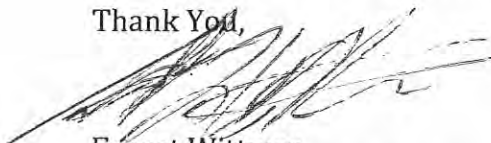
Other provisions in AB 225 will undermine the confidence of voters in the system. The original process for nominating members of the GAB was crafted purposely to limit the discretion of the governor making the appointments. This bill would double the number of nominees required. It will simply give the governor more leeway to stack the board. I do not want either a Republican or Democratic governor to have such leeway.

Next, just because Citizens United has made a mockery of our electoral process, allowing anyone with deep pockets to spew limitless drivel, the bill seems to throw away nearly all the rules on campaign finance that have served us well for over one hundred years. The window in which lobbyists can contribute would be larger. The only possible reason for this is to give further advantage to incumbents.

The disclosure requirements for corporations and similar entities will be reduced, making the electoral process less transparent and increasing the role of money in our elections. We should be trying to reduce the money in elections rather than increasing it.

On the whole, this bill will make voting more difficult; it will cause confusion, and it will undermine voter confidence in the system by opening further the floodgates to corporate money. All of this is being done for no defined public purpose. Voter fraud does not exist that will be cured by the proposed changes. More money will not improve our electoral process. The bill should be rejected.

Thank You,



Ernest Wittwer
32965 Smyth Hollow Drive
Hillpoint, WI 53937

To: Assembly Elections Committee
From: Ardis Cerny
Date: 6/4/13
Re: Omnibus Election Bill

Good Morning

I. The first paragraph of the Omnibus Election Bill titled "Proof of Identification Requirement" gives three exemptions for the person not having a photo ID.

The three exemptions are:

- Indigent Exemption
- Religious Exemption
- No Birth Certificate Exemption

First, in the case of an indigent person, state law already makes it clear that any person requesting a WI ID for voting may receive one FREE from the Dept. of Transportation as long as they have a Birth Certificate. We would like to see more DOT offices or longer hours at the offices that already exist or the expanded use of DOT mobile units to give citizens more access to getting an ID.

S.S. 343.50 (5) (a) 3

Secondly, I would like to address the religious exemption where a citizen, for religious reasons cannot have a photo of themselves on their ID. This exemption is already covered in the Voter ID law under S.S. 5.02 (16c) and authorized by two other state statutes.

343.14 (3m) and 343.50(4g)

In the third instance, for any person lacking a birth certificate, I would like to see an amendment to the bill that would require the municipal clerk or the county clerk to assist that person in obtaining a WI ID. The individual should present whatever documentation he/she does have proving who they are. The clerk will assist the citizen by contacting the Dept. of Vital Statistics and initiating the "Re-creation of a Birth Certificate" process or an "Alternative Identity Document" process. I would like to see this service paid for by the State of Wisconsin.

If someone shows up at the polls without a photo ID this bill will allow that person to receive a challenged ballot which means it will be marked so that it can be retrieved in the case of a recount, but meanwhile, it is entered into the ballot machine and counted. I would like an amendment to the bill which would not allow the challenged ballot to be counted and require the citizen to appear in the clerk's office prior to 4:00 on the Friday after the election to give additional information as to his/her identity. The Board of Canvassers would then make the final decision as to whether or not the ballot should be counted.

II. Under the section "Proof of Residence for Voter Registration" I applaud your prohibiting the use of electronic documents but I have three suggestions in regards to the registration process:

1) Besides entering the identifying document that the citizen's offers for POR, the poll worker must also enter an identifying number from that document. There already is a field on the registration form for this number. I have seen too many advertisements from banks, utility bills, and government

agencies that have been mistaken for POR. The identifying number would correct this problem. This is already a requirement in S.S. for the identifying number to be included on the supplemental poll log but no one is following this law. (S.S. 6.79 (2) (c) and (4)).

2) POR is currently required during late registration, in-person absentee registration, and for same-day registration, but not during "open registration" which is the entire year minus 20 days. The GAB was advertising this fact across college campuses telling students to get their registrations in by the 21 day deadline and they wouldn't have to prove residence. Clerks have told me that hundreds, and in some cases thousands of registration come into their office 21 day out from an election. The 10 day post card required for open registration verification is not always being done and the post office is incapable of returning undeliverable cards in a timely manner to the clerks. I highly suggest that POR be required for all registrations.

3) In the section where you include a cell phone or wireless service be added to the qualifying documents please add the words "a bill for a cellular or wireless telephone service **that includes the citizen's address**". I know you have stated this earlier in the paragraph but if you do not add these few words here it will be misinterpreted.

III. I applaud your provision in regards to the citizen's signature to the poll book but would also have you add the required signature to the supplemental pole log, which is actually already required in state statute (S.S. 6.79 (2) (c) but needs to be added here. At one polling place I witnessed hundreds of signatures missing from the supplemental poll log but all of these citizens got to vote and no one questioned their viability.

IV. I would also appreciate your adding to this bill that election observers be allowed to stand or sit 3 feet to within 8 feet of the edge of the ballot or registration tables so that we can actually do what the state statutes says we can do, which is readily see and hear what is going on.

V. In your provision for limiting the times the polls can be open for voting by absentee ballot I would ask that only municipal clerks who work part-time be allowed to make appointments and that the clerk must maintain a record of all such appointments and that this record must be open to public inspection.

VI. One last item, I would have you add an amendment that would remove the words "date of birth" from S.S. 6.36 (1) (b) 1a. This statute addresses the right of citizens to view the registration list and completed registration forms but the date of birth, along with the driver's license and the social security number are required to be redacted. According to Attn. Mike Haas of the GAB this is not in federal law, it is only in our state law. I have spoken to a number of other states where the birth date is not considered "private information" and they all have access to this date. Please remove the words "date of birth" from S.S. 6.36.

Thank you for your consideration of any of the above mentioned items.



Wisconsin Voter Registration Application

Submitted by Mail
(Official Use Only)

Confidential Elector ID#
(if RNDI - sequential #) (Official Use Only)

SVRS ID

Instructions

Instructions for completion are on the back of this form. Return this form to your municipal clerk, unless directed otherwise.

- Please use uppercase (**CAPITAL**) letters only. Fill in circles as appropriate.
- If you have not voted in WI and are submitting this application by mail, you must also provide a copy of your proof of residence (see reverse).
- NOTE: If this is a change of address, then upon completion of this application your voting rights will be cancelled at your previous residence.

1

New WI Voter
 Name Change
 WI Address

Municipality Town
 Village
 City

County

2

WI Driver License or WI DOT-issued ID (DL # required if issued)

Expiration Date

Social Security Number - Last Four Digits (if driver license not issued or not current and valid)

X X X - X X -

I have neither a WI Driver License/ID, nor a Social Security Number.

3

Current

Print your name exactly as it appears on the document, the number of which you provided in Box 2. (Driver License/ID Card or Social Security Card).

Last Name First

Middle Name Suffix (e.g. Jr, II, etc.) Phone #

Date of Birth (MM/YYYY) Email Address

4

Residence Address: Street Number & Name

Apt. City State & ZIP

5

If applicable

Mailing Address: Street Number & Name

Apt. Number City State & ZIP

6

Previous

Last Name First

Middle Name Suffix (e.g. Jr, II, etc.)

7

Required

Previous Registration Address : Street Number & Name

Apt. City State & ZIP

8

Accommodation needed at poll location (e.g. wheelchair access):

I am interested in being a poll worker.

If you do not have a street number or address, use the map to show where you live.

- Mark crossroads
- 'X' where you live
- Use dots for landmarks

Example: High School, Woodchuck Road, Library, X

9

Please answer the following questions by filling in "Yes" or "No":

1. Are you a citizen of the United States of America? Yes No

2. Will you be 18 years of age or older on or before election day? Yes No

If you filled in "No" in response to EITHER of these questions, do not complete this form.

10

I hereby certify, to the best of my knowledge, that I am a qualified elector, a U.S. citizen, at least 18 years old or will be at least 18 years old at the time of the next election, having resided at the above residential address for at least 28 consecutive days immediately preceding this election, with no present intent to move. I am not currently serving a sentence including probation or parole for a felony conviction, and not otherwise disqualified from voting. I certify that all statements on this form are true and correct. If I have provided false information I may be subject to fine or imprisonment under State and Federal laws. **If completed on Election Day:** I further certify that I have not voted in this election. **Please sign below to acknowledge that you have read and understand the above.**

11

Signature of Elector X

Today's Date (MM/YYYY)

Election Day Voter # (Official use only)

12

Falsification of information on this form is punishable under Wisconsin law as a Class I felony.

Assistant Signature: Assistant Address:

Proof of Residence type (Official use only)

Proof of Residence # (Official use only)

Official's Signature: SRDs printed name and SRD#:

Ward Sch. Dist. Alder Cty. Supr. Cl. of App. Assembly St. Senate Congress



DUEY STROEBEL

STATE REPRESENTATIVE • 60TH DISTRICT

AB 225 Testimony

My name is John Soper. I am Representative Stroebel's Research Assistant and am here on behalf of cosponsor Representative Duey Stroebel to testify in favor of AB 225. Specifically, I will talk about two portions of the bill: standardization of in-person absentee balloting, and requiring referenda to be held on regularly scheduled elections.

Sections 21 and 22 create standardization and fairness in the in-person absentee voting process. AB 225 allows for up to 105 hours of in-person absentee voting over two weeks by allowing for voting between the hours of 7:30 a.m. and 6:00 p.m. Monday thru Friday. Statewide elections are about consistency and fairness. Unless we are to allow for voting twenty-four hours a day, seven days a week, some standards must be outlined to ensure that the voters in some communities do not possess a systemic advantage over voters in other communities in the form of longer voting hours. This principle is evident in our State's standardized voting hours on Election Day.

The overwhelming, almost unanimous, majority of cities, villages and towns in Wisconsin will need to make zero changes to their current practices to comply with this portion of AB 225. The appointment exception to the hours range will allow very small communities without regular office hours to continue to keep the flexibility necessary in those communities. Voters keep the right to vote via receiving an absentee ballot by mail and mail their ballot back to the clerk, which a voter may complete at any time.

I suspect this committee will hear, if it hasn't already, from municipalities that claim that failing to offer voting hours at 7pm each weeknight, or weekend hours, is discriminatory or suppressing the votes of people who simply cannot find time to voter during a 10.5 hour timeframe every day for two weeks. This claim is belied by the actions of these municipalities in recent elections. The City of Milwaukee, in the Fall 2012 General Election, was open for in-person absentee voting from 8:30 a.m. to 7:00 p.m. Monday thru Friday and 9 to 5 Saturday and Sunday. However, the very same municipality only needed to be open 8:30 to 4:30 Monday thru Friday for the Spring 2013 election. In short, hyperbolic claims about malicious intentions should not distract the committee's attention from this important and fair measure.

Second, section 35 of AB 225 requires that, with some exceptions, referenda must be placed on the ballot during regularly scheduled elections. This reform is important because of the large number of school and debt referenda that are attempted or re-attempted on special elections every year in Wisconsin.



DUEY STROEBEL

STATE REPRESENTATIVE • 60TH DISTRICT

While researching school debt referenda, the Legislative Reference Bureau compiled and then sent our office a list of all approximately 2750 school referenda on the ballot between June 1990 and the end of 2012. About 40% of all issue debt referenda in this time period were placed before the voters in a special election. It is also common to see referenda that failed were subsequently retried in short order in a special election. Over \$568 million in debt was borrowed as a result of 63 special election referenda that authorized the same or a substantially similar building project that the voters rejected within the previous two years.

I will give just one example of many. Wisconsin Dells voters turned down a \$7.4 million referendum in the Spring General Election of 1995. The referendum failed by 10 points. Specifically, 271 votes out of 2,745 votes cast, 1237 to 1508. The Wisconsin Dells School Board did not wish to take no for an answer and placed a \$10.1 million referendum a mere 8 months later for the same purposes on the ballot December 12, 1995. Voter turnout was down by almost half and the referendum passed by 26 votes, 771 to 745. Not surprisingly many voters in Wisconsin Dells were not aware of or anticipating an election two weeks before Christmas.

I do not bring up this example to single out one community, but rather to point to a disturbing trend. The referendum question requirement in Wisconsin law is intended to protect the taxpayer from a fleeting majority in local government from encumbering a community with excessive debt that will take far longer than the current elected official's terms to pay off. This premise is being challenged by the way referendum questions are being scheduled. I know AB 225 applies to all referenda and not just school district borrowing, but the data our office has demonstrates a clear trend towards local officials being more concerned about putting their favored proposals in the best political position to win and not necessarily toward getting the best barometer of public opinion. Requiring referenda to be held at regularly scheduled elections can make the process more transparent and more representative of the wishes of the community.

I hope I have shown some light on two important provisions in this bill. I urge the committee to recommend AB 225 for passage.

from Mark Musselman

Madam

Various

~~Assembly~~ Panel

Mr. Chairperson and Members of the ~~Committee~~:



I have been a election observer for over 10 years

I support most of the proposed election reforms and I propose more...



Five ~~Four~~ related problems :

- 1. Loopholes exist, which encoury fraud.
- 2. Governemnt Accountability Board permissiveness
- 3. GAB has the authority to permissively interpret the law, and exceed its authority.
- 4. Lack of accountability for administering the election statutes at the local level.
- 5. Exceptions to rules for election observers, should not be allowed.

There is a loophole in the residency requirement as printed in the election administration section of AB225

ELECTION ADMINISTRATION

Proof of identification requirement

Currently, with certain exceptions, an elector who votes in an election must present proof of identification in order to vote.

...

The bill also exempts an elector from the requirement to provide proof of identification if the elector appears at the polling place serving his or her residence on election day and swears or affirms before the chief inspector and submits a signed statement affirming either that 1) he or she considers himself or herself to be indigent and cannot obtain proof of identification without payment of a fee; 2) he or she has a religious objection to being photographed; or 3) he or she cannot obtain the documentation required to obtain proof of identification.

Such ambiguity creates loopholes that encourage fraud, and in the end, this disenfranchises legitimate voters. This clause should be removed.

To give an example of how the GAB has interpreted similar existing abiguity

Section 6.34 of the State Statute, Chapter 6 lists the allowable forms of proof of residence for voter registration. Item 11 says "A check or other document issued by a unit of government" as a validation of the elector's residence. The GAB allowed high school transcripts under this, and presumably other school-related documents under this broad loophole.

Such documents are easily scanned and digitally altered

In closing I ask that such ambiguity be removed.

from Mark Musselman

Complaints against GAB

1. While witnessing 2011 governor election recount. GAB instructed Milwaukee election assistant commissioner Neil that he could remove private citizens without cause while they were witnessing the canvassing operation. This is not granted in law.
2. GAB allowed 28-day residency to be claimed without proof. This was not allowed in legislation
3. GAB changed residency requirement to 10 days despite new law enactment that required 28 days.
4. Unresponsive to complaints.

Example of dereliction of duty:

From: Mark M [mailto:musselman@milwpc.com]
Sent: Thursday, October 07, 2010 5:54 AM
To: Sen.Lazich
Subject: GAB and ping letter delay

Dear Senator Lazich,

For months, the GAB rules required clerks to investigate those returned undeliverable names; however the GAB apparently never notified the Clerks of their responsibility to do so.

(from the ping letters)

According to the Journal-Sentinel on August 30th:
(<http://www.jsonline.com/news/statepolitics/101819378.html>)

“State officials spent the past 16 months trying to clean up information for 777,500 people who registered to vote between January 2006 and August 2008. They have verified information for most of those people, but data for about 66,500 voters still does not match.

Letters were sent to those voters, and 18,443 were returned as undeliverable, officials said Monday at a meeting of the state Government Accountability Board, which runs elections.

Local election clerks will be told to send those voters another letter and mark them as ineligible to vote on the state's voter list if the letters are again returned as undeliverable, said the board's director, Kevin Kennedy.”

Now per a new letter to Clerks dated September 27, (<http://gab.wi.gov/node/1349>), the GAB has reversed itself and it says it will send the ping letters again. However the Government Accountability Board will not send that last ping letter until around October 11. Then it will give “voters” 30 days to respond before their name will be changed to inactive. That is of course too late to change those names for this November 2nd election.

Example of counter-productive GAB activity.

from Mark Musselman

What I Ask of our Legislators:

- Regarding Voter Registration in order to avoid disenfranchising legitimate voters:
 - 1.) Each registration must be checked before the associated vote is recorded. If necessary, halt registrations up to 10 business days before an election day.
 - 2.) Require proof of 28-day residency in the applicable ward.

- Regarding the Government Accountability Board (GAB)
 1. Require it to remove obsolete, unverified, duplicate, and ineligible voter registrations resulting from marriage, death, and name changes from the Statewide Voter Registration System (SVRS) 30 days prior to an election. (reference to voting rights act).
 2. Provide legislation oversight commit power to appoint board to implement item 1 if GAB fails.
 3. Require all GAB rulings to be voted on and approved by legislature before going into effect.

- Regarding Election Law Enforcement and Administration:
 1. State Attorney General must receive funding to support enforcement and monitoring.
 2. Penalties for fraudulent voters
 3. Penalties for Chief Inspectors for lax application of election law (IDs not checked, improper assistance allowed, etc).
 4. Change statutes to give AG concurrent jurisdiction in fraud investigations. Existing law allows AG to intervene only if local DA requests it (per AG VanHollen on 7/24/12).
 5. State AG must enforce all provisions of the voting rights act including elimination of invalid registration on voter rolls.
 6. The burden of proof of intent to commit fraud is removed from the prosecutor whenever it is proven that a person votes more than once in an election.

from Mark Musselman

GAB Directive Could Undermine Voter ID Protections

MacIver News Service | EXCLUSIVE | August 8, 2011

[Madison, Wisc...] A change in voter registration procedures quietly implemented by the Government Accountability Board last month threatens the integrity of Tuesday's recall elections, State Representative Jeff Stone warns.



Previously, when Wisconsin voters registered at the polls either needed a qualified elector from the same ward vouch for them or they had to provide written proof they lived at their voting address for at least ten days. This often was in the form of a utility bill, lease or other official document.

The recently-passed voter photo ID law eliminated the vouching provision and changed the residency requirement from 10 days to 28 days.

For the last several weeks, the GAB has been posting updates on its website regarding how it is implementing the new law. On July 14, it announced voters no longer need proof of residency when registering at the polls. Instead, according to the GAB, voters now only need to sign a sworn statement they are eligible.

“The purpose of the proof of residency document is to establish the voter’s current address, not to prove that the voter complies with the 28 consecutive day residency requirement,” the GAB memo to election workers states. “The voter’s sworn statement on the registration form that they meet the 28-day requirement shall be presumed to be true unless the inspector or a challenger has first-hand knowledge sufficient to question the certification.”

The new directive troubles Representative Stone.

“Nothing in our legislation directed them to do that,” Stone told the *MacIver News Service*. “Everything in that legislation was intended for people to provide some kind of documentation to prove they can legally vote and this goes in the opposite direction.”

Stone sits on the Assembly’s Committee on Election and Campaign Reform and had been the legislature’s leading proponent of the Voter ID bill.

“You have people who can come in and vote illegally instead of protecting the integrity of the vote, which is what this is all about,” Stone said.

Stone plans on meeting with the Government Accountability Board about the matter. He does not believe the GAB has the authority to make such a substantial change in Election Day procedure without legislative approval.

“What it comes down to is they’re issuing a direction a few days before the election and there’s not time for the committee or legislature to question these changes before the election occurs,” Stone said.

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From: Mark Musselman
16131 W. Top-O-Hill Drive
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Ph# 262-782-0668

September 1, 2011

To: The Wisconsin Government Accountability Board (via GAB website)

I was a volunteer poll watcher during the August 9th recall election of 2011 from 5:00pm until after the poll closed at 3003 30th Avenue, Kenosha, WI. This was the district 5 Polling location at for the following:

Ward	Assembly District
9	64
48	66
60	66
74	66

I detected an attitude among the poll-working staff regarding the rules that discourage fraud that was at best cavalier, and at worst, promiscuous. My concerns are as follows:

A1. Many electors stated only their last name as they placed their driver's license on the table. Approximately one-third of the times, poll workers stated the first name and/or address before the elector. The elector is required to state their full name and address without help from the poll worker. I have seen this in other locations. However when I drew their attention to this elsewhere, the poll workers adjusted to the correct procedure. In this case, they did not adjust after three of my requests.

A2. For address changes for same-day registrations, the poll workers did not request proof of the duration of the residency (10 day or 28 days). I pointed this out to the Chief Inspector. He did not change to their practice.

A3. For many same-day registrations associated with address changes, the poll workers often did not request for proof of residency. I pointed this out to the Chief Inspector. He made no changes to their practice.

A4. One elector said that his name was listed twice on the voter roll. The chief inspector made no effort to note this extra entry for the Chief Inspector's log. When I drew it to his attention, he presumed it was due to a Jr, Sr. relationship. (The elector made no mention of being a Sr or Jr.)

But despite the fact that they were at the same address, the Chief Inspector made no notation for the Clerk's office to follow-up.

A5. An elector mentioned to a poll worker that her husband on the poll list was deceased. The Chief Inspector made no effort to note this extra entry for the Chief Inspector's log. Neither the poll workers nor the Chief Inspector made note for the Clerk to investigate despite my request to do so.

A6. One elector entered the room at approximately 7:30pm with a completed registration application. She was with a younger man who had registered and voted about 30 minutes earlier. She claimed to have changed her name. It is possible that the younger man saw an unused name on the voter roll and made it available for her use. The poll workers gave her a ballot without asking for proof of identity or proof of residency. When I drew this to the attention of the Chief Inspector, he requested ID after she voted.

My concern about the voter lists:

B1. Many names on the voter rolls were not initially marked to indicate where absentee ballots had been mailed. Thus there was a greater possibility that someone could vote at the poll on election day as well as by an absentee ballot. I discussed this with the Chief Inspector at the time and (more recently) with the Kenosha City Clerk, Mike Higgins. As Mr. Higgins explained, the voter rolls were printed up to one week before election day and some additional absentee ballots were subsequently mailed. A supplemental list of these absentee names was not available until election day. So the voter rolls were manually marked to indicate an absentee ballot was mailed when the poll workers had time. I witnessed this between 7:00 and 8:00pm. Thus the risk of double voting stated previously was present all day.

Cc: Kenosha City Clerk, Mr. Mike Higgins

Cc: MacIver Institute: Mr. Brett Healy

**STATEMENT OF MILWAUKEE BRANCH OF THE NAACP AND VOCES DE LA FRONTERA OPPOSING THE
PHOTO ID PROVISIONS OF ASSEMBLY BILL 225**

My name is Tish Minor. I speak today on behalf of the Milwaukee Branch of the NAACP, of which I am a Vice President, and also speak on behalf of Voces de la Frontera. I am here to register our objections to those portions of Assembly Bill 225 modifying various parts of the Photo ID bill. These amendments have one purpose and one purpose only – to reinstate Photo ID and its burdensome and unreasonable voting requirement which functionally disenfranchises over three hundred thousand qualified voters.

The NAACP was founded in 1909 to fight for social, political and economic equality in American society. As the nation's oldest civil rights organization, we have been at the forefront in the fight to guarantee the franchise for African-Americans, the poor, and all vulnerable persons in our society. We have litigated and fought to ensure that one-person/one-vote is the reality in American political life, that the candidates preferred by African-American and other minority voters have an equal opportunity to be elected, and that burdensome requirements that functionally abridge or deny the right to vote are eliminated from the voting process.

In December of 2011, the Milwaukee Branch of the NAACP joined with 12 voters and Voces de la Frontera, Wisconsin's largest immigrant workers rights group, to challenge the Photo ID requirements in 2011 Wisconsin Act 23. We challenged Photo ID because over three hundred thousand Wisconsin voters – predominantly poor, minority, disabled, and elderly – lack the types of Photo ID prescribed by the law. We challenged Photo ID because it was a solution in search of a problem – because while some claim Photo ID is needed to prevent voter fraud, we have proven that vote fraud is not only relatively isolated and infrequent, but that there are virtually no cases of voter impersonation, which is the only type of vote fraud that Photo ID is designed to deter.

The Photo ID requirement of Act 23 will not simply deter and discourage voter participation but will effectively disenfranchise hundreds of thousands of voters who lack Photo ID. The NAACP is engaged in voter education, voter registration, and voter mobilization. We are for expansion, not restriction, of the franchise. We want to increase, not decrease, the number of voters who participate in federal, state and local elections.

Justice was served when the Photo ID requirement of Act 23 was enjoined by Wisconsin's courts last year. Justice will not be served if Assembly Bill 225 is enacted in an effort to convince our courts that Photo ID is needed to combat a phantom problem. The Wisconsin election system does not need a new voting requirement which ultimately excludes approximately 10% of the entire electorate for no fair or rational reason. Photo ID is not needed to create a caste of voters whose ballots are challenged and potentially nullified solely because these voters lack a Photo ID. Photo ID is designed to restrict and exclude voters who are as qualified and entitled under our state and federal constitution to politically participate and vote in each and every election. We ask you to direct your efforts as our elected representatives to making our election process more open and expansive, not exclusive and restrictive. Similar to modern poll taxes and literacy tests, Photo ID is a disenfranchising requirement designed to prevent poor, minority, disabled, and elderly voters from participating in our electoral process. We ask you to not pass Assembly Bill 225. Thank you.

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**Testimony of Lisa Subeck
Executive Director, United Wisconsin
· Assembly Bill 225
Committee on Campaigns and Elections, June 4, 2013**

Chair Bernier and Committee Members,

My name is Lisa Subeck, and I am the Executive Director of United Wisconsin, a grassroots organization of over 200,000 Wisconsin citizens committed to supporting Wisconsin's longstanding tradition of democracy in action. On behalf of our members, I am here today to raise a number of concerns with the broad implications of AB 225. As the bill addresses a wide breadth of issues affecting our basic freedom and core democratic values, I may not get through my full testimony here today and will, therefore, also provide a written copy of my testimony to be entered into the record.

Disclosure and Election Spending

Several provisions of AB 225 aim to loosen disclosure requirements regarding political spending. What is clear from an extensive body of polling and from results at the polls, both in Wisconsin and nationwide, is that citizens are already uncomfortable with and opposed to unlimited corporate spending to influence our elections. Opposition to *Citizens United* has received bi-partisan support from the electorate, as made crystal clear through the results of referendums opposing the ruling that have passed overwhelming with 70 to 85% of voters favoring the overturning of the ruling. Most citizens – no matter what their political leanings – recognize that their right to political speech is a basic freedom that cannot be realized when drowned out by those with more money.

Through its ruling on *Citizens United*, the Supreme Court has already opened the floodgates to unlimited political spending, and we have seen its impact during our last few elections. At very least, citizens should have the right to know who is spending money to affect our elections – and drown out the voices of ordinary citizens who cannot compete with hundreds of thousands or even millions of dollars in spending – and how much they are spending.

“Dark money” drowning out the voices of ordinary citizens is already a threat to the integrity of our elections and to the basic freedom of individuals who may still have the right to free speech but certainly do not have the ability to be heard. We should be working to elevate the voices of our citizens, not the voices of out-of-state special interests and corporations. At very least, we should be striving for increased disclosure, not more opportunities for secret spending of large sums of money to influence our elections.

Loosening Restrictions on Lobbyist Contributions

This bill also proposes to loosen the restrictions on when lobbyists may contribute to candidate campaigns. The current limits are in place to avoid corruption and the “pay to play” politics of our past. Loosening these restrictions serves only to erode the public trust.

Utilizing the guideline of the first day nomination papers may be circulated proves even more troublesome when considering special elections that may occur at any time to fill a vacant seat. Imagine allowing lobbyists

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to make contributions during budget deliberations or while key contracts or bills are being considered. The potential implications are downright frightening and a clear violation of the public trust.

Voter ID

Our Wisconsin State Constitution guarantees every citizen the right to vote. We should be proud that our state has a longstanding tradition of recognizing that freedom in a democracy is contingent upon the right of our citizenry to have a voice in electing our representatives and decision makers. Currently, we have a Voter ID requirement on the books that has been deemed unconstitutional by the courts because some individuals cannot access the required photo identification. The voter ID provision of this bill seems an end run around the courts in another attempt to enforce an unconstitutional law attacking our freedom.

Our current Voter ID law was in effect for one primary election before the courts blocked its implementation. During this particular election, I was a poll worker at Coventry Village, a retirement community on Madison's southwest side. In this very low turnout election at this one polling place, we encountered 2 voters – both very elderly women who insisted they had voted in every election for as long as they could remember – who were not able to meet the ID requirements and had mobility concerns that prevented them from getting one in time to make it worth casting a provisional ballot.

AB 225 attempts to address the financial barriers of obtaining the required photo identification, but it does nothing to address those sorts of mobility issues we encountered on that election day. Turning these two women away at the polls was heartbreaking. Imagine if it were your grandmother who had been turned away and told her vote could not be counted.

Limits on Absentee Voting

Wisconsin has always worked to make the ballot more – not less – accessible to our citizens. In some municipalities, voters are offered the opportunity to cast their votes in person at the Clerk's office during extended hours. For someone who is unable to leave work during traditional office hours, or someone who cannot afford to lose pay to go vote, these nontraditional hours may be the difference between voting or not. Every eligible citizen has the right to vote, and limiting access for some only works to impede their ability to exercise this right.

In addition to my role with United Wisconsin, I also serve on the City Council in Madison. I am proud of the efforts our Clerk's office has made to ensure more citizens have the access needed to implement their right to vote. The limitations proposed in this bill fly in the face of local control and do not take into account that a one-size fits all solution does not work for everyone.

Other Election Administration Provisions

We are also concerned with other provisions of this bill related to election administration. Some provisions create new challenges for poll workers, while other actually allow that votes may not be counted due to minor clerical errors. The integrity of our elections is important, and we believe strongly that all efforts should be made to ensure votes are cast properly. However, it is also critical to our democracy that all legitimately cast votes are counted. Under this bill, an error as simple as a witness neglecting to include their full address could cause an individual's vote not to be counted.

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Another provision of this bill addressing the determination by canvasser's that a voter's registration is invalid allows a random individual's vote in the same ward not to be counted. This means your vote or my vote may not be counted because someone else's registration was not valid. This is truly one of the most astounding parts of the proposed bill, and frankly, sounds more like something out of a Saturday Night Live skit or The Onion newspaper than like something you would find in legitimate legislation. Really, imagine your vote not being counted because someone else – who may have cast entirely different votes than you did – had a problem on his or her registration form.

Recall Petition Requirements

Under Wisconsin law, citizens have no recourse other than recall for legislative overreach by elected officials. This bill appears to only address the recall of local officials, but I understand you are also hearing a companion requirement for state level officials in another bill. Wisconsin's Constitution allows recall in lieu of a process for direct legislation – or in many instances what is commonly referred to as a “people's veto” – by which citizens can petition government for repeal of an individual law. Barring any such recourse, the ability to recall elected officials for any reason remains critical to preserving our key democratic values and protecting the freedom of our citizenry. The law should not be changed, as this bill proposes, to limit the circumstances under which an elected official may be recalled.

Conclusion

While this testimony does not attempt to address all provisions of this lengthy bill, it addresses some of the most egregious issues. AB 225 seems to be on a fast-track, having only been introduced days ago and already being considered at a hearing. While I appreciate the time you are taking to hear input on the bill here today, I ask that you please slow down consideration to allow time for thorough analysis of all of the implications of the bill. This bill may even be better considered in smaller pieces, as it addresses many different issues that perhaps do not belong in the same bill.

Ultimately, I hope that you will reject AB 225 and recognize that it is an assault on our freedom and our basic democratic rights.

Thank you for your consideration of my testimony today.