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Testimony on Assembly Bill 493 Committee on Campaigns and Elections Wednesday, November 6, 2013

Thank you Madam Chair and committee members for holding this public hearing on AB 493 today.

Last month, Milwaukee County assistant district attorney Bruce Landgraf told a judge, and I quote... "it's not difficult to in fact steal someone's vote or vote twice" in Wisconsin.

In an attempt to crack down on voter fraud and to restore voters' faith in our election integrity, the legislature passed a voter ID law last session. It was in place for one minor election, but then it was taken to court and blocked by a Dane County judge. It has been on hold since then, while the lawsuits face delay after delay in the court system, and our people's trust in the election process continues to erode.

To me, this is unacceptable. That's why Rep. Born and I have introduced AB 493.

Our bill is modeled after Indiana's voter ID law, which was upheld as constitutional by the United States Supreme Court in 2008.

The function of the bill is simple. On election day, if a voter does not have proper identification, they may make a sworn oath & affirmation at the polling place indicating the specific reason. The voter can then cast their ballot, but it will be treated like a challenged ballot. It is marked with a serial number corresponding to that person's information in the poll book, and if he or she is found to have voted fraudulently, that person's specific ballot with the serial number will be removed and not counted.

There are three acceptable reasons for not having proper identification under our bill:

1. The voter cannot afford to get an ID or obtain the required documents;
2. The voter has religious objections to being photographed; or
3. The voter cannot obtain the original documents to get an ID, such as a birth certificate (for example, if it were lost in a courthouse fire)

This proposal does not affect registration in any way.

Even though Rep. Born and I were not in office last session and did not vote for Act 23, we do believe that the current voter ID law will ultimately be held constitutional, but with the delays that are already taking place, it could be years and years before the courts reach a final decision, leaving our elections in doubt in the meantime. Because the model for our bill has already been tested and upheld by the highest court in the land, we feel that AB 493 will strengthen and expedite the current cases, bringing voter ID to our elections much faster.

In closing Madam Chair, I would like to re-emphasize that we ultimately want everyone to vote, but we also want every voter to be legally eligible to vote. The lack of integrity in our elections, even if we are talking about just one fraudulent vote, directly undermines the very foundation of our constitutional republic.

I urge your support for AB 493 and thank you very much for hearing the bill today.



TO: Members, Assembly Committee on Campaigns and Elections
FR: Scot Ross, Executive Director One Wisconsin Now & One Wisconsin Institute
DATE: November 6, 2013
RE: Assembly Bill 493

Chair Bernier and members of the Campaigns and Elections Committee, I am here today in opposition to Assembly Bill 493, yet another despicable attempt to find a way to make voting more complicated for seniors, minorities and students.

The reality is your unconstitutional voter ID law is not "fixable", and most certainly not by means of this bill.

If there was ever a question about what voter ID is really about, the recent comments by Federal Judge Richard Posner lays it to rest. Posner, who authored an 2007 opinion upholding the Indiana voter ID law, upon which the Wisconsin GOP's efforts are based, publicly rebuked his decision saying voter ID laws are, " ... now widely regarded as a means of voter suppression rather than fraud prevention."

In addition to Posner's recanting his decision in the Indiana case because of the intent of the law, there is a key difference between Indiana and Wisconsin.

As detailed in One Wisconsin Institute's Amicus Brief, accepted by the court in *NAACP v Walker*, Wisconsin residents lack the same access to Department of Motor Vehicles offices as Indiana residents.

Over 6% of Wisconsin voting age residents lack access to transportation. Of those individuals without access to a vehicle, nearly 50,000 live more than 10 miles from a DMV service center.

Moreover, the DMV services centers are open for limited hours. In fact, 41 are open just two days each week, seven are open just a few hours for one day each month, and three are open just one day every quarter. Only one DMV center is open on Saturday, and no others have weekend or evening hours.

In contrast, Indiana has 140 Bureaus of Motor Vehicles open 5 days a week and 124 that are open on weekends.

And, as in Indiana, the case in Wisconsin is that the "fraud" this law seeks to prevent does not exist.

Despite numerous investigations and untold amounts spent by the state Attorney General and the Bush-era Department of Justice, there has been no evidence uncovered of widespread voting impropriety in Wisconsin.

Millions of votes have been cast and a handful of voting impropriety has been found, and none has been the in-person voter impersonation that a voter ID law is intended to combat.

In fact, when my organization submitted open record requests to many of you and your colleagues' offices for the proof of voting impropriety on which your rhetorical claims and votes were based, we received nothing of substance.

The real fraud in Wisconsin occurs right here in this building when politicians attempt to manipulate the rules on voting to gain an unfair partisan political advantage.

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Significantly, the issue this legislation attempts to address is also nothing less than a de facto admission that your previous attempts at a voter ID law represented a poll tax.

Your proposal to “fix” this as embodied in AB 493 is, in a word, troubling.

Segregating ballots cast by legal voters based on their economic circumstances and authorizing the investigation of these voter’s finances is an open invitation to harassment and intimidation.

Our founding fathers created a system in which on Election Day everyone is equal – young or old, rich or poor because everyone gets one vote and they get to have that vote counted.

This so-called fix undermines that premise. It is shockingly undemocratic and fundamentally Un-American.

We are rightly proud of our tradition of open government, high rates of voter participation and clean elections in Wisconsin.

For generations it has been understood that legal voters doing their civic duty and voting is not a problem, it is a public good. Voting ought to be encouraged, not attacked with onerous new laws that serve no purpose but to attempt to disenfranchise certain groups to provide any political party with an unfair advantage.

On behalf of the voters of Wisconsin I say we are not the enemy and our participation in elections is not the problem, stop trying to change the rules on voting to make it more complicated and less convenient for us.



LEAGUE OF WOMEN VOTERS® OF WISCONSIN
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November 6, 2013

To: Assembly Committee on Campaigns and Elections

Re: Opposition to AB 493

Based on the League of Women Voters' founding position that voting is a fundamental citizen right which must be guaranteed, we oppose Assembly Bill 493. Like the current Wisconsin voter ID law, which is blocked by the courts, AB 493 would prevent some qualified citizens from being able to cast a vote and have it counted in Wisconsin. Further, it impermissibly places a heavier burden on certain population groups.

It is not an improvement to add a provision requiring citizens who lack an acceptable photo ID to swear before their neighbors that they are indigent, have a religious objection to having their photo taken, or lack the documentation needed to obtain an acceptable ID. This is especially true when participating in that humiliating procedure will only get them a ballot which may or may not be counted. In addition, it appears that under this bill, voters who lack an ID cannot vote by absentee ballot.

Further, the vague language about what becomes of the marked ballots leaves much discretion up to local election officials. This could result in differential treatment of voters around the state.

The provision allowing the use of an official veteran's identification card as an acceptable ID is a small step in the right direction, but it does not go nearly far enough. If we must have voter ID in Wisconsin – and we have yet to be shown why it is needed or how it would help – then broadening the range of acceptable forms of identification is the better approach. Why not allow the many other types of ID that are acceptable for voting in other states?

It appears that the purpose of this legislation is not simply to identify people who turn out to vote, because that can be accomplished in a much less restrictive manner. It appears that the true purpose is to prevent some people from exercising their right to vote, and that is unconstitutional.

We oppose AB 493 and urge you to do the same.

Thank you.



Board of Election Commissioners

Commissioners
Stephanie Findley
David H. Redemann
Robert F. Spindell, Jr.

Executive Director
Neil V. Albrecht

November 5, 2013

Representative Kathleen Bernier, Chair
Assembly Committee on Campaign and Elections

Dear Members of the Assembly Committee on Campaign and Elections:

The City of Milwaukee is opposed to AB 493. The hardships of poverty are a reality. People in poverty struggle to find or maintain employment, secure enough food for their families, and locate safe and affordable places to live. This is a population that tends to be very transient, due to the nature of poverty, and experiences one of the greatest levels of challenge in maintaining updated photo ID and other voter registration requirements.

I cannot think of anything more demoralizing for a voter already experiencing the hardship of poverty – and also individuals attempting to role model civic engagement and responsibility by voting - than having 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.

The implications of the waiver form must be explained to the voter, and this explanation will occur in front of other election workers, observers and the public. This explanation will require the voter to complete a subjective assessment of their financial resources for purchasing a photo ID and consider the consequences if their own assessment is not consistent with the intent of this bill. Further, this bill will segregate people in poverty from every other voting population with the resources to secure a photo ID. A person signing a waiver 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.

Voting will remain anonymous for people with the financial means to purchase a photo ID, but that anonymity will be lost for any person signing a waiver and voting a challenged ballot. It is intimidating and the damaging effect this would have on the integrity of fair elections is disheartening to consider.

Finally, the degradation of this process exceeds the voter. This process will also place a tremendous burden on the state's election workers, which are already struggling with the multitude of changes to election rules.

Thank you for your consideration of these concerns, and on behalf of the City of Milwaukee, I urge you to oppose AB 493.

Sincerely,

Neil Albrecht, Executive Director
City of Milwaukee Election Commission