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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2003-04

(session year)

Senate

(Assembly, Senate or Joint)

Committee on Education, Ethics and Elections...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (August 2012)

None.

Registrations Against

Kerry Schumann, Wisconsin Public Interest Research Group, 1050
Regent St., Madison, WI 53715

John Stocks, Wisconsin Education Association Council, 33 Nob Hill,
Madison, WI 53708

Anita Johnson, 2876 N. 47th St., Milwaukee, WI 53210

Phil Neuenfeldt, Wisconsin State AFL-CIO, 6333 W. Bluemound,
Milwaukee, WI 53213

Michael Miller, City of Milwaukee Dept. of Administration

May 14, 2003

EXECUTIVE SESSION HELD

Present: (7) Senators Ellis, S. Fitzgerald, Reynolds, Stepp, Jauch,
Robson and Hansen.

Absent: (0) None.

Moved by Senator Reynolds, seconded by Senator S. Fitzgerald that
SSAs0048 be recommended for introduction and adoption.

Ayes: (7) Senators Ellis, S. Fitzgerald, Reynolds, Stepp, Jauch,
Robson and Hansen.

Noes: (0) None.

INTRODUCTION AND ADOPTION OF SSAS0048 RECOMMENDED,
Ayes 7, Noes 0

Moved by Senator Reynolds, seconded by Senator S. Fitzgerald that
Senate Bill 68 be recommended for passage as amended.

Ayes: (4) Senators Ellis, S. Fitzgerald, Reynolds and Stepp.

Noes: (3) Senators Jauch, Robson and Hansen.

PASSAGE AS AMENDED RECOMMENDED, Ayes 4, Noes 3

Michael Boerger
Committee Clerk





The League of Women Voters of Wisconsin, Inc.

122 State Street, Madison, Wisconsin 53703-2500

608/256-0827 FX: 608/256-2853 EM: genfund@lwvwi.org URL: <http://www.lwvwi.org>

Statement to the Assembly Committee on Campaigns and Elections in Opposition to AB 111 relating to requiring identification in order to vote at a polling place or obtain an absentee ballot, the fee for an identification card issued by the Department of Transportation

March 6, 2003

We are opposed to Assembly Bill 111 which seeks to make negative, unnecessary and unfair changes to Wisconsin's long and proud history of inclusive and fair elections. Requiring photo identification and eliminating the ability of an elector to utilize corroboration in order to register to vote is unjustified. League's actions are based on our long-standing principle that every citizen should be protected in the right to vote and on our specific positions related to election laws, reflecting member convictions that protecting the right to vote is indivisibly part of the League's basic purpose. League's voting rights actions have been taken not only to ensure access to the electoral process but to extend and enhance that process and the government's role therein.

We supported 1977-78 legislature's enactment of major election law reform, including the establishment of registration at the polls and the definition of identification needs for registration. We are proud of our state's successful election procedures, and we will continue to fight to protect citizens' rights to participate in government and to oppose major threats to our basic constitutional rights, including the right to vote. We should focus on positive reform measures and refrain from focusing on negative reforms that will disenfranchise citizens who are less fortunate but none the less informed as to who they would choose to represent them in public office.

Let us not attempt to change an electoral process which is not broken; instead let us focus on reforms to improve an election system tainted by special interest influences and out-of-control campaign spending.

Thank you for this opportunity to respond.



Schultz, Kurt

From: Dennis Boyer [dennisb@chorus.net]
Sent: Tuesday, March 25, 2003 6:42 AM
To: Sen.Ellis@legis.state.wi.us
Subject: SB 68/VOTER ID

SB 68

Dear Senator Ellis: My organization has not taken an official position on this legislation, but it's not a stretch to say the proposal runs counter to our usual goal of increasing participation.

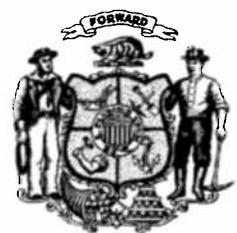
Thus I will register against this bill until I receive instructions that would suggest departure from our usual view.

Excuse the brevity of this communication, we are slightly distracted with fiscal and employment issues.

Thank you,
Dennis Boyer
AFSCME Lobbyist



WISCONSIN STATE LEGISLATURE



Schultz, Kurt

From: Chris Bellovary [CBellova@Wisc.edu]
Sent: Wednesday, March 26, 2003 4:58 PM
To: sen.ellis@legis.state.wi.us
Cc: sen.fitzgerald@legis.state.wi.us; sen.reynolds@legis.state.wi.us; sen.stepp@legis.state.wi.us; sen.jauch@legis.state.wi.us; sen.robson@legis.state.wi.us; sen.hansen@legis.state.wi.us; jnichols@madison.com; jettenhofer@madison.com; wsjopine@madison.com; jsedit@journalssentinel.com; jsmetro@journalssentinel.com; gstanford@journalssentinel.com
Subject: Committee on Education, Ethics and Elections

Dear Senator Ellis,

I had intended to go to this morning's public hearing on bills in front of the Committee on Education, Ethics and Elections, but I didn't make it as I wasn't feel well this morning.

In any case, I did hear of a proposal that would put one representative from each major party on the elections board, with the remainder selected by the Wisconsin Supreme Court. That sounds interesting, and I would be in support of such a change.

On the flip side of the coin, the reason that I planned to show up is because of Senate Bill 68. In this bill, in order to register at the polls, Wisconsin Citizens are required to show either a Wisconsin Drivers License or a DOT issued picture ID.

On the surface, it sounds good, but I see some significant issues with this which I think should be addressed. The primary issue that I see is that to vote, the address on your driver's license MUST match your current address. The Wisconsin DOT requires that drivers inform them when they change addresses, but they don't issue, nor require, an updated driver's license. With that one move, this bill essentially restricts anyone who has moved within the time they last had their driver's license issued from same day voter registration. Same day voter registration is one of the reasons that we have a relative strong voter turnout (as compared to other states).

I have registered to vote several times at the polls, my current driver's license was issued back in 1998. I am a renter, so although the DOT knows my current address and has it on file, the one on my driver's license is now two addresses old. If this bill passes, you just barred me from same day election, an essential part of Wisconsin democracy.

There is another problem that I have with this idea. One of my friends was disfellowshipped from the Jehovah's Witnesses when she was 17. In case you aren't familiar with what that means, when that happens, no other Jehovah's Witness – including family, is allowed to talk to you or acknowledge your existence. She was thrown out of the house. She had done nothing illegal, yet spent a good portion of the next year and a half homeless.

In Wisconsin, the homeless have a legal right to vote. It is tough for them to do, but it is legal. This is a person who went back, got her GED, and is now a very productive citizen of Wisconsin. Can the DOT issue a photo ID under this new law, without an address? I doubt it. That means that this legislation has just successfully disenfranchised a citizen of Wisconsin who prior to this law would have been eligible to vote.

A different aspect of this is that any previously unregistered voter will need to produce this same sort of ID in order to register to vote. We all know that as people get older, they are more likely to vote - the obvious conclusion is that you have a lot of older first-time voters. So, this bill will require these elderly voters to walk who knows how far to the nearest bus stop, take who knows how many transfers, and wait in line at the DMV, just to get a photo ID. A photo ID who's only purpose is to allow them to vote.

I have a problem with a law which disenfranchises voters, and I would think that most of the people in this state would have issues with that as well. The right to vote is one of the pillars of our society. As it is currently drafted, I stand against this bill. I think it should be pulled from consideration until these issues can be properly addressed.

Sincerely,

03/26/2003

Chris Bellovary
2424 East Washington Ave #9
Madison, WI 53704

608-441-6102





The American Jewish Committee

Advancing democracy, pluralism and mutual understanding

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Harriet McKinney

March 26, 2003

The Honorable Gwendolynne Moore
Wisconsin State Senate
State Capitol
PO BOX 7882
Madison, WI 53707-7882

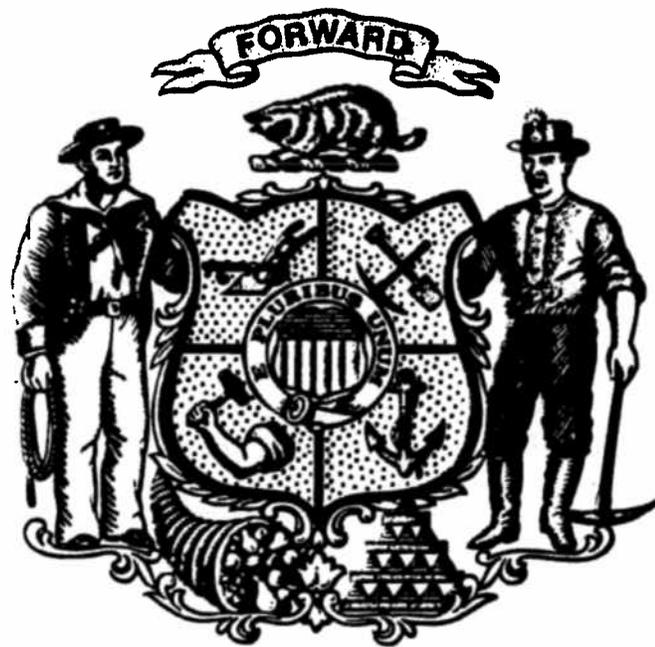
Dear Senator Moore:

As executive director of the American Jewish Committee-Milwaukee Chapter, I want to weigh in with my opposition to SB 68. These misguided efforts to ensure the integrity of the democratic process, neither ensure the integrity or the democratic process. They instead place undo burdens on certain segments of the population, unnecessarily interfere with the individuals right to vote and create extra work for over extended governmental agencies.

As the Milwaukee Chapter of the oldest human relations organization, in the United States, advancing democracy, pluralism and mutual understanding worldwide, our Wisconsin leadership stands opposed to SB 68.

Sincerely,

Harriet S. McKinney
Executive Director
American Jewish Committee-Milwaukee Chapter



Testimony of State Senator Tom Reynolds
2003 Senate Bill 68
Senate Committee on Education, Ethics and Elections
March 26, 2003

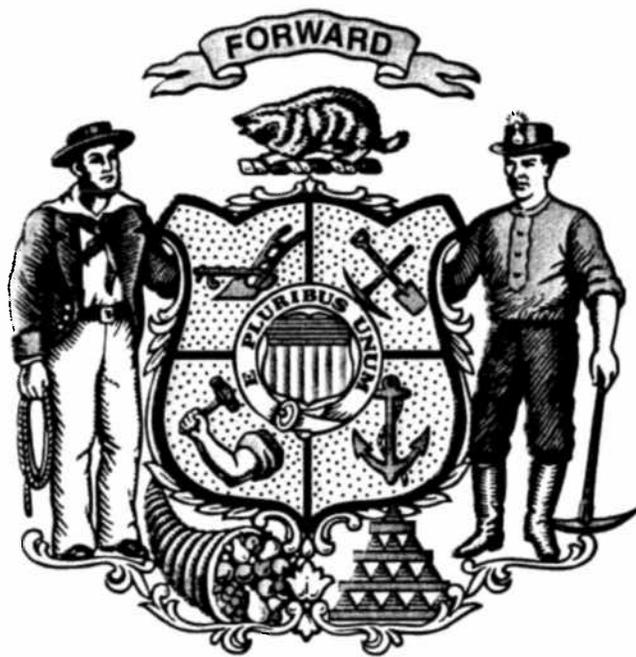
Thank you Mr. Chairman,

When you make a withdraw from a bank, the teller asks to see your driver's license; when you rent a video, the clerk asks for a picture ID along with your membership card; when you write a check at the grocery store, the cashier writes down your driver's license number on the check. There are not many transactions left in modern life that don't require you to provide some assurance that you are who you say you are.

The election process is the bedrock of our democracy. Fundamental to an election is the integrity of the ballots being cast. This bill simply extends the same level of assurance our society demands to rent a video to cast a ballot.

This bill is not intended to cure all election fraud. It is narrowly drafted legislation intended to make fraud more difficult and increase the integrity of the ballots cast in an election. Some of the provisions also make our state elections laws more uniform with federal regulations as a result of the Help America Vote Act that became effective this year. The substitute amendment that I am offering, would substitute Engrossed Assembly Bill 111 as passed by the Assembly earlier this month.

Thank you Mr. Chairman.



State Senator GWENDOLYNNE MOORE



Capitol Office:
P. O. Box 7882, Madison, WI 53707-7882
Phone: (608) 266-5810 Fax: (608) 267-2353
District Telephone: (414) 442-3080
Toll-free Legislative Hotline: 1-800-362-9472
E-Mail: sen.moore@legis.state.wi.us
Member: Joint Finance Committee
Board Member: Wisconsin Housing and Economic Development Authority

March 26, 2003

Testimony of State Senator Gwendolynne Moore on Senate Bill 68 Senate Committee on Education, Ethics and Elections

Good morning. I would like to thank Chairman Ellis and the members of the Senate Committee on Education, Ethics and Elections for allowing me to submit testimony today.

As you know, it is a fundamental function of government to ensure that each citizen truly has equal and unimpeded access to the ballot box and that every American voice is properly recorded. While the role of the judicial branch of government is to vigorously enforce laws when deliberate election fraud does indeed occur; legislators however must balance our duty to maintain the efficacy of our election system as well as protect the rights of our citizens to vote. We must proceed with extreme caution when we entertain any legislation under the guise of "reform" that could compromise the franchise of our citizens. Ultimately, the voter's right to participate in the election process must be paramount.

Senate Bill 68 (SB 68) is just such a proposal that severely threatens our citizens' franchise instead of providing any real electoral reform. Since the November 2000 elections, Republican legislators have been dedicated to imposing additional and unnecessary restrictions on Wisconsin's most vulnerable voters. The real agenda of the Republican Party has been made clear with the charade-introduction of SB 68. Bringing your birth certificate, which neither contains your picture or current address, does not assist in ensuring accurate residency. Ultimately, this legislation will serve only confusion, debt and disenfranchisement to the young, old, homeless, low-income, handicapped and minority constituencies of Wisconsin.

I would like to address three main concerns that I have regarding SB 68.

First, Senate Bill 68 is **Unconstitutional**. SB 68 would create a **poll tax** on electors who choose to vote at the polls. An elector would have to present one of the following pricey forms of identification in order to vote at the polls on election day:

Current DOT issued Drivers License or Wisconsin ID Card– The Department of Transportation currently charges \$9 for either ID. The cost of time, energy and resources wasted at the DMV in order to obtain a license must also be considered when establishing the fiscal impact of such a requirement. A low-income person would be forced to jeopardize their employment or utilize precious vacation time to visit the DMV. Furthermore, an elderly person who may have health problems would have to stand in the DMV line for hours simply to maintain their franchise.

Birth Certificate – **No one who is born in Wisconsin receives a certified birth certificate or copy of his or her birth certificate for free.** The State Vital Records Office charges \$12 for a copy of a birth certificate. It costs an additional \$10 should you need the birth certificate expedited. Not only

is this a significant sum for the homeless or those on the bottom rung of the economic ladder, but in order to purchase a copy of a birth certificate through the State, you must use a check or money order. The copied certificate will be mailed or faxed (should you need it expedited) to your address. How likely is it that the homeless or the economically disadvantaged will possess a bank account, address or a fax machine? **Even more absurd is the fact that birth certificates do not contain an elector's picture and can't be used to verify someone's residence.** To the contrary, birth certificate requirements at the polls could lead to even greater fraud, as a person does not need to apply for a copy of a birth certificate in person; he or she may send in an application that one may obtain via Internet and receive the copy via fax or mail.

University, College, or Technical College ID – In order to receive a student id, you have to pay expensive tuition. While most school ID's have a picture of the student as well as the student's name, virtually none of them reference the student's residence.

Unlike other recently introduced legislative proposals that would provide "free" state ID's to electors, all four forms of identification required under SB68 would require the elector to expend financial resources in order to procure their right to vote- a poll tax on electors. *The 24th Amendment of the United States Constitution states, "The rights of the citizens... shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax."*

As well, the legislative reference bill drafter also referenced in his drafter notes that strict treatment of in-person voters as compared to absentee voters potentially violates the Equal Protection requirements under the 14th Amendment.

Second, Senate Bill 68 would place extreme inconvenience of time and money on voters. Not everyone has a driver's license. The DOT estimates that roughly 130,000 people across the state do not have a driver's license or Wisconsin identification card. That means that roughly 100,000 Wisconsin residents currently without DOT-issued photo identification, many of whom are **elderly, low-income, minority, homeless, handicapped** or **students**, would be disenfranchised by this bill.

Not everyone has a copy of a birth certificate or a student ID. (Note process to acquire a Wisconsin birth certificate above). Some states, like Wisconsin, use birth certificates as a revenue source and charge more than \$12. For instance, a Wisconsin resident who was born in New York would have to pay \$15 for per certified copy, plus a \$5.50 mailing and service charge per order. Requiring a Wisconsin resident to obtain an out-of-state birth certificate in order to vote would be tremendously burdensome on that elector.

SB 68 will also potentially encumber the actual act of voting. Individuals who corroborate for newly registering electors will have to prove their residency and poll workers are required to call Municipal Clerks when the elector and corroborator are not deemed to have "satisfactory" ID. **A voter should not be required to show a valid photo id in order to receive his or her ballot.**

Third, SB 68 would end Wisconsin's long tradition of fair and free access to the polls by ending same day registration and corroboration:

This bill essentially eliminates the act of corroboration. SB 68 would require an individual, who through corroboration meets current residency requirements, to also comply with "all other

requirements for voting at the polling place” (i.e. they have to have one of the four forms of ID). For example, a homeless person who is a first-time voter goes to the polls with a local resident who vouches for their long-time residency in the district. That same homeless voter would still have to present one of the four forms of ID required by this bill.

It’s not only the homeless who are adversely affected by the elimination of corroboration. Senior citizens, the disabled, students and the economically disadvantaged would all face increased restrictions to their franchise. SB 68 Does Not Address Current Voter Fraud Accusations. No changes proposed in this voter ID bill would have prevented the misuse of the absentee ballot by the ACE group recently identified in a several Journal Sentinel articles. However, Assembly Bill 172 (AB 172), authored by Rep. Krug and myself does address absentee vote concerns.

To the contrary, the Legislative Reference Bureau drafter notes that strict treatment of in-person voters as compared to absentee voters potentially violates the Equal Protection requirements under the 14th Amendment. This bill does not address current and real concern toward voter fraud, and instead poses questions of constitutionality.

I hope, as you consider your vote on Senate Bill 68, the members of this Committee will remember that ensuring that every voice continues to be heard can only protect the integrity of our election system. Thank you for allowing me the opportunity to share my views on Senate Bill 68.



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PRESS RELEASES

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For Immediate Release
March 26, 2003
Contact: Senator Moore (608-266-5810)

GOP Continues Efforts to Disenfranchise Minority Voters *Republicans Pull a "fast one" on Unconstitutional Voter ID Bill*

MADISON...Senator Gwendolynne Moore (D-Milwaukee) said today that Republican legislators "just don't get it", in response to their latest effort to impose an unconstitutional poll tax on minority voters. Their proposal, Senate Bill 68 (SB68), would create tough new restrictions on who could vote and illegally require citizens to pay in order to exercise their constitutional right to vote.

"Apparently the Republicans weren't satisfied with a proposal that was merely discriminatory," said Moore. "Today they've taken it a step further and proposed legislation that is flat-out illegal. It seems to me that there are a few legislators in Madison who could use a history lesson about the banning of the poll tax and the establishment of the right to vote."

The Republican poll tax proposal received a public hearing from the Senate Education, Ethics and Election Committee today, where Sen. Moore and others strongly argued against it. Moore noted that the proposal was both discriminatory and illegal because it requires citizens to pay money to obtain a form of identification prior to voting. Such a requirement violates the 24th Amendment of the United States Constitution that federally prohibits against poll taxes. The prohibition was put in place to prevent local governments from creating financial barriers to make it more difficult for low-income citizens to vote.

"At long last, the Republicans have shown their true intent; this bill will serve only to cause confusion, debt and disenfranchisement to the young, old, homeless, low-income, handicapped and minority constituencies of Wisconsin," said Moore. "This is a blatant attempt to turn back the clock on civil rights and re-impose a poll tax. I can only imagine what's next on their agenda – restoration of Jim Crow laws, perhaps? That may sound far-fetched to some, but the poll tax and the Jim Crow laws were part of the same mosaic of racism and discrimination. Now that the Republicans have started down this path, I think it's fair to ask what's next on their agenda."

Although he had no formal draft available at the hearing, upon recognition that Senate Bill 68 is unconstitutional Republican Chairman Mike Ellis informed the Committee that a substitute amendment would be offered during the Committee's executive session. He indicated the sub-amendment in essence would mirror Assembly Bill 111 (AB 111), another divisive "voter ID" proposal that recently passed the Assembly. "On top of it being blatantly discriminatory against the young, old, handicapped, and low-income, AB 111 will cost our state \$850,000 per year! Is this budget-busting bill the best alternative Republicans could come up with?" said Moore.

AB 111 would provide free Drivers Licenses and Wisconsin ID cards to all eligible voters. The Department of Transportation estimated that the provision of these cards would cost the state \$856,000 in state revenue annually. The Committee did not take executive action on Senate Bill 68, or it's "phantom" substitute amendment today, though executive action is expected in the near future.