

2005-06 SESSION

COMMITTEE HEARING RECORDS

Assembly Committee on Campaigns & Elections (AC-CE)

Sample:

Record of Comm. Proceedings ... RCP

- 05hrAC-EdR_RCP_pt01a
- 05hrAC-EdR_RCP_pt01b
- 05hrAC-EdR_RCP_pt02

➤ Appointments ... Appt

➤ **

➤ Clearinghouse Rules ... CRule

➤ **

➤ Committee Hearings ... CH

➤ **

➤ Committee Reports ... CR

➤ **

➤ Executive Sessions ... ES

➤ **

➤ Hearing Records ... HR

➤ **

➤ Miscellaneous ... Misc

➤ **05hr_AC-CE_Misc_pt34**

➤ Record of Comm. Proceedings ... RCP

➤ **



Joe Leibham

STATE SENATOR

February 3, 2005

Testimony on Assembly Bill 63 - Senate Bill 42

Good morning Mr. Chairman and Committee Members:

Sunday, January 30th was an inspiring day; a day in which we witnessed the hopeful start of a new democracy in Iraq. The foundation of this new democracy was a free election in which nearly 8 million Iraqi citizens, roughly 60 percent, participated by casting a vote.

One key block in the foundation of our free country, our democracy in America, is our election process and the ability of our citizens to make a difference by casting a vote.

Unfortunately, this foundation has been softened, if not eroded, over recent years due to legitimate concerns regarding human administrative error and fraudulent voter activity. Each election year, we have witnessed increasing problems and frustrations with the process. The faith of voters continues to erode. After hundreds of thousands of Iraqis risked their lives to cast a vote, there are far too many people in our country who do not go to the polls. Too many of our citizens wonder whether their vote will even count.

In the 2000 elections we learned of paid political operatives from New York offering cigarettes to homeless people in Milwaukee in exchange for votes, college students bragging about how many times they voted and known felons casting ballots. The 2002 elections were marked with questionable voting at bingo parties, unusual absentee voting schemes and ballots cast under names of people who had passed away.

Unfortunately, these concerns may eventually pale in comparison to the questionable activities and irregularities associated with the 2004 elections. Over the last few weeks, we have learned through numerous investigations and media reports, that the Milwaukee City Election Commission could not verify the addresses of approximately 10,000 people who registered to vote in Milwaukee in November 2004. Recently, the Milwaukee Journal Sentinel reported that 17 polling places in the City of Milwaukee had approximately 100 votes more than the number of voters registered to have cast a ballot. Two polling places reportedly have 500 or more cast ballots in comparison to the number of voters who registered to vote.

Due to concerns raised by myself and other legislators, each of these issues is being investigated. The U.S. Attorney and the Milwaukee County District Attorney recently asked the Federal Bureau of Investigation (FBI) and local police to launch a joint investigation into these concerning events.

Clearly, these incidents suggest a pattern of activities that undermine Wisconsin's tradition of open and honest elections. That is why I have joined Representative Jeff Stone (R-Greendale) and 63 of our legislative colleagues in introducing Senate Bill (SB) 42, legislation that will require eligible voters to present a valid state-issued photo identification (ID) card at the polls before voting in any Wisconsin election.

Under the proposal, voters could use a valid Wisconsin Driver's License, a valid Wisconsin ID Card or a active military ID. For individuals who do not currently have one of these standard forms of identification, S.B. 42 would provide WI ID cards at no cost.

The legislation will allow elderly or infirmed voters who cast their votes via absentee ballots via mail to include a written signed statement from a witness verifying their identity in lieu of a copy of a valid photo ID.

While Governor Doyle vetoed similar legislation last year, I believe this is a sensible and reasonable first step to restoring the integrity of our elections and protecting your legally cast vote. Just think about it, if we confirm that just a portion of the ballots in the City of Milwaukee are fraudulent, they would cancel out the votes cast legally by all the people living in Plymouth, or half of the people who voted in Sheboygan or in Manitowoc. As a State Senator, I would challenge the Governor to defend the current process that would allow this to occur.

As an American, I understand and appreciate the value of a vote and I respect the great right that is provided to us as citizens of this country. That is why I ask for your support to get the photo identification bill passed into law and join me as I introduce additional legislation over the next couple of months that seeks to restore and strengthen this key foundation block of our free nation.

Thank you for your service to our state. It is an honor representing the residents of the 9th District in the State Senate!



League of Women Voters of Wisconsin, Inc.

122 State Street, Madison, WI 53703-2500
Phone 608/256-0827 Fax: 608/256-2853

<http://www.lwvwi.org>
Email: lwvwisconsin@lwvwi.org

Statement to the Assembly Committee on Campaigns and Elections

In Opposition to Assembly Bill 63 relating to requiring certain identification in order to vote at a polling place or obtain an absentee ballot and the fee for an identification card issued by the DOT.

February 3, 2005

We are opposed to AB 63 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. The League's position is 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. The 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.

Some human error in election administration is all but inevitable when there is very high voter turnout, and it occasionally results in the kind of discrepancies recently alleged in the *Milwaukee Journal-Sentinel* (MJS). Adding another requirement for voter eligibility is likely to aggravate the already significant logistical challenge. The questionable voter addresses, as noted by the MJS probe, comprise less than half of one percent of the total votes cast in the city of Milwaukee in November 2004, comparable to the percentage of error in cities across the country. The proper response for these allegations is investigations by municipal, state and/or federal officials – steps already being taken – not legislation that inhibits voting and places an unfair burden on certain groups of voters. We will not trade the basic democratic elements of our election process for overly cumbersome requirements that do nothing but discourage vulnerable groups from voting.

The Department of Transportation estimated in 2003 that approximately 130,000 people of voting age across the state did not have a driver's license. DOT further estimated that only 20% of these people would ever get the necessary documentation if a very similar bill from last session, 2003 AB 111, became law. The burden will be greatest for those people – including the elderly, low-income, minority, homeless, or handicapped – for whom it is most inconvenient to take off work, get transportation, stand in line, and apply for the documentation. AB 63 also will require that students from out-of-state who attend Wisconsin's colleges and universities will have to go to the Department of Motor Vehicles to obtain a Wisconsin photo ID card. Ironically, the groups most affected (those who do not have cars and/or driver's licenses) are the people for whom a trip to the DMV is most inconvenient and challenging. In addition, AB 63 will complicate corroboration procedures that currently facilitate voting for individuals who are hospitalized or living in long-term care facilities.

Implementing and enforcing AB 63 will necessitate increased staff and other costs for the DOT, totaling an estimated \$1 million up front. At a time when our state faces a \$1.6 billion deficit, wouldn't it be better to invest this money in changes that will *improve* elections? The League supports measures to put more poll workers at the polls on Election Day and provide better training for poll workers and election officials.

We supported the 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 know whom 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.

LENA C. TAYLOR

Wisconsin State Senator • 4th District

Testimony of State Senator Lena Taylor on Assembly Bill 63
Assembly Committee on Campaigns and Elections
February 3, 2005

Thank you for allowing me the opportunity to testify on Assembly Bill 63. I would like to thank Chairman Freese and the members of the Assembly Committee on Campaigns and Elections for holding a public hearing on this proposal that has a significant impact on our Constitutional rights as citizens of the State of Wisconsin and the United States of America.

As you know, it is a fundamental function of government to ensure that each eligible citizen has equal and unimpeded access to the ballot box and that every vote is properly recorded. It is also important for government to pursue the vigorous enforcement of our laws when deliberate election fraud does indeed occur. However, as legislators, we have a responsibility to balance our duty to safeguard our system from election fraud with our duty to protect the voter's rights.

Wisconsin has a proud tradition of encouraging public participation in elections. I am afraid that Assembly Bill 63 represents a major step backward.

We must not be swayed to alter the basic tenets of our election laws based solely upon the *perceived* fear of voter fraud. We must proceed with extreme caution when considering any legislation under the guise of "reform" that could compromise the franchise of our citizens. Ultimately, protecting the voter's constitutional right to participate in the election process must be our top priority.

Assembly Bill 63, which is before you today, severely threatens our citizens' franchise without providing any real electoral reform. A voter should not be required to show a valid Wisconsin driver's license or photo id in order to receive their ballot.

There is nothing magical about an ID issued by the state's Department of Transportation. I know plenty of people who do not drive and who never will drive a car. They should consider themselves lucky that they have never experienced the Division of Motor Vehicles. Instead, you're punishing them because they either never needed or wanted to spend a workday in line at the DMV.

Disguising their proposals as necessary "election reforms" which would ensure the integrity of the system, some politicians are continually proposing new initiatives that would disproportionately disenfranchise Wisconsin's low-income, minority, elderly, handicapped, homeless, and student populations.

Today, some Republicans seek to capitalize on a series of well-researched newspaper reports from the Milwaukee Journal Sentinel that may have uncovered voting irregularities in the City of Milwaukee. But those same Republican sponsors of this bill would prefer you ignore the advice of that newspaper's editorial board yesterday when it urged caution in making Wisconsin only the fourth state to require a photo ID for voters:

"We subscribe to the now-threatened Wisconsin principle that voting should be as simple and, thus, as inclusive, as practical."

“Necessary or not, requiring a photo ID does put up a barrier to voting.”

The balancing tilt towards disenfranchising voters at all cost is not acceptable. That is precisely what this bill does. AB 63 places an undue and unnecessary burden on some of our most vulnerable voters, including our low-income, ethnic minority, elderly, disabled, homeless and student citizens, by requiring all voters – regardless of whether they are registered or not – to present a DOT-issued Wisconsin driver’s license or photo ID in order to obtain a ballot.

The Department of Transportation (DOT) estimates that roughly 130,000 people across the state do not have the kind of documentation referred to in this legislation. Furthermore, the DOT estimates that only 20% of these people would ever get necessary documentation if AB 63 became law. That means that roughly 100,000 Wisconsin residents currently without DOT-issued photo identification, many of them elderly, low-income, minority, homeless, or handicapped, would be disenfranchised by this bill.

In essence, this measure is an unconstitutional poll tax on those whose grasp on the right to vote is currently most vulnerable: the elderly, the low-income and the homeless, or handicapped.

Many of these people do not have the resources to go to the DMV to obtain identification simply to exercise their constitutional right to vote. Individuals may still have to pay to obtain a birth certificate or other identifying information. Further, they could lose work time, wage compensation, or other financial support all in order to obtain an unnecessary.

Imagine if AB 63 was the law in Wisconsin. A low-income working woman would be forced to jeopardize her employment in order to spend a day at the DMV. An elderly gentleman with health problems would have to wait in line at the DMV for hours in order to maintain the constitutional right to vote that he has exercised his entire adult life.

This will also affect a significant percentage of college students. A Wisconsin driver’s license is valid for eight years. Students who move often may go four or five years without ever having an ID that reflects their current address.

Many of Wisconsin’s most diligent voters have been registered at the same address and have voted at the same polling station for most of their adult lives. This is particularly true in Milwaukee’s inner city, where many low-income minority voters have never had the kind of photo identification required in AB 63.

Most states do not require an identification card, photo or otherwise, for their state’s registered voters. Only three states require citizens to show photo ID cards when exercising their constitutional right to vote.

In contrast, AB 63 seeks to move Wisconsin away from its progressive traditions, and instead “reform” our electoral system by disenfranchising voter. Voter registration by corroboration must not be repealed. Currently, a person who does not have a residential address can vote if that person brings with them to the polls another registered voter from the same municipality. This means that homelessness in Wisconsin does not mean disenfranchisement. AB 63 would require the voter to show photo id even in the presence of corroboration. We should not strip a voter of his or her rights simply because that person lacks an address or a photo ID.

According to the American Medical Association, 1% of the US population is homeless throughout the course of a year. Many of these homeless citizens are veterans. It would be both ironic and cruel to strip away this fundamental Constitutional right from a group of citizens who fought to protect it.

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

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

Now, under the guise of election "reform", the bill before you today will have the effect of disenfranchising many of Wisconsin's poor, minority, elderly, handicapped, homeless, and student citizens. While I certainly hope that the intent of this proposal is not to silence the voices of Wisconsin's most vulnerable, I fear that the effect of this proposal will do just that.

Rather than develop a thorough solution to the problems highlighted in recent Milwaukee Journal Sentinel reports, AB 63, if enacted, would exaggerate problems within the current election system by mandating additional voting requirements at the polls. More requirements would amount to more burden placed on the voter and poll workers who must spend with each voter, longer lines and even more pressure placed on the already under-staffed polling sites.

Milwaukee District Attorney E. Michael McCann and US Attorney Steve Biskupic have launched investigations into whether any voter fraud took place during the general election in Milwaukee. Likewise, Mayor Barrett has commissioned a local taskforce to review the election process. Lastly, the State Audit Bureau has already prepared a scope for a statewide election administration review. All of these investigations are seeking similar answers to the real question – what was the cause for all of the discrepancies and errors found in the administration of the 2004 election? Ultimately, steps are being taken to identify the roots of supposed election administration flaws and develop solutions – the balanced rational way to address issues.

Once the causes of these problems are identified, I pledge to work with Chairman Freese, author Stone and any other interested parties to develop legislation that provides a real solution to the identified problems, while also maintaining the integrity of our election system, and ensuring that every voice in this great state continues to be heard. It is our honor to serve the people of Wisconsin and it is our duty to protect their Constitutional rights, not trample on it.

Thank you again Chairman Freese, and members of the committee, for allowing me to come before you today.



Date: February 3, 2005

To: Rep. Stephen Freese, Chair
Members
Assembly Committee on Campaigns and Elections

From: Gerry Born, Chair *GB/CTC*
Wisconsin Council on Developmental Disabilities

Re: Opposition to AB 63: Photo ID Requirement for Voting

The Wisconsin Council on Developmental Disabilities is authorized by federal and state law to advocate and plan services on behalf of people with developmental disabilities. Encouraging people with disabilities to exercise their right to vote is a major initiative of the Council. The Council has serious concerns about the impact of AB 63 on access to voting for people with developmental disabilities.

The Council's opposition to AB 63 is based on the following issues:

- Voting is a right, not a privilege. Photo ID is required when exercising a privilege, such as purchasing cigarettes and alcohol. Voting is a constitutional right that is held to a different legal standard than a privilege. Only a court of law can deny an individual otherwise eligible the right to vote.
- The requirement in the Help America Vote Act (HAVA) to establish statewide registration lists was designed to deter voter fraud. The impact on fraud of the registration lists should be studied before additional barriers to vote are created.
- Many people with development disabilities do not have a driver's license or state issued identification. Transportation is a barrier for many people with disabilities, so making a visit to the nearest Division of Motor Vehicle (DMV) office can be an insurmountable problem, especially if the office is many miles from their residence. This is especially a problem for individuals living in rural areas. This problem is exacerbated by the fact that many small DMV offices were closed in the last budget.
- There is a hidden cost to people with developmental disabilities, who are often living on the fringes of society. That cost is the lost wages and additional transportation expense in order to obtain a photo ID.
- It is questionable whether the DMV offices are equipped to meet the access needs of people with developmental disabilities. For instance, do all offices have sign language interpreters available at any given time? Are all DMV offices accessible to people using mobility devices such as wheelchairs? Are staff trained to assist people with cognitive disabilities in a respectful and considerate manner?

Rep. Stephen Freese, Chair, and Members
Assembly Committee on Campaigns and Elections
February 3, 2005
Page 2

- Outreach to alert people with developmental disabilities of the need for photo ID at the polls is a necessary and hidden fiscal cost to the bill. People with developmental disabilities may have to vote provisionally if they are not aware of the changes in the voting law. Because of the need to schedule transportation at least 24 hours in advance, and the problems cited above, voters may not have an opportunity to obtain the proper ID by 4:00 p.m. the day after the election.
- Many people with developmental disabilities use other people to collaborate their addresses because their bills and rental agreements are handled and paid by third-party payers, such as county human services. If collaboration is no longer allowed, this will be a significant barrier to registering and voting for people with developmental disabilities.
- Absentee ballots are not a reasonable alternative to voting at poll sites for many people with disabilities. Many people used to living in the community want to vote at their neighborhood poll sites like other people. It is a step backwards to make people vote absentee because they do not have photo ID. People with disabilities have been fighting 2nd class citizenship all of their lives.
- People with developmental disabilities have heard repeatedly from legislators and the news media that the 2005-07 biennial budget will be tight. The Council questions if it is wise to spend state money for photo ID cards when the statewide registration list has not yet been implemented.

HAVA was designed to make it easier for people with developmental disabilities to exercise their right to vote. The State Elections Board has actively worked with disability advocacy groups to improve voter access. This bill would counter the intent of HAVA and discount the dollars and work hours invested in improving access.

The Council urges you to oppose AB 63. The Council strongly supports efforts to prevent voter fraud; it is in the best interest of people with disabilities that their votes count. The Council believes, however, that outcomes from the statewide voter registration list should be studied and that any additional legislation should not negatively impact access for people with developmental disabilities.

If you have any questions about this testimony, please contact Jennifer Ondrejka, Executive Director, at (608) 266-1166 or ondrejkm@dhfs.state.wi.us. Thank you for consideration.

WRITTEN TESTIMONY OF LINDA HONOLD
CHAIRWOMAN OF THE DEMOCRATIC PARTY OF WISCONSIN

TO: THE ASSEMBLY COMMITTEE ON CAMPAIGNS AND ELECTIONS
DATE: February 3, 2005

Chairman Freese,

Wisconsin has historically had one of the most open voting systems in the country, something most of us have always taken great pride in. Our system is one that is the envy of many other states. Republicans, starting with Robert LaFollette, were the trailblazers of the open voting system in our state and had to fight to secure these rights for the citizens of Wisconsin. One of the foundations of their efforts was to make the system non-partisan and to keep the parties from having undue influence over the process. Today's Republicans are fighting to roll back the very same principles their party successfully fought for 100 years ago and to politicize the process to gain an advantage.

One of the core principles of our system is that it allows for all of our citizens to register and vote in our state, ensuring that no valid elector is turned away from the polls and from participating in the most fundamental aspect of our political process.

We should be proud of historic turnout and celebrate that so many people exercised their right to participate in our democracy. Instead, Republicans are pushing through legislation to reduce turnout and to restrict those who can vote.

The Democratic Party recognizes with the Republican Party that there are problems with the managing of elections, especially when turnout is high. We believe we should work to provide adequate resources to the State Elections Board and local officials to help fix the problems which arose in 2004. Unfortunately, Republicans have chosen to exploit those administrative problems to politicize a pet issue of theirs, which neither addresses the problem nor follows in Wisconsin's open voting traditions.

The "voter ID" bill being promoted by Republicans would severely discriminate against seniors, the working poor, and students, by creating unnecessary and artificial impediments to exercising their constitutional right. Voting in America has moved beyond poll taxes, literacy tests, and Jim Crow laws. Most states are moving in the direction of more open election systems and are looking at states like Wisconsin as a model. Adopting the voter ID bill would move Wisconsin backwards and make us one of the five most restrictive states in the country.

The Democratic Party of Wisconsin fully supports the current efforts to examine what happened in Milwaukee, Pewaukee, Oconomowoc, Hartland and Oak Creek on election day and believe we should encourage local officials in those communities to provide better training of poll workers and to ensure that there is enough voting equipment for all citizens no matter where they live. Instead of expending effort and financial resources to make voting more difficult and time consuming, we should be focused on strengthening and improving election procedures.

We also know that the State Elections Board is working diligently to address this issue by improving training of election officials as well as working to make sure Wisconsin is compliant with the Help America Vote Act (HAVA). HAVA requires Wisconsin to create a statewide computerized voter registration list by January 1, 2006. This list will offer a single, uniform official voter registration system that will allow election officials to verify voter eligibility and residency, going a long way toward helping keep better track of voters.

In addition, there are already legal protections in place to address fraud in our system. If fraud is discovered, as in the recent case of the former member of the College Republicans of St. Norbert College who was just charged with voter fraud last week in Brown County, there are penalties under current law to punish such behavior.

In closing, the Democratic Party of Wisconsin strongly supports fair and clean elections. We fundamentally believe that every citizen of Wisconsin has a legal right to vote, and should be allowed to vote without artificial impediments. This is a principle we will defend and continue to fight to protect.



Linda Honold
Chairwoman
Democratic Party of Wisconsin

Wisconsin Coalition for Advocacy

16 N. Carroll Street, Suite 400
Madison, WI 53703
608/267-0214 phone/tdd
608/267-0368 fax

Wisconsin Coalition of Independent Living Centers

6320 Monona Drive, Ste 408
Madison, WI 53716
608-819-1300 phone/tty
608-819-1301 fax

February 3, 2005

To: Representative Stephen Freese, Chair, and members, Assembly Committee on Campaigns and Elections

From: Lynn Breedlove and Alicia Sidman, Wisconsin Coalition for Advocacy
Maureen Ryan, Wisconsin Coalition of Independent Living Centers

Subject: **Assembly Bill 63**

The Wisconsin Coalition for Advocacy (WCA) and the Wisconsin Coalition of Independent Living Centers (WCILC), are organizations that advocate for the interests of people with disabilities in Wisconsin. We have serious concerns about Assembly Bill 63 (AB 63) and how it will affect people with disabilities.

AB 63 will make it more difficult for people with disabilities to vote and will have the unintended consequence of disenfranchising the disability community from the electoral process. We do not support AB 63, and believe that alternative solutions to address fraud should be followed that do not discourage people with disabilities from voting.

There are approximately 600,000 people with disabilities in Wisconsin who are of voting age. People can have a wide range of disabilities from physical to cognitive to sensory to mental and to medical disabilities. They are members of all communities in Wisconsin, and encompass all ages from young to elderly.

Over the years, individuals with disabilities have faced both discrimination and physical barriers to the electoral process. Examples of this include being wrongfully turned away from the polls because an individual with a disability does not "appear" to be eligible to vote, not being able to access the polling site because it is not accessible, and not being able to cast a private and independent ballot. These barriers are reflected in the statistics, which highlight that individuals with disabilities vote at a rate of 15 percent below the rate of the general voting population.

The disability population received some hope of increased access to the voting process when the federal Help America Vote Act (HAVA) was passed in 2002. One of the most notable aspects of that law is the provision to make it easier for people with disabilities to vote. Specifically, it mandates that every polling site in the United States have an accessible voting machine that allows an individual with a disability to cast a private and independent ballot by January 1, 2006.

Through the passage of HAVA, the federal government made a formidable statement that access to cast a ballot is an important fundamental right of all people in this country. Ironically, as the disability community is on the verge of actualizing the removal of one barrier to the voting process through federal legislation, the suggestion of increasing barriers in Wisconsin by the introduction of AB 63 doesn't seem to follow suit.

Currently, people with disabilities rely heavily on others to corroborate their residence when they register to vote. This option is utilized because some individuals with disabilities do not manage their own finances and therefore do not receive bills at their address. In addition, people can move often, or are homeless. In fact, studies have consistently found that one-third of individuals who are homeless have a mental illness. AB 63 removes the right to have someone corroborate a residence, except in the instance when a person is indefinitely confined and is applying for an absentee ballot. For many people it is already difficult to register to vote. Requiring a photo ID and disallowing corroboration will make it even more difficult.

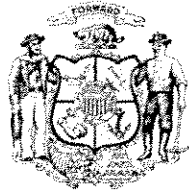
Many individuals with disabilities do not have a drivers' license or state issued identification. AB 63 places the burden on individuals to obtain this identification in order to register or vote. Compared to the general population, the burden is significantly higher for people with disabilities to acquire this identification. People struggling with maintaining their physical health and/or mental health, living on low incomes, and who already have a difficult time finding appropriate transportation to meet their daily needs, will find it difficult to prioritize obtaining the identification specified in this bill. In addition, there can also be physical and communication barriers for people with disabilities that make it difficult to obtain the necessary identification issued by the Department of Transportation.

Those who do not know that the photo identification is necessary, would be forced to vote provisionally, and may find it more difficult to meet the identification requirements by the imposed deadline. For example, in many Wisconsin communities, people who need specialized accessible transportation must request the ride at least 24 hours in advance. Under the provisional ballot laws, an individual is required to produce necessary documentation by 4:00 PM the day after the election. It would be impossible under these circumstances to meet the deadline. Not only would these votes not be counted, but these individuals would likely be discouraged from voting in the future.

Provisional ballots should be cast in rare instances. Under the proposed bill, however, the number of provisional ballots cast is likely to increase. We would argue that throwing out the ballots of honest voters who are not able to obtain an identification card in time does not protect the integrity of the voting system in Wisconsin. It weakens it.

Clearly, voter fraud is important to control, but we do not believe AB 63 is the right way. Alternative solutions such as stricter penalties for voter fraud could be passed. The newly mandated voter registration lists can be used as a tool to identify voter fraud if accurately maintained and regularly checked for inconsistencies. In essence, there are ways to address voter fraud that do not penalize the vast majority of people in Wisconsin who have no intent to undermine the voting process.

We strongly oppose AB 63 and challenge you to address voter fraud using alternative methods that do not further disenfranchise the disability community.



Mary Lazich

Wisconsin State Senator
Senate District 28

Testimony of Senator Mary Lazich
On 2005 Assembly Bill 63
Assembly Committee on Campaigns and Elections
February 3, 2005

Thank you holding a public hearing on Assembly Bill 63. As you know, Assembly Bill 63 requires voters to show photo identification in order to vote at a polling place or obtain an absentee ballot. Ensuring that elections are fair is critical to preserving the democratic process that we hold so dear. Wisconsin has long been regarded as a state with fair elections.

The list of eligible identification under current law is broad and sometimes difficult to validate. We require photo identification to drive a vehicle, secure passage on a plane, cash a check and even to rent a video. Why should we not require people to identify themselves in order to cast a vote, an activity that has serious repercussions? We must require voter photo identification to assure voters that their vote counts, and that each person has only one vote.

Detractors say that this bill is unnecessary, that fraud is a small percentage of the overall voters and does not warrant action. When there are 277,535 ballots and only 269,212 people having voted in Milwaukee County in the November 2, 2004, presidential election, this legislation is long overdue. A review of Milwaukee voting records from the November 2, 2004, presidential election has found more than 1,200 ballots cast from invalid addresses in the city, including many cases that the voter can not be located. New reports of ghost voters, fictitious voter registrations, felons voting from jail and potentially up to 10,000 fraudulently cast ballots make the number even more daunting. The potentially fraudulent votes are enough to offset every legitimate vote in Hales Corners and almost one-half of Greendale, or Mukwonago and East Troy combined. This isn't just a Milwaukee problem; this is a statewide problem and this bill offers a piece of a solution. I joined the authors of this bill in signing on to an audit request of the Voter Address Verification Cards in the City of Milwaukee, because I believe that it is time to get to the bottom of this tarnishing of Wisconsin's election process.

Some argue this will disenfranchise voters. If entire communities can have their votes nullified, is that not disenfranchisement as well? This bill protects votes, and many exemptions have been built into the bill to ensure all eligible voters may vote.

I request the members of the committee to pass AB 63 today and take a firm step towards Wisconsinites having faith in elections again. This bill will not fix all of the issues surrounding fair elections, but it does help ensure voters that their vote counts. It bolsters voter confidence in Wisconsin's election system. We need real changes in election administration to keep Wisconsin elections fair and honest. It is time to strengthen the integrity and confidence in the election process. It is time for photo identification for voters in Wisconsin.



Assembly Committee on Campaigns and Elections
Testimony of Liz Sanger on Assembly Bill 63

Committee Chairman Freese and Committee Members:

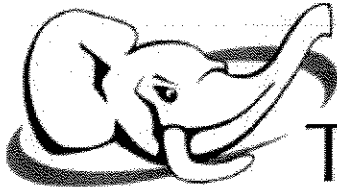
This voter ID proposal is a political move by republicans in the state to disenfranchise traditionally democratic voters.

Voting should be accessible, not intimidating. I am concerned that requiring photo ID will deter large groups of voters from voting, especially students and seniors. I'm also curious where the funds to implement this program will come from. Any extra money we have right now should be spent on the public education system in our state, not on robbing students of their political voice through scare tactics like the proposed voter ID bill.

I imagine the proposed program will also affect same-day registration, which is a vital component of the way we run elections here. The more people who can voice their opinion, the better represented we will be. Let's keep the doors open to all potential voters.

Sincerely,

Liz Sanger
143 W. Gilman St. #100
Madison, WI 53703



The Republican Party of Wisconsin

For Immediate Release: Monday, February 21, 2005
Contact: Chris Lato, (608) 257-4765

Richard W. Graber
Chairman

Rick Wiley
Executive Director

WISCONSIN VOTERS STRONGLY BACK PHOTO ID

*Poll shows 84.3% support among likely voters;
will Doyle veto a plan that even fellow Democrats embrace?*

148 E. Johnson St.
Madison, WI 53703
p 608.257.4765
f 608.257.4141

(MADISON) – In a result that cuts across age, gender and ideological lines, an overwhelming 84.3% of likely Wisconsin voters support a photo ID requirement at the polls, according to a survey commissioned by the Republican Party of Wisconsin (RPW). Further, 69.3% say they ‘strongly’ approve of the proposal.

www.wisgop.org
gop@wisgop.org

The survey asked, “*Reports of voter identity fraud have recently surfaced in Milwaukee and other places, and one of the remedies being put forward is requiring photo ID’s to be presented before voting. Would you approve or disapprove of requiring voters to show a photo ID to confirm their identity before they vote?*”

“This is as close to a mandate as you will ever see,” RPW Chairman Rick Graber said of the poll results. “There is no question the vast majority of Wisconsin voters consider photo ID to be a necessary, common-sense measure to protect the integrity of the polls and close down one potential avenue for fraud.”

RPW released the survey results one day before the Wisconsin Assembly is scheduled to consider a photo ID bill. State Senate action is expected sometime in the near future. Meanwhile, Gov. James E. Doyle has repeatedly indicated he will veto the measure, after vetoing a similar bill in the previous legislative session.

Graber called it stunning that Doyle still refuses to support photo ID, especially in light of the numerous irregularities that continue to surface in the wake of the 2004 election. The problems are serious enough to warrant an investigation involving the FBI. State officials are also conducting an audit of the 2004 election.

“The photo ID proposal has strong bipartisan support, and there is no reason why Democrats should not embrace this simple measure as a way to keep thousands upon thousands of legally-cast ballots from being disenfranchised,” Graber commented.

The RPW Chairman pointed out one key Democrat, Gov. Bill Richardson of New Mexico, announced his support for a photo ID measure last week. Richardson chairs the Democratic Governors’ Association.

“Democrats like Gov. Richardson seem to understand the importance of ignoring party affiliation when it comes to making sure every ballot is legally cast,” Graber noted. “Hopefully, Gov. Doyle will not be blinded by partisan affiliation any longer and sign the photo ID bill when it reaches his desk.”

The survey of 500 likely Wisconsin voters was conducted Feb. 7 and 8 by McLaughlin and Associates of Alexandria, Va., and has an accuracy level of +/- 4.5%. M&A’s client list includes House Speaker Denny Hastert, the *Chicago Sun-Times*, CBS News Radio, the Republican National Committee, and the American Medical Association.

---30---

Paid for by the Republican Party of Wisconsin. www.wisgop.org
Not authorized by any candidate or candidate committee.

STATE REPRESENTATIVE STEPHEN J. FREESE

FACSIMILE TRANSMITTAL SHEET

TO:	Vikki	FROM:	Terri Griffiths
COMPANY:	DEMOS	DATE:	05/06/2005
FAX NUMBER:	212-633-2015	TOTAL NO. OF PAGES INCLUDING COVER:	17
PHONE NUMBER:	212-389-1411	SENDER'S REFERENCE NUMBER:	608-266-7502
RE:	Per our phone conversation	YOUR REFERENCE NUMBER:	

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

WRITTEN TESTIMONY OF LINDA HONOLD
CHAIRWOMAN OF THE DEMOCRATIC PARTY OF WISCONSIN

TO: THE ASSEMBLY COMMITTEE ON CAMPAIGNS AND ELECTIONS
DATE: February 3, 2005

Chairman Freese,

Wisconsin has historically had one of the most open voting systems in the country, something most of us have always taken great pride in. Our system is one that is the envy of many other states. Republicans, starting with Robert LaFollette, were the trailblazers of the open voting system in our state and had to fight to secure these rights for the citizens of Wisconsin. One of the foundations of their efforts was to make the system non-partisan and to keep the parties from having undue influence over the process. Today's Republicans are fighting to roll back the very same principles their party successfully fought for 100 years ago and to politicize the process to gain an advantage.

One of the core principles of our system is that it allows for all of our citizens to register and vote in our state, ensuring that no valid elector is turned away from the polls and from participating in the most fundamental aspect of our political process.

We should be proud of historic turnout and celebrate that so many people exercised their right to participate in our democracy. Instead, Republicans are pushing through legislation to reduce turnout and to restrict those who can vote.

The Democratic Party recognizes with the Republican Party that there are problems with the managing of elections, especially when turnout is high. We believe we should work to provide adequate resources to the State Elections Board and local officials to help fix the problems which arose in 2004. Unfortunately, Republicans have chosen to exploit those administrative problems to politicize a pet issue of theirs, which neither addresses the problem nor follows in Wisconsin's open voting traditions.

The "voter ID" bill being promoted by Republicans would severely discriminate against seniors, the working poor, and students, by creating unnecessary and artificial impediments to exercising their constitutional right. Voting in America has moved beyond poll taxes, literacy tests, and Jim Crow laws. Most states are moving in the direction of more open election systems and are looking at states like Wisconsin as a model. Adopting the voter ID bill would move Wisconsin backwards and make us one of the five most restrictive states in the country.

The Democratic Party of Wisconsin fully supports the current efforts to examine what happened in Milwaukee, Pewaukee, Oconomowoc, Hartland and Oak Creek on election day and believe we should encourage local officials in those communities to provide better training of poll workers and to ensure that there is enough voting equipment for all citizens no matter where they live. Instead of expending effort and financial resources to make voting more difficult and time consuming, we should be focused on strengthening and improving election procedures.

We also know that the State Elections Board is working diligently to address this issue by improving training of election officials as well as working to make sure Wisconsin is compliant with the Help America Vote Act (HAVA). HAVA requires Wisconsin to create a statewide computerized voter registration list by January 1, 2006. This list will offer a single, uniform official voter registration system that will allow election officials to verify voter eligibility and residency, going a long way toward helping keep better track of voters.

In addition, there are already legal protections in place to address fraud in our system. If fraud is discovered, as in the recent case of the former member of the College Republicans of St. Norbert College who was just charged with voter fraud last week in Brown County, there are penalties under current law to punish such behavior.

In closing, the Democratic Party of Wisconsin strongly supports fair and clean elections. We fundamentally believe that every citizen of Wisconsin has a legal right to vote, and should be allowed to vote without artificial impediments. This is a principle we will defend and continue to fight to protect.



Linda Honold
Chairwoman
Democratic Party of Wisconsin

Wisconsin Coalition for Advocacy

16 N. Carroll Street, Suite 400
Madison, WI 53703
608/267-0214 phone/tdd
608/267-0368 fax

Wisconsin Coalition of Independent Living Centers

6320 Monona Drive, Ste 408
Madison, WI 53716
608-819-1300 phone/tty
608-819-1301 fax

February 3, 2005

To: Representative Stephen Freese, Chair, and members, Assembly Committee on Campaigns and Elections

From: Lynn Breedlove and Alicia Sidman, Wisconsin Coalition for Advocacy
Maureen Ryan, Wisconsin Coalition of Independent Living Centers

Subject: **Assembly Bill 63**

The Wisconsin Coalition for Advocacy (WCA) and the Wisconsin Coalition of Independent Living Centers (WCILC), are organizations that advocate for the interests of people with disabilities in Wisconsin. We have serious concerns about Assembly Bill 63 (AB 63) and how it will affect people with disabilities.

AB 63 will make it more difficult for people with disabilities to vote and will have the unintended consequence of disenfranchising the disability community from the electoral process. We do not support AB 63, and believe that alternative solutions to address fraud should be followed that do not discourage people with disabilities from voting.

There are approximately 600,000 people with disabilities in Wisconsin who are of voting age. People can have a wide range of disabilities from physical to cognitive to sensory to mental and to medical disabilities. They are members of all communities in Wisconsin, and encompass all ages from young to elderly.

Over the years, individuals with disabilities have faced both discrimination and physical barriers to the electoral process. Examples of this include being wrongfully turned away from the polls because an individual with a disability does not "appear" to be eligible to vote, not being able to access the polling site because it is not accessible, and not being able to cast a private and independent ballot. These barriers are reflected in the statistics, which highlight that individuals with disabilities vote at a rate of 15 percent below the rate of the general voting population.

The disability population received some hope of increased access to the voting process when the federal Help America Vote Act (HAVA) was passed in 2002. One of the most notable aspects of that law is the provision to make it easier for people with disabilities to vote. Specifically, it mandates that every polling site in the United States have an accessible voting machine that allows an individual with a disability to cast a private and independent ballot by January 1, 2006.

Through the passage of HAVA, the federal government made a formidable statement that access to cast a ballot is an important fundamental right of all people in this country. Ironically, as the disability community is on the verge of actualizing the removal of one barrier to the voting process through federal legislation, the suggestion of increasing barriers in Wisconsin by the introduction of AB 63 doesn't seem to follow suit.

Currently, people with disabilities rely heavily on others to corroborate their residence when they register to vote. This option is utilized because some individuals with disabilities do not manage their own finances and therefore do not receive bills at their address. In addition, people can move often, or are homeless. In fact, studies have consistently found that one-third of individuals who are homeless have a mental illness. AB 63 removes the right to have someone corroborate a residence, except in the instance when a person is indefinitely confined and is applying for an absentee ballot. For many people it is already difficult to register to vote. Requiring a photo ID and disallowing corroboration will make it even more difficult.

Many individuals with disabilities do not have a drivers' license or state issued identification. AB 63 places the burden on individuals to obtain this identification in order to register or vote. Compared to the general population, the burden is significantly higher for people with disabilities to acquire this identification. People struggling with maintaining their physical health and/or mental health, living on low incomes, and who already have a difficult time finding appropriate transportation to meet their daily needs, will find it difficult to prioritize obtaining the identification specified in this bill. In addition, there can also be physical and communication barriers for people with disabilities that make it difficult to obtain the necessary identification issued by the Department of Transportation.

Those who do not know that the photo identification is necessary, would be forced to vote provisionally, and may find it more difficult to meet the identification requirements by the imposed deadline. For example, in many Wisconsin communities, people who need specialized accessible transportation must request the ride at least 24 hours in advance. Under the provisional ballot laws, an individual is required to produce necessary documentation by 4:00 PM the day after the election. It would be impossible under these circumstances to meet the deadline. Not only would these votes not be counted, but these individuals would likely be discouraged from voting in the future.

Provisional ballots should be cast in rare instances. Under the proposed bill, however, the number of provisional ballots cast is likely to increase. We would argue that throwing out the ballots of honest voters who are not able to obtain an identification card in time does not protect the integrity of the voting system in Wisconsin. It weakens it.

Clearly, voter fraud is important to control, but we do not believe AB 63 is the right way. Alternative solutions such as stricter penalties for voter fraud could be passed. The newly mandated voter registration lists can be used as a tool to identify voter fraud if accurately maintained and regularly checked for inconsistencies. In essence, there are ways to address voter fraud that do not penalize the vast majority of people in Wisconsin who have no intent to undermine the voting process.

We strongly oppose AB 63 and challenge you to address voter fraud using alternative methods that do not further disenfranchise the disability community.



Date: February 3, 2005

To: Rep. Stephen Freese, Chair
Members
Assembly Committee on Campaigns and Elections

From: Gerry Born, Chair *GB/ctc*
Wisconsin Council on Developmental Disabilities

Re: Opposition to AB 63: Photo ID Requirement for Voting

The Wisconsin Council on Developmental Disabilities is authorized by federal and state law to advocate and plan services on behalf of people with developmental disabilities. Encouraging people with disabilities to exercise their right to vote is a major initiative of the Council. The Council has serious concerns about the impact of AB 63 on access to voting for people with developmental disabilities.

The Council's opposition to AB 63 is based on the following issues:

- Voting is a right, not a privilege. Photo ID is required when exercising a privilege, such as purchasing cigarettes and alcohol. Voting is a constitutional right that is held to a different legal standard than a privilege. Only a court of law can deny an individual otherwise eligible the right to vote.
- The requirement in the Help America Vote Act (HAVA) to establish statewide registration lists was designed to deter voter fraud. The impact on fraud of the registration lists should be studied before additional barriers to vote are created.
- Many people with development disabilities do not have a driver's license or state issued identification. Transportation is a barrier for many people with disabilities, so making a visit to the nearest Division of Motor Vehicle (DMV) office can be an insurmountable problem, especially if the office is many miles from their residence. This is especially a problem for individuals living in rural areas. This problem is exacerbated by the fact that many small DMV offices were closed in the last budget.
- There is a hidden cost to people with developmental disabilities, who are often living on the fringes of society. That cost is the lost wages and additional transportation expense in order to obtain a photo ID.
- It is questionable whether the DMV offices are equipped to meet the access needs of people with developmental disabilities. For instance, do all offices have sign language interpreters available at any given time? Are all DMV offices accessible to people using mobility devices such as wheelchairs? Are staff trained to assist people with cognitive disabilities in a respectful and considerate manner?

Rep. Stephen Freese, Chair, and Members
Assembly Committee on Campaigns and Elections
February 3, 2005
Page 2

- Outreach to alert people with developmental disabilities of the need for photo ID at the polls is a necessary and hidden fiscal cost to the bill. People with developmental disabilities may have to vote provisionally if they are not aware of the changes in the voting law. Because of the need to schedule transportation at least 24 hours in advance, and the problems cited above, voters may not have an opportunity to obtain the proper ID by 4:00 p.m. the day after the election.
- Many people with developmental disabilities use other people to collaborate their addresses because their bills and rental agreements are handled and paid by third-party payers, such as county human services. If collaboration is no longer allowed, this will be a significant barrier to registering and voting for people with developmental disabilities.
- Absentee ballots are not a reasonable alternative to voting at poll sites for many people with disabilities. Many people used to living in the community want to vote at their neighborhood poll sites like other people. It is a step backwards to make people vote absentee because they do not have photo ID. People with disabilities have been fighting 2nd class citizenship all of their lives.
- People with developmental disabilities have heard repeatedly from legislators and the news media that the 2005-07 biennial budget will be tight. The Council questions if it is wise to spend state money for photo ID cards when the statewide registration list has not yet been implemented.

HAVA was designed to make it easier for people with developmental disabilities to exercise their right to vote. The State Elections Board has actively worked with disability advocacy groups to improve voter access. This bill would counter the intent of HAVA and discount the dollars and work hours invested in improving access.

The Council urges you to oppose AB 63. The Council strongly supports efforts to prevent voter fraud; it is in the best interest of people with disabilities that their votes count. The Council believes, however, that outcomes from the statewide voter registration list should be studied and that any additional legislation should not negatively impact access for people with developmental disabilities.

If you have any questions about this testimony, please contact Jennifer Ondrejka, Executive Director, at (608) 266-1166 or ondrejm@dhfs.state.wi.us. Thank you for consideration.

LENA C. TAYLOR

Wisconsin State Senator • 4th District

Testimony of State Senator Lena Taylor on Assembly Bill 63
Assembly Committee on Campaigns and Elections
February 3, 2005

Thank you for allowing me the opportunity to testify on Assembly Bill 63. I would like to thank Chairman Freese and the members of the Assembly Committee on Campaigns and Elections for holding a public hearing on this proposal that has a significant impact on our Constitutional rights as citizens of the State of Wisconsin and the United States of America.

As you know, it is a fundamental function of government to ensure that each eligible citizen has equal and unimpeded access to the ballot box and that every vote is properly recorded. It is also important for government to pursue the vigorous enforcement of our laws when deliberate election fraud does indeed occur. However, as legislators, we have a responsibility to balance our duty to safeguard our system from election fraud with our duty to protect the voter's rights.

Wisconsin has a proud tradition of encouraging public participation in elections. I am afraid that Assembly Bill 63 represents a major step backward.

We must not be swayed to alter the basic tenets of our election laws based solely upon the *perceived* fear of voter fraud. We must proceed with extreme caution when considering any legislation under the guise of "reform" that could compromise the franchise of our citizens. Ultimately, protecting the voter's constitutional right to participate in the election process must be our top priority.

Assembly Bill 63, which is before you today, severely threatens our citizens' franchise without providing any real electoral reform. A voter should not be required to show a valid Wisconsin driver's license or photo id in order to receive their ballot.

There is nothing magical about an ID issued by the state's Department of Transportation. I know plenty of people who do not drive and who never will drive a car. They should consider themselves lucky that they have never experienced the Division of Motor Vehicles. Instead, you're punishing them because they either never needed or wanted to spend a workday in line at the DMV.

Disguising their proposals as necessary "election reforms" which would ensure the integrity of the system, some politicians are continually proposing new initiatives that would disproportionately disenfranchise Wisconsin's low-income, minority, elderly, handicapped, homeless, and student populations.

Today, some Republicans seek to capitalize on a series of well-researched newspaper reports from the Milwaukee Journal Sentinel that may have uncovered voting irregularities in the City of Milwaukee. But those same Republican sponsors of this bill would prefer you ignore the advice of that newspaper's editorial board yesterday when it urged caution in making Wisconsin only the fourth state to require a photo ID for voters:

"We subscribe to the now-threatened Wisconsin principle that voting should be as simple and, thus, as inclusive, as practical."

“Necessary or not, requiring a photo ID does put up a barrier to voting.”

The balancing tilt towards disenfranchising voters at all cost is not acceptable. That is precisely what this bill does. AB 63 places an undue and unnecessary burden on some of our most vulnerable voters, including our low-income, ethnic minority, elderly, disabled, homeless and student citizens, by requiring all voters – regardless of whether they are registered or not – to present a DOT-issued Wisconsin driver’s license or photo ID in order to obtain a ballot.

The Department of Transportation (DOT) estimates that roughly 130,000 people across the state do not have the kind of documentation referred to in this legislation. Furthermore, the DOT estimates that only 20% of these people would ever get necessary documentation if AB 63 became law. That means that roughly 100,000 Wisconsin residents currently without DOT-issued photo identification, many of them elderly, low-income, minority, homeless, or handicapped, would be disenfranchised by this bill.

In essence, this measure is an unconstitutional poll tax on those whose grasp on the right to vote is currently most vulnerable: the elderly, the low-income and the homeless, or handicapped.

Many of these people do not have the resources to go to the DMV to obtain identification simply to exercise their constitutional right to vote. Individuals may still have to pay to obtain a birth certificate or other identifying information. Further, they could lose work time, wage compensation, or other financial support all in order to obtain an unnecessary.

Imagine if AB 63 was the law in Wisconsin. A low-income working woman would be forced to jeopardize her employment in order to spend a day at the DMV. An elderly gentleman with health problems would have to wait in line at the DMV for hours in order to maintain the constitutional right to vote that he has exercised his entire adult life.

This will also affect a significant percentage of college students. A Wisconsin driver’s license is valid for eight years. Students who move often may go four or five years without ever having an ID that reflects their current address.

Many of Wisconsin’s most diligent voters have been registered at the same address and have voted at the same polling station for most of their adult lives. This is particularly true in Milwaukee’s inner city, where many low-income minority voters have never had the kind of photo identification required in AB 63.

Most states do not require an identification card, photo or otherwise, for their state’s registered voters. Only three states require citizens to show photo ID cards when exercising their constitutional right to vote.

In contrast, AB 63 seeks to move Wisconsin away from its progressive traditions, and instead “reform” our electoral system by disenfranchising voter. Voter registration by corroboration must not be repealed. Currently, a person who does not have a residential address can vote if that person brings with them to the polls another registered voter from the same municipality. This means that homelessness in Wisconsin does not mean disenfranchisement. AB 63 would require the voter to show photo id even in the presence of corroboration. We should not strip a voter of his or her rights simply because that person lacks an address or a photo ID.

According to the American Medical Association, 1% of the US population is homeless throughout the course of a year. Many of these homeless citizens are veterans. It would be both ironic and cruel to strip away this fundamental Constitutional right from a group of citizens who fought to protect it.

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

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

Now, under the guise of election "reform", the bill before you today will have the effect of disenfranchising many of Wisconsin's poor, minority, elderly, handicapped, homeless, and student citizens. While I certainly hope that the intent of this proposal is not to silence the voices of Wisconsin's most vulnerable, I fear that the effect of this proposal will do just that.

Rather than develop a thorough solution to the problems highlighted in recent Milwaukee Journal Sentinel reports, AB 63, if enacted, would exaggerate problems within the current election system by mandating additional voting requirements at the polls. More requirements would amount to more burden placed on the voter and poll workers who must spend with each voter, longer lines and even more pressure placed on the already under-staffed polling sites.

Milwaukee District Attorney E. Michael McCann and US Attorney Steve Biskupic have launched investigations into whether any voter fraud took place during the general election in Milwaukee. Likewise, Mayor Barrett has commissioned a local taskforce to review the election process. Lastly, the State Audit Bureau has already prepared a scope for a statewide election administration review. All of these investigations are seeking similar answers to the real question – what was the cause for all of the discrepancies and errors found in the administration of the 2004 election? Ultimately, steps are being taken to identify the roots of supposed election administration flaws and develop solutions – the balanced rational way to address issues.

Once the causes of these problems are identified, I pledge to work with Chairman Freese, author Stone and any other interested parties to develop legislation that provides a real solution to the identified problems, while also maintaining the integrity of our election system, and ensuring that every voice in this great state continues to be heard. It is our honor to serve the people of Wisconsin and it is our duty to protect their Constitutional rights, not trample on it.

Thank you again Chairman Freese, and members of the committee, for allowing me to come before you today.



League of Women Voters of Wisconsin, Inc.

122 State Street, Madison, WI 53703-2500
Phone 608/256-0827 Fax: 608/256-2853

<http://www.lwvwi.org>
Email: lwvwisconsin@lwvwi.org

Statement to the Assembly Committee on Campaigns and Elections

In Opposition to Assembly Bill 63 relating to requiring certain identification in order to vote at a polling place or obtain an absentee ballot and the fee for an identification card issued by the DOT.

February 3, 2005

We are opposed to AB 63 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. The League's position is 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. The 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.

Some human error in election administration is all but inevitable when there is very high voter turnout, and it occasionally results in the kind of discrepancies recently alleged in the *Milwaukee Journal-Sentinel* (MJS). Adding another requirement for voter eligibility is likely to aggravate the already significant logistical challenge. The questionable voter addresses, as noted by the MJS probe, comprise less than half of one percent of the total votes cast in the city of Milwaukee in November 2004, comparable to the percentage of error in cities across the country. The proper response for these allegations is investigations by municipal, state and/or federal officials – steps already being taken – not legislation that inhibits voting and places an unfair burden on certain groups of voters. We will not trade the basic democratic elements of our election process for overly cumbersome requirements that do nothing but discourage vulnerable groups from voting.

The Department of Transportation estimated in 2003 that approximately 130,000 people of voting age across the state did not have a driver's license. DOT further estimated that only 20% of these people would ever get the necessary documentation if a very similar bill from last session, 2003 AB 111, became law. The burden will be greatest for those people – including the elderly, low-income, minority, homeless, or handicapped – for whom it is most inconvenient to take off work, get transportation, stand in line, and apply for the documentation. AB 63 also will require that students from out-of-state who attend Wisconsin's colleges and universities will have to go to the Department of Motor Vehicles to obtain a Wisconsin photo ID card. Ironically, the groups most affected (those who do not have cars and/or driver's licenses) are the people for whom a trip to the DMV is most inconvenient and challenging. In addition, AB 63 will complicate corroboration procedures that currently facilitate voting for individuals who are hospitalized or living in long-term care facilities.

Implementing and enforcing AB 63 will necessitate increased staff and other costs for the DOT, totaling an estimated \$1 million up front. At a time when our state faces a \$1.6 billion deficit, wouldn't it be better to invest this money in changes that will *improve* elections? The League supports measures to put more poll workers at the polls on Election Day and provide better training for poll workers and election officials.

We supported the 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 know whom 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.

AB 63 HEARING IDENTIFICATION REQUIRED TO VOTE AND THE FEE FOR OBTAINING AN IDENTIFICATION CARD FROM WISDOT.

**TESTIMONY
WISCONSIN DEPARTMENT OF TRANSPORTATION
ASSEMBLY COMMITTEE ON CAMPAIGNS AND ELECTIONS
THURSDAY, FEBRUARY 3, 10:00 A.M.**

INTRODUCTION

- Good Morning Chairperson Freese and members of the Campaigns and Elections Committee.
- I am Erin Egan, DMV Legislative Liaison and with me is Terry Ewing, DMV Chief Examiner.
- The department is here today to testify against and answer questions on AB63

FACTS

- According to the 2000 Census, there are 3,994,919 residents 18 and older.
- There are 3,872,122 residents over the age of 18 who hold either a photo license or photo ID card.
- Approximately 122,797 residents age 18 and older hold neither a license nor an ID card. We estimate that 20% of this group, or 24,560 residents, will require an ID card to vote.
- All applicants for an identification card must pay a \$9 fee at issuance or renewal.

AB 63

- AB63 provides a questionable and uneven public policy that allows some residents to receive a governmental service at no charge while others are charged. This inequity is based solely on a person's knowing to ask for the service for free and not on any other criteria.
- Any legislation with cost implications concerns the department. AB 63 carries significant costs:
 - \$58,750 estimated one-time costs for modifications to DMV issuance systems to allow for IDs without photographs.
 - \$875,398 annual revenue loss for issuing free IDs to customers for which we previously collected fees.
 - \$130,200 FTE costs for three positions, at same time DMV is being asked to reduce staff by 89 positions this biennium. This will lead to longer lines at the customer service centers.
 - \$26,033 ongoing annual cost increase to pay DL ID vendor for additional ID products issued to new customers

SUMMARY

This bill causes significant ongoing revenue loss to the transportation fund. In addition, it will lead to more customer contacts for the DMV, from applicants who must get an identification

card to vote, as well as for customers who have paid for an identification card and demand a refund. Finally, we are aware of no other government service with a statutory fee that allows the customer to receive the service at no charge if they are informed enough to request it.

DMV Contacts

Erin Egan, Legislative Liaison
DMV Bureau of Driver Services
(608) 266-1449
erin.egan@dot.state.wi.us

Terry Ewing, DMV Chief Examiner
DMV Bureau of Field Services
(608) 266-0428
terry.ewing@dot.state.wi.us

END OF TESTIMONY



Joe Leibham

STATE SENATOR

February 3, 2005

Testimony on Assembly Bill 63 - Senate Bill 42

Good morning Mr. Chairman and Committee Members:

Sunday, January 30th was an inspiring day; a day in which we witnessed the hopeful start of a new democracy in Iraq. The foundation of this new democracy was a free election in which nearly 8 million Iraqi citizens, roughly 60 percent, participated by casting a vote.

One key block in the foundation of our free country, our democracy in America, is our election process and the ability of our citizens to make a difference by casting a vote.

Unfortunately, this foundation has been softened, if not eroded, over recent years due to legitimate concerns regarding human administrative error and fraudulent voter activity. Each election year, we have witnessed increasing problems and frustrations with the process. The faith of voters continues to erode. After hundreds of thousands of Iraqis risked their lives to cast a vote, there are far too many people in our country who do not go to the polls. Too many of our citizens wonder whether their vote will even count.

In the 2000 elections we learned of paid political operatives from New York offering cigarettes to homeless people in Milwaukee in exchange for votes, college students bragging about how many times they voted and known felons casting ballots. The 2002 elections were marked with questionable voting at bingo parties, unusual absentee voting schemes and ballots cast under names of people who had passed away.

Unfortunately, these concerns may eventually pale in comparison to the questionable activities and irregularities associated with the 2004 elections. Over the last few weeks, we have learned through numerous investigations and media reports, that the Milwaukee City Election Commission could not verify the addresses of approximately 10,000 people who registered to vote in Milwaukee in November 2004. Recently, the Milwaukee Journal Sentinel reported that 17 polling places in the City of Milwaukee had approximately 100 votes more than the number of voters registered to have cast a ballot. Two polling places reportedly have 500 or more cast ballots in comparison to the number of voters who registered to vote.

Due to concerns raised by myself and other legislators, each of these issues is being investigated. The U.S. Attorney and the Milwaukee County District Attorney recently asked the Federal Bureau of Investigation (FBI) and local police to launch a joint investigation into these concerning events.

Clearly, these incidents suggest a pattern of activities that undermine Wisconsin's tradition of open and honest elections. That is why I have joined Representative Jeff Stone (R-Greendale) and 63 of our legislative colleagues in introducing Senate Bill (SB) 42, legislation that will require eligible voters to present a valid state-issued photo identification (ID) card at the polls before voting in any Wisconsin election.

Under the proposal, voters could use a valid Wisconsin Driver's License, a valid Wisconsin ID Card or a active military ID. For individuals who do not currently have one of these standard forms of identification, S.B. 42 would provide WI ID cards at no cost.

The legislation will allow elderly or infirmed voters who cast their votes via absentee ballots via mail to include a written signed statement from a witness verifying their identity in lieu of a copy of a valid photo ID.

While Governor Doyle vetoed similar legislation last year, I believe this is a sensible and reasonable first step to restoring the integrity of our elections and protecting your legally cast vote. Just think about it, if we confirm that just a portion of the ballots in the City of Milwaukee are fraudulent, they would cancel out the votes cast legally by all the people living in Plymouth, or half of the people who voted in Sheboygan or in Manitowoc. As a State Senator, I would challenge the Governor to defend the current process that would allow this to occur.

As an American, I understand and appreciate the value of a vote and I respect the great right that is provided to us as citizens of this country. That is why I ask for your support to get the photo identification bill passed into law and join me as I introduce additional legislation over the next couple of months that seeks to restore and strengthen this key foundation block of our free nation.

Thank you for your service to our state. It is an honor representing the residents of the 9th District in the State Senate!

Vote Record
Committee on Campaigns and Elections

Date: 2/9/05

Moved by: _____

Seconded by: _____

*UNANIMOUS
CONSENT*

AB 63

SB _____

Clearinghouse Rule _____

AJR _____

SJR _____

Appointment _____

AR _____

SR _____

Other _____

A/S Amdt 1

AO 112/2

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for

- Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

Committee Member

Representative Stephen Freese, Chair

Aye

No

Absent

Not Voting

Representative Mark Gundrum

Representative Jeffrey Wood

Representative Robin Vos

Representative David Travis

Representative Frederick Kessler

Totals:



Motion Carried

Motion Failed

Vote Record
Committee on Campaigns and Elections

Date: 2/9/05
 Moved by: [Signature] Seconded by: VOS

AB 63 SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt 1 _____
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

unanimous consent

Be recommended for:
 Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrency

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Stephen Freese, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mark Gundrum	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Jeffrey Wood	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Robin Vos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative David Travis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Frederick Kessler	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	_____	_____	_____	_____

Motion Carried Motion Failed

Vote Record

Committee on Campaigns and Elections

Date: 2/9/05

Moved by: Gundrum

Seconded by: Vos

AB 63

SB _____

Clearinghouse Rule _____

AJR _____

SJR _____

Appointment _____

AR _____

SR _____

Other _____

A/S Amdt _____

A/S Amdt _____

to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____

to A/S Sub Amdt _____

A/S Amdt _____

to A/S Amdt _____

to A/S Sub Amdt _____

Be recommended as amended

Passage

Adoption

Confirmation

Concurrence

Indefinite Postponement

Introduction

Rejection

Tabling

Nonconcurrence

Committee Member

Aye

No

Absent

Not Voting

Representative Stephen Freese, Chair

Representative Mark Gundrum

Representative Jeffrey Wood

Representative Robin Vos

Representative David Travis

Representative Frederick Kessler

Totals:

4

2

Motion Carried

Motion Failed



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2005 Assembly Bill 63

**Assembly Amendments 1, 3,
6, and 7**

Memo published: February 23, 2005

Contact: Robert J. Conlin, Senior Staff Attorney (266-2298)

ASSEMBLY BILL 63

Assembly Bill 63 generally requires voters and persons registering to vote at the polls to present a photo identification card (i.e., a Wisconsin driver's license, a Wisconsin identification card issued by the Department of Transportation (DOT), or an identification card issued by a U.S. uniformed service) before being allowed to vote and before being allowed to register to vote at the polls. The bill also deletes the ability of persons to corroborate their eligibility to vote via another elector in the municipality.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 makes a number of modifications to the bill to correct incorrect cross-references, to incorporate consistent terminology, and to otherwise aid in the effectuation of the bill's intent by making other nonsubstantive changes. Those changes are described below. The changes are identified by the item number in the amendment.

Items 1, 2, and 21: Deletes the current law penalty for falsely corroborating another elector's information because the bill deletes the authorization to corroborate.

Item 3: Makes clear that when a person who is a qualified elector but who has been a resident of the state for less than 10 days, appears at the clerk's office or the polls to vote in a presidential election for president and vice president and provides identification under the bill that is not sufficient proof of residence, the person must also provide acceptable proof of residence.

Item 4: Deletes additional references to the corroboration process in current law that were inadvertently missed in the drafting of the bill.

Items 5 through 10: Changes the word "elector" to "person" for purposes of consistency with similar uses in the bill.

Item 11: Clarifies, in accordance with the intent of the bill, that poll workers must verify the name and address *stated* by the elector when appearing to vote as under current law, rather than the address provided on an identification card.

Item 12: Changes the title of a provision of the bill to provide consistency with the intent of the provision and to avoid inconsistency with defined terms under current law.

Items 13 and 19: Makes minor changes so that the bill consistently refers to "U.S. uniformed service."

Item 14: Clarifies, that the *agent* of a hospitalized absent elector presents the identification document required for the elector to vote.

Item 15: Corrects an internal statutory reference.

Items 16 and 17: Deletes unnecessary internal statutory references.

Item 18: Corrects an internal statutory reference.

Item 20: Adds the word "valid" to "current identification card" to be consistent with other uses in the bill.

Items 22 and 23: Deletes an unnecessary reference to a statutory section that is not treated by the bill.

ASSEMBLY AMENDMENT 3

Assembly Amendment 3 authorizes an elector who is voting absentee and who is a resident of a nursing home, community-based residential facility, or retirement home to, instead of providing one of the forms of identification required under the bill, provide a statement signed by both special registration deputies that contains the name and address of the elector and verifies the name and address are correct. The statement must then be enclosed in the absentee ballot certificate envelope for return to the clerk.

ASSEMBLY AMENDMENT 6

Under the bill, a person who has had to surrender his or her driver's license due to the receipt of a citation from a law enforcement officer in any jurisdiction within 60 days before the date of an election may be allowed to vote if he or she presents an original copy of the citation in lieu of his or her driver's license.

Assembly Amendment 6 would extend the above-described provision to a person who has had to surrender his or her driver's license due to the receipt of a "notice of intent to revoke or suspend" the person's license. Presenting an original copy of such notice in lieu of a driver's license would allow the person to vote.

ASSEMBLY AMENDMENT 7

Under current law, to facilitate voting by residents of nursing homes, qualified retirement homes, or qualified community-based residential facilities, the municipal clerk or board of election commissioners of each municipality in which one or more of these facilities are located must appoint at least two special voting deputies affiliated with different political parties, if available. Special voting deputies in each municipality are required, not later than 5 p.m. on the Friday preceding an election, to arrange one or more convenient times with the administrator of each facility to conduct absentee voting for the election. The timing may be no earlier than the fourth Monday preceding the election and no later than 5 p.m. on the Monday preceding the election. Upon visiting the facility at the designated time, the deputies are required to administer the oath and may, upon request of the elector who is requesting to vote absentee, assist the elector in marking or punching the elector's ballot. Upon request of the elector, a relative of the elector who is present in the room is also permitted to assist the elector in marking or punching the elector's ballot, but all voting must be conducted in the presence of the deputies. Upon completion of the voting, the deputies are required to promptly deliver, either personally or by first class mail, any absentee ballot applications and the sealed certificate-affidavit envelope containing each ballot to the clerk or board of election commissioners of the municipality in which the elector casting the ballot resides, within such time as will permit delivery to the polling place serving the elector's residence on election day.

As noted above, Assembly Amendment 3 authorizes persons voting in nursing homes, retirement homes, and qualified community-based residential facilities to, in lieu of providing one of the forms of identification specified in the bill, provide a statement signed by both special registration deputies verifying the person's name and address.

Assembly Amendment 7 amends current law and the bill to allow the above-described absentee voting procedures applicable to nursing homes, retirement homes, and qualified community-based residential facilities to also apply to qualified residential care apartment complexes and qualified adult family homes. Under the amendment, the municipal clerk may adopt those procedures for such complexes or homes if the clerk finds any of the following:

- A significant number of occupants of the complex or home lack adequate transportation to the appropriate polling place.
- A significant number of occupants of the complex or home may need assistance in voting.
- A significant number of occupants of the complex or home are 60 years of age or over.
- A significant number of occupants of the complex or home are "indefinitely confined electors."

If the municipal clerk does not send special voting deputies to a complex or home covered by the amendment, an occupant of such complex or home may, in lieu of providing a copy of required identification, submit with his or her absentee ballot a statement signed by the person who witnesses the voting of the ballot that contains: (1) the certification of the manager of the complex or home indicating that the elector resides in the complex or home and the complex or home is certified or registered as

required by law; (2) the name and address of the elector; and (3) a verification that the name and address are correct.

LEGISLATIVE HISTORY

Assembly Amendment 1 was offered by the Assembly Committee on Campaigns and Elections and was recommended for adoption by that committee unanimously. The Joint Finance Committee also recommended adoption of the amendment on a vote of Ayes, 16; Noes, 0. The amendment was adopted by the Assembly on a voice vote on February 22, 2005.

Assembly Amendment 3 was offered by the Joint Finance Committee and was recommended for adoption on a vote of Ayes, 16; Noes, 0. The amendment was adopted by the Assembly on a voice vote on February 22, 2005.

Assembly Amendment 6 was offered by Representative Stone and was adopted by the Assembly on a voice vote on February 22, 2005.

Assembly Amendment 7 was offered by Representatives Krusick and Stone and was adopted by the Assembly on a voice vote on February 22, 2005.

RJC:ksm:rv:wu:tlu

Assembly Republican Majority

Bill Summary

Contact: Terri S. Griffiths, Office of Rep. Stephen Freese

AB 63:Voter ID

Relating to: requiring certain identification in order to vote at a polling place or obtain an absentee ballot, verification of the addresses of electors, and the fee for an identification card issued by the Department of Transportation.

By Representatives Stone, Ainsworth, Albers, Ballweg, Davis, J. Fitzgerald, Freese, Gielow, Gunderson, Gundrum, Hahn, Hines, Honadel, Huebsch, Hundertmark, Jensen, Jeskewitz, Kaufert, Kerkman, Kestell, Kleefisch, Krawczyk, Kreibich, F. Lasee, LeMahieu, Lothian, Meyer, McCormick, Montgomery, Moulton, Musser, Nass, Nerison, Nischke, Ott, Pettis, Pridemore, Strachota, Suder, Towns, Townsend, Underheim, Van Roy, Vos, Vrakas, Vukmir, Ward, Wood and Ziegelbauer; cosponsored by Senators Leibham, Brown, Darling, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kedzie, Lazich, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien.

Date: February 22, 2005

BACKGROUND

Generally, under current law, before an elector is allowed to vote at a polling place, the elector must state his or her name and address. If an elector refuses to give his or her name and address, the elector may not be permitted to vote.

A person may register to vote at the polls but must provide acceptable proof of residence that shows the person's name and a current and complete residential address. Acceptable proof includes: a Wisconsin driver's license; a Wisconsin identification card issued by the Department of Transportation; any other official identification card or license issued by a Wisconsin governmental body or unit or by an employer in the normal course of business (except business card); a credit card; a library card; a check cashing or courtesy card issued by a merchant in the normal course of business; a recent real estate tax bill or receipt; a current residential lease; a university, college, or technical college fee or identification card; an airplane pilots license; or a gas, electric, or telephone service statement for the period commencing not earlier than 90 days before election day.

If an elector cannot provide acceptable proof of residence, the elector's information may be corroborated.

Federal Help America Vote Act of 2002 (HAVA) requires an elector registering to vote by mail must present identification prior to voting.

SUMMARY OF AB 63 AS AMENDED BY COMMITTEE

Assembly Bill 63 is a redraft of 2003 Assembly Bill 111 as amended and, in general, changes current law regarding voter identification in the following manner:

- With limited exceptions, the bill requires persons attempting to vote at a polling place to present a valid Wisconsin driver's license issued to the person. A valid and current identification card issued to the person by U.S. uniformed service, or a valid state identification card issued to the person by the Department of Transportation.

Exception: An elector who has been issued a confidential listing because he or she is a victim of domestic abuse

Exception: An elector who has had to surrender his or her driver's license within 60 days before the date of the election due to the receipt of a citation from a law enforcement officer

- A person registering to vote at the polling place on Election Day shall provide a valid Wisconsin driver's license issued to the person, a valid and current identification card issued by a U.S. uniformed service or by the Department of Transportation.
- Deletes corroboration
- Prohibits an elector, required to provide identification under the bill, from voting if he or she does not provide identification or if election officials cannot verify the name or photograph on the identification.
 - Exception:** An elector may, under the bill, cast a provisional ballot but is required to provide the required identification to poll workers by the close of the polls or to the municipal clerk by 4:00 p.m. on the day after the election.
- If a person applies for an absentee ballot at the clerk's office they must present one of the required forms of identification. If an absentee ballot is requested by mail it must include a copy of the required identification in the envelope with the voted ballot, unless the elector is a "military elector" or an "overseas elector" or on a confidential listing.
 - Exception:** An elector who is indefinitely confined because of age, physical illness, infirmity, or disability may, in lieu of providing identification submit with his or her absentee ballot a statement signed by the person who witnessed the voting of the absentee ballot and it must contain a verification of the name and address of elector.
 - Exception:** An elector has previously voted by absentee ballot and provided necessary identification.
 - Exception:** An absentee elector has surrendered his or her driver's license during the 60 days prior to the date of the election may provide a copy of the citation by mail with voted ballot or present an original copy if voting at the office of the municipal clerk.
 - Exception:** An absentee elector residing in a nursing home, community-based residential facility or retirement home need only provide a statement by the special registration deputy-verifying name and address of the elector.
- An individual may apply for and receive a Wisconsin identification card issued by the Department of Transportation without a photograph if the individual presents an affidavit stating that the applicant has a sincerely held religious belief against being photographed, identifies the religion and states the tenets of the religion prohibiting him or her from being photographed.
- State identification card may be issued or renewed without charge upon request of applicant. Current fee is \$9 and is valid for four years.
- Authorizes the use of \$250,000 in HAVA funds in each fiscal year to fund DOT costs.

AMENDMENTS

Assembly Amendment 1 to Assembly Bill 63 adopted 6-0 makes a number of modifications to the bill to correct incorrect cross-references by making other non-substantive changes to the bill as approved by the author of AB 63.

Assembly Amendment 2 to Assembly Bill 63 adopted 13-3 (Senator Taylor; Representatives Colon and Pocan) by the Joint Committee on Finance. The amendment authorizes the use of up to \$250,000 in federal Help America Vote Act (HAVA) funds by the DOT in each fiscal year to fund the costs incurred by DOT in issuing free identification cards under the bill. DOT must certify its costs in a statement to the Elections Board who will review and determine whether the statement is correct before funds are transferred to DOT.

Assembly Amendment 3 to Assembly Bill 63 adopted 16-0 by the Joint Committee on Finance authorizes an elector who is a resident of a nursing home, community-based residential facility, or retirement home and is voting absentee may provide a statement signed by both special registration deputies that contains the name and address of the elector verifying it is correct.

FISCAL EFFECT

A fiscal estimate prepared by the State Elections Board indicates the total cost of revisions, training materials, and voter education costs is estimated at \$82,200.

A fiscal estimate prepared by the Department of Transportation indicates 20% of Wisconsin residents who do not currently hold a driver's license or identification card will require service and 80% of applicants for an original or renewed identification card will request a free card.

Original cards issued – 68,449 @ \$9 = \$616,041

Renewal cards issued – 53,134 @ \$9 = \$478,206

Total Annual Revenue \$1,094,247 @ 80% = \$875,398

DOT makes the assumption 80 % will request a free card for a loss to the department of \$875,398. Further if the department receives many complaints from angry customers who pay for the service and demand a refund, this proposal could lead to DMV issuing all ID cards at no charge as a policy to avoid this situation. This would cause an annual revenue loss of \$1,094,247. They also anticipate needing additional staff to process all of the refunds.

PROS

1. Identification is required for most customary business transactions. It is a practical matter of verifying that the person transacting business is who they say they are. Voting should be no different.
2. AB 63 has been crafted to include opportunities for all eligible voters to obtain an acceptable proof of identification thus maintaining the integrity of Wisconsin elections.
3. The provisional ballot provides for all electors the opportunity to vote. This provision goes along with federal requirements under the Help America Vote Act where a first time voter must provide photo identification before receiving a ballot to vote.

CONS

1. Elderly people and people with disabilities generally don't drive. Obtaining a Wisconsin Identification card would be an undue hardship. Many will need to arrange transportation to DMV. Locating a birth certificate may be impossible and they may need to make several trips to get their valid ID.
2. It could be a logistical nightmare having Department of Motor Vehicles offices accommodate voters obtaining their identification cards on Election Day.
3. Some people will lose their identification cards. There will be an increase in the work required of municipal clerks in handling the provisional ballots with the authentication and counting of these ballots.

SUPPORTERS

Rep. Jeff Stone, author; Sen. Joe Leibham, lead co-sponsor; Rep. Samantha Kerkman; Rep. Leah Vukmir; Senator Mary Lazich; Senator Tom Reynolds; Becky Moosbrugger; Carole Wehner; Diana Dykstra; Jennifer Trapp; Rick Graber, Chair, Republican Party of Wisconsin; Robert Trapp; Bob Geason; Chris Holterman; Orville Seymer and Bryan Olen, Citizens for Responsible Government; Cornell Stroik; Crystal Berg;

OPPOSITION

Rep. Joe Parisi; Rep. David Travis; Senator Lena Taylor; Suzan Stodder; Jason Haas, Karla Smith, SEIU; Andrea Kaminski, League of Women Voters of Wisconsin; Ivory Green, WI Citizen Action; Michelle Mendoza, WI Citizen Action; Beverly Speer, WI Democracy Campaign; Steve Verridow; Maureen Ryan, WI Coalition of Independent Living Centers; Alicia Sidman, WI Coalition for Advocacy; Erin Egan, WI DMV; Terry Ewing, WI DMV; Jennifer Gegerich, WISPIRG; Tim White; Jennifer Ondrejka, WI Council of Developmental Disabilities; Meagan Yost; Sue Larson, Lutheran Office for Public Policy in Wisconsin; Linda Honold, Democratic Party of WI; Jack O'Meara, WEAC; Helen Kitchel; Katherine Wenban; Paula Kay Phillips, Democracy for Wisconsin; John Donnelly, SEIU; Sasha Gorman, SEIU; Joanne Ricca, WI State AFL-CIO; Liz Sanger

HISTORY

Assembly Bill 63 was introduced on February 1, 2005, and referred to the Assembly Committee on Campaigns and Elections. A public hearing was held on February 3, 2005. On February 9, 2005, the Committee voted 4-2 (Travis and Kessler) to recommend passage of AB 63 as amended. On February 9, 2005, AB 63 was referred to the Joint Committee on Finance. An executive session was held on February 16, 2005, the committee voted 12-4 (Senator Decker and Taylor; Representatives Colon and Pocan) to recommend passage of AB 63 as amended.



WISCONSIN LEGISLATIVE COUNCIL

*Terry C. Anderson, Director
Laura D. Rose, Deputy Director*

TO: REPRESENTATIVE STEPHEN FREESE

FROM: Robert J. Conlin, ~~Senior~~ Senior Staff Attorney

RE: 2005 Assembly Bill 63, Relating to Voter Identification

DATE: February 2, 2005

This memorandum briefly summarizes 2005 Assembly Bill 63, relating to voter identification. Assembly Bill 63 was introduced by Representative Stone and others and was cosponsored by Senator Leibham and others. The bill has been referred to the Assembly Committee on Campaigns and Elections, which has scheduled a hearing on the bill for Thursday, February 3, 2005.

CURRENT LAW

Generally, under current law, before an elector is allowed to vote at a polling place, the elector must state his or her name and address. If an elector refuses to give his or her name and address, the elector may not be permitted to vote.

Under current law, in municipalities with voter registration, a person may register to vote at the polls. (Beginning in 2006, voter registration will be required in every municipality in Wisconsin.) A person doing so must provide acceptable proof of residence which shows the person's name and a current and complete residential address. Forms of identification which may constitute acceptable proof of residence under current law include the following: (a) a Wisconsin driver's license; (b) a Wisconsin identification card issued by the Department of Transportation (DOT); (c) any other official identification card or license issued by a Wisconsin governmental body or unit or by an employer in the normal course of business (except a business card); (d) a credit card; (e) a library card; (f) a check cashing or courtesy card issued by a merchant in the normal course of business; (g) a recent real estate tax bill or receipt; (h) a current residential lease; (i) a university, college, or technical college fee or identification card; (j) an airplane pilots license; or (k) a gas, electric, or telephone service statement for the period commencing not earlier than 90 days before election day.

If an elector cannot provide acceptable proof of residence, the elector's information may be corroborated in a statement that is signed by any elector who resides in the same municipality as the

registering elector and that contains the current street address of the corroborating elector. The corroborator must provide acceptable proof of residence.

Finally, under current law and with some exceptions, an elector who registered to vote by mail and who has not voted in the municipality before, is required to present identification prior to voting. Under this requirement, identification includes: (a) a current and valid piece of identification containing a photograph of the elector; or (b) a copy of a utility bill, bank statement, paycheck, or a check or other document issued by a unit of government that shows the current name and address of the elector. This requirement was imposed on the state by the federal Help American Vote Act of 2002 (HAVA).

THE BILL

In general, 2005 Assembly Bill 63 makes the following changes to current law:

a. The bill requires, with limited exceptions, persons attempting to vote at a polling place to present a valid Wisconsin driver's license issued to the person, a valid and current identification card issued to the person by U.S. uniformed service, or a valid state identification card issued to the person by the Department of Transportation (DOT). This requirement would not apply to an elector who has been issued a confidential listing under current law because he or she is a victim of domestic abuse or to an elector who has had to surrender his or her driver's license due to the receipt of a citation from a law enforcement officer in any jurisdiction within 60 days before the date of an election. In the latter case, the elector may be allowed to vote if he or she presents an original copy of the citation in lieu of his or her driver's license. The ballot must be marked so as to indicate that the elector presented a citation in lieu of his or her driver's license.

b. The bill requires each person registering to vote at the polling place on election day to provide to the registration deputy a valid Wisconsin driver's license issued to the person, a valid and current identification card issued to the person by a U.S. uniformed service, or a valid state identification card issued to the person by DOT. If such identification does not constitute acceptable proof of residence for registration, as described above, the elector must also provide acceptable proof of residence.

c. The bill deletes the ability of an elector attempting to register at the polls to corroborate his or her eligibility criteria via another elector.

d. The bill prohibits an elector who is required to provide identification under the bill from casting a vote if he or she does not provide the required identification or if the name or any photograph appearing on the identification that is provided cannot be verified by election officials. (Under the bill, an elector who has a confidential listing because he or she is a victim of domestic abuse need not show identification and a person who has surrendered his or her driver's license because of a citation may show the citation in lieu of a driver's license.) However, the bill authorizes such an individual to cast a provisional ballot. If an elector casts a provisional ballot under the bill, the elector bears the burden of providing the required identification to poll workers by the close of the polls or to the municipal clerk by 4:00 p.m. on the day after the election. If the necessary identification is provided in a timely way, the ballot may be counted. If not, the ballot is not to be counted.

e. In general, the bill applies the identification requirement to persons voting by absentee ballot. Generally, under the bill, if a person applies for an absentee ballot at the clerk's office, the clerk may not issue the absentee ballot unless the elector presents one of the required forms of identification. The clerk must make a copy of the identification and enclose a copy of it in the certificate envelope of the

absentee ballot. Generally, an absentee elector submitting his or her ballot to the clerk by mail must include a copy of the required identification in the envelope with the voted ballot, unless the elector is a "military elector" or an "overseas elector," as defined by the bill, or the elector has a confidential listing because he or she is a victim of domestic abuse. (For purposes of the bill, a "military elector" is a member of a uniformed service on active duty who by reason of that duty is absent from the residence where the member is otherwise qualified to vote; a member of the merchant marine who by reason of service in the merchant marine is absent from the residence where the member is otherwise qualified to vote; or the spouse or dependent of any such member who, by reason of the duty or service of the member, is absent from the residence where the spouse or dependent is otherwise qualified to vote. An "overseas elector," under the bill, is an elector who resides outside the United States and who is qualified under federal law to vote in elections for national office in the state because the elector was last domiciled in the state immediately prior to the elector's departure from the United States.) Three exceptions to this general rule are provided.

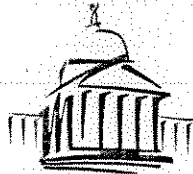
- First, an elector who is indefinitely confined because of age, physical illness, infirmity, or disability may, in lieu of providing identification required of other electors under the bill, submit with his or her absentee ballot a statement signed by the person who witnessed the voting of the absentee ballot and which contains the name and address of the elector and verifies that the name and address are correct.
- Second, if an absentee elector has received an absentee ballot from the municipal clerk by mail for a previous election, has provided a copy of identification required under the bill with that ballot and has not changed his or her name or address since providing that identification, such elector is not required to provide a copy of the identification again.
- Finally, if the absentee elector has received a citation from a law enforcement officer in any jurisdiction that is dated within 60 days of the date of the election and was required to surrender his or her driver's license at the time the citation is issued, the elector may enclose a copy of the citation in lieu of the driver's license or may present an original copy of the citation in lieu of the driver's license if the elector is voting at the office of the municipal clerk.

f. The bill provides that an individual may apply for and receive a Wisconsin identification card issued by DOT without a photograph if the individual provides to DOT an affidavit stating that the applicant has a sincerely held religious belief against being photographed, identifies the religion to which he or she belongs or the tenets of which he or she adheres to, and stating the tenets of the religion prohibit him or her from being photographed.

g. The bill provides that a state identification card issued by DOT may be issued or renewed without charge upon request of the applicant. [The current fee for issuance and renewal is \$9 and a card is valid for four years.]

h. Generally, the bill takes effect on January 1, 2006 or the day after publication, whichever is later.

If you have questions on this memorandum, please feel free to contact me at the Legislative Council staff offices.



Joe Leibham

STATE SENATOR

February 3, 2005

Testimony on Assembly Bill 63 - Senate Bill 42

Good morning Mr. Chairman and Committee Members:

Sunday, January 30th was an inspiring day; a day in which we witnessed the hopeful start of a new democracy in Iraq. The foundation of this new democracy was a free election in which nearly 8 million Iraqi citizens, roughly 60 percent, participated by casting a vote.

One key block in the foundation of our free country, our democracy in America, is our election process and the ability of our citizens to make a difference by casting a vote.

Unfortunately, this foundation has been softened, if not eroded, over recent years due to legitimate concerns regarding human administrative error and fraudulent voter activity. Each election year, we have witnessed increasing problems and frustrations with the process. The faith of voters continues to erode. After hundreds of thousands of Iraqis risked their lives to cast a vote, there are far too many people in our country who do not go to the polls. Too many of our citizens wonder whether their vote will even count.

In the 2000 elections we learned of paid political operatives from New York offering cigarettes to homeless people in Milwaukee in exchange for votes, college students bragging about how many times they voted and known felons casting ballots. The 2002 elections were marked with questionable voting at bingo parties, unusual absentee voting schemes and ballots cast under names of people who had passed away.

Unfortunately, these concerns may eventually pale in comparison to the questionable activities and irregularities associated with the 2004 elections. Over the last few weeks, we have learned through numerous investigations and media reports, that the Milwaukee City Election Commission could not verify the addresses of approximately 10,000 people who registered to vote in Milwaukee in November 2004. Recently, the Milwaukee Journal Sentinel reported that 17 polling places in the City of Milwaukee had approximately 100 votes more than the number of voters registered to have cast a ballot. Two polling places reportedly have 500 or more cast ballots in comparison to the number of voters who registered to vote.

Due to concerns raised by myself and other legislators, each of these issues is being investigated. The U.S. Attorney and the Milwaukee County District Attorney recently asked the Federal Bureau of Investigation (FBI) and local police to launch a joint investigation into these concerning events.

Clearly, these incidents suggest a pattern of activities that undermine Wisconsin's tradition of open and honest elections. That is why I have joined Representative Jeff Stone (R-Greendale) and 63 of our legislative colleagues in introducing Senate Bill (SB) 42, legislation that will require eligible voters to present a valid state-issued photo identification (ID) card at the polls before voting in any Wisconsin election.

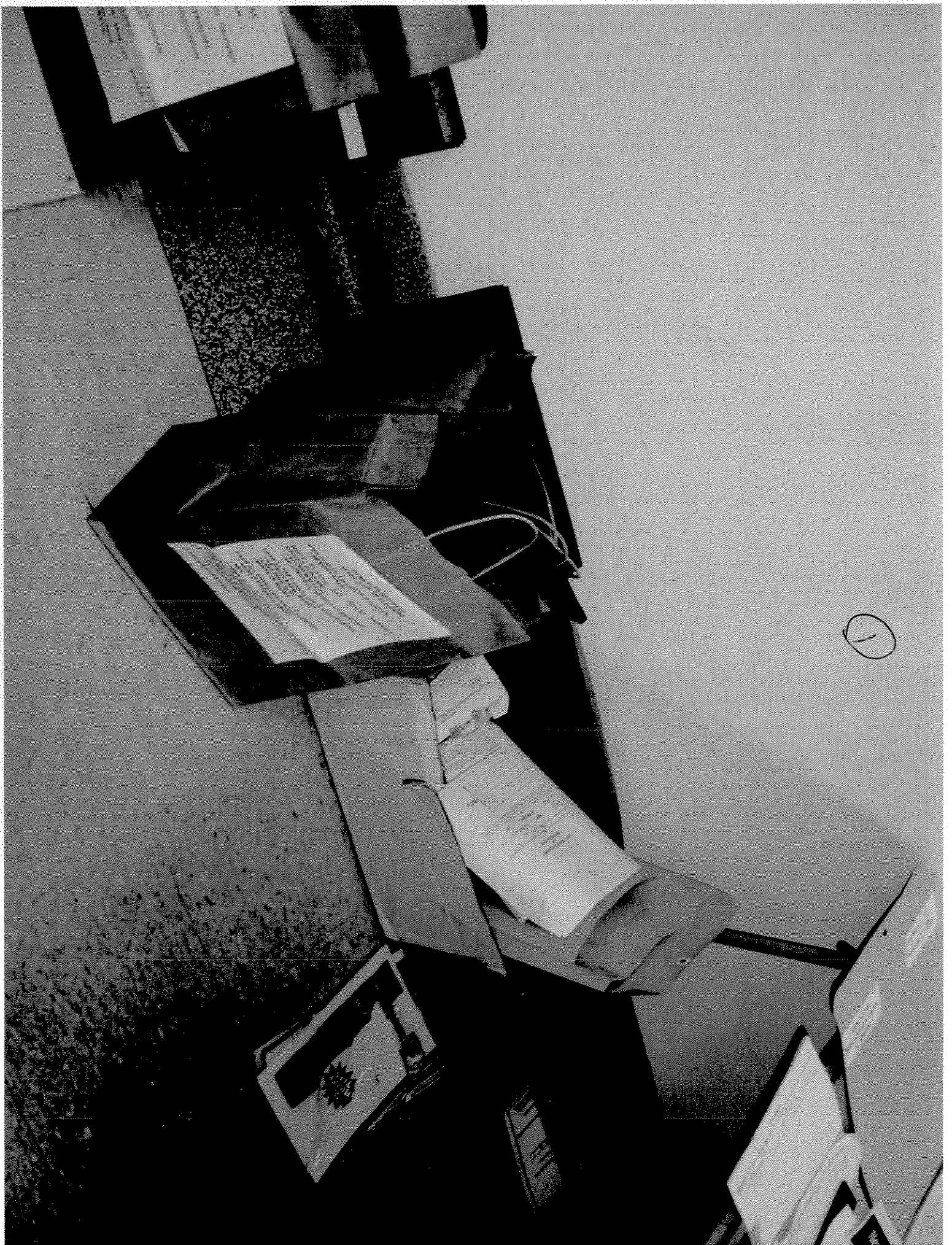
Under the proposal, voters could use a valid Wisconsin Driver's License, a valid Wisconsin ID Card or a active military ID. For individuals who do not currently have one of these standard forms of identification, S.B. 42 would provide WI ID cards at no cost.

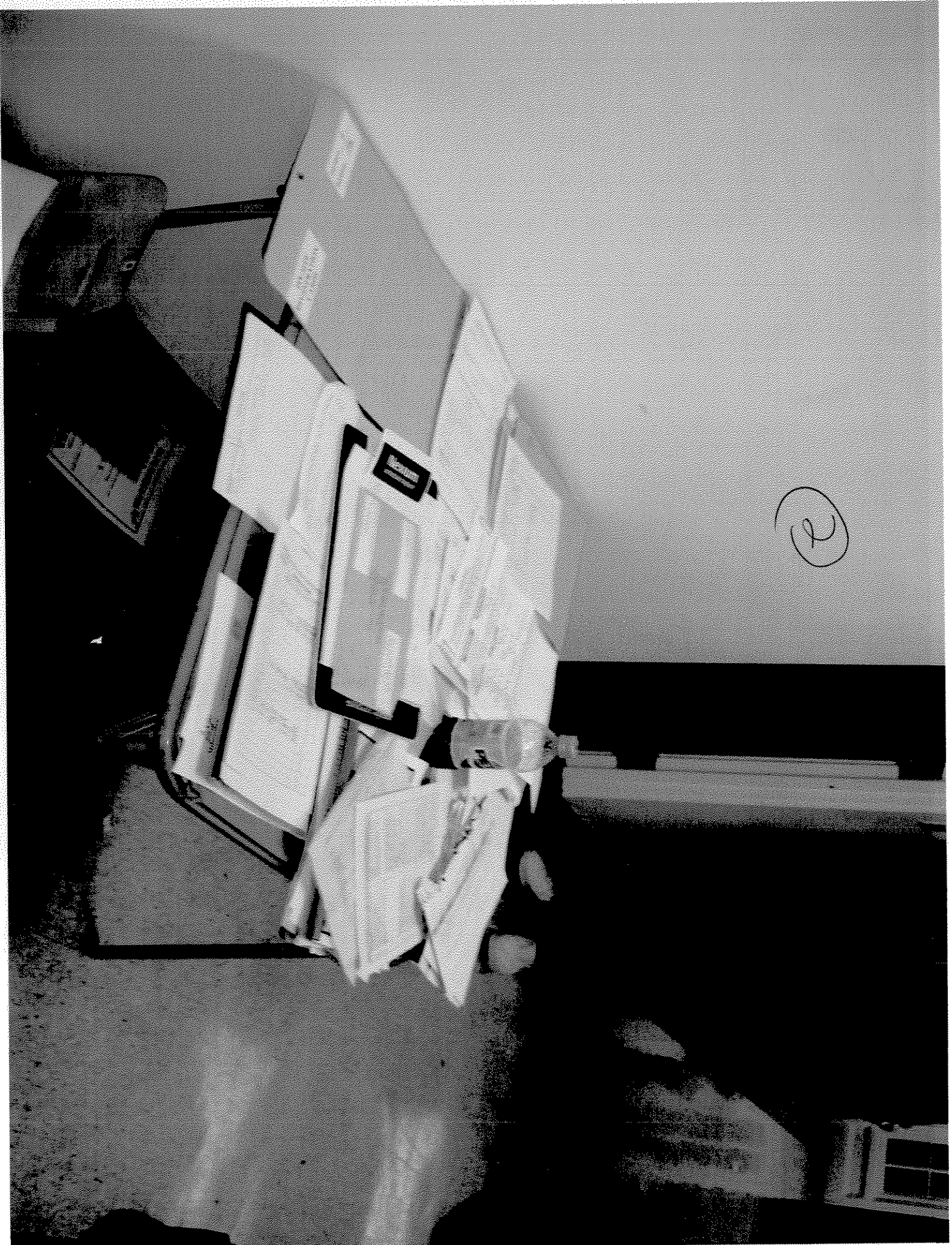
The legislation will allow elderly or infirmed voters who cast their votes via absentee ballots via mail to include a written signed statement from a witness verifying their identity in lieu of a copy of a valid photo ID.

While Governor Doyle vetoed similar legislation last year, I believe this is a sensible and reasonable first step to restoring the integrity of our elections and protecting your legally cast vote. Just think about it, if we confirm that just a portion of the ballots in the City of Milwaukee are fraudulent, they would cancel out the votes cast legally by all the people living in Plymouth, or half of the people who voted in Sheboygan or in Manitowoc. As a State Senator, I would challenge the Governor to defend the current process that would allow this to occur.

As an American, I understand and appreciate the value of a vote and I respect the great right that is provided to us as citizens of this country. That is why I ask for your support to get the photo identification bill passed into law and join me as I introduce additional legislation over the next couple of months that seeks to restore and strengthen this key foundation block of our free nation.

Thank you for your service to our state. It is an honor representing the residents of the 9th District in the State Senate!





2

