

WISCONSIN STATE
LEGISLATURE
COMMITTEE HEARING
RECORDS

2005-06

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on
Campaigns &
Elections
(AC-CE)

File Naming Example:

Record of Comm. Proceedings ... RCP

- 05hr_AC-Ed_RCP_pt01a
- 05hr_AC-Ed_RCP_pt01b
- 05hr_AC-Ed_RCP_pt02

Published Documents

➤ Committee Hearings ... CH (Public Hearing Announcements)

➤ **

➤ Committee Reports ... CR

➤ **

➤ Executive Sessions ... ES

➤ **

➤ Record of Comm. Proceedings ... RCP

➤ **

*Information Collected For Or
Against Proposal*

➤ Appointments ... Appt

➤ **

➤ Clearinghouse Rules ... CRule

**

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

➤ **

➤ Miscellaneous ... Misc

➤ **05hr_AC-CE_Misc_pt36**

False Ads: There Oughtta Be A Law! Or -- Maybe Not.

By Brooks Jackson

06.03.2004

Here's a fact that may surprise you: candidates have a legal right to lie to voters just about as much as they want.

That comes as a shock to many voters. After all, consumers have been protected for decades from false ads for commercial products. Shouldn't there be "truth-in-advertising" laws to protect voters , too?

Turns out, that's a tougher question than you might imagine.

For one thing, the First Amendment to the US Constitution says "Congress shall make no law . . . abridging the freedom of speech," and that applies to candidates for office especially. And secondly, in the few states that have tried laws against false political ads, they haven't been very effective.

Bogus Psychics & Twirling Ballerina Dolls

Laws protecting consumers from false advertising of products are enforced pretty vigorously. For example, the Federal Trade Commission (FTC) took action in 2002 to protect the public from the self-proclaimed psychic "Miss Cleo," whom the FTC said promised free readings over the phone and then socked her gullible clients with enormous telephone charges. The FTC even forced a toy company a while back to stop running ads showing its "Bouncin' Kid Ballerina Kid" doll standing alone and twirling gracefully without human assistance, which the FTC said was video hokum.

But there's no such truth-in-advertising law governing federal candidates. They can legally lie about almost anything they want. In fact, the Federal Communications Act even requires broadcasters who run candidate ads to show them uncensored, even if the broadcasters believe their content to be offensive or false.

This is taken very seriously. In a 1972 case, the Federal Communications Commission forced stations in Atlanta, GA to accept a paid political ad from JB

Federal Communications Act

(US Code: Title 47, Sec. 315. -
Candidates for public office)

(a) . . . **If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station: Provided, That **such licensee shall have no power of****

Stoner -- a self-proclaimed "white racist" running for the U.S. Senate on the National States Rights party ticket. The NAACP objected

to Stoner's ad because it said the "main reason why niggers want integration is because niggers want our white women." The FCC sided with Stoner, citing freedom of speech decisions of the Supreme Court.

ensorship over the material broadcast under the provisions of this section.

Stations can reject ads for any reason from political groups other than candidates. And they may reject ads from all candidates for a given office. But if they take ads from one candidate they can't legally refuse ads from opponents, except for technical reasons (such as being too long or short to fit standard commercial breaks, or if the recording quality is poor) or if they are "obscene." Rejecting a candidate's ad because it's false is simply not allowed.

So what gives? Surely the public stands to suffer more damage from a presidential candidate lying about his opponent than from a bogus psychic. Isn't the process of choosing the leader of the most powerful nation on the planet a more important matter than whether some doll really does what the TV ads show?

Yes. But . . .

The First Amendment

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or **abridging the freedom of speech**, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

For one thing, the First Amendment guarantee of free speech poses a big obstacle to enacting or enforcing such laws -- which it should. The very idea of self-government rests on the idea that voters -- given enough uncensored information -- can best decide who should be in power and who should not. So free speech applies first and foremost to candidates. As the US Supreme Court said unanimously in a 1971 libel case, "it can hardly be doubted that the constitutional guarantee (of free speech) has its fullest and most urgent application precisely to the conduct of campaigns for

political office."

So states have found it hard to enact laws against false political advertising, and even harder to make them work.

Minnesota: The Case of the Furloughed Rapist

Example: In a 1994 House race in Minnesota, Republican candidate Tad Jude ran a emotion-packed ad against Democrat William Luther in the final weekend of the race.

It was reminiscent of the notorious "Willie Horton" ads run against Democratic Presidential Candidate Michael Dukakis in the 1988 Presidential election. In the ad, Jude cited the case of a woman and two daughters who were kidnapped and raped repeatedly over two days by a man who had been released from prison on a furlough.

Jude's ad claimed the rapist "never would have been released and this crime never committed" if Democrat Luther, a state senator, had not blocked a bill sponsored by Republican Jude, who was also a state senator. "Sending (Luther) to Congress would be a crime," it concluded.

The ad was false. Even if Jude's proposed legislation had been enacted it could not possibly have prevented the crime it described. Reason: Jude's bill would have applied only to persons imprisoned for offenses committed on or after August 1, 1987, and the convict mentioned in the ad had been sentenced in 1983.

Jude lost the election, but the ad may have had an effect. His losing margin was only 549 votes out of more than 200,000 cast.

It was Jude's misfortune, however, to live in one of the very few states that outlaws false political advertising. A special prosecutor presented the case to a grand jury, which indicted Jude and his campaign manager. A conviction could have led to a year in jail and a \$3,000 fine.

Problems With Enforcement

The trial judge later threw the case out, however, and the Minnesota Court of Appeals refused to reinstate the indictment against Jude. In its opinion, the appeals court said that the Minnesota law was too broad, allowing someone to be charged for having only "reason to believe" that an ad they helped prepare was false. The court said that US Supreme Court rulings required a higher standard: evidence of "actual malice." To convict, prosecutors would have to prove Jude either knew the ad was false, or acted with "reckless disregard" for whether it was true or not. That would have been a tough job; Jude had testified to the grand jury that he was under the false impression that the ad was true, that the rapist named in the ad had been convicted later of a second offense that would have made him subject to the legislation he had proposed. So Jude went free and, in fact, ran against Luther a second time in 1996. This time Luther won with nearly 56% of the vote.

This case exposes two problems with relying on truth-in-advertising laws to protect voters from campaign falsehoods. First, prosecutors can't move quickly enough to cure the damage caused by a last-minute, false attack. Jude wasn't indicted until more than a year after the election that he almost won. And second, under the "actual malice" standard a candidate could lie profusely in ads and still get away with it by claiming he or she thought the ads were true, so long as no convincing evidence surfaced to the contrary.

Washington State: The Case of the Killer Ophthalmologists

Washington state also ran into problems trying to enforce its own truth-in-political-advertising law after a 1991 ballot referendum fight. At issue was a proposed "death with dignity" law. A group opposed to it, the "119 Vote No! Committee," issued a leaflet saying that if the proposal passed "It would let doctors end patients' lives without benefit of safeguards . . . your eye doctor could kill you."

The ballot proposition failed, and the state's Public Disclosure Commission brought an

action charging the 119 Committee with violating the state's law against false political advertising. The commission said the proposal did contain standards and it was false to say it would open the door to killer ophthalmologists. But the trial court dismissed the charges in this case, too, and the Washington State Supreme Court later struck down the law under which the committee had been charged.

The Supreme Court's majority opinion questioned whether state government officials had any right to substitute their judgment for that of the voters in matters of political speech. Quoting earlier court opinions, it said:

Washington State Supreme Court: Instead of relying on the State to silence false political speech, the First Amendment requires our dependence on even more speech to bring forth truth. . . . The First Amendment exists precisely to protect against laws such as (the Washington state truth-in-advertising law) which suppress ideas and inhibit free discussion of governmental affairs.

The Washington court wasn't unanimous. A judge who dissented complained that the majority had become "the first court in the history of the Republic to declare First Amendment protection for calculated lies," and said his fellow judges were "shockingly oblivious to the increasing nastiness of modern political campaigns."

At least one other state is currently enforcing its own law against bogus campaign ads. But voters shouldn't take much comfort from that, as the following case study shows.

Ohio: The Case of the Lying Treasurer

Ohio's law has been tested in the courts and survived, and the Ohio Elections Commission looks into 30 to 40 complaints each year, according to its executive director Philip C. Richter.

Taft's False Ad: 1998

Announcer: The men and women of law enforcement -- they want a governor who is tough on crime.

Ohio's police have endorsed Bob Taft for Governor -- and rejected Lee Fisher.

Our law officers back Bob Taft to expand Ohio's drug courts and hold violent juveniles more accountable.

And Lee Fisher? **As Attorney General, Fisher cut crime-fighting employees by 15%.** While increasing his PR budget to \$1 million

And the seven-member, bipartisan Elections Commission takes its job seriously, as demonstrated in a 1998 case involving a false TV commercial run by the Republican candidate for governor, Bob Taft, against his Democratic opponent, Lee Fisher.

The ad appeared September 18. Fisher complained to the commission, which held hearings and decided the matter less than a month after the ad first aired -- astonishing speed to anyone familiar with the usual pace of election-law enforcement. Richter told FactCheck.org that the commission wanted to decide the matter before voters went to the polls, and it met that deadline with more than two weeks to spare.

Bob Taft for Governor. That's how it gets done.

On Oct. 16 the commission announced its decision. By what it called "clear and convincing evidence" it ruled that the Taft ad violated Ohio's law against false

statements. The ad claimed Fisher, who had been the state's attorney general, "cut crime-fighting employees by 15%," when in fact the number of credentialed investigators actually increased from 214 to 231 during his four-year tenure. Also, the Taft ad claimed "Ohio's police have endorsed Bob Taft . . . and rejected Lee Fisher." Actually, the state's Fraternal Order of Police had been split over its endorsement of Taft, and didn't represent all of "Ohio's police" in any event.

But Taft paid no real penalty for the false ad, except for some unfavorable publicity. The Elections Commission issued only a letter of reprimand -- to Taft's campaign treasurer and his campaign organization. The commission has no power to levy fines. In rare cases it forwards complaints to a prosecutor for possible criminal proceedings, but didn't do that in the Taft case. Taft went on to win the election easily. He's still governor.

Contrast this nearly toothless Ohio law with what the Federal Trade Commission was able to extract from Miss Cleo, who agreed to pay a \$5 million penalty to the government and also to give up claims of more than \$500 million (yes, half a billion dollars) against her former "clients."

"Convicted of Lying?"

And as if to underscore the futility of using government to regulate truth in politics, *The AP* quoted Fisher's campaign manager Alan Melamed as saying after the Elections Commission decision was announced: "Bob Taft has found his place in history. . . . He's the first candidate for governor to be convicted of lying." That itself was a false statement. The commission specifically rejected Fisher's complaints against Taft personally, and in any case has no power to "convict," a word that implies criminal violations.

And so it goes. All this should tell voters that -- legally -- it's pretty much up to them to sort out who's lying and who's not in a political campaign. Nobody said Democracy was supposed to be easy.

It is of course the job of news organizations to assist; that's why the First Amendment guarantees a free press as well as free speech. We at FactCheck.org try hard to help. But on election day, it's up to you.

Sources:

Kathleen Hall Jamieson and Karlyn Kohrs Campbell, *The Interplay of Influence: News, Advertising, Politics, and the Mass Media*, Fifth Edition, Wadsworth/Thomas Learning (Belmont, CA) 2001: 304-307.

"FCC Won't Block Racist Ad in South," *The New York Times* 4 Aug 1972: 37.

U.S. Supreme Court, *Monitor Patriot Co. v. Roy*, 401 U.S. 265 (1971).

State of Minnesota Court of Appeals, "State of Minnesota v. Thaddeus Victor Jude," C5-96-509 Opinion filed 15 Oct 1996.

Randy Furst, "Jude indicted by grand jury for anti-Luther campaign ad; Prosecutors say he knew ad was false," Star Tribune (Minneapolis), 29 Nov 1995: A1.

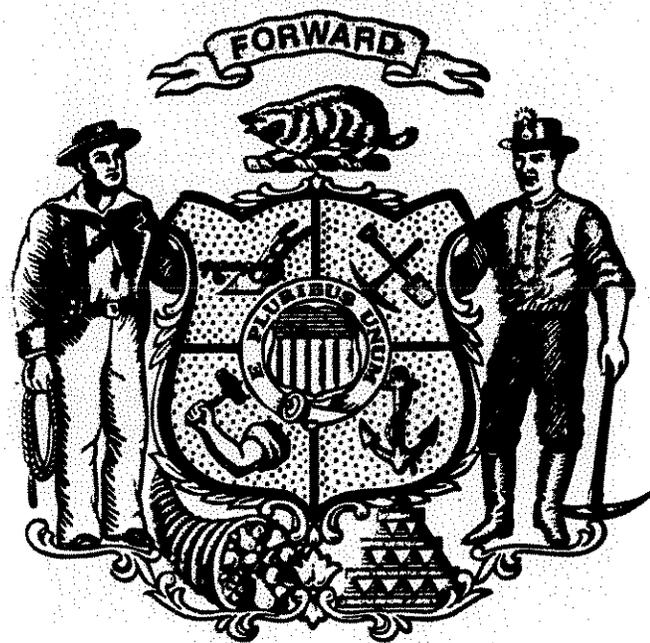
Randy Furst and Jim Parsons, "Charges against Jude are dismissed; Political ads law unconstitutional," Star Tribune (Minneapolis), 2 March 1996: 1A.

Supreme Court of Washington State, "State of Washington v. 199 No! Committee," 957 P.2d 691, 11 June 1998.

Paul Souhrada, "Elections commission says Taft ad was misleading," The Associated Press , 16 Oct. 1998.

Mary Beth Lane and Benjamin Marrison, "Taft Commercial Ruled Untruthful; Commission Says Data On Fisher Was Misused," Cleveland Plain Dealer, 17 Oct. 1998: 4b.

Randy Ludlow, "Taft camp scolded for TV ad," Cincinnati Post , 17 Oct 1998.



Richard, Rob

From: Langan, Casey
Sent: Wednesday, October 13, 2004 1:01 PM
To: Rep.Freese
Subject: FW: [Fwd: Possible Voter Fraud Story: Who is Anna Reisch?]

Rep. Freese,

Rep. Debi Towns wanted me to pass this email along to your office, and ask if there is anywhere we should report this or if there is anyway that we can check to see if Anna Reisch is still registered at an address at which she does not live.

Thank you,

Casey Langan

Legislative Assistant
Office of **Rep. Debi Towns**
(608) 266-9651
PO Box 8953, State Capitol, Madison WI 53708
<http://www.legis.state.wi.us/assembly/asm43/news/>

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

From: Charles Kaminski [mailto:kaminski@jvlnet.com]
Sent: Saturday, October 09, 2004 2:13 PM
To: Langan, Casey; Chad Kowalewski; Dennis Dykstra; SAlcott740@aol.com; Greg Dykstra; Randy Dykstra; Scott Dykstra; Terry Dykstra; Theresa L. Handwerk
Subject: [Fwd: Possible Voter Fraud Story: Who is Anna Reisch?]

Hi,

Okay, I finally wrote Mark Belling about this and forwarded this email to my state assembly representative's office. So, do you think anything is going to be done about it? Then again, what really can be done?

ck

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

Subject:Possible Voter Fraud Story: Who is Anna Reisch?
Date:Sat, 09 Oct 2004 14:03:17 -0500
From:Charles Kaminski <kaminski@jvlnet.com>
To:markbelling@clearchannel.com

Hello Mr Belling,

I enjoy your show and enjoy listening to it whenever I can. I recently moved out of the Milwaukee area and as a result of it, I cannot listen to it as often as I once used to.

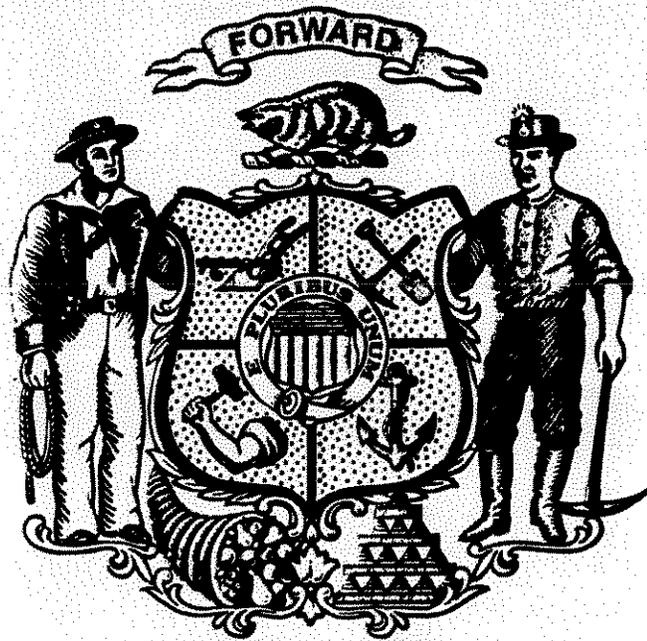
10/13/2004

Before moving out of Milwaukee, I owned a house for the six years at 2315 S 29th St. When I went to vote for the first time, three people were on the voter list from my address. Two of them had the last name Marchan, the same of the people I bought the house from. The third person was Anna Reisch. I told the people at the voter place that I was the only one that lived there and those three people needed to be taken off the list. They told me not to worry about it, that the system will take care of itself. Well, the Marchans came off the list the next time I went to vote, but Anna Reisch still remained. So, I asked about it and they told me that all the names of people who don't vote in an election cycle are automatically removed each election cycle and that the Marchans must have did so action on their own part to remove their names and that other person (Anna Reisch) did not vote, her name would be removed after the 2000 presidential election. Well, when I went back to vote in 2002, her name was still on the list despite the fact that I was the only person living at 2315 S 29th St since Aug of 1997. So I asked why she was still on the list and specifically asked if the reason why she was still on the list was because somebody came and voted under that name at that address. They told me that it was none of my business and that if I persisted on asking them any more questions that I would be removed from the voting place without having an opportunity to vote. I don't remember that name of the place where I voted, but it was a public school that took up a entire city block, located one block north of 29th and Lincoln.

If you have any questions, feel free to write me back, but I feel that it won't be necessary because I think I covered all that had to be said.

Once again, I enjoy your show and I hope you continue to have the success you continue to have.

Charles Kaminsi
3401 W Cty Rd M
Edgerton, WI 53534



Griffiths, Terri

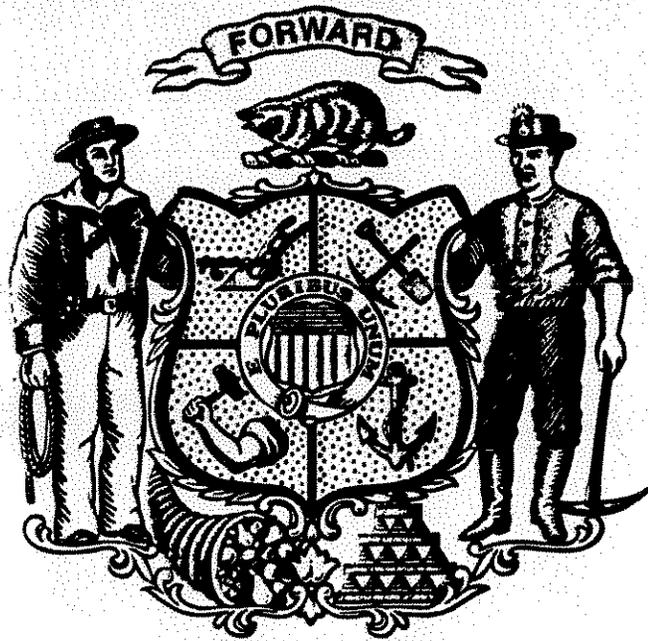
From: Conlin, Robert
Sent: Wednesday, November 03, 2004 2:14 PM
To: Griffiths, Terri
Subject: truth in political advertising: federal candidates

<http://www.factcheck.org/SpecialReports.aspx@docID=188.html>

Terri: Don't know about the pedigree of this particular site, but it seems to confirm what I suspected. My brief review of the federal campaign finance laws and some web searching all lead me to the conclusion that there is no explicit federal prohibition on stretching the truth in political ads in federal elections. You clearly can't file false or fraudulent reports, but the "vote for me" type ads aren't subject to any federal oversight by the truth police. Obviously, there is tremendous political risk in lying in a political campaign, but I can't find any statutory penalty.

Bob Conlin

Senior Staff Attorney
Wisconsin Legislative Council Staff
(608) 266-2298



Griffiths, Terri

From: Tonnon Byers, Anne
Sent: Wednesday, January 19, 2005 2:43 PM
To: Griffiths, Terri
Subject: RE: Room request

Hi Terri,

I have Campaigns and Elections scheduled both on February 3rd and 17th at 10 am in 300NE. Let me know if you need anything else. Thanks!

Anne

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

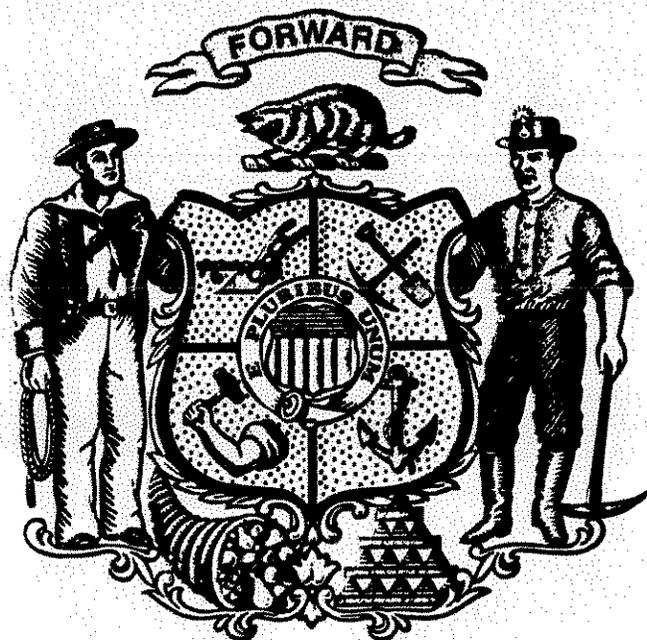
From: Griffiths, Terri
Sent: January 19, 2005 2:38 PM
To: Tonnon Byers, Anne
Subject: RMS: Room request

Requesting Office:

Date: 2/17/2005
Time: 10:00 AM
Duration: 4 hours, 0 minutes
Location: 300NE
Description: Assembly Committee on Campaigns & Elections Executive Session
NT Account: WI_LEGISLATURE\TGriffit

Requesting Office:

Date: 2/3/2005
Time: 10:00 AM
Duration: 4 hours, 0 minutes
Location: 300NE
Description: Public Hearing and Executive Session. Assembly Committee on Campaigns & Elections
NT Account: WI_LEGISLATURE\TGriffit





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Missing voters? Check it out

January 20, 2005

That's right, some folks still haven't gotten over the presidential election. Partisans will be arguing over Wisconsin balloting until 2008, but one fresh claim is worth pursuing: Up to 10,000 same-day voters can't be found in Milwaukee now that canvassers are trying to confirm their addresses.

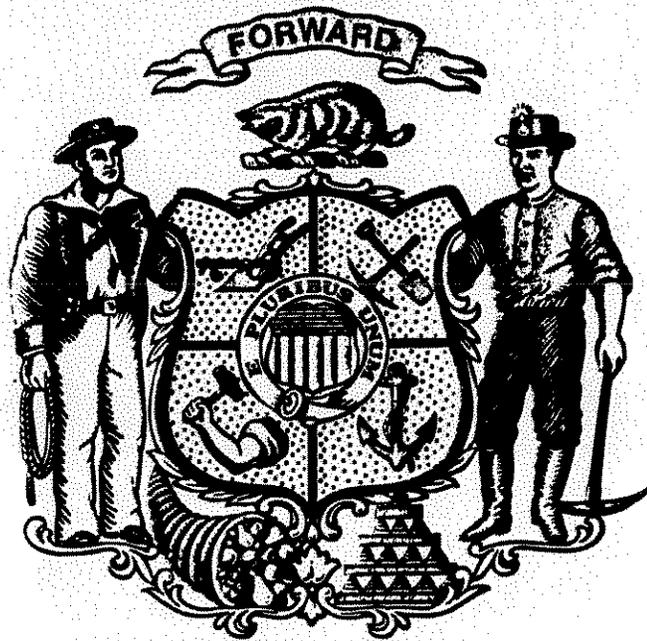
Republicans have been a bit too quick to cry fraud. This registration foul-up may not be ironclad evidence of misdeeds, but coupled with other revelations, it suggests serious procedural problems that could deny future voters' rights. Milwaukee also failed to process up to 20,000 registration cards; failed to deliver absentee ballots to voters who requested them; and failed to count other absentee ballots that were delivered.

Milwaukee Mayor Tom Barrett recently appointed a task force to review election processes, but it's made up mostly of city employees with an interest in downplaying problems. State and local officials nevertheless should make it a top priority to sort out the questions over the Milwaukee vote and resolve other post-election disputes.

President Bush lost the state by 11,384 votes at last count, and he'll be inaugurated Thursday regardless of the potential invalidation of up to 10,000 votes in Wisconsin's largest city. But Wisconsin must ensure poll-booth integrity to reduce conflict over the outcome of future elections.

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Richard, Rob

From: Pyritz, Michael
Sent: Monday, January 31, 2005 12:27 PM
To: *Legislative Assembly Republicans
Subject: 1-31-2005 Photo ID Media Packet/ Internal Use Only

Photo ID Legislation – Background and History

Following the 2000 Presidential election in Wisconsin which included the now infamous story of “smokes for votes”, news reports of completed ballots blowing off the backs of delivery trucks in Milwaukee and numerous ballots cast by ghost voters – individuals that could not be found to exist, Wisconsin’s record of holding clean and fair elections was severely tarnished.

These stories, coupled with the tales from the 2000 Florida recount and an introspective examination of Wisconsin’s relaxed election laws led to the passage of federal legislation, the Help America Vote Act of 2002 (HAVA), which made a significant impact on the administration and conduct of federal elections, and the introduction of various measures at the state level aimed at restoring integrity and confidence in Wisconsin’s ability to conduct clean and fair elections.

One measure introduced in Wisconsin was photo-id legislation requiring Wisconsin voters to present a valid photo ID to register or vote at the polls on election day. Similarly, this legislation would have applied to those individuals casting an absentee ballot.

This legislation was introduced in 2001 as AB 259, and again in 2003 as AB 111. AB 259 was approved by the Assembly in the fall of 2001, and then was delayed in the Senate in 2002. AB 111 was introduced in the spring of 2003, was approved by the Assembly on a 60-34 vote and then approved by the Senate on a 19-14 vote. Unfortunately, Governor Doyle vetoed AB 111, in August of 2003, based on his belief that this legislation would “...strip the right to vote away from the elderly, minorities, students, the disabled, the transient, and the poor.”

Within the context of AB 111, a valid photo ID was considered to be a valid Wisconsin driver’s license issued by the DOT, a current valid Military photo ID or a valid WI id card issued by the state DOT.

In the days leading up to the 2004 Presidential election and the weeks, and now months that have followed, new reports of ghost voters, fictitious voter registrations, felons voting from jail and potentially up to 10,000 fraudulently cast ballots have occurred and have once again called into question Wisconsin’s ability to conduct a clean and fair election. To date, charges have been filed in Racine and Milwaukee County with regard to issues surrounding voter registration by third party entities and just last week the U.S. Attorney and the Milwaukee County District Attorney began a joint investigation into anywhere from 1,200 to 10,000 fictitious voter registrations and/or fraudulently cast ballots in the City of Milwaukee.

As demonstrated by these problems, the need for photo ID legislation in Wisconsin has never been greater. While this legislation will not by itself protect Wisconsin’s electoral process from those intending to commit acts of voter fraud, it will go a long way to restoring confidence and integrity in our state’s ability to conduct clean and fair elections.

Furthermore, while a majority of these problems have been reported in the City of Milwaukee and SE Wisconsin, it is important to remember that any ballot(s) cast fraudulently in a statewide or federal

election by one person in the state of Wisconsin serve to dilute or nullify a legally cast ballot.

Photo ID Legislation – At a Glance

LRB 0964/LRB ##### - As introduced by Representative Stone/Senator Leibham

Highlights of Photo ID Legislation Compared to Current Law

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

Photo ID Legislation – At a Glance – cont'd

What qualifies as a valid photo ID?

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

Who is exempt from the photo ID requirement?

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

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

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

What is the cost of this photo ID legislation to the state?

- The Fiscal Estimate for AB 111 from 2003 was \$736,900 in lost revenue and \$120,000 in costs to the DOT to administer the workload of providing ids.

Who registered on AB 111 in 2003?

- ACLU of Wisconsin
- City of Milwaukee
- League of Women Voters of WI
- State Bar of WI
- Untied Council of UW Students, Inc.
- Wisconsin Citizen Action
- WI Coalition of Independent Living Centers
- WI Democracy Campaign
- WEAC
- WI Laborers Dist. Council
- WI AFL-CIO

Photo ID: Talking Points

Photo ID Legislation

- Restores integrity and confidence into WI's election system
- Ensures that every voter who casts a legal ballot is not disenfranchised by a fraudulently cast ballot.
- Similar to cashing a check at a bank or making an everyday purchase, showing a photo ID adds a level of credibility and accountability to the system.
- The first step to protecting Wisconsin's citizens from acts of voter fraud.

Photo ID Legislation Will:

- Require voters to show a valid photo ID to register to vote or to vote.
- Allow elderly/infirm voters casting 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.
- Allow those individuals without an accurate address on their photo ID to verify their address with one of the measures prescribed under current law.
- Provide WI id cards for those who are unable to afford the current \$9 fee.

Photo ID Legislation Will Not:

- Serve to disenfranchise any legal voter in the state.
- Affect the ability of elderly to participate in this process.

Current Examples of Voter Fraud/Registration Problems in the News

- "In the city, 277,535 ballots were cast. But the city's own election records show only 269,212 people as having voted, a difference of about 8,300. About 1,300 of those would represent the same-day registration cards that could not be processed..."
Milwaukee Journal Sentinel - 1/29/05
- "A recent St. Norbert graduate has been charged with election **fraud** for voting in De Pere despite being an Illinois resident. Prosecutors have charged Marc Lacher, 23, with illegal voting after he allegedly **voted** in the November election without being a qualified Wisconsin resident..." *Green Bay Press Gazette - 1/26/05*
- "...Damien Donnelle Jones, 24, and Robert Marquis Blakely, 24, are accused of registering voters they never talked to. The two men were working for Project Vote, and were assigned to Racine to register people to vote in the Nov. 2 election. They are accused of multiple counts of election fraud and misconduct in office; Blakely is also charged with forgery...." *Racine Journal Times - 1/25/05*
- "A review of Milwaukee voting records from the Nov. 2 presidential election has found more than 1,200 ballots cast from invalid addresses in the city, including many cases in which the voter could not be located at all..." *Milwaukee Journal Sentinel - 1/24/05*
- "Already, the newspaper has reported that about 8,300 more votes were cast than the number of people recorded by the city (of Milwaukee) as voting. This appears to be due to cases where cards from those who presented identification and registered on election day could not be processed, a gap that the city's own estimates had put at more than 10,000..." *Milwaukee Journal Sentinel - 1/24/05*

Photo ID: Frequently Asked Questions

WI traditionally experiences high voter turnout/participation. Won't this initiative deter people from voting?

Similar to id requirements used to cash a check or make a purchase, photo-id legislation does not deter our citizens from participating in these everyday transactions, rather it serves to add integrity to the process.

Doesn't this legislation disenfranchise voters?

Voters have already been disenfranchised. Photo ID legislation will help to put a stop to the current problems we have already experienced. Remember, for every ballot that is cast illegally a legally cast ballot has been nullified resulting in a voter being disenfranchised.

Isn't this a drastic step considering all we hear about are problems in Milwaukee? Seems like an overreaction to a small problem or a small percentage of the votes.

In a statewide or a national election, one person casting an illegal ballot in any polling place in the state dilutes the vote of legally cast ballots from across the state. This is not a regional problem. This is a statewide problem and requires a statewide solution.

The Milwaukee Journal Sentinel has reported that anywhere from 1,200 to 10,000 votes cannot be accounted for in the City of Milwaukee. Try telling the people of Elkhorn, Shawano or New Richmond and most of the population of Rhinelander that their legally cast ballots have been cancelled.

These cities represent just the gap between the number of votes allowed in Milwaukee and the number of people that are shown as actually voting. If you add in the other issues with flawed voter cards in the City of Milwaukee you lose Merrill, the entire population of Forest County or the combined population of Iron and Florence Counties.

What about the elderly or the infirmed? Won't this legislation prohibit them from participating in this fundamental right?

In lieu of providing a copy of their valid photo ID this legislation will allow individuals who are registered to vote using absentee ballots under current law to continue to do so. The only difference is that the person required under current law to witness their vote will now be required to simply include a signed statement verifying their identity.

Doesn't this legislation disenfranchise those who are unable to afford the cost of an ID?

This legislation provides a WI id card at no cost to the requester. All they have to do is ask.

What if I move right before an election and don't have time to update my address on my photo ID?

This legislation does not require the ID to have a current address. Similar to current law, individuals will still be allowed to verify their address using one of the currently prescribed forms of identification.

If I don't drive, how will I vote?

If a person doesn't have a driver's license they will be able to obtain and use a WI issued id card.

Will photo ID legislation really stop all the fraud in Wisconsin?

This legislation is the first step to comprehensive election reform across WI. Photo ID legislation is intended to create a uniform level of proof of ID to register and vote. The Bill will make it harder to place a fraudulent vote, but is not a cure all or magic pill.

Won't this just complicate the voting process and cause longer lines at the polls?

Photo ID legislation will help to streamline the process while adding a level of integrity to our election system.

What other election reforms are needed?

We currently have the work of the ongoing bipartisan Legislative Council Special Committee on Election Law Review comprised of clerks, lawmakers and members from the public focused on pre-election day, election day and post election day issues and we look forward to their recommendations for reform.

And, the work of the Assembly Campaigns and Elections Committee led by Representative Freese and the Senate Labor and Election Process Reform Committee led by Senator Reynolds which are also expected to examine similar legislative reform measures.

To name a few, we have to look at the involvement of third party organizations in our electoral process including special registration deputies, the handling of absentee ballots and we need to make sure that our poll workers are receiving the necessary amount of training leading up to election day.

Do people really care about this?

Given the slim margin of victory in recent elections, the need to ensure that elections in Wisconsin are conducted with integrity and confidence has never been greater and this legislation is a first step in doing that.

Photo ID Template Press Release

FOR IMMEDIATE RELEASE

CONTACT:

January 31, 2005

Voter ID Legislation Aims to Restore Confidence In WI's Election Process

Sen./Rep. ##### Joins Legislative Leaders in Voicing Support for Photo ID Legislation

Madison, WI... State Senator/Representative _____ joined legislative leaders this afternoon in a Capitol press conference to demonstrate his/her support for Senator Joe Leibham's (R-Sheboygan) and Representative Jeff Stone's (R-Greendale) photo ID legislation requiring Wisconsin's voters to present a valid photo ID before attempting to register to vote or vote.

"Photo ID legislation is the first step to restoring confidence and integrity in Wisconsin's election system," said Senator/Representative _____. "Just like cashing a check at a bank or making an everyday purchase, asking for a valid photo ID adds a level of integrity to the process."

The timely introduction of this legislation comes on the heels of numerous media reports detailing the fact that anywhere from 1,200 to 10,000 ballots that were cast in the November presidential election in the City of Milwaukee cannot be verified to have been cast by an eligible voter from an address found to exist.

"I have a hard time explaining to my constituents who live in _____ (whatever combination of local cities in the district you choose to use that add up to the missing ballots) that their votes have been cancelled by ghost votes in the City of Milwaukee," said Sen./Rep. _____. "Every vote cast illegally serves to cancel out a legally cast ballot and we must do everything we can to rid our system of these acts of fraud and abuse."

Last session, the Assembly and the Senate approved similar photo ID legislation, however, Governor Jim Doyle ultimately vetoed the measure. The Assembly Campaigns and Elections Committee will hold a hearing on the Assembly version of the bill later this week.

Sen./Rep. _____ went on to say, "I look forward to a public discussion of this legislation in the weeks and months to come and hope that Governor Doyle will reconsider his objections to this necessary measure."

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Photo ID Template Column: - The Case for Showing A Photo ID to Vote

For some of us, past Wisconsin elections are not distant memories. The 2000 elections call to mind the paid political operative from New York offering cigarettes to homeless people in exchange for their vote, 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 by dead people. Sadly, these matters may eventually pale in comparison to the questionable activities and irregularities associated with the 2004 elections.

Over the last few weeks, State Representative Jeff Stone (R-Greendale) found out 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. Remember, this is the same Election Commission that could not process 20,000 registration cards in a timely manner leading up to election day, did not deliver 238 absentee ballots to the polls on Election Day as required by law and failed to recognize that approximately 5,500 addresses listed by voters on the city's poll list might not even exist.

In fact, just last week, we learned that the U.S. Attorney and the District Attorney have called for the Federal Bureau of Investigation and local police to launch a joint investigation into what happened to the approximately 10,000 ballots cast by individuals from questionable addresses in the City of Milwaukee.

Clearly, these incidents suggest a pattern of activities that belie Wisconsin's tradition of open and honest elections. In Wisconsin, we take pride in an electoral system that allows eligible electors to cast ballots up until the polls close by showing a form of identification that links the voter to a known address in the municipality. In fact, state law even allows a known voter in a municipality to vouch for another voter who does not have a form of identification indicating his or her address. For those voters that can't make it to the polls, they can request an absentee ballot. Voting in Wisconsin is easy, but recent reports may indicate that current election laws are too relaxed when it comes to allowing fraud to be committed. That is the impetus behind the Photo ID bill.

The bill simply requires eligible voters to present a valid state-issued photo identification card at the polls before voting in any Wisconsin elections. For those eligible voters that do not have such a card, the bill requires the state Department of Transportation to provide one at no cost to the voter. Make no mistake about it, this bill is not a panacea for all election-related irregularities nor will it prevent all forms of voter fraud.

The photo ID bill merely provides local poll workers with a quick and easy way to confirm that a voter who shows up at the polls on Election Day is eligible to vote in that municipality. More importantly, it will help to restore faith in the integrity of our state's voting system. Remember, for every illegally cast ballot, there is one honest law-abiding citizen who has lost the right to have their vote counted.

At the present time, I have joined with Representative Jeff Stone (R-Greendale) and Senator Joe Leibham (R-Sheboygan) as a co-sponsor of AB X\SB X. While this legislation is expected to receive much attention over the coming weeks and months, I hope that you will join me in supporting a common sense reform that will make it easier to vote and harder to commit fraud in Wisconsin.