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Details:

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

**Committee on ... Labor, Elections, and Urban
Affairs (SC-LEUA)**

COMMITTEE NOTICES ...

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

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

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

Senate

Record of Committee Proceedings

Committee on Labor, Elections and Urban Affairs

Senate Bill 179

Relating to: deceptive election practices; voter intimidation, suppression, and protection; granting rule-making authority; and providing penalties.

By Senators Coggs, Risser, Taylor and Hansen; cosponsored by Representatives Young, Grigsby, A. Williams, Richards, Black, Roys, Jorgensen, Pasch, Mason, Pope-Roberts and Toles.

April 24, 2009 Referred to Committee on Labor, Elections and Urban Affairs.

September 2, 2009 **PUBLIC HEARING HELD**

Present: (5) Senators Coggs, Wirsch, Lehman, A. Lasee and Grothman.

Absent: (0) None.

Appearances For

- Spencer Coggs — Senator
- Leon Young — Representative
- Andrea Kaminski — League of Women Voters of Wisconsin Education Fund

Appearances Against

- Ardis Cerny

Appearances for Information Only

- Kevin Kennedy — Government Accountability Board

Registrations For

- Lena Taylor — Senator

Registrations Against

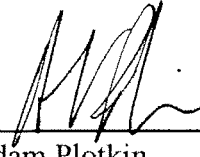
- Jennifer Youngblood
- Mary Ann Hanson
- Mary Weigand
- Jim Wronski
- Dottie Feder — Eagle Forum of Wisconsin

Registrations for Information Only

- None.

April 22, 2010

Failed to pass pursuant to Senate Joint Resolution 1.

A handwritten signature in black ink, appearing to read 'A. Plotkin', is written over a horizontal line.

Adam Plotkin
Committee Clerk

Plotkin, Adam

From: de Felice, David Patrick
Sent: Tuesday, April 07, 2009 4:31 PM
To: *Legislative All Assembly; *Legislative All Senate
Subject: Co-sponsor: Anti-Deception/Intimidation Suppression Voter Protection Bill

Attachments: Bill - 2009 - Voter Deception-Intimidation - Coggs Senate LRB 09-25001.pdf; Bill - 2009 - Voter Deception-Intimidation - News Release - Bill Intro.doc

TO: All Legislators

FROM: Sen. Spencer Coggs

DATE: April 7, 2009

RE: Co-Sponsorship of LRB-2500: Relating to Voter Deception, Intimidation, Suppression

Became SB 179

DEADLINE: TUESDAY, APRIL 21, 2009

From local pamphlets advising voters to vote on the wrong day, and racist attempts at deceiving and intimidating minority voters, to 'ballot security' campaigns organized by officials and political parties to systematically suppress the vote, citizens must be given the tools to fight modern-day "Jim Crow Laws" if our democratic form of government is to survive.

The Voter Protection Bill would give everyday citizens the right to seek immediate redress when attempts are made to deter them from voting through deception or intimidation.

Under the bill, citizens would be able to file a complaint with the Government Accountability Board or seek a restraining order in court. The legislation would require the Board to investigate the complaint, issue information to correct the deceptive practices and refer the matter for prosecution.

Penalties would range from fines of \$50,000 to \$100,000 and or imprisonment of up to three years.

A copy of the LRB is attached explaining the legislation, and a news release is attached citing attempts made in Wisconsin in recent elections to deceive or intimidate voters or suppress voting systematically.

If you would like to add your name as a co-sponsor, please reply to this email or contact my office at 266-2500 no later than **Tuesday, April 21, 2009**.



Bill - 2009 - Voter Deception-...



Bill - 2009 - Voter Deception-...





SEN. SPENCER COGGS

SENATE DISTRICT 6

SB 179?

State Capitol
Room 123-South

Toll-free: 877-474-2000
Madison: (608) 266-2500

Tuesday, April 7, 2009

News Release
For Immediate Release

Sen. Coggs' Election Day bill makes modern-day "Jim Crow Laws" a crime

"Voter deception and intimidation in the guise of so-called 'ballot security' is a crime," Coggs says

MADISON – Sen. Spencer Coggs introduced legislation on April 7, Election Day that would make it a crime in future elections to suppress voter turnout by deceiving or intimidating voters through individual or organized voter suppression strategies seen in recent elections in Wisconsin and the nation.

"These attempts to mislead, intimidate or coerce voters are the modern-day equivalent of the 'poll tax,'" Sen. Coggs said. "Voter deception and intimidation in the guise of so-called 'ballot security' is a crime and should not be tolerated in our democracy."

Poll taxes requiring a fee to register to vote were created following the Civil War by "Jim Crow" laws in the South aimed at constructing a legal system based on white supremacy. Other "Jim Crow" laws enacted fraudulent literacy tests, elaborate registration schemes, and eventually white-only primaries to exclude black voters.

Sen. Coggs' legislation prohibits anyone acting in an official or unofficial capacity from intentionally deceiving anyone regarding the date, time, place or manner of conducting an election, or deceiving anyone about the qualifications or restrictions for voting.

"In recent elections there have been pamphlets distributed anonymously in my district and elsewhere in Milwaukee that warned citizens they could not vote, and that all of their family members could not vote if any family member had ever been convicted of a crime – even if they've only received a traffic ticket," Sen. Coggs said.

In the past two general elections, these pamphlets were distributed in the black community of Milwaukee. The effect was to confuse, disrupt and dissuade central city residents from exercising their right to vote.

Under the Coggs bill, a person affected by this activity can obtain a restraining order from a court or file a sworn complaint with the state Government Accountability Board. If the Board finds merit in the complaint, it must promptly investigate and take all measures necessary to provide correct information and refer the matter for prosecution.

Depending on the severity of the crime, penalties range from \$50,000 to \$100,000 and prison sentences of two to three years.

“Another ploy in recent elections involved the distribution in Milwaukee of an anonymous pamphlet advising citizens not to worry about casting a ballot on an Election Day, Tuesday, because voting was also being conducted on Wednesdays,” Sen. Coggs said.

More ominous, said Coggs, are the actions of government officials and political parties that conduct so-called “ballot security” programs such as the Vote Fraud Task Force established in Milwaukee by the Milwaukee Police Department, the Milwaukee County District Attorney and state Attorney General JB Van Hollen.

“For some reason,” Sen. Coggs said, “one of Wisconsin’s 72 counties – Milwaukee County - was singled out. One city - Milwaukee - was singled out. And seemingly one area within Milwaukee was singled out – the minority community – for so-called ‘voter fraud investigation.’”

Van Hollen, a Republican, was state campaign co-chair for Republican presidential candidate John McCain. At the national Republican convention in 2008, Van Hollen all but guaranteed a McCain victory in Wisconsin and only days later filed a lawsuit that could have disenfranchised hundreds of thousands of Wisconsin voters. The lawsuit was later found to be without merit.

In addition, the so-called Milwaukee “anti-fraud effort” was aided by the publication of a spurious investigation of the 2004 General Election authored by the Milwaukee Police Department. The report was not endorsed by members of the task force and was later found to be biased and partisan.

Other instances of official voter suppression included a nationwide strategy coordinated by the former Bush White House to have US Attorneys aggressively and vindictively pursue purported voter fraud. That strategy resulted in the controversial firing of eight US Attorneys by the Bush administration.

As part of the nationwide strategy, according to reports by the Milwaukee Journal Sentinel, the Republican Party of Wisconsin wrote a 30-page report that was provided to the White House alleging widespread abuses in Wisconsin. The report surfaced in the congressional investigation of the firing of the U.S. Attorneys.

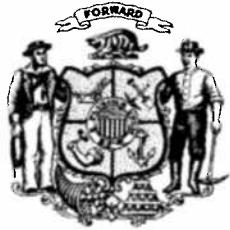
In late 2005, Steve Biskupic, the former US Attorney for Wisconsin, a Bush appointee, announced that his probe found no evidence of a voter fraud conspiracy in Wisconsin.

“These activities should be described for what they are: government-sponsored voter intimidation, deception and suppression,” Sen. Coggs said. “We need the tools to allow everyday citizens to fight back against these modern-day ‘Jim Crow’ laws, and these tools are provided by my legislation.”

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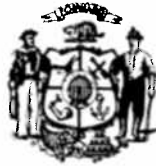


WISCONSIN STATE LEGISLATURE



State of Wisconsin\Government Accountability Board

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<http://gab.wi.gov>



JUDGE MICHAEL BRENNAN
Chair

KEVIN J. KENNEDY
Director and General Counsel

Senate Committee on Labor, Elections and Urban Affairs

Hearing on 2009 Senate Bill 179

Testimony of Kevin J. Kennedy
Director and General Counsel
Government Accountability Board
September 2, 2009

Chairperson Coggs and Committee Members:

Thank you for the opportunity to comment on Senate Bill 179. The Government Accountability Board has not taken a position on this proposed legislation, which has laudable goals: increasing public awareness of voting rights, strengthening penalties for voter intimidation and seeking swift action in response to allegations of voter intimidation or deception. However, the bill creates some practical and fiscal concerns.

I. Investigation of Voter Deception Complaints

The legislation requires the G.A.B. to:

- Make a finding within 24 hours of receipt of a sworn complaint on whether the facts alleged in the complaint, if true, constitute a violation of the prohibition on intentional voter deception;
- Investigate within 48 hours of receipt of the complaint if the Board makes the finding;
- If the Board determines a violation has occurred or is occurring, order corrective actions.

This puts some very practical constraints on the agency:

- This requires the Board to give notice under the Open Meetings Law, meet within 24 hours of receipt of a complaint and make the finding on whether the facts alleged in the complaint if true constitute a violation of the prohibition on intentional voter deception;
- This requires the Board to have staff or contract investigators available to investigate the allegations in the complaint if a finding is made;

- These individuals have to get to any of several points in the state within 24 hours and provide a report to the Board to determine what corrective actions to take if any as well as make a referral to the appropriate prosecuting authority if warranted.
- There are no provisions for delegating decision making with respect to these complaints, as there are for complaints against election officials under §5.06, Wis Stats. – so the six-member Board must be on call and available for an indeterminate time before every election.
- There are only two staff attorneys available, who have other responsibilities in the time immediately preceding an election.
- The Board would have to arrange for a number of investigators to be on call in several areas of the state to address these issues.
- The legislation does not fund these additional costs, even if they could be implemented

II. Poll Workers, Language and Informational Posting

There may be particular issues with ensuring there is at least one poll worker available at each voting site who meets the language requirements and the informational posting requirements:

- The language requirements will not be known until after the next census
- The proposed criminal penalties for election officials (\$10,000 fine and/or imprisonment of up to 1 year) in Section 17 of the bill are way out of line for actions that may at worst be administrative neglect and more likely be matters out of the control of the election official
- So much information is currently required to be posted at the polling place that it is virtually impossible for a voter to sift and winnow the information. Election officials should have some flexibility in making this information as well as other information required in §§5.25, 5.35; Wis Stats., available in other formats including brochures and on-line.

5% of affected area + literacy rate of those people

III. Public Information Program on Voting

The agency does not currently have funding for a public information program on voting, much less to take on the extraordinary costs associated if corrective action is required as a result of a determination that deceptive practices have occurred. There is a wide range of media markets and outlets in the state that need to be tapped at a significant cost to the agency, particularly if there is limited availability due to campaign advertising. The legislation does not provide funding for this initiative.

State of Wisconsin\Government Accountability Board

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JUDGE MICHAEL BRENNAN
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DUG PROCESS ←

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2 FREEDOM
LITERACY RATE
2012, ACTUALLY
YOUNG
THROW BACK
NO RESPONSIBILITY
PENALTY PORTION

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SIFT +
WINNOW
ALT. WAY
SUGGEST

3. Public info
WAT



Senate Bill 179 – Voter Intimidation & Suppression
Committee on Labor, Elections, and Urban Affairs
September 2, 2009

Members,

Thank you for joining me for this hearing on Senate Bill (SB) 179 which seeks to curtail some common practices that contribute to voter intimidation and suppression.

In the past two Presidential elections, in 2004 and 2008, I personally witnessed the use of tactics designed to suppress voter participation through intimidation and outright deception. These tactics are sometimes systematic, such as the now debunked “Vote Fraud Task Force Report” issued by unnamed officers within the Milwaukee Police Department who did not have the permission of the task force to release the report. Nationally, these tactics were played out in the 2005 firings of several United States

Attorneys for failure to use their offices to prosecute
what was perceived as voter fraud. The U.S.

Attorney in Milwaukee, Steven Biskupic, was nearly
a victim of this abuse for his ~~determination that the~~ ^{LACK OF PROSECUTION OF}
perceived voter fraud existed.

On a more personal level, tactics often take the form
of deception through the guise of purposely
misleading information on ^{WHAT ARE THE} election processes. One
scheme, known as voter disinformation, is to inform
an unknowing voter that the election is being
extended beyond Tuesday into Wednesday and
encouraging them to wait to vote. There have also
been threats of arrest if someone with outstanding
child support shows up at the polls. In addition, there
have been claims that if one person in the family has
a "criminal record," which in some cases is purported
to include traffic tickets, no one in the family can
vote.

2004 A BITTING ELECTED SENATOR
APPEARED AT MR. POLINE PLACE BY AN ATTORNEY

Current law does not provide specific relief, or a penalty sufficient to deter these practices. SB 179 would expand and further define what constitutes voter deception, intimidation, and suppression and provide a stricter penalty as a deterrent. The bill also includes procedures for filing a claim by an aggrieved person with the Government Accountability Board (GAB), or the Circuit Court. The GAB would be required to immediately investigate and determine whether a violation is occurring. The bill provides for the Government Accountability Board to create the administrative rules to put this legislation into operation.

The most basic right in a democracy is the right to vote, and is something that should be protected by the government elected by the people. This bill seeks to provide additional protections to that fundamental

RIGHT. WE HEAR CONSTANTLY ABOUT VOTER FRAUD ACCUSATIONS
+ OFTEN WE IGNORE REAL DISENFRANCHISEMENT FROM INTIMIDATION
THANK YOU & LOOK FORWARD TO QUESTS

right. Thank you again for allowing me to testify. I look forward to your support and questions.

LIVES WERE LOST TO GET TO VOTE

some against same day voting

400K

1.) feature

Language

take a look

NO DISENFRANCHISEMENT

ATTENTION

Repub primary

Open Election



TO: Senate Labor Committee

FROM: Ardis Cerny, Concerned Citizen

DATE: September 2, 2009

RE: Testimony in Opposition to Senate Bill 179

Thank you for the opportunity to testify before you today. My name is Ardis Cerny.

Senator Coggs, if you want this bill passed, you are going to have to include protection for the poll workers, election observers, and chief election officers for fear of intimidation, threats, and the worry of being sued, fined, and imprisoned. I personally know of two poll workers and one chief election officer who said that if this bill goes through, they will not be volunteering to work because they would be fearful of what could happen.

You, Sir, will have to provide for security cameras at polling places in the state costing the tax payers millions of dollars because citizens will be fearful of going to the polls!!!!

I suggest you educate your voters on where, how and when to vote instead of passing a law that will, in fact, suppress voter turnout because the law abiding citizenry will be afraid to come to the polls.

There is only one thing that can give our citizens confidence in our voting system and that is voter ID, 80% of Wisconsin voters want voter ID, that is from a poll involving 37% Democrats, 24% Republicans, and 24% Independents.

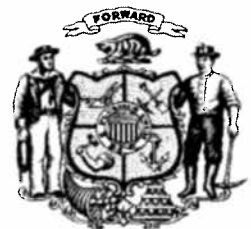
Only July 27, I attended a GAB council meeting where a large majority of the council voted to investigate Voter ID. Most of these votes came from municipal clerks who administer our elections. They know that if Voter ID passed a lot of their problems would be over with and the elections would run more smoothly and be more honest.

Our Legislature has passed voter ID three times and one, just one man has stopped the will of the people.

On its face, this bill is unconstitutional as it violates the First Amendment of Free Speech. Senate Bill 179 will result in chaos at the polls and disenfranchise more voters than anything else ever has.



WISCONSIN STATE LEGISLATURE



Spencer Coggs



State Senator

Senate Bill 179 – Voter Intimidation & Suppression
Committee on Labor, Elections, and Urban Affairs
September 2, 2009

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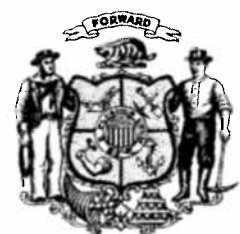
On a more personal level, tactics often take the form of deception through the guise of purposely misleading information on election processes. One scheme, known as voter disinformation, is to inform an unknowing voter that the election is being extended beyond Tuesday into Wednesday and encouraging them to wait to vote. There have also been threats of arrest if someone with outstanding child support shows up at the polls. In addition, there have been claims that if one person in the family has a “criminal record,” which in some cases is purported to include traffic tickets, no one in the family can vote.

Current law does not provide specific relief, or a penalty sufficient to deter these practices. SB 179 would expand and further define what constitutes voter deception, intimidation, and suppression and provide a stricter penalty as a deterrent. The bill also includes procedures for filing a claim by an aggrieved person with the Government Accountability Board (GAB), or the Circuit Court. The GAB would be required to immediately investigate and determine whether a violation is occurring. The bill provides for the Government Accountability Board to create the administrative rules to put this legislation into operation.

The most basic right in a democracy is the right to vote, and is something that should be protected by the government elected by the people. This bill seeks to provide additional protections to that fundamental right. Thank you again for allowing me to testify. I look forward to your support and questions.



WISCONSIN STATE LEGISLATURE





LEAGUE OF WOMEN VOTERS® OF WISCONSIN
EDUCATION FUND

122 State Street, #201A
Madison, WI 53703-2500

Phone: (608) 256-0827
Fax: (608) 256-1761

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

September 2, 2009

To: Senate Committee on Labor, Elections and Urban Affairs

Re: Support for SB 179

The League of Women Voters believes that voting is a fundamental citizen right that must be guaranteed. We believe that Wisconsin election laws should provide citizens with maximum opportunity for registration and voting, as well as protection from practices intended to suppress voting.

SB 179 addresses deceptive practices that have been documented in our state in recent elections, some with allegations that they are influenced or funded by out-of-state interests. Such practices defraud the voters and debase the candidates on whose "behalf" the acts are committed, particularly candidates who may not approve or even know they are happening.

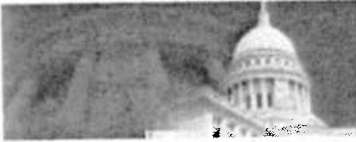
SB 179 expands upon current law which prohibits intentional false representation pertaining to a candidate or referendum that is intended to affect voting at an election. This bill bans additional intentional practices including the provision of false information about the date, time, place for voting, qualifications for eligibility to vote, and false endorsements of candidates or referenda. This legislation also extends the current ban on the use or threat of force, violence or restraint in order to compel a person to vote or refrain from voting, to protect registering to vote as well.

We appreciate the fact that the bill also creates a voter's bill of rights, to be posted at each polling place and included in the Government Accountability Board's manual, affirming seven basic rights guaranteed to voters in our state.

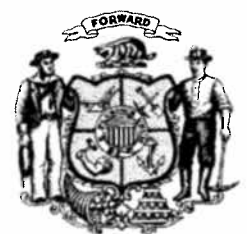
We have not yet come to consensus on the measure requiring that each polling place in a jurisdiction required under federal law to provide voting materials in a language other than English must have at least one election official who speaks that language. Would this be for federal elections only? Would it be burdensome for municipal clerks, some of whom already have difficulty recruiting enough poll workers?

Wisconsin has a tradition of clean, fair and civil elections. It makes sense to specifically prohibit voter deception and intimidation and assert the right of every citizen to vote for the candidates and referenda of his or her choice. SB 179 does this, and we urge you to support it.

Thank you.



WISCONSIN STATE LEGISLATURE



Plotkin, Adam

From: DOROTHY FEDER [dottiebrkf@sbcglobal.net]
Sent: Wednesday, September 02, 2009 11:04 AM
To: eagles@eagleforumofwisconsin.org
Subject: Eagle Forum of Wisconsin opposed SB 179

Dear Senator,

Eagle Forum of Wisconsin oppose SB 179 which would place a chilling effect on election observers attempting to restore integrity to the Wisconsin ballot box. Following the 2008 November elections, the Milwaukee Journal reported cases of multiple votings, Community Voters Project workers falsifying voter forms, ACORN workers submitting 200-300 fraudulent voter registration cards and 22% of voter registrations not matching driver's license records. Wisconsin has a serious problem with voter fraud. After an 18 month investigation following the 2004 elections, investigators found an "illegal organized attempt to influence the outcome of an election in the state of Wisconsin." Problems cited were ineligible voters casting ballots, felons voting and working at the polls, transient college students casting improper ballots, and homeless voters possibly voting more than once. In excess of 4,600 more ballots were cast in Milwaukee than voters who were recorded to have shown up at the polls. In conclusion of the investigative report, it was stated, "The Milwaukee Election Commission, through their ineptitude, raised enough reasonable doubt to prevent any further criminal prosecution of voting violators."

If the committee is serious about stopping voter abuses, it must review same day voter registrations, stop felons & ineligible out of state students from voting, and require a voter I.D.

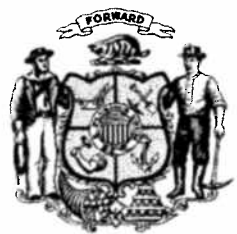
SB 179 would provide more opportunity for voter fraud in Wisconsin by intimidating those who are attempting to return our state to fair elections.

Sincerely,
D. Feder
President
Eagle Forum of Wisconsin

09/02/2009



WISCONSIN STATE LEGISLATURE



Plotkin, Adam

From: Jen Youngblood [snowmobiler@sbcglobal.net]
Sent: Wednesday, September 02, 2009 10:58 AM
To: Sen.Coggs
Subject: COMMENTS: 9/2 Hearing SB 179
Importance: High

Senator Coggs--

I am writing to address some concerns I have with regard to SB179, the Bill introduced by Senators Coggs, Risser, Taylor and Hansen, cosponsored by Representatives Young, Grigsby, A. Williams, Richards, Black, Roys, Jorgensen, Pasch, Mason, Pope-Roberts and Toles.

First, let me address Section 5.34 Voter's Bill of Rights subsection number 6 located on page 5. I have concerns with the language as stated: (6) Vote free from coercion or intimidation by any election official or other person. This line appears to use a broad brush which may set up potential complaints against individuals who choose to exercise their rights as election observers. We cannot define intent without looking at facts and this line clearly can be used against individuals exercising their rights if someone "feels" intimidated.

Other sections I feel strongly about are Section 10 12.09(1) and (3) which, again, are open to wide interpretation of "intent" and can on the opposite side, intimidate Wisconsin Residents who wish to exercise their right as election observers. The other section that could impact those working at Polls, volunteers at polls or residents who are election observers, is section 12 Voter Suppression subsection 1 and Section 12.60(1) am. If an individual is afraid of being accused of having the "intent" to stop another person from voting and that they may be subject to a class D felony, then why would they exercise their right to be a poll watcher?

I have many significant concerns with this bill being one of "fairness" and not having individuals disenfranchised from voting. This bill is disenfranchising an entire different group of individuals by creating fear that if they exercise their rights to volunteer, observe or work at a poll, they may be subject to becoming a criminal if the situation is ripe for fear mongering by voters.

On a personal note, as a native of another state, I moved to Wisconsin 15 years ago. I registered to vote directly upon my move into the state. As a citizen, I do not understand why registering to vote cannot be addressed like anything else when you move. You should have to register to vote prior to the election not on Election Day, you should have to produce a voter card or photo ID to vote and an absentee ballot can only be used for a valid reason.

I was appalled when I tried to show my driver's license and was basically yelled at the first time I voted in Wisconsin. I always had to show my voter card or a driver's license to vote in my home state and I have never missed an election. I hope that Wisconsin and you; the committee will rethink this bill.

Thanks you for listening to my comments today.

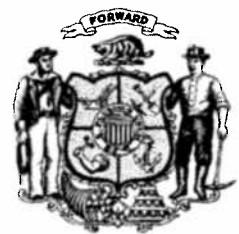
Respectfully Submitted,

Jennifer K. Youngblood, RN, BS, MEd
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 Nashotah, WI 53058

09/02/2009



WISCONSIN STATE LEGISLATURE



Senate Bill 179 – Voter Intimidation & Suppression
Committee on Labor, Elections, and Urban Affairs
September 2, 2009

Members,

Thank you for joining me for this hearing on Senate Bill (SB) 179 which seeks to curtail some common practices that contribute to voter intimidation and suppression.

In the past two Presidential elections, in 2004 and 2008, I personally witnessed the use of tactics designed to suppress voter participation through intimidation and outright deception. These tactics are sometimes ~~systematically and generalized~~, such as the now debunked “Vote Fraud Task Force Report” issued by unnamed officers within the Milwaukee Police Department who did not have approval of the report by the task force. Nationally, these tactics were played out in the 2005 firings of several United States Attorneys for failure to use their offices to prosecute what was perceived as voter fraud.

On ~~The~~ U.S. Attorney in Milwaukee, Steven Biskupic, was nearly a victim of this abuse for his determination that the perceived voter fraud existed.

On a more personal level, tactics often take the form of deception through the guise of purposely misleading information on election processes. One scheme, known as voter caging, is to inform an unknowing voter that the election is being extended beyond Tuesday into Wednesday and encouraging them to wait to vote. There have also been threats of arrest if someone with outstanding child support shows up at the polls. In addition, there have been claims that if one person in the family has a “criminal record,” which in some cases is purported to include traffic tickets, no one in the family can vote.

Current law does not provide specific relief, or a penalty sufficient to deter these practices. SB 179 would expand and further define what constitutes voter deception, intimidation, and suppression and provide a stricter penalty as a deterrent. The bill also includes procedures for filing a claim by an aggrieved person with the Government Accountability Board (GAB), or the Circuit Court. The GAB would be required to immediately investigate and determine whether a violation is occurring. The bill provides for the Government Accountability Board to create the administrative rules to put this legislation into operation.

The most basic right in a democracy is the right to vote, and is something that should be protected by the government elected by the people. This bill seeks to provide additional protections to that fundamental right. Thank you again for allowing me to testify. I look forward to your support and questions.



Date?

Senator Coggs and Senate Labor Committee Members –

I am writing to address some concerns I have with regard to SB179, the Bill introduced by Senators Coggs, Risser, Taylor and Hansen, cosponsored by Representatives Young, Grigsby, A. Williams, Richards, Black, Roys, Jorgensen, Pasch, Mason, Pope-Roberts and Toles.

First, let me address Section 5.34 Voter's Bill of Rights subsection number 6 located on page 5. I have concerns with the language as stated: (6) Vote free from coercion or intimidation by any election official or other person. This line appears to use a broad brush which may set up potential complaints against individuals who choose to exercise their rights as election observers. We cannot define intent without looking at facts and this line clearly can be used against individuals exercising their rights if someone "feels" intimidated.

Other sections I feel strongly about are Section 10 12.09(1) and (3) which, again, are open to wide interpretation of "intent" and can on the opposite side, intimidate Wisconsin Residents who wish to exercise their right as election observers. The other section that could impact those working at Polls, volunteers at polls or residents who are election observers, is section 12 Voter Suppression subsection 1 and Section 12.60(1) am. If an individual is afraid of being accused of having the "intent" to stop another person from voting and that they may be subject to a class D felony, then why would they exercise their right to be a poll watcher?

I have many significant concerns with this bill being one of "fairness" and not having individuals disenfranchised from voting. This bill is disenfranchising an entire different group of individuals by creating fear that if they exercise their rights to volunteer, observe or work at a poll, they may be subject to becoming a criminal if the situation is ripe for fear mongering by voters.

On a personal note, as a native of another state, I moved to Wisconsin 15 years ago. I registered to vote directly upon my move into the state. As a citizen, I do not understand why registering to vote cannot be addressed like anything else when you move. You should have to register to vote prior to the election not on Election Day, you should have to produce a voter card or photo ID to vote and an absentee ballot can only be used for a valid reason.

I was appalled when I tried to show my driver's license and was basically yelled at the first time I voted in Wisconsin. I always had to show my voter card or a driver's license to vote in my home state and I have never missed an election. I hope that Wisconsin and you; the committee will rethink this bill.

Thanks you for listening to my comments today.

Respectfully Submitted,

Jennifer K. Youngblood, RN, BS, MEd
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Nashotah, WI 53058
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SB 179? Date?

Election laws in the State of Wisconsin and in the United States apply equally to all. Enforcement of those laws must also be applied equally.

Care needs to be taken that if charges of voter intimidation are made, or charges that other election laws are broken or not enforced, that those charges are documented, be reported to the proper authorities in a timely fashion and that those authorities do their job to enforce Wisconsin law. If charges are not documented and reported to authorities in a timely manner, enforcement cannot take place.

My concern with this proposal is that those who are responsible for conducting our elections and enforcing our election laws should be able to do their jobs in a secure, orderly environment. The threat of penalties that could intimidate poll workers from enforcing order and maintaining a legal, secure environment at our polling places should not be used to prevent them from doing their job. If the problems that caused this bill to be introduced are not covered by existing election law, that should be corrected. The correction should not, however, make it more difficult for poll workers to do their jobs.

Thank you for considering my views.

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LEVA Exec + Hvg - 9/2/09

Exec

all unanimous, no discussion

SB 179

Hearing

AB 165

- Zepnick, Carpenter, Donovan
- SJ, expansion of bill passed years ago
 - used in Pabst Brewery
 - original bill limited to only
- Donovan
 - based on Biz. Imp. Dist.
 - expanded to neighborhood
 - desired use is for pub
 - potential amendment - targeted property owner through certified mail to costly - use regular mail instead
- Carpenter
 - permissive, authorizes city to create
- SC? - change is for fiscal effect?
 - SJ, could use more specific language on mailing?
 - leave it as local control?
- SC? - talked to bill authors?
 - Donovan talked to Plde (OK), SJ talked to Richards (not OK)
- Lehman? - current law limits on housing - public input or participating?
 - Donovan - majority of residents have to submit mail in cards
- legislation not specific to Nike?
 - no, universal & permissive

①

- Lasee? - who decides which neighborhoods are eligible?
 - Donovan - all properties would be assessed?
 - JZ - blight not necessary, formed for a specific project
 - Corp. - program would protect neighbors
- Lehman? - Gov LC, determine politics of process
- Jennifer Gonda, City of MKC
 - has written testimony
- LC, would this increase neighbor participation?
- SC? on Set/Long
 - not approved yet
- SC reads registrations
- SB 168
- Lena - has written testimony
- SC?'s to clarify bill 1
- SB 179
- St & Leon Young
- Grothman?'s on penalties, language, clerks
- Lehman? on penalties
- Kevin Kennedy - has written testimony
 - difficult crimes to enforce under current law
 - doesn't delegate power to K² rather than board only
 - criminal penalties are over the top
 - alternative methods to present info to voters (pamphlet, online)
- need funding for some of these items
- SC? - wants K² to submit specific suggestions
- BW? - comment on severity of penalty
- JL? - missed

- GG? - foreign language requirement
- K² - prepared to enforce in 2012
 - hard to gauge what meets standard
- GG? - improper endorsements (12.05)
- K² - false representation of candidate currently exists
 - not aware of any prosecutions, but this bill is different than what GG is talking about
- GG? for LC - bill language is on p. 6+?
- Ardis Cery - has written testimony
- SC? - is bill unconstitutional?
- SC? - how will this scare poll workers?
 - AC worried about voter interaction
- Andrea Kaminski - has written testimony
- SC? - foreign language item will come from feds + GAB
- SC? - do out of state interests try to affect elections?
 - AK - have heard of them
 - SC - hear day after, too late?
 - AK - sometimes JW - Madison campus
- SC reads registration



Sen. Coggs' Election Day bill makes modern-day "Jim Crow Laws" a crime

"Voter deception and intimidation in the guise of so-called 'ballot security' is a crime," Coggs says



Sen. Spencer Coggs introduced legislation on April 7, Election Day that would make it a crime in future elections to suppress voter turnout by deceiving or intimidating voters

through individual or organized voter suppression strategies seen in recent elections in Wisconsin and the nation.

"These attempts to mislead, intimidate or coerce voters are the modern-day equivalent of the 'poll tax,'" Sen. Coggs said. "Voter deception and intimidation in the guise of so-called 'ballot security' is a crime and should not be toler-

ated in our democracy."

Poll taxes requiring a fee to register to vote were created following the Civil War by "Jim Crow" laws in the South aimed at constructing a legal system based on white supremacy. Other "Jim Crow" laws enacted fraudulent literacy tests, elaborate registration schemes, and eventually

Continued on page 2

2 "Jim Crow Laws" a crime

Continued from page 1

white-only primaries to exclude Black voters.

Sen. Coggs' legislation prohibits anyone acting in an official or unofficial capacity from intentionally deceiving anyone regarding the date, time, place or manner of conducting an election, or deceiving anyone about the qualifications or restrictions for voting.

"In recent elections there have been pamphlets distributed anonymously in my district and elsewhere in Milwaukee that warned citizens they could not vote, and that all of their family members could not vote if any family member had ever been convicted of a crime - even if they've only received a traffic ticket," Sen. Coggs said.

In the past two general elections, these pamphlets were distributed in the Black community of Milwaukee. The effect was to confuse, disrupt

and dissuade central city residents from exercising their right to vote.

Under the Coggs bill, a person affected by this activity can obtain a restraining order from a court or file a sworn complaint with the state Government Accountability Board. If the Board finds merit in the complaint, it must promptly investigate and take all measures necessary to provide correct information and refer the matter for prosecution.

Depending on the severity of the crime, penalties range from \$50,000 to \$100,000 and prison sentences of two to three years.

"Another ploy in recent elections involved the distribution in Milwaukee of an anonymous pamphlet advising citizens not to worry about casting a ballot on an Election Day, Tuesday, because voting was also being conducted on Wednesdays," Sen. Coggs

Continued on page 7

3 "Jim Crow Laws"

Continued from page 2

said.

More ominous, said Coggs, are the actions of government officials and political parties that conduct so-called "ballot security" programs such as the Vote Fraud Task Force established in Milwaukee by the Milwaukee Police Department, the Milwaukee County District Attorney and state Attorney General JB Van Hollen.

"For some reason," Sen. Coggs said, "one of Wisconsin's 72 counties - Milwaukee County - was singled out. One city - Milwaukee - was singled out. And seemingly one area within Milwaukee was singled out - the minority community - for so-called 'voter fraud investigation.'"

Van Hollen, a Republican, was state campaign co-chair for Republican presidential candidate John McCain. At the national Republican convention in 2008, Van Hollen all but guaranteed a McCain victory in Wisconsin and only days later filed a lawsuit that could have disenfranchised hundreds of thousands of Wisconsin voters. The lawsuit was later found to be without merit.

In addition, the so-called Milwaukee "anti-fraud effort" was aided by the publication of a spurious investigation of the 2004 General Election authored by the Milwaukee Police Department. The report was not endorsed by members of the task force and was later found to be biased and partisan.

Other instances of official voter suppression included a nationwide strategy coordinated by the former Bush White House to have US Attorneys aggressively and vindictively pursue purported voter fraud. That strategy resulted in the controversial firing of eight US Attorneys by the Bush administration.

As part of the nationwide strategy, according to reports by the Milwaukee Journal Sentinel, the Republican Party of Wisconsin wrote a 30-page report that was provided to the White House alleging widespread abuses in Wisconsin. The report surfaced in the congressional investigation of the firing of the U.S. Attorneys.

In late 2005, Steve Biskupic, the former US Attorney for Wisconsin, a Bush appointee, announced that his probe found no evidence of a voter fraud conspiracy in Wisconsin.

"These activities should be described for what they are: government-sponsored voter intimidation, deception and suppression," Sen. Coggs said. "We need the tools to allow everyday citizens to fight back against these modern-day 'Jim Crow' laws, and these tools are provided by my legislation."

4/18/2009
Milwaukee
COURIER



Caging (voter suppression)

From Wikipedia, the free encyclopedia

Voter caging is a method of challenging the registration status of voters to potentially prevent them from voting in an election. It refers to the practice of sending direct mail to addressees on the voter rolls, compiling a list of addressees from which the mail is returned undelivered, and using that list to purge or challenge voters' registrations on the grounds that the voters do not legally reside at registered addresses. This typically results in the voters' having their votes discarded or submitted through the use of provisional ballots requiring further registration confirmation. ^[1]

While this practice is considered legal in many states and is in some cases engaged in by the state's registrar of voters, it has been challenged in the courts and in some cases where it appeared to have a racial component it has been declared illegal under the Voting Rights Act. For example in the 2008 US Election, Terry Lynn Land, the Secretary of State of Michigan, was found to be purging thousands of voters from voting rolls based on Voter ID cards being returned as undeliverable. ^[2] The American Civil Liberties Union (ACLU) took the Secretary of State to court over the purges. Judge Stephen J. Murphy ruled the purge illegal under the National Voting Rights Act (NVRA) of 1993 and directed Land to reinstate affected voters. (See full ruling here).

The argument that Vote Caging should be illegal is that it could disenfranchise qualified voters simply because of the high possibility that data errors in the mailing list and voters' changing addresses could result in undelivered mail, rather than any problem with their qualifications. The fact that the mailings used to cage voters have had 'do not forward' printed on them resulted in disproportionately disenfranchising of students away at college, citizens who move often, and soldiers overseas. In addition, targeting certain neighborhoods with a history of voting for one political party while not targeting areas dominated by the opposing party may lead to a racial component in the disqualifications which raises a serious legal issue under the Voting Rights Act.

Contents

- 1 Method
- 2 Legality in the US
- 3 Evidence of caging in the United States
 - 3.1 1980s
 - 3.2 2004 US Election
 - 3.3 2008 US Election
- 4 References
- 5 External links

Method

This article is part of the **Politics** series



- Absentee ballot
- Abstention
- Ballot
- Ballot box
- Ballot stuffing
- **Caging**
- Early voting
- Election Day voter registration
- Election ink
- Electorate
- None of the above
- Paradox of voting
- Passive electioneering
- Polling place
- Postal voting
- Precinct
- Preference vote
- Protest vote
- Provisional ballot
- Refused ballot
- Secret ballot
- Spoilt vote
- Slate
- Straight-ticket voting
- Tactical voting
- Tally
- Ticket
- Vote center
- Vote pairing
- Voter fatigue
- Voter registration
- Voter turnout
- Voting booth
- Voting machine

Politics portal

Typically what will happen is a party will send out non-forwardable, first class mail to voters or particular voters they want to target (often assumed to be a demographic that belongs to the opposing party). They compile a list of voters for whom mail has been returned as undeliverable. This list is called a caging list. In some cases such mail can be returned at a rate of 1 in every 15 letters sent out; this was shown in Ohio in 2008 when the Board of Elections had 600,000 letters of voter confirmation returned as undeliverable. ^[3] The party uses caging lists created by themselves or by the Board of Elections to challenge the registration status of voters and potentially purge them from the voting rolls under state laws which allow voters whose registrations are suspect to be challenged. When the voter turns out to vote, he or she may be challenged and required to cast a provisional ballot. If investigation of the provisional ballot demonstrates that the voter has just moved or there is an error in their address and they are legally registered then their vote should be counted. If the investigation proves that they are not legally registered then their vote will not be counted.

Legality in the US

The clause in the National Voting Rights Act of 1993 (NVRA) which has been interpreted to prohibit voter caging is:

Pursuant to the NVRA, a voter may not be removed from the voters list unless (1) the voter has requested removal; (2) state law requires removal by reason of criminal conviction or mental capacity; (3) the voter has confirmed in writing that he has moved outside the jurisdiction maintaining the specific voter list, or (4) the voter both (a) has failed to respond to a cancellation notice issued pursuant to the NVRA and (b) has not voted or appeared to vote in the two federal general elections following the date of notice. ^[4]

Under this clause voter caging may be legal if the primary purpose is to identify those who are not properly registered to vote and prevent them from voting illegally, but not if the purpose is to disenfranchise legitimately registered voters on the basis of a technicality.

Evidence of caging in the United States

1980s

In 1981 and 1986 the Republican National Committee (RNC) sent out letters to predominately African-American neighborhoods. When tens of thousands of them were returned undeliverable, the party successfully challenged the voters and had them deleted from voting rolls. Due to the violation of the Voting Rights Act, the RNC was taken to court. Its officials entered a consent decree which prohibited the party from engaging in anti-fraud initiatives that targeted minorities or conducting mail campaigns to "compile voter challenge lists."^[5]

2004 US Election

BBC journalist Greg Palast obtained an RNC document entitled "State Implementation Template III.doc" that described Republican election operations for caging plans in numerous states. The paragraph in the document pertaining to caging was:

V. Pre Election Day Operations New Registration Mailing

At whatever point registration in the state closes, a first class mailing should be sent to all new registrants as well as purged/inactive voters. This mailing should welcome the recipient to the voter rolls. It is important that a return address is clearly identifiable. Any mail returned as undeliverable for any reason, should be used to generate a list of problematic registrations. Poll watchers should have this list and be prepared to challenge anyone from this list attempting to vote.^{[6][7]}

- Shortly before the 2004 election, Palast also obtained a caging list for Jacksonville, Florida, which contained a high

number of African Americans and registered Democrats. The caging list was attached to an email which a Florida Republican party official was sending to RNC headquarters official Tim Griffin. [7] [8] [9]

- The Republican National Committee sent letters to predominately urban minority areas in Ohio. When 35,000 letters were returned as undeliverable, the party employed poll watchers to challenge the voters. Voting rights groups challenged the RNC in a case that went to the Supreme Court, but the RNC was not stopped from challenging those voters. Similarly, the RNC sent out 130,000 letters in Philadelphia hoping to cage voters there. Philadelphia is a city with a majority African American population that votes heavily Democratic. The Republicans were attempting to cage votes by people who were likely to vote for the Democratic candidates. [10]
- In the Ohio court challenge, the RNC submitted a caging list that targeted urban and African-American areas in and around Cleveland. [11]
- Journalists found evidence that the Republican National Committee (RNC) attempted to use caging to suppress votes in five states in the 2004 US presidential election. For example, in New Jersey RNC officials used caging lists to challenge absentee ballots and absentee ballot requests. [11]

2008 US Election

- As noted earlier, the Republican Secretary of State in Michigan was found purging voters from voting rolls when voter ID cards were returned as undeliverable. In the court challenge, the federal judge ordered the state to reinstate the voters. [12] The judge ruled that the state's actions were in violation of the NVRA. His decision noted that there was no way to prevent qualified voters from being disfranchised as their cards may be returned as undeliverable due to postal error, clerical error, inadvertent routing within a multi-unit dwelling, and even simple misspelling or transposition of numbers in an address. [13]
- In December 2007, Kansas GOP Chair Kris Kobach sent an email boasting, "[T]o date, the Kansas GOP has identified and caged more voters in the last 11 months than the previous two years!" [14]
- Republicans sent out fundraising mailers to voters in five Florida counties: Duval, Hillsborough, Collier, Miami-Dade and Escambia, with 'do not forward' on the letters. The mailers included inaccurate Voter ID numbers and ostensibly confirmed with voters they were registered as Republican. The RNC declined to discuss the mailer with the *St. Petersburg Times*. A representative denied the mailing had anything to do with caging. "Two top Florida elections officials, both Republicans, faulted the GOP mailing, calling it "confusing" and "unfortunate" because of a potential to undermine voter confidence by making them question the accuracy of their registrations." Some officials expressed concern that the RNC would try to use a caging list derived from the mailers. [15]
- In Northern California reports of voter caging emerged when letters marked 'do not forward' were sent to Democrats with fake voter ID numbers. The description of the letters matches the letters that were sent out in Florida. [16] See the caging letter that was sent out here. Many details on the letters were false; for example, the letters referred to a Voter Identification Division but RNC personnel said they had no such department. The RNC did not return calls from a news organization regarding the letters.
- On October 5, 2008 the Republican Lt. Governor of Montana, John Bohlinger, accused the Montana Republican Party of vote caging to purge 6,000 voters from three counties which trend Democratic. These purges included decorated war veterans and active duty soldiers. [17]
- The New York Times found in its review of state records that unlawful actions in six states led to widespread voter

purges, which could have impact on the 2008 elections. Some of the actions were apparently the result of mistakes by the states' handling voter registrations and files as they tried to comply with a 2002 federal law related to running elections. While neither party was singled out, because the Democratic Party registered more new voters this year, Democratic voters were more adversely affected by such actions of state officials.^[18]

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- ↑ ^a ^b Mark Johnston, "Suppressing the Vote", *E Pluribus Media*, 14 Apr 2007, accessed 16 Nov 2008
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- ↑ Jo Becker, "GOP Challenging Voter Registration", *Washington Post*, 29 Oct 2004, accessed 16 Nov 2008
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- ↑ Steve Bousquet, "Democrats, Florida elections officials criticize GOP mailing", *Tampa Bay*, 16 Sep 2008, accessed 16 Nov 2008
- ↑ http://www.indybay.org/newsitems/2008/10/28/18547030.php
- ↑ [2] *Montana Standard*, 5 Oct 2008, accessed 16 Nov 2008
- ↑ Ian Urbina, "States Actions to Block Voters Appear Illegal", *New York Times*, 9 Oct 2008, accessed 16 Nov 2008

External links

- NOW on PBS video report on Voter Caging, featuring an interview with Greg Palast
- BBC *Newsnight* report: New Florida vote scandal feared
- GeorgeWBush.org "Dead Letter Office" - Source of 2004 Bush Campaign caging lists
- Republican response to Florida vote story
- Newsnight response to Republican complaint
- African-American Soldiers Scrubbed by Secret GOP Hit List
- GOP Challenging Voter Registrations
- BBC Newsnight Report Oct 2004, The Florida caging list scam
- Greg Palast discusses his 500 "lost" Rove emails proving illegal caging by Republicans
- ePluribus Media analysis of the Voter Caging data Palast, Progressives and Investigative Journalism
- Jacksonville, FL 2004 caging list maps and analysis

Retrieved from "http://en.wikipedia.org/wiki/Caging_(voter_suppression)"

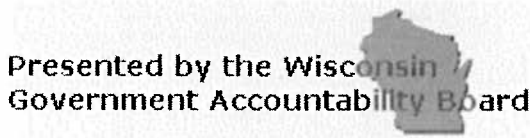
Categories: United States presidential election, 2004 | Elections | Dismissal of United States Attorneys controversy

Hidden categories: Articles with limited geographic scope | USA-centric

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- ▶ Lobbying in Wisconsin
- ▶ Organizations employing lobbyists
- ▶ Lobbyists



as of Monday, August 31, 2009

2009-2010 legislative session
Legislative bills and resolutions

(search for another legislative bill or resolution at the bottom of this page)

Senate Bill 179

deceptive election practices; voter intimidation, suppression, and protection; granting rule-making authority; and providing penalties. (FE)

TEXT sponsors LBR analysis	STATUS committee actions and votes text of amendments	COST & HOURS of lobbying efforts directed at this proposal
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Organization		These organizations have reported lobbying on this proposal:	Place pointer on icon to display comments, click icon to display prior comments		
Profile	Interests		Date Notified	Position	Comments
◆	◆	American Civil Liberties Union of Wisconsin Inc	4/30/2009	?	
◆	◆	Wisconsin Realtors Association	5/21/2009	↔	

Select a legislative proposal and click "go"

House Senate

Proposal Type Bill Joint Resolution Resolution

Proposal Number (enter proposal number)

Legislative Session ▼