



**Testimony to the Assembly Committee on Election and Campaign Reform
League of Women Voters of Wisconsin Education Fund**

Presented by Andrea Kaminski, Executive Director

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Thank you for this opportunity to testify before the Assembly Committee on Election and Campaign Reform. What brings us together today is a mutual pride in the Wisconsin commitment to good government and a desire to make our election system the very best it can be. The League of Women Voters nationwide believes elections should be Secure, Accurate, Recountable, Accessible and Transparent (“SARAT”), and I believe everyone here agrees with those principles. The League adopted these principles following intensive, long-term study and member agreement.

Mindful of accountability, any changes to be made to the Wisconsin election system should be changes that can be shown to *support* election security, accuracy, recountability, accessibility and transparency. If we make any changes we should be able to say, a few years down the road, that there has been measurable improvement.

Despite Wisconsin’s reputation among experts as a clean elections state, there has been persistent distrust on both ends of the political spectrum regarding how elections are administered here. Some believe there is targeted, effective voter suppression. Others believe there are organized efforts to have people vote multiple times either using Election Day registration or impersonation of another voter at the poll. While there are anecdotes—many of them unverified—there have been no systematically collected data on which to base conclusions. We do believe that the penalties associated with fraud are an excellent deterrent to abuse of Wisconsin’s election system. As important as we believe one vote is, we do not think there is much incentive for someone the significant penalties associated with a felony for one illegal vote.

Voter ID is unneeded, unfair and expensive

Voter ID is unneeded: The League of Women Voters supports full voting participation by all eligible citizens and opposes efforts to create new barriers that block citizen participation. We therefore oppose requirements for photo ID or documentary proof-of-citizenship, which place an unneeded and unfair burden on certain citizens.

There is no evidence of widespread or organized fraud in Wisconsin’s elections, despite numerous investigations by federal, state and local officials in the past decade. The state Department of Justice has substantiated 18 cases of illegal voting out of the almost 3 million votes (0.0006%) cast in the November 2004 election. Most of these were felons who were unaware they were not allowed to vote. There were a few cases of double voting by individuals who had already voted absentee, or who owned more than one home and apparently thought they could vote in more than one municipality. These are examples of illegal voting, but voter ID would do nothing to prevent them. They were identified and prosecuted under the current system. To date, there have been no cases of someone trying to vote using someone else’s identity—the only form of voter fraud that Voter ID would address.

Voter ID is unfair: Voter ID legislation would place an unfair burden on people who do not need a driver's license or who move frequently. In particular, it would impact the elderly, people with disabilities, and students. According to a 2005 University of Wisconsin-Milwaukee study:

- In Wisconsin 55% of African American males, 49% of African American females, 59% of Hispanic females, and 46% of Hispanic males do not have a valid Wisconsin Driver's License (WDL), compared to 17% of white males and females.
- 82% of 18-20 year olds living in student-intensive neighborhoods - in Eau Claire, La Crosse, Madison, Milwaukee, Oshkosh, Platteville, River Falls, Stevens Point, Menomonie and Whitewater - do not have a driver's license for those zip codes. Students with out-of-state driver's licenses would have to give them up in order to get an acceptable ID for voting in their college community in Wisconsin.
- An estimated 177,399 residents aged 65 or older do not have an acceptable photo ID.

Voter ID proponents claim the state can provide acceptable IDs at no cost to the individual, but the proposal in the Senate (SB 6) does so only if people know to specifically ask the DMV to waive the fee. To get a voting ID, many people will have to apply at a personal cost to get copies of their birth certificate or other required documentation, if it exists. Many would have to incur a cost to take time off work and/or arrange round-trip transportation to the DMV – which might be in the next county. The Senate bill has been amended to include passports and tribal IDs among the acceptable IDs. This is an improvement, but it still leaves far too many people out.

Voter ID is expensive: The Brennan Center for Justice recently released a report outlining what states must do if they wish to craft a voter ID law that will stand up to legal challenge.ⁱ Significant public education and voter outreach are needed. Voting IDs must be made available for free and without undue burden on any group of voters. Otherwise it amounts to nothing less than a poll tax.

The Wisconsin DOT estimated in 2005 it would need \$2.3 million per year to implement voter ID; this year it is estimated at a potential loss of \$2.7 million in revenue. In addition, the Government Accountability Board would need to train local officials and educate citizens about the new law and procedures. Local governments would need to train Election Day officials and educate voters in their communities. In particular, clerks will have to train poll workers on how to process provisional ballots. Many clerks do their public service evenings and weekends. To process provisional ballots, clerks may need to add supplementary hours and, in some cases, take time off their “day jobs” the day after the election.

The Iowa State Association of County Auditors (ISACA) looked into the cost of implementation of voter ID in a number of states and released their findings in February.ⁱⁱ (I have emailed copies of both the Brennan Center and ISACA reports to each of you and submit a copy of each for the record today.) Looking at costs in the state of Indiana, the report found that since 2005, that state has spent \$2.2 million just for the voter outreach and education efforts. More expensive is the cost of providing free IDs for voting purposes. The Indiana Bureau of Motor Vehicles has calculated that cost at \$10,023,221 over four years. Up until now, the state has used money from the Help America Vote Act (HAVA) grant program for voter education and outreach, but the state's HAVA funds are now exhausted. According to the report, Indiana election officials now will likely request continued state funding from their legislature for voter outreach.

While we oppose Voter ID, we know that some form of identification requirement is likely to pass this session. If it must pass, the following principles would reduce the burden such legislation would have on voters and result in less disenfranchisement:

1. Make the selection of acceptable IDs as nonrestrictive as possible in order to make voting accessible to eligible citizens without undue burden. The National Conference of State Legislatures (NCSL) has an excellent online comparison of state voter ID laws.ⁱⁱⁱ There you will find that in Alabama or Alaska, a hunting or fishing license satisfies the identification requirement. In several states a recent bank statement suffices. Only 8 states require a photo ID, and most of these will accept a broader array of IDs than what has been proposed in the Senate bill. For example, student photo ID cards are acceptable in Florida, Idaho, Michigan and South Dakota. Most of the 8 states accept unspecified photo IDs from any federal or state agency, including public assistance IDs.

A broader array of eligible IDs makes voting accessible to more eligible citizens and saves tax dollars too. For example, the state of Florida accepts a photo IDs from retirement centers; this makes it possible for many people who no longer need a driver's license to vote without having the state having to issue IDs to them at no cost. In Wisconsin, student IDs from the UW System are state-issued identification. They should be acceptable at the polls.

2. Make it possible for people who do not have an acceptable ID to sign an affidavit and receive a regular ballot. This is done in Delaware, Idaho, Michigan, Tennessee and Texas. The affidavit could be a state-issued form requiring the voter to provide name, address and signature. As a deterrent to fraud, voters signing an affidavit should be informed that any person who knowingly provides false, erroneous or inaccurate information on such affidavit shall be guilty of a felony.
3. Maintain the current system of corroboration by which a qualified voter from your municipality can serve as your witness to verify your address. This is a common-sense safeguard that reduces the need for provisional ballots. Again, the penalties associated with election fraud are sufficient for deterring abuse of the system.

Maintain the current residency requirement

The League recommends no change in the current 10-day residency requirement, given the mobility of our population. The Census Bureau estimates that one in six Americans – including but not limited to students – moves each year. The average American moves eleven times in a lifetime. Increased job losses and home foreclosures in recent years have forced many people to move, but these citizens still deserve to be able to exercise their constitutional right to vote.

Students are unfairly burdened by stricter residency requirements. Some believe students should not be allowed to vote in a community in which they are likely to be temporary residents. Others have actually suggested that students are not mature enough to vote. Yet the law is clear: citizens become eligible to vote on their 18th birthday. Further, a report released this month by the Pew Center on the States notes that court cases in the 1970s ruled that communities cannot require new voters to meet long-term residency requirements and that students were eligible to cast ballots in college towns even if it was not clear how long they would be living there.^{iv}

The Statewide Voter Registration System is the most effective way to ensure that every eligible citizen has the right and the opportunity to vote once and only once.

Keep Election Day registration

Election Day registration (EDR) works, and people like it. It offers a safeguard for anyone whose name does not show up on the poll list, for whatever reason. It is all the more important these days, given the increased mobility of our population as mentioned above. EDR reduces the number of address changes clerks must process before the election and the number of provisional ballots election officials must issue on Election Day and follow up with after the poll has closed. Some say that improper Election Day registrations can only be detected after the fact. The truth is that there is a very low incidence of abuse, and in a very close election there is an opportunity in a recount to review and challenge Election Day registrations.

Improve and increase training and support for election officials

The Wisconsin League of Women Voters last fall piloted a program to train and place election observers at the polls for the midterm election. The observers were asked to document any irregularities in the voting process as well as best practices in polling place management. The League had observers in Appleton, Brown Deer, La Crosse, Milwaukee and Shorewood. The incidents reported by League observers included:

- Some poll workers were confused as to the documentation needed to register people on Election Day.
- One polling site near a major senior housing unit had to explain to many long-time voters that due to the remodeling of their building, their apartment numbers had changed and therefore they had to register again. Some of these citizens did not have with them the documentation needed to re-register to vote.
- One polling site ran out of ballots resulting in people waiting until after 8 p.m. to vote.
- A number of polling places were not set up to provide a high turnout of citizens with a smooth registration and/or voting process.

All of our observers were impressed by the chief inspectors at the polling places, who handled many snafus and questions throughout the course of the busy day. Several observers felt that some poll workers and registrars needed more or better training, as well as brief written instructions they could refer to during the day.

While the League's pilot project was too small to result in broad conclusions, our findings were consistent with those reported for Milwaukee polling places in recent fall elections by Election Protection, a nation-wide, non-partisan coalition of more than 100 national, state and local partners.^v Our observations were also similar to those of other observers who testified to the Government Accountability Board following the 2010 election, including some who have often alleged widespread illegal voting in our state. They did not report any cases of suspected voter impersonation or fraud in the polling places they observed last November.

In Wisconsin we believe in fair elections administered by local officials. Our state is recognized nationally for its clean elections and high voter participation. Given the many recent changes to national and state election law as well as the new technology in the polls, the best

way to support our state's tradition is to commit the money it would cost to implement an unneeded and unfair ID law to *positive* reform.

We know that a healthy workforce is a diverse one with a strong stream of new recruits, yet we are not providing the incentives needed to support and replenish our Election Day workforce. If elections are important to us, we should give clerks the tools and resources to recruit and train more chief inspectors and poll workers. Local election officials are the people who run our elections and they deserve our strong support, not to mention our gratitude.

Thank you.

ⁱ “The Cost of Voter ID Laws: What the Courts Say” by Vishal Agraharkar, Wendy Weiser, and Adam Skaggs of the Brennan Center for Justice at New York University School of Law, February 2011, <http://www.scribd.com/doc/49106004/The-Costs-of-Voter-ID-Laws>

ⁱⁱ “A Report on Photo ID for Voting Purposes” by the Iowa State Association of County Auditors Photo ID Exploratory Committee, February 2011, http://www.iowaauditors.org/index_files/ISACAVoterIDReport020211final.pdf .

ⁱⁱⁱ “Voter Identification Requirements” by National Conference of State Legislatures, updated March 21, 2011, <http://www.ncsl.org/LegislaturesElections/ElectionsCampaigns/StateRequirementsforVoterID/tabid/16602/Default.aspx>

^{iv} “Student voting: A ‘problem’ becomes an opportunity” by Doug Chapin, Pew Center on the States, March 2011, http://www.pewtrusts.org/news_room_detail.aspx?id=329061 .

^v Coalition partners include: People For the American Way Foundation, the Lawyers’ Committee for Civil Rights Under Law, NAACP, the Voter Protection Project of America’s Families United, the National Coalition on Black Civic Participation, the AFL-CIO, the Advancement Project, Working Assets, the Mexican American Legal Defense and Educational Fund, the NAACP Legal Defense and Educational Fund, the National Council of La Raza, the NAACP National Voter Fund, the League of United Latin American Citizens, the League of Women Voters and Common Cause. The coalition is endorsed by the American Bar Association, the National Bar Association, and the Hispanic Bar Association.