
In the Matter of)	FINDINGS OF FACT AND
)	CONCLUSIONS
UW-Madison Students' Citizenship)	
Status)	
)	GAB Case #2014-03

Background. At its March 19, 2014 meeting, the Government Accountability Board (Board) received a complaint from a concerned citizen, alleging that eight students of the UW-Madison had voted in the 2012 General Election and that the students may not be U.S. citizens and therefore not eligible to vote. In subsequent discussions with this concerned citizen, Board staff determined that the allegations were based upon a comparison of records obtained from the UW-Madison Registrar's Office and records of Election Day registrants in the City of Madison. Specifically, the Registrar's records allegedly listed a home country for each of the students outside of the United States. Pursuant to the Board's directive, the staff began looking into the allegations presented by the concerned citizen.

Based on preliminary inquiries by the staff, the Board found the following:

- 1) All eight students identified by the concerned citizen did in fact vote at the November 4, 2012 election in the City of Madison.
- 2) Four of the eight students (Students 1-4) identified by the concerned citizen applied for and received a Wisconsin driver license issued by the Wisconsin Department of Motor Vehicles (DMV).
- 3) Student 1 is alleged to be from Saudi Arabia.
- 4) Student 2 is alleged to be from Taiwan.
- 5) Student 3 is alleged to be from Japan.
- 6) Student 4 is alleged to be from Puerto Rico.
- 7) Students 1-4 certified under penalty of perjury on an application for a Wisconsin driver license that they were a U.S. citizen.
- 8) Students 1-3 applied for and received a Wisconsin driver license and presented a valid United States passport or passport card to the DMV prior to issuance of the license.
- 9) Student 4 applied for and received a Wisconsin driver license but did not present a valid United States passport or passport card to the DMV prior to issuance of the license. Student 4 did provide a prior Wisconsin driver license to establish her identity and legal presence in the State.
- 10) As indicated above, Student 4 was alleged to be from Puerto Rico. All persons born in Puerto Rico on or after January 13, 1941 are citizens of the United States at birth, and are therefore eligible to vote. According to agency voter registration records Student 4 was born after January 13, 1941.

After receiving the preliminary inquiries of the staff, the Board believed no further investigation of Students 1-4 was required. On July 21, 2014, the Board then authorized an investigation into the remaining four students (Students 5-8).

Purposes of Investigation.

- (1) To learn if there is probable cause to believe that each of the four remaining students included on the list provided by the concerned citizen, namely Student 5, Student 6, Student 7 and Student 8,

were not U.S. citizens at the time of casting a ballot at the 2012 General Election, contrary to Wis. Stat. §12.13(1)(a).

Authorization of Subpoenas. The Board authorized the use of all of its powers listed in Wis. Stat. §5.05 (1) (b) and (2m) (f), including the issuance of subpoenas to the UW-Madison and to Students 5-8, as well as to such other persons as the Board's agents deem appropriate, for the purpose of requiring testimony or the production of documents in furtherance of the purposes of this investigation.

On September 3, 2014, the Board subpoenaed student records for Students 5-8 from the UW-Madison. The UW-Madison complied with the subpoena after providing notice to the students and provided the Board with the requested student records on September 30, 2014.

Preliminary Findings of Fact and Conclusions of Law. Based on its investigation, the Government Accountability Board finds the following:

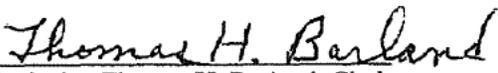
- 1) Student 5 was alleged to be from Thailand.
- 2) Student 6 was alleged to be from Sweden.
- 3) Student 7 was alleged to be from Taiwan.
- 4) Student 8 was alleged to be from Jordan.
- 5) Student 5 presented his valid U.S. passport to G.A.B. staff that was valid at the time of the November 2012 election which is conclusive proof of U.S. citizenship under 22 U.S.C. § 2705.
- 6) Student 6 provided a scanned copy of her U.S. passport that was valid at the time of the November 2012 election which is conclusive proof of U.S. citizenship under 22 U.S.C. § 2705.
- 7) Student 6's official UW-Madison student records indicate she was born in Madison, Wisconsin. All individuals born in the United States are U.S. citizens. 8 U.S.C. § 1401 (a).
- 8) Student 6's official UW-Madison student records contain five instances in which an indication of citizenship is made and certified by the student. All five instances in Student 6's records indicate she is a U.S. citizen.
- 9) Student 6's official UW-Madison student records contain a permanent home address of Sweden since March 2007. The street number, name, city and country all match the address of Student 6's parents who reside in Sweden.
- 10) Student 7's official UW-Madison student records indicate he was born in Ames, Iowa. All individuals born in the United States are U.S. citizens. 8 U.S.C. § 1401 (a).
- 11) Student 7's official UW-Madison student records contain five instances in which an indication of citizenship is made and certified by the student. All five instances in Student 7's records indicate he is a U.S. citizen.
- 12) Student 7's official UW-Madison student records contain a permanent home address of Taiwan since September 2009. The street number, name, city and country all match the address of Student 7's parents who reside in Taiwan.
- 13) Student 8's official UW-Madison student records indicate she was born in London, England.
- 14) Student 8's official UW-Madison student records indicate that both of her parents are U.S. citizens. Children born overseas to married parent are U.S. citizens if both parents are U.S. citizens and either of the parents have ever had a residence in the U.S. prior to the child's birth. 8 U.S.C. § 1401 (c).

- 15) Student 8's official UW-Madison student records contain two instances in which an indication of citizenship is made by the student. The two instances in Student 8's records indicate she is a U.S. citizen.
- 16) Student 8's official UW-Madison student records contain a permanent home address of Taiwan since July 2007. The street number, name, city and country all match the address of Student 8's parents who reside in Jordan.
- 17) The U.S. passports presented to the G.A.B. staff by Students 5 and 6 are presumed to be authentic.
- 18) The information contained in the official UW-Madison student records of Students 5-8 is presumed to be truthful and accurate.
- 19) Based upon the valid U.S. passport presented by Student 5, the Board believes Student 5 is a U.S. citizen that was eligible to vote at the November 2012 election.
- 20) Based upon the scanned copy of a valid U.S. passport presented by Student 6, and the official UW-Madison student records for Student 6, the Board believes Student 6 is a U.S. citizen that was eligible to vote at the November 2012 election.
- 21) Based upon the official UW-Madison student records for Student 7, the Board believes Student 7 is a U.S. citizen that was eligible to vote at the November 2012 election.
- 22) Based upon the official UW-Madison student records for Student 8, the Board believes Student 8 is a U.S. citizen that was eligible to vote at the November 2012 election.

Conclusions. The Government Accountability Board concludes that there is no evidence of probable cause to believe that UW-Madison Students 5-8 were not U.S. citizens at the time of casting a ballot at the November 2012 election, contrary to Wis. Stat. § 12.13 (1) (a).

The State of Wisconsin Government Accountability Board on the 5-0 affirmative vote of the five members meeting on October 28, 2014 adopts these findings of fact and conclusions.

State of Wisconsin
Government Accountability Board


By Judge Thomas H. Barland, Chair