

# State of Wisconsin\Government Accountability Board

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Director and General Counsel

May 3, 2011

The Honorable Gary Tauchen, Chair  
Assembly Committee on Elections and Campaign Reform  
Room 13 West, State Capitol  
Madison, WI 53708

Subject: Assembly Substitute Amendment 1 to 2011 Assembly Bill 7

Dear Representative Tauchen and Committee Members:

On behalf of Wisconsin's voters and election officials I urge you to give serious consideration to making significant changes to Assembly Substitute Amendment 1 to 2011 Assembly Bill 7. The legislation in its present form will create significant problems with the implementation of photo identification requirements for registration and voting as well as compliance with the federal MOVE Act provisions.

The identification requirements for persons applying for an absentee ballot by mail and voting absentee by mail are unnecessarily cumbersome. The requirements are not necessary to prevent perceived absentee voting fraud. They will lead to more absentee ballots being thrown out due to failure to comply with superfluous procedures.

The compression of in-person absentee voting to one week unduly restricts access to this important element of the voting process. It will also impose significant administrative burdens on local election officials. I urge you to consider expanding the proposed in-person absentee voting time period by at least one week if not two.

The expanded use of provisional ballots for individuals lacking the required identification also places an unnecessary strain on the administration of elections. Provisional voting delays the resolution of elections and will require changing the meeting dates of county and local canvassing boards. I have suggested you consider permitting voters who do not have the required identification to sign an affidavit of identity. Another option is to treat the ballot as a challenged ballot which can be reviewed in the event of any post-election procedure such as a recount. Like an affidavit of identity, a challenged ballot provides election officials and law enforcement with a paper trail to assist in investigating any voter fraud issues.

The proposed changes for proof of residence and the use of student identification cards do not facilitate participation by this important segment of voters and offer no practical improvement to the original bill. Presently no student identification card meets the standards proposed in the bill: current address, date of birth and signature of the student. It is highly unlikely that universities and colleges will adopt these standards because of student security concerns.

Similarly the elimination of the use of a certified list of addresses for on-campus students will only serve to deter voter participation by students. This is a demographic that has the lowest voter participation rate of all age groups. In order to cultivate engaged, active citizens, we need to facilitate voting among our youth rather than imposing artificial barriers to participation.

I am pleased to see the legislation sets a date for the partisan primary that will help Wisconsin comply with the federal MOVE Act provisions. Unfortunately, changing the date of the partisan primary is not enough to facilitate voting by military and overseas electors, as outlined in the report our agency recently provided to the Legislature. The bill does not provide for 45-day transit for absentee ballots. There is not enough time between the proposed deadline for filing nomination papers and the proposed primary date to accomplish this required objective. If this is not corrected Wisconsin will undoubtedly face another lawsuit by the federal government to ensure compliance with the MOVE Act.

No provisions are made for ensuring UOCAVA voters have the opportunity to effectively participate in the presidential preference vote or a special election for congressional office. This is also an excellent opportunity to change the presidential preference vote to the April spring election as requested by both state political parties to comply with new national party rules.

In addition the legislation maintains the artificial distinction between military and overseas voters for counting ballots after Election Day. This was one of the main reasons for the federal lawsuit last fall. With a 45-day transit time, extending voting for UOCAVA voters would not be necessary. Similarly the use of write-in absentee ballots prepared by the municipal clerk would no longer be needed.

This draft was first available for review late on Friday of last week. There has been no time for the careful evaluation and vetting needed to ensure the best options for voters and election officials is enacted. There are numerous other provisions in the bill which will significantly alter the administration of elections and put additional stress on an already overburdened system. I urge you to give careful consideration to my suggestions and seek additional input from the public and local election officials before proceeding with this legislation.

Thank you for your attention to my concerns.

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A handwritten signature in black ink that reads "Kevin J. Kennedy". The signature is written in a cursive, flowing style.

Kevin J. Kennedy  
Director and General Counsel