Spencer Coggs

State Senator

Chair Albers and Members, I apologize for not being available to attend this important committee meeting, I have a previously scheduled event in Milwaukee today. I did feel it necessary to offer a few thoughts on my opposition to Assembly Joint Resolution 17, the second consideration of a constitutional amendment requiring a photographic identification every time a voter goes to the poll.

I feel that we have perhaps forgotten the history of why we have gotten to this drastic step of amending our state constitution. After an exhaustive 6 week investigation, and out of 361 accused voters, only 3 citizens were charged with voting irregularities after the 2004 election. This tempest in a teacup formed the basis for three separate attempts at a bill that was vetoed three times. Now, having not garnered the support of a veto-proof majority of the legislature, we are taking the drastic step of amending our state constitution.

Throughout the process, I have repeatedly emphasized the need to allow various other reforms that would be less disenfranchising than a requirement of presenting a photo identification every time you go to the polls. At the end of last session, the Legislature passed, and Governor Doyle signed, a bill making several changes to the operation of polling places on election days. While this was a good start, there are other options such as maps at polling places and allowing the statewide voter registration database to be fully implemented that need to be explored and utilized before we take this action. I feel that requiring a photo identification each and every time a voter goes to the poll leads to a possible scenario whereby a citizen may be denied the opportunity to cast their ballot simply for having forgotten their wallet at home. It will also add to the problem of long lines at the polling place, a problem that has yet to be addressed through the addition of more, and better trained, poll workers.

I know that I have made my feelings on this issue clear in the past, but I would hope that this committee would take the opportunity to step back and examine the causes for and implications of amending our state constitution on an issue as vital as the right to vote.

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February 22, 2007

TO: Committee on Elections and Constitutional Law

RE: **Opposition to Assembly Joint Resolution 17**

The League of Women Voters of Wisconsin is opposed to AJR 17, which seeks to make negative, unnecessary and unfair changes to Wisconsin's proud history of inclusive and fair elections. We have consistently opposed legislation that would require photo identification to vote, believing it unjustified and a threat to the democratic process. Our position is based on the League's long-standing principle that every citizen should be protected in the right to vote.

Investigations have repeatedly shown that cases of voter fraud in Wisconsin are almost non-existent and that most recorded discrepancies are the result of innocent mistakes. The proposed amendment would do nothing to protect the integrity of our elections against these errors, and it would restrict voting, particularly by certain groups of people. The result is a net loss for democracy!

This measure has no place in our state constitution. It would restrict – not extend or guarantee – the voting rights of citizens in Wisconsin. Although AJR 17 provides for exemption by the legislature of any class of electors from the ID requirement with the concurrence of two-thirds of the members present, a constitutional amendment is a rigid law which cannot and should not be easily changed. This permanence will certainly cause problems as technology changes. Like cassette tapes and VCRs, photo IDs may very soon be a thing of the past. The Constitution should not enshrine rapidly outdated technologies.

The proposed amendment leaves much unclear. For example, AJR 17 does not address how it will be applied in the case of absentee or early voting. How will the program be funded? Will voters be charged for the photo ID cards? Would state and federal employees who have photo IDs for their work be able to use those? How about student IDs issued by the University of Wisconsin, a state institution?

The numbers of people who could be disenfranchised by the proposed amendment are daunting. The Department of Transportation estimated in 2003 that approximately 130,000 people of voting age across the state did not have a driver's license and that only 20% of these people would ever get the necessary documentation if it were required. The burden would be greatest on those people – including the elderly, low-income, minorities, homeless, disabled – for whom it is most inconvenient to take off work, get transportation, stand in line, and apply for the documentation. This requirement would disenfranchise the very people who already must work the hardest to vote at all.

Rather than impose a photo ID requirement, we should focus on positive election reforms, such as those passed last year, to improve election administration. The Statewide Voter Registration System, when fully implemented, will be a better vehicle than photo ID to protect against voter fraud. Let us focus this year on further reforms to improve an election system tainted by the influences of special interests and out-of-control campaign spending.

Let us not attempt to change an electoral process that is not broken. Requiring a photo ID to vote will do little or nothing to improve the integrity of our electoral system, and it will disenfranchise large groups of voters. With a national attitude of disinterest and distrust towards our electoral system, this is clearly a cost our democracy cannot afford. We urge you to vote against this amendment.

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February 21, 2007

Lower Voter Turnout Is Seen in States That Require ID

By CHRISTOPHER DREW

States that imposed identification requirements on voters reduced turnout at the polls in the 2004 presidential election by about 3 percent, and by two to three times as much for minorities, new research suggests.

The study, prepared by scholars at Rutgers and Ohio State Universities for the federal Election Assistance Commission, supports concerns among voting-rights advocates that blacks and Hispanics could be disproportionately affected by ID requirements. But federal officials say more research is needed to draw firmer conclusions about the effects on future elections.

Tim Vercellotti, a professor at the Eagleton Institute of Politics at Rutgers University who helped conduct the study, said that in the states where voters were required to sign their names or present identifying documents like utility bills, blacks were 5.7 percent less likely to vote than in states where voters simply had to say their names.

Dr. Vercellotti said Hispanics appeared to be 10 percent less likely to vote under those requirements, while the combined rate for people of all races was 2.7 percent.

"Do people not even go to vote because they don't want to hassle with the requirements, or is this occurring at the polling place, when they're told they can't vote without further ID?" Dr. Vercellotti asked. "If we can answer this question, then policymakers can develop procedures and voter awareness campaigns to mitigate it."

The results of the study were presented to the election commission earlier this month and were reported Tuesday by USA Today. The analysis was based on data provided to the Census Bureau by 53,000 people.

Donetta L. Davidson, the commission's chairwoman, said that more states had tightened identification requirements since 2004, and that the panel was considering what additional research should be done. She said it would be helpful to see if the patterns held for more than one election cycle.

Federal law requires only first-time voters to verify their identities. But about half the states require documentation from all voters.

Requirements for photo identification have been hotly debated, and Dr. Vercellotti said their potential impact needed to be studied closely.

Only two states, Indiana and Florida, now require all voters to show photo ID, and voters without it are allowed to cast only provisional ballots. Indiana officials have said voter turnout increased by 2 percent last November, compared with the 2002 midterm election, despite the enactment of a photo ID law in 2005.

Three states — Hawaii, Louisiana and South Dakota — require voters without photo ID to sign affidavits to cast regular ballots. Photo ID laws in Missouri and Georgia have been struck down in court, and several states are considering similar measures.

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WRITTEN TESTIMONY OF ATTORNEY GENERAL VAN HOLLEN

I thank Representative Albers and the assembled committee for the opportunity to submit my views on the proposed constitutional amendment.

I submit this testimony today in support of Joint Assembly Resolution 17. If passed, the people of the State of Wisconsin will have the opportunity to ratify a constitutional amendment to require voters to produce photographic identification at the polls. I support a photographic identification requirement, and I support passing this resolution which will enable the people of Wisconsin the people's right to decide how to best ensure the integrity of elections.

There is nothing more fundamental in our democracy than the right to vote. One person, one vote. This primary tenet of political freedom, however, is undermined when people illegally cast multiple votes or when people who are not qualified electors cast ballots undetected. The votes of law abiding citizens count less when their votes are diluted by those who take advantage of the state's open election laws and regulations.

More than an abstract harm, illegal voting can have a most undemocratic effect: where fraudulent votes outnumber the margin in any race or ballot measure, those who cheat--not the majority of voters--select candidates for office or pass referenda. Voter irregularity can change the outcome of elections and undermines the public's confidence in the integrity and fairness of the election process.

Requiring photographic identification at the polls is a common sense measure to enhance the integrity of the election process and help restore public confidence in elections. Under current law, it is easy for those willing to lie to commit voter fraud -- and difficult for poll workers, law enforcement, and prosecutors to detect irregularities. A photographic identification requirement will help prevent this fraud by making it much more difficult for those who commit voter fraud to pose as registered voters or register under fictitious names. A photographic identification rule will have a strong deterrent effect on voter fraud yet imposes minimal burdens on voters.

I am sensitive to concerns that there may be need for exceptions to the photographic identification requirement in some cases. And this constitutional amendment will allow lawmakers to craft appropriate exemptions. I am also sensitive to the concerns that a photographic identification requirement may suppress turnout. I think the requirement will suppress some turnout--the turnout of those that vote illegally. And I think that by helping to restore the integrity of and public confidence in elections, many disaffected Wisconsin voters will return to the polls.

Law should make voting easy, but it should not make illegal voting easy. A photographic identification requirement will allow open access to the polls while ensuring that those lawful voters who have access to the polls will also have their votes count as they should, undiluted by fraud.