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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**
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**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**

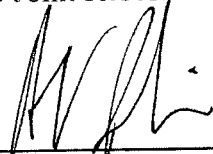
**Senate Bill 199**

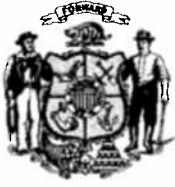
Relating to: requiring certain identification in order to vote at a polling place or obtain an absentee ballot, verification of the addresses of electors, absentee voting procedure in certain residential care apartment complexes and adult family homes, and the fee for an identification card issued by the Department of Transportation.

By Senators Leibham, Lazich, Carpenter, Darling, Grothman, Harsdorf, Hopper, Kanavas, Kedzie, A. Lasee, Olsen, Plale, Schultz and Sullivan; cosponsored by Representatives Stone, Vukmir, Bies, Brooks, Davis, Gundrum, Honadel, Huebsch, Kaufert, Kerkman, Kestell, Kramer, LeMahieu, Lothian, Meyer, Montgomery, Murtha, Nass, A. Ott, J. Ott, Petersen, Pridemore, Spanbauer, Strachota, Suder, Tauchen, Townsend, Van Roy, Vos, Zipperer and Petrowski.

May 07, 2009                      Referred to Committee on Labor, Elections and Urban Affairs.

April 22, 2010                      Failed to pass pursuant to Senate Joint Resolution 1.

  
\_\_\_\_\_  
Adam Plotkin  
Committee Clerk



## 2009 SENATE BILL 199

May 7, 2009 - Introduced by Senators LEIBHAM, LAZICH, CARPENTER, DARLING, GROTHMAN, HARSDORF, HOPPER, KANAVAS, KEDZIE, A. LASEE, OLSEN, PLALE, SCHULTZ and SULLIVAN, cosponsored by Representatives STONE, VUKMIR, BIES, BROOKS, DAVIS, GUNDRUM, HONADEL, HUEBSCH, KAUFERT, KERKMAN, KESTELL, KRAMER, LEMAHIEU, LOTHIAN, MEYER, MONTGOMERY, MURTHA, NASS, A. OTT, J. OTT, PETERSEN, PRIDEMORE, SPANBAUER, STRACHOTA, SUDER, TAUCHEN, TOWNSEND, VAN ROY, VOS and ZIPPERER. Referred to Committee on Labor, Elections and Urban Affairs.

1 AN ACT *to repeal* 6.56 (5), 12.13 (3) (v) and 343.50 (4g); *to renumber* 6.79 (3);  
2 *to renumber and amend* 6.87 (4) and 6.97 (3); *to amend* 5.35 (6) (a) 2., 5.35  
3 (6) (a) 4a., 6.15 (2) (d) 1r., 6.15 (3), 6.29 (1), 6.29 (2) (a), 6.33 (1), 6.33 (2) (b), 6.34  
4 (2), 6.55 (2) (b), 6.55 (2) (c) 1., 6.55 (2) (c) 2., 6.79 (2) (a) and (d), 6.79 (3) (title),  
5 6.79 (4), 6.79 (6), 6.82 (1) (a), 6.86 (1) (ac), 6.86 (1) (ar), 6.86 (3) (a) 1., 6.86 (3)  
6 (a) 2., 6.869, 6.87 (3) (d), 6.875 (title), 6.875 (2) (a), 6.875 (3) and (4), 6.875 (6)  
7 (a), (b) and (c), 6.875 (6) (e), 6.875 (7), 6.88 (3) (a), 6.97 (title), (1) and (2), 6.97  
8 (4), 7.08 (8) (title), 7.52 (3) (a), 10.02 (3) (form) (a), 12.03 (2) (a) 3., 12.13 (2) (b)  
9 6m., 343.50 (3), 343.50 (4), 343.50 (5), 343.50 (5m) and 343.50 (6); *to repeal and*  
10 *recreate* 343.50 (3), 343.50 (4), 343.50 (5) and 343.50 (6); and *to create* 6.15  
11 (2) (bm), 6.15 (2) (d) 1g., 6.79 (3) (b), 6.79 (7), 6.87 (4) (a), 6.87 (4) (b) 2. to 5., 6.875  
12 (1) (ap) and (asm), 6.875 (2) (d), 6.965, 6.97 (3) (a) and (c) and 343.50 (4g) of the  
13 statutes; **relating to:** requiring certain identification in order to vote at a

**SENATE BILL 199**

1 polling place or obtain an absentee ballot, verification of the addresses of  
 2 electors, absentee voting procedure in certain residential care apartment  
 3 complexes and adult family homes, and the fee for an identification card issued  
 4 by the Department of Transportation.

***Analysis by the Legislative Reference Bureau***

With certain limited exceptions, before being permitted to vote at any polling place, an elector currently must provide his or her name and address. If the elector is not registered, **the elector must provide a specified form of proof of residence in order to register.** If an elector is not able to present any required proof of residence, as an alternative, current law permits an elector's registration information to be corroborated by another qualified elector who resides in the same municipality. In addition, an elector other than a military elector or an overseas elector, as defined by federal law, who registers by mail and who has not voted in an election in this state must provide one of the forms of identification specified by federal law, or a copy thereof if voting by absentee ballot, in order to be permitted to vote. Corroboration may not be substituted for this identification requirement, but **an elector who cannot provide the required identification may cast a provisional ballot.** The municipal clerk or board of election commissioners must determine whether electors casting provisional ballots are qualified to vote by 4 p.m. on the day after an election.

With certain limited exceptions, this bill requires each person attempting to register or vote at the polls on election day to present a valid Wisconsin driver's license issued by the Department of Transportation (DOT) to the person, a valid, current identification card issued to the person by a U.S. uniformed service, or a valid Wisconsin identification card issued by DOT to the person. **A person whose address is confidential as a result of domestic abuse or in certain cases a person who has been required by a law enforcement officer to surrender his or her license (see below) is exempted from the requirement.** Under the bill, any person who applies for an absentee ballot by mail, except a military or overseas elector, as defined by federal law, or a person whose address is confidential as a result of domestic abuse, must provide a copy of the license or identification card, unless: 1) the person has already provided a copy of his or her license or identification card in connection with an absentee ballot cast at a previous election and has not changed his or her name or address since that election; 2) the person has been required by a law enforcement officer to surrender his or her license (see below); 3) the person is indefinitely confined, in which case the person may submit a statement signed by the person who witnesses his or her absentee ballot verifying his or her identity; or 4) the person is an occupant of any nursing home, or of a community-based residential facility, retirement home, adult family home, or residential care apartment complex where a municipality sends special voting deputies, in which case the person may submit a statement signed by the deputies verifying his or her identity. The bill continues

ID req'd

provisional ballot

exemption

absentee ballot ID requirements + exemption

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current requirements for certain electors to provide proof of residence in order to register or to vote, but discontinues the use of corroborating electors to verify residence. If a person who votes at a polling place fails to provide a license or identification card, the person may vote provisionally. If a person votes by absentee ballot and fails to provide a copy of the license or identification card, unless exempted from the requirement, the ballot is treated as a provisional ballot. A provisional ballot is marked by the poll workers, who immediately contact the municipal clerk or board of election commissioners. The person may then provide the required identification either at the polling place before the closing hour or at the office of the clerk or board. If the person does not provide the required identification to the clerk or board by 4 p.m. on the day following the election, the person's vote is not counted. If a person receives a citation from a law enforcement officer in any jurisdiction that is dated within 60 days of the date of an election and is required to surrender his or her Wisconsin operator's license at the time the citation is issued, the elector may present an original copy of the citation or notice of intent to revoke or suspend the elector's operator's license in lieu of his or her operator's license or, if the elector is voting an absentee ballot by mail, may enclose a copy of the citation or notice in lieu of a copy of his or her operator's license. In this case, the bill provides that the elector's ballot is received and counted if otherwise valid, but the ballot is marked so it can be identified during the canvassing and recount process if the validity of the ballot is questioned.

The bill also permits an elector who identifies himself or herself as a member of a religious organization that specifically requests not to be charged. The bill also permits an elector to obtain an identification card without a photograph being taken if the elector provides an affidavit stating that he or she has sincerely held and continues to hold beliefs with the tenets of a religious organization and that the religious tenets of that organization prohibit such photography.

Currently, municipalities must send two special voting deputies (one designated by each major political party if the party wishes) to conduct absentee voting in nursing homes. Municipalities may also send the deputies to conduct absentee voting in community-based residential facilities and retirement homes that qualify for the service in accordance with standards prescribed by law. This bill permits municipal clerks and boards of election commissioners to send two special voting deputies to conduct absentee voting in adult family homes and residential care apartment complexes that qualify for the service in accordance with similar standards prescribed by law.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

ends  
corroboration  
absentee ballot  
w/o ID

citation proof  
for suspended  
license

free ID -  
only on request

religious exemption  
from photo

adds locations  
for voting  
deputies

for Chris:

- ① still estimate assuming everyone asks for free ID?
- ② currently set up for photo-less ID?

Wisconsin  
elector  
completes  
Wisconsin  
rides an  
st being  
identifies  
that the

## **A NEW FIGHT FOR PHOTO ID**

### **A legislative column by state Senator Mary Lazich (R-New Berlin)**

Proponents of a photo ID requirement to vote in Wisconsin keep fighting for this common sense cause. A new effort is being waged this legislative session in Madison to enact a photo ID law and I am proud to be the main Senate co-sponsor of a photo ID bill authored by my colleague state Senator Joe Leibham that will soon be introduced.

Under our bill, voters would be able to use a valid Wisconsin Driver's License, a valid Wisconsin ID Card or an active military ID to vote or register to vote.

A key provision of the bill would provide state of Wisconsin ID cards without cost to individuals not having one of the required forms of identification. Elderly or infirmed voters casting their votes via absentee ballots, U.S. mail or voting in a nursing home or community based residential facility that is treated like a nursing home with regards to voting would be allowed to include a signed written statement from a witness verifying their identity in lieu of a copy of a valid photo ID. A person with a confidential as a result of domestic abuse is exempted.

The bill continues current requirements for certain electors to provide proof of residence in order to register or to vote, but discontinues the current use of having another voter vouch for someone else's residence.

What happens if a person shows up at a polling place and fails to provide a driver's license or ID card? Under the bill, the person may vote provisionally. A poll worker will label the ballot as provisional and immediately contact the municipal clerk or board of election commissioners. The person may then provide the required identification either at the polling place before the closing hour or at the office of the clerk or board by 4 p.m. on the day following the election.

If a person receives a traffic citation that is dated within 60 days of the date of an election and is required to surrender his or her Wisconsin operator's license at the time the citation is issued, the elector may present an original copy of the citation or notice of intent to revoke or suspend the elector's operator's license in lieu of his or her operator's license. If the elector is voting with an absentee ballot by mail, the elector may enclose a copy of the citation or notice in lieu of a copy of his or her operator's license.

Supplying free ID's to the poor shoots gigantic holes in the opponents' main argument, that too many voters would be unable to afford them.

Another argument raised by opponents is that a photo ID requirement will disenfranchise voters, especially minorities. Hans von Spakovsky, a former commissioner on the Federal Election Commission and a former Justice Department official did some digging into the November 2008 elections and

uncovered some fascinating data about photo ID and voter turnout. Von Spakovsky notes black turnout during the November 2008 election was an all-time high. He examined results from Indiana and Georgia, the two states with the strictest voter ID requirements.

Von Spakovsky found that numbers released by American University indicate Georgia had the largest turnout in the state's history. The black share of Georgia's vote increased from 25 percent during the 2004 election while Georgia did not have a photo ID law to 30 percent during the 2008 election while a photo ID requirement was enforced. Neighboring Mississippi that does not have a photo ID law and has a black population comparable to Georgia saw an increased turnout of just 2.35 percent.

What about Indiana, with a strict photo ID law ruled constitutional during 2008 by the U.S. Supreme Court? Von Spakovsky found that during the November 2008 election, Democrat turnout increased by 8.32 percent, the largest Democrat turnout increase in the U.S. Neighboring Illinois that does not have a photo ID law experienced just a 4.4 percent increase.

Von Spakovsky came to the conclusion that there is overwhelming evidence photo ID laws do not suppress voter turnout.

Voter photo ID returns confidence to our system that has been rocked by voter fraud. It ensures that every voter casting a legal ballot is not disenfranchised by a fraudulently cast ballot. Voters across Wisconsin from both parties are clamoring for this common sense public policy. I am very pleased once again to join my colleagues in support of photo ID.

If you have comments on this or any other issue, please contact me at [Sen.Lazich@legis.wisconsin.gov](mailto:Sen.Lazich@legis.wisconsin.gov), [www.SenatorLazich.com](http://www.SenatorLazich.com), Senator Mary Lazich, State Capitol, P.O. Box 7882 Madison, WI 53707 or 1-800-334-1442.





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## Couple charged with voting twice

By ED TRELEVEN  
608-252-6134  
July 6, 2009

A rural McFarland couple were charged Monday with voting twice in last spring's general election — once each in Dane and Columbia counties.

Louis and Janice Kwiatkowski, both 66, are charged with felony election fraud for allegedly casting absentee ballots on April 2 in the village of Wyocena in Columbia County, then voting in person in the town of Blooming Grove five days later.

According to a criminal complaint, Louis Kwiatkowski initially denied having voted twice, telling Columbia County sheriff's Detective Jay Yerges that he had only voted absentee in Wyocena. He emphatically denied voting elsewhere on the day of the election and said he believed that he and his wife were in Milwaukee that day.

Shown a copy of the poll record from the town of Blooming Grove, he said he couldn't say how that had happened. He eventually admitted, though, that he had voted in both counties, the complaint states.

"I live in both counties," Louis Kwiatkowski told Yerges. "You want to affect what is going on in each county."

Janice Kwiatkowski acknowledged that the couple had voted in both places because they were interested in issues in both areas, according to the complaint. She said they researched voting regulations and believed they could do it. She admitted having voted twice for some candidates in statewide races, the complaint states.

Property records from Dane and Columbia counties indicate that the Kwiatkowskis own property in Blooming Grove and in Wyocena.

Dane County District Attorney Brian Blanchard said the issue with the Kwiatkowskis came to light after a worker at the Columbia County clerk's office, who was entering names into a statewide voter database, was alerted by her computer that the Kwiatkowskis had also voted in Blooming Grove.

The couple appeared in court on Monday and received signature bonds.

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# State panel backs election plan; photo ID requirement not included

By [Patrick Marley](#) of the Journal Sentinel

Posted: Aug. 10, 2009

**Madison** — The state Government Accountability Board on Monday endorsed a five-year plan to study early and Internet voting, but not a requirement that voters show photo identification at the polls.

The board that runs the state's elections said studying voter ID was outside the scope of the plan on conducting elections under the federal Help America Vote Act. They said that a photo ID requirement was a matter for the Legislature to resolve.

Critics of the report said that voter ID is needed to prevent fraud at the polls.

Annette Kuglitsch of Waukesha urged the board to include studying a photo ID requirement in its plan. She said the board had the authority to take up that issue.

"It's not a valid excuse," she said of the board's reasoning for sidestepping the issue.

She said she didn't buy some board members' arguments that there was no evidence of widespread voter fraud.

"You don't find what you're not looking for," said Kuglitsch, who was joined by others from Waukesha County who have lobbied the board to take up the issue.

The Legislature passed bills three times between 2003 and 2005 that would have required voters to show photo ID, but Democratic Gov. Jim Doyle vetoed them.

The Legislature was controlled by Republicans at the time; Democrats now run both houses.

Doyle and others have contended an ID requirement would disenfranchise voters, particularly the poor, the elderly and minorities.

The board's plan now goes to the Legislature's Joint Finance Committee for final action. The plan is needed to secure up to \$6 million in federal funds.

"We do not have the degree of fraud to warrant taking that step" of requiring voters to show ID, said board member Gordon Myse. "The detriments overwhelm the benefits."

But board member Thomas Cane said the board had to acknowledge public support for voter ID.

"You've got a Legislature that represents the people of Wisconsin, and they say we want it," Cane said.

But Cane and the others on the board agreed the election plan was not the place to address the issue. They approved the plan 6-0.

The plan proposes studying whether to allow people to cast ballots with voting machines before election day. Now, the only way to vote early in Wisconsin is by casting absentee ballots, which clerks feed into voting machines on election day.

The plan also endorses studying whether to allow absentee ballots to be submitted by e-mail or fax.



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