



Testimony of

**AMERICAN CIVIL LIBERTIES UNION of WISCONSIN
Submitted by RENEE SHAVERS, ASSOCIATE DIRECTOR**

On

Senate Bill 6

AN ACT 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, identification cards issued by the Department of Transportation, creating an identification certificate issued by the Department of Transportation, requiring the exercise of rule-making authority, and providing a penalty.

Before the

Committee on Transportation and Elections

STATE OF WISCONSIN LEGISLATURE

January 26, 2011

Good afternoon Chairman and members of the Committee. My name is Renee Shavers and I am the Associate Director of the American Civil Liberties Union of Wisconsin. The American Civil Liberties Union (ACLU) is the nation's primary advocate of an individual's civil rights and civil liberties as guaranteed by the US Constitution and the Bill of Rights.

I am here to strongly oppose the passage of Senate Bill 6 requiring a photo identification card to cast a ballot in Wisconsin.

The numbers of people in Wisconsin who do not have a Wisconsin state driver's license or state identification card were studied by the UW- Milwaukee Employment and Training Institute. (Pawasarat, 2005)

The racial disparities are clear. Some groups lacking a license include:

- **59 % of Hispanic females,**
- **55 % of African-American males,**
- **49 % of African-American females**
- **46 % of Hispanic males,**
- **17% of white males,**



- **17% of white females.**

“ETI found that more than 177,000 adults over the age of 65 lacked a driver's license. Older women are particularly likely to lack a drivers license: One out of five Wisconsin women age 75-79 do not have a driver’s license, and one of three women age 80-84 lack a license. (Murphy, 2011)” The original Employment and Training Institute Report is submitted with my testimony.

From UW-Madison another study for the WI Government Accountability Board, (Professors Barry C. Burden, 2011)

“Women are at unique risk for not having valid IDs. Due to marriage and other life events, only about half of women possess a birth certificate with their current legal name. One third of women have no current ID.¹⁴ Anecdotal accounts suggest that name mismatches are a serious impediment for many women voters, even those with many forms of documentation.¹⁵

In the US in 2008 an estimated 40,000 people were denied the right to cast a full ballot due to photo ID restrictions according to this same report. This law could potentially affect hundreds of thousands of eligible voters in Wisconsin putting an undue burden on them, the state dept of transportation and the Government Accountability Board.

In addition, attempting to get an id card is going to cost the eligible voter a lot of money. Consider just a few of the many potential costs for an eligible voter to vote under this legislation. A person may need several forms of identification to obtain an ID card in Wisconsin, but for example, one of the most common ways to prove name and date of birth for most Americans is by obtaining a birth certificate:

- 1) Obtaining a birth certificate (note this information was obtained on January 25, 2011 from the individual state’s websites accessed through this link <http://www.cdc.gov/nchs/w2w.htm>):
 - If a WI resident was born in Oklahoma for example, the requirements for obtaining a birth certificate include a valid, legal photo I.D. is required from the applicant or the individual representing the applicant for the issuance of a birth certificate. Do not send original ID with your application please send a photocopy. It costs \$15 or if you were, for example, adopted \$40 and it can take up to four weeks.
 - In Texas you need a photo ID or an ID of an immediate family member. It costs \$22 + \$5 to expedite processing + \$18.50 for express mail to receive it in 10-15 days with an additional \$4.95 to mail it to a military address. If you don’t pay the extra fees, it will take 6 to 8 weeks to receive it.
 - In California, you must send a *notarized* application, it costs \$16 and depending on your age it could take from 2 to 10 weeks with the 10 week period beginning with births prior to 1981.



- In Illinois, it takes 3-5 business days and costs \$15.00. The shortest period of time you can get one is two business days.
- In Mississippi, it's \$15 and a valid photo ID is required. The internal processing time is 7 to 10 days plus mailing time.
- In Wisconsin: **Requires ONE of the following**, a Wisconsin driver's license with photo, a Wisconsin I.D. with photo, an Out-of-state driver's license/I.D. with photo **OR Requires TWO of the following:** Government-issued employee I.D. badge with photo, U.S. passport, Checkbook/bankbook, Major credit card, Health insurance card, Recent dated, signed lease, a Utility bill or traffic ticket. It costs \$20. If you need it sent to you overnight (which is actually in about 2-3 days from faxing in the application), it costs an additional \$6 for the credit card fee and \$17.50 for the UPS overnight fee. If you are in the military, it could cost more.

- 2) Lost Wages: In addition, a person once they have obtained a birth certificate would need to take a day off of work if they can get it (lost wages) or school.
- 3) Transportation: An eligible voter could be forced to spend an undetermined amount of time in an already overburdened and for rural Wisconsinites far from home Wisconsin DMV location, and pay the costs of transportation to and from that location.

Making the photo id “free” as in this legislation is not free in the true sense of the word and is a mask for the true cost to vote this law would place on eligible voters potentially creating a defacto poll tax.

All of this is to “fix” a problem that does not exist in Wisconsin. “Further this would not have stopped any of the improper ballots cast since 2004. Out of 10 convictions for casting improper ballots from 2004 to 2008 that I can find in Wisconsin, 8 of them were Wisconsin citizens who cast a ballot while still on supervision with the state (two of these are on appeal). In addition, the WI law disfranchising felons is immensely confusing. An otherwise eligible voter acting as a responsible citizen can easily be confused by the disfranchisement laws in Wisconsin and they should be revised to allow all felons the right to vote post incarceration.

That leaves approximately 2 people who were convicted of casting a ballot improperly and both of them were cases of double voting. Neither double voting nor voting while on supervision is stopped by this legislation. During those 8 elections we are looking at over 13.2 million votes cast and three cases of the fictitious “voter fraud”, not one of the votes cast by improper voters would have been stopped by this law. Anything else that has been labeled “voter fraud” did not constitute a ballot being cast.

Here’s another analysis from Milwaukee Magazine (Murphy, 2011) that includes figures of not only those actually found guilty, but also those accused and later found not guilty or whose cases are still pending:



“Four years later, according to **Kevin Kennedy** of the state Government Accountability Office, there was a total of 24 cases of voter fraud indictments or convictions in the entire state in the 2008 presidential election. Fourteen involved felons who had not completed their probation or parole (under the law they cannot vote until they do so). Just two of the 24 were accused of voting twice. The rest were cases of “providing false information” or “voting without qualifications.”)

Taking the largest figures I can find in one election from Mr. Kennedy potentially 24 votes out of 2,996,869 or at most .00008% of the votes were possibly cast improperly and none of them would have been stopped by the legislation before us. No one lost their vote. Is it better to have a handful of confused voters or create thousands or more?

It wastes taxpayer dollars for the state to spend any further time or resources pursuing this misguided, unnecessary and discriminatory law that serves the purpose of making it more difficult for those who are poor, minorities, elderly, disabled, female and/or young to exercise their constitutional right to vote.

In addition to my testimony, I have submitted the 2006 and 2008 Election Review Reports from the Legal Committee of Milwaukee Election Protection, “The Politics of Voter Fraud” by Lorraine Minnite through Project Vote with a case study on Milwaukee, and Pawasarat, J. (2005, June). *University of Wisconsin Milwaukee*. Retrieved 01 24, 2011, from Employment and Training Institute:
<http://www4.uwm.edu/eti/barriers/DriversLicense.pdf>

Thank you very much for the opportunity to testify today on SB240. I urge your vote against this very pernicious and unnecessary barrier to the right to vote for ALL Wisconsin citizens.

Works Cited

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