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The Center for Media and Democracy (CMD) is a nonpartisan, non-profit watchdog and investigative reporting group based in Madison, Wisconsin, which publishes PRwatch.org, ALECexposed.org, and SourceWatch.org.



Citizen Action of Wisconsin Education Fund is an issue focused coalition of individuals and organizations committed to achieving social, economic, and environmental justice. Citizen Action has over 42,000 individual members and 123,000 supporters that come from each of Wisconsin's 99 state assembly districts.



Americans expect that their elections will be free, fair, efficient and accessible, and that every citizen's vote will count. But a national effort has been underway in recent years to narrow access to the ballot box for certain Americans, particularly people of color, senior citizens, low income communities, and young people. Voters should be choosing their politicians, not the other way around.

Wisconsin has fallen in line behind this partisan national effort. Since taking control of the Assembly, Senate, and Governor's mansion in 2010, Republicans have been proposing drastic changes to the state's voting procedures, purportedly

to combat the statistically inconsequential threat of "voter fraud." These flawed national ideas do not match up to Wisconsin's electoral reality. Indeed,

repeated studies by both Republicans and Democrats have demonstrated that Wisconsin does not have any significant problem with voter fraud. Instead, these proposals are part of an out-of-state effort to rig elections for partisan gain.

More importantly, for years Wisconsin has been a model for election adminis-

tration. A new report from Pew Charitable Trusts ranked Wisconsin as one of the highest-performing states in the nation during the 2008 and 2010 election cycles. The group praised Wisconsin for allowing voters to register at the polls on election day, which has helped the state achieve the second-highest voter turnout rate in the nation, and has kept the number of provisional ballots low.

Prior to the Republican sweep in 2010, voters in Wisconsin had faced fewer barriers to access the polls than in other states. Additionally, Wisconsin has made sure that each citizen's voice counts equally by electing the president

in the same way we choose our Governor and Senators: through the state-wide popular vote.

As the saying goes, if it ain't broke,

don't fix it.

Wisconsin residents expect our elected officials to deal with the pressing issues confronting our state – a jobs crisis, poor healthcare, and crumbling infrastructure – not to fall in line behind an out-of-state push to mute certain voters and attack voting rights. Some legislators need to get their priorities straight.

Same day registration has helped Wisconsin achieve one of the highest voter turnout rates in the country.

Below we summarize three of the vote-rigging proposals being considered for the 2013-2014 session.

ENDING SAME DAY REGISTRATION

In the 1970s, Wisconsin was one of the first states in the nation to allow same day registration, a good government initiative to expand access to the ballot box and reduce burdens on the right to vote. In enacting Election Day Registration in 1976, the Wisconsin legislature found that “voter registration was not intended to and should not prevent voting.”

Thanks in part to that law, the Dairy State can proudly boast of the second-highest voter turnout rate in the U.S.

Nine states, including Wisconsin, allow voters to register on election day, and these states are among those with the highest turnout in the country. According to a study at George Mason University, the top six turnout states in the 2008 election were Minnesota (where 77.7 percent of all eligible voters cast a ballot), Wisconsin (72.1 percent), New Hampshire (71.1 percent), Maine (70.9 percent), Colorado (70.2 percent) and Iowa (69.7 percent). All but Colorado had election-day registration. The Pew Charitable Trusts noted

that Wisconsin and other states with election day registration have some of the lowest rates of nonvoting due to registration problems

High voter turnout should be celebrated as a sign of a vibrant democracy. Unfortunately, some members of Wisconsin’s GOP leadership, apparently view the state’s consistently high voter participation rate as a “problem” that needs fixing. Indeed, Governor Walker and Assembly Speaker Robin Vos (R-Rochester) have both voiced support in recent months for ending same day registration.

Students, people of color, and the poor would likely be most affected by eliminating the same-day registration law, since they are most likely to have moved since the previous election. (Students, in particular, tend to move in the summer before the autumn college term.) These populations tend to vote for Democrats, but studies have shown that voters in both parties use same day registration. As many as fifteen percent of all voters utilize same day registration each election cycle. In Milwaukee, 48,000 voters took advantage of same-day registration for the 2012 elections, helping boost turnout in that city to 87 percent.

Walker justified his support for ending same day registration by claiming he

is looking out for the interests of municipal clerks. “It’s difficult for them to handle the volume of people who come at the last minute. It’d be much better if registration was done in advance of election day. It’d be easier for our clerks to handle that,” he told a Los Angeles crowd in November 2012.

But municipal clerks across the state have overwhelmingly contradicted Walker’s claims and recognize that ending same day registration would actually create more burdens for them.

Additionally, if Wisconsin ends same-day registration, under federal law it will have to begin offering registration through the Department of Motor Vehicles and social welfare agencies. The long-time head of the state election system, Kevin Kennedy, has said that opponents of same day registration are “not looking at the bureaucratic morass that’s now going to be imposed on state agencies and local election officials by having to comply with pre-election requirements to turn [Department of Transportation] workers and social welfare state employees into voter registrars,” or the imposition of new federal reporting requirements on those agencies.

Perhaps most importantly, the change would require voters who are not registered at their current address to

cast provisional ballots, which are not counted unless a voter returns with additional proof of eligibility. Kennedy said in 2011 that eliminating election-day registration would cause the number of provisional ballots to “skyrocket.” In close elections, a high number of provisional ballots can mean that the official outcome won’t be resolved for weeks, or it can mean that provisional ballots are not counted in the results announced on election night. But once an election winner is announced in the press, few provisional voters have any incentive to take time off from work or school to return to a state office with additional documentation to ensure their votes are counted. In Wisconsin, only 211 provisional ballots were cast in 2008, compared with tens of thousands in states that do not allow same-day registration.

Same day registration has been recognized as a model that modernizes election administration and makes it easier for citizens to vote. But national right-wing leaders have been pushing back on this successful system that increases the participation of citizens in our democracy.

The Heritage Foundation’s Hans von Spakovsky, for example, has claimed election day registration invites fraud and allows non-citizens to vote, but has

provided little evidence.

On the contrary, University of Wisconsin Political Science Professors Barry Burden, Donald Downs, and others have looked carefully at same day registration in Wisconsin, and found it “has been a great success and over the past generation has effectively been woven into the state’s political DNA,” according to an op-ed they wrote in the Milwaukee Journal-Sentinel.

Walker has more recently said that he would not sign legislation ending election day registration if it will cost as much as the GAB estimates, \$5.2 million. But he could sign a bill that would cost less than \$5.2 million – a number that could be reached either by adopting different language or by developing an alternative algorithm for calculating the costs.

According to Professors Burden and Downs, the “net effect [of ending same day registration] would be to replace a part of our electoral process that is popular and works well with one that makes voting more difficult without providing additional security. Surely the Legislature has more important problems to tackle.”

IMPOSING UNCONSTITUTIONAL “VOTER ID” RESTRICTIONS

The same populations most affected

by ending same day registration would have been disproportionately affected by Wisconsin’s “voter ID” law. As many as 300,000 people in the state do not have the forms of ID required under the law and would have a difficult time getting them. For example, the hundreds of thousands of student ID cards issued by the University of Wisconsin System could not be used to vote under the law, even though the IDs are issued by the state.

In May 2011, Vos stopped all discussion of the budget to take up the non-budgetary Voter ID bill. It was promptly signed into law by Governor Walker.

The law was purportedly designed to curb “voter fraud,” but extensive investigations by Republicans and Democrats in Wisconsin have found that voter fraud is not a problem in the state.

Two Wisconsin judges have since struck down Wisconsin’s voter ID law as an unconstitutional burden on the right to vote, particularly because on balance, the costs of disenfranchising 300,000 people would not be outweighed by the “benefits” of stopping a problem that is statistically insignificant.

“The people’s fundamental right of suffrage preceded and gave birth to

our Constitution,” Dane County District Judge Richard Niess wrote in his March decision striking down Wisconsin’s voter ID law as unconstitutional. “Not the other way around.”

In a separate decision finding the law violates the Wisconsin Constitution’s express protections for voting rights, Dane County Judge David Flanagan said the state’s strict voter ID requirement “tells more than 300,000 Wisconsin voters who do not now have an acceptable form of photo identification that they cannot vote unless they first obtain a photo ID card.”

With the voter ID law blocked in part because hundreds of thousands of Wisconsinites faced disenfranchisement, Vos might have promoted greater access to ID cards so such a law would not have such a pernicious impact.

But instead of taking steps that could help the law pass constitutional muster, Vos is now talking about changing the Wisconsin Constitution. “Yes, I would favor that, he told WISN’s Mike Gousha in December, in response to a question about a voter ID constitutional amendment.

Vos is the American Legislative Exchange Council (ALEC) State Chair for Wisconsin; Wisconsin’s voter ID law, like many of those introduced in recent years, echoes the ALEC “model” voter ID Act.

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Wisconsin’s ties with ALEC are strong and go back for decades. One of ALEC’s founders was right-wing political activist Paul Weyrich, a Racine native who famously

said: “I don’t want everybody to vote. Elections are not won by a majority of people – they never have been from the beginning of our country and they are not now. As a matter of fact, our leverage in the elections quite candidly goes up as the voting populace goes down.”

Voter ID requirements are not entirely new; they were initially discussed by white politicians in the South after President Bill Clinton’s “motor voter” legislation led to increased voter registration by African Americans. But this discredited legislation had little traction until ALEC took it up in 2009.

As the Center for Media and Democracy has documented on PRwatch.org, ALEC began to focus on voter ID shortly after the highest general election turnout in nearly 60 years swept

America's first black president into office with strong support from college students and people of color. Soon after the 2008 elections, "Preventing Election Fraud" was the cover story on the Inside ALEC magazine, and ALEC corporations and politicians voted in 2009 for "model" voter ID legislation.

After the 2010 Republican surge gave the GOP new majorities in statehouses and governor's mansions across the country, ALEC-inspired voter ID bills were introduced in 34 states and became law in 8, including Wisconsin. In neighboring Minnesota, state residents rejected a proposed voter ID law on election night.

For the 2012-2013 legislative session, the question is whether Wisconsin legislators will fall in line behind a national voter suppression effort or if they will recognize that democracy is harmed by imposing new voting burdens on hundreds of thousands of Wisconsinites.

RIGGING THE ELECTORAL COLLEGE

Despite Wisconsin residents overwhelmingly voting for Democrats in the 2012 elections -- sending Tammy Baldwin to the U.S. Senate and reelecting President Barack Obama by nearly

seven points -- five of the state's eight newly-drawn congressional districts voted out of sync with the majority of Wisconsinites and went for GOP presidential candidate Mitt Romney.

This is largely because Wisconsin's Republican legislative majority gerrymandered congressional maps to their party's benefit during the redistricting process. Now, Republicans in Wisconsin are discussing plans to allocate the state's Electoral College votes according to these new Congressional districts (one vote for each district plus two for the statewide winner), giving the GOP a chance for victory in a state that has elected Democrats in each of the past seven Presidential elections.

In past decades courts, rather than political parties, had largely drawn Wisconsin's electoral maps because no single party controlled state government. But in 2011, after the 2010 GOP electoral surge, Republicans controlled the Assembly, Senate, and Governor's mansion, and were in a position to unilaterally draw and approve maps that benefited their party.

During that redistricting process, Republican lawmakers in Wisconsin were sharply criticized for developing the maps under a veil of secrecy and shutting the public out of the process, with a court that heard a redistricting chal-

lenge describing the process as “shameful,” “sharply partisan,” and “needlessly secret.”

Those new maps have nonetheless taken effect, and most of Wisconsin’s Congressional districts are now out-of-step with statewide voting patterns. By changing the allocation of electoral votes according to these Congressional districts, legislators would be importing all of the problems with the partisan redistricting process into the presidential election.

A change to how Wisconsin allocates its electoral votes is not a Wisconsin solution to a Wisconsin problem. Similar changes have been discussed in states like Virginia, Pennsylvania, Michigan, Ohio, and Florida -- all states where a majority of residents voted for President Obama, but which are controlled by Republicans at the state level and whose congressional maps were recently gerrymandered to benefit the GOP. If Wisconsin and these other five states had allocated their electoral votes by Congressional district for the 2012 election, Mitt Romney would have won the presidency.

Allocating electoral votes by Congressional district imports all of the problems with partisan gerrymandering into the presidential election.

Republican National Committee Chair Reince Priebus has stated explicitly that the plan is only intended for “states that have been consistently blue that are fully controlled red.” The proposed changes are not being proposed in solidly red states, which would result in a state like Texas awarding at least some of its electoral votes to a Democrat.

If Wisconsin had such a plan in place for the 2012 elections, the state’s ten Electoral College votes would have been split evenly between Obama and Romney, despite Obama winning in the state by nearly seven points (approximately 210,000 votes).

ALEC has also actively lobbied against state plans to implement a national popular vote for president, urging state legislators to preserve the Electoral College -- which GOP legislators are now trying to rig to ensure the next president is a Republican. In late 2011, ALEC officially changed its policy on the Electoral College to implicitly support allocating electoral votes by congressional district.

The electoral college itself is not without fault. But this proposal to allocate

electoral votes according to congressional district takes a bad system and make it worse. Under the plan, the candidate who gets the most votes statewide could get fewer Electoral College votes than the losing candidate. Voters in solidly “red” or “blue” districts will be ignored, with candidates vying only for votes in swing districts – and they might be encouraged to dole-out special interest giveaways to key demographics in those battleground districts. And this unnecessary change would cause Wisconsin to lose its “swing state” status, as fewer electoral votes would really be in play.

Most importantly, the plan would undermine the basic principle of one person, one vote. On Election Day, every Wisconsinite’s vote for president should matter equally within the state; it should count regardless of whether they live in a swing district.

THE LEGISLATURE SHOULD FOCUS ON JOBS, NOT RIGGING ELECTIONS

Wisconsinites should be proud that their state has some of the best election practices in the country. But Wisconsin’s economy is not a source of pride. Between 2011 and 2012 Wisconsin ranked 42nd out of the 50 states in private sector job creation.

For the voters who are most vulnerable to these sorts of vote rigging schemes, the economic picture is far worse.

While the rest of Wisconsin attempts to recover from the Great Recession, African-Americans have been struggling through a Great Depression. The unemployment rate for African-Americans in Wisconsin is 25% -- the worst in the nation. When 1 in 4 black residents of our state are excluded from the freedom and dignity that a job provides, legislators should have little time to focus on issues that don’t address putting Wisconsinites back to work.

Instead of focusing on jobs and the economy, leaders like Governor Walker and Speaker Vos are discussing attacks on an election system that has worked exceptionally well for many years. They should get their priorities straight, stop shilling for out-of-state partisan interests, and start putting Wisconsin first.

Citations available upon request.
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