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February 21, 2022

To: Assembly Committee on State Affairs

From: Debra Cronmiller, Executive Director, dcronmiller@lwwwi.org

Re: OPPOSE AJR 133, AJR 134, AB 996, AB 998, AB 999, AB 1000, AB 1004, AB 1006

The League of Women Voters of Wisconsin opposes several of the bills you are considering in today's hearing.

The League believes that good government depends on the informed and active participation of its citizens, and that voting is a fundamental citizen right which must be guaranteed. Wisconsin election laws should provide citizens with maximum opportunity for registration, voting at the polls and absentee voting. Further, election administration should be adequately coordinated and funded to achieve statewide standards uniformly applied, verifiable results and local municipal effectiveness.

Since its founding in 1920 the League has studied many of the issues addressed in the bills before you in today's public hearing. Our members have agreed and affirmed the positions and principles stated above.

We oppose AJR 133. This legislation would write into the state constitution the current requirement to present a voter photo ID in order to cast a regular ballot and have it counted. Such a requirement has been shown to place a heavier burden on certain groups of citizens, including those who are disabled, elderly or low-income.

We oppose AJR 134. While it would be reasonable to have some regulation for the use of private funds, the practice should not be banned. A constitutional amendment to ban private resources is uncalled for and utterly inappropriate.

We oppose AB 996. This bill imposes requirements on the Wisconsin Elections Commission (WEC) that are not required for any other state agency. It would allow inappropriate legislative

oversight of an agency tasked with overseeing the electoral activities that impact all Wisconsin voters. Voters have the right to expect electoral agency functions to be monitored and not micromanaged.

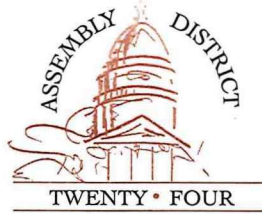
We oppose AB 998. While it is appropriate to maintain an accurate list of electors, this bill is deeply flawed. It would disenfranchise many of the same groups of electors who are already burdened by voter photo ID and restrictive proof of residence requirements. It requires that WEC's voter registration database be coordinated with databases in various federal and state agencies. In particular, the Systematic Alien Verification for Entitlements (SAVE) database is limited to a select group of non-citizens and is not a comprehensive list. Updates are not frequent. The result would be false positives that could disenfranchise qualified citizens.

We oppose AB 999. Rather than improve the voter experience this bill complicates it for no apparent reason. Absentee voters should not have to provide ID for every election, when the Clerk can keep a copy of the ID on file. This bill requires voters to submit an application (with ID) in addition to completing the certificate envelope.

We oppose AB 1000. This very punitive bill singles out the Wisconsin Elections Commission for an unreasonable level of legislative control. Threatening to reduce staff in a key state agency does not consider what is best for voters, and it certainly will not improve elections.

We oppose AB 1004. This bill would compel the rejection of an absentee ballot where the voter or witness fails to fill in any of twelve separate fields on the certificate envelope. These are new and needless requirements for the absentee ballot certificate envelope. They would make it much more difficult for voters, especially those who are elderly or have disabilities, to cast a ballot. There are other restrictive measures which overlap with other bills in today's hearing.

We oppose AB 1006. This bill singles out the WEC for an unreasonable level of legislative control over elections. This potentially harmful oversight would only add confusion for local election officials and certainly will not improve elections.



DAN KNODL

STATE REPRESENTATIVE • 24TH ASSEMBLY DISTRICT

Assembly Bill 998
Public Testimony
Assembly Committee on State Affairs
February 21, 2022

Thank you Chairman Swearingen and members of this committee for holding this hearing on Assembly Bill 998.

Senator Darling and I introduced this bill in response to concerns shared with us last November by a city clerk in our district. The clerk in question, Caroline Fochs of the City of Mequon, testified in favor of Senate Bill 938 on February 7th, and we are providing her written testimony for the record. Ms. Fochs informed us that she witnessed a noncitizen attempting to vote during in-person absentee voting using a valid driver's license issued by the State of Wisconsin. Fortunately, the individual was open and honest that she was not a citizen and notified of her ineligibility. Since then, another incident emerged in the same special election last year in which a non-citizen did successfully manage to vote with a valid Wisconsin-issued driver's license.

There is a common misconception that citizenship status is apparent on these driver's licenses. That is because states have been implementing the provisions under the REAL ID Act of 2005 for several years, and these provisions tighten security requirements for the use of driver's licenses for airport security and entering federal buildings. It is important to note that this does not apply to voting. For all intents and purposes, the driver's licenses are identical for citizens and non-citizens alike.

To that end, this bill simply requires DOT to include a notation on new driver's licenses based on data they already have, to make every poll worker's Election Day a little easier and more secure. It requires no extra effort on the part of the voter.

The bill also requires WEC to run queries on databases that are already available to them to verify that the laws that are already in place are being followed. Ensuring compliance with our election laws is fundamental to WEC's mission, and this bill will provide both assurances of compliance as well as a deterrence for any possible fraud.

The type of fraud this bill addresses carries a penalty of a Class I felony. Fraudulent voting is a serious crime in Wisconsin, as it should be. We owe it to our state's voters to have robust procedures in place to root out all fraudulent voting.

Thank you for your time and attention to this matter, and I would be happy to take any questions.



Alberta Darling

Wisconsin State Senator | District 8

**TESTIMONY BEFORE THE ASSEMBLY COMMITTEE ON
STATE AFFAIRS
Assembly Bill 998
Senator Alberta Darling
February 21, 2022**

Thank you Representative Swearingen and committee members for hearing Assembly Bill 998.

This bill originated with a concern raised by the Mequon City Clerk. During a recent local election, someone tried to register to vote. When they were asked if they were a citizen, they said “no,” and were turned away. Our clerk was concerned that a less honest person would have been able to vote.

Wisconsin’s non-resident driver’s license isn’t as clear as it should be to help clerks in deciding if a person is eligible to vote. Assembly Bill 998 requires DOT to indicate “Not Valid for Voting Purposes” on driver’s licenses issued to non-citizens. Current licenses for non-citizens aren’t that clear and might be missed by a near-sighted poll worker.

It also requires WEC to confirm the citizenship status of individuals on voter registration lists by using the Department of Homeland Security’s Systematic Alien Verification for Entitlements (SAVE) database as well as the DOT’s database. The check must be carried out 60 days before absentee ballots are mailed out for statewide elections.

I believe this is an important safeguard that will help protect the integrity of our elections.

Thank you for the opportunity to testify.

Caroline Fochs
City Clerk, City of Mequon
February 4, 2022

To the State Senate on Elections, Election process reform, and Ethics

Senators and staff,

The City of Mequon administered a Special School Board Recall Election on November 5, 2021. During our in-person absentee voting, a woman produced her driver's license for photo ID for voting purposes. When I attempted to find her voter registration record and could not, I asked her if she was registered. When she stated that she was not a US citizen but wanted to vote I explained that she was not eligible. She understood and promptly left the polling location. However, had she not been forthcoming of her status I would have registered her to vote and given her an absentee ballot. This shocked me and made we wonder why is there no indication on a driver's license that they are not a US citizen?

My second encounter with this issue happened on election day. After the election we begin entering the election day registrations into Wisvote (the statewide voter registration software). This is when we discovered that a non-US citizen did vote in the election. During the police investigation on this matter, it was determined that the voter used a valid Wisconsin driver's license as proof of residence to register and for photo ID to vote.

On the technical side, Wivote conducts a nightly verification with the DMV to ensure that the driver's license information election officials input while entering new voter registrations, matches the driver's license number, name, and date of birth the DMV has on file. Those that do not match in some fashion are sent back to the municipality to determine the proper action (whether it was a typo, etc.). The DMV has data as to citizenship of each licensee, so they have the systems in place to check citizenship today. The Wisconsin Election Commission (WEC) should be required to add this function and check citizenship along with name, date of birth and driver's license number. This would not however, help on election day when voters register at the polls, so that is why we also need an indication on their driver's license to specify citizen status.

I have been involved in election administration for 15+ years, and in local government for 20+ years. It is unfortunate that this has been going on for years with likely hundreds of non-US citizens on our polls books. I respectfully ask that should this bill advance that the WEC should also be required to retroactively run this check on every existing voter and inactivate those that return as non-US citizens.

Thank you for your consideration.



Caroline Fochs

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