



Legislation Text

File #: 111220, **Version:** 1

111220

SUBSTITUTE 1

110204

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Substitute resolution amending Common Council File Number 110204 relating to implementation of state voter registration and voter identification requirements and election costs.

The legislature enacted 2011 Wisconsin Act 23 (Act 23) on May 25, 2011, effective June 10, 2011. Act 23 revised state election laws relating to: requiring identification to vote at a polling place or to obtain an absentee ballot; absentee voting; late voter registration; proof of residence; a requirement that electors provide signatures when voting in person at an election; the duration and location of residency for voting purposes; and other matters.

This resolution amends Common Council File Number 110204 which, among other things, requires the Election Commission to report, "as soon as is practicable," the numbers of rejected ballots after each election held beginning in 2012. The amendment replaces that requirement and directs the Election Commission to provide its report to the Common Council within 30 days of each election for both regular elections and recall elections, if any.

The resolution provides further amendments directing the Election Commission to provide the Common Council with information detailing the numbers of individuals who are denied registration or who are denied ballots due to the new documentation requirements of Act 23, including proof of residency and photo identification requirements.

The resolution provides a final amendment directing the Election Commission to report the direct and indirect costs of implementing Act 23 for all elections held in 2012.

Whereas, 2011 Wisconsin Act 23 (Act 23), enacted May 25, 2011 and effective June 10, 2011, revised state election laws relating to: requiring identification to vote at a polling place or to obtain an absentee ballot; absentee voting; late voter registration; proof of residence; a requirement that electors provide signatures when voting in person at an election; the duration and location of residency for voting purposes; and other matters; and

Whereas, The nonpartisan Wisconsin Legislative Fiscal Bureau has estimated that the costs to the state over the 2011-2013 biennium for implementation of Act 23, not including the costs of recall elections, will be \$7 million, including lost revenue resulting from the issuance of free voter identification cards to qualified individuals; and

Whereas, The 2011-2013 Wisconsin Budget has appropriated \$1.8 million for implementation of Act 23; and

Whereas, Municipalities bear the general costs of implementing Act 23 in their respective jurisdictions, including the direct and indirect costs of educating the public, training poll workers,

language translation, processing registration and other election data, maintaining and storing documentation, quality assurance and compliance activities; and

Whereas, The registration and residency requirements of Act 23 will be implemented in all elections held in 2012 and thereafter; and

Whereas, Changes in voter registration and voting procedures as a result of Act 23 implementation may adversely impact the elderly, the infirm and individuals disadvantaged due to poverty and lack of education, and the changes include the following provisions:

1. Requiring proof of residency within a ward for 28 days rather than 10 days prior to voter registration.
2. Requiring proof of identification when voting at the polls or when submitting and voting an absentee ballot.
3. Requiring that the name of the individual on the proof of identification conforms to the name on voter registration records.
4. Requiring photo identification in the form of an operator's license issued by the Wisconsin Department of Transportation (DOT), an identification card issued by the DOT, an identification card issued by a U.S. uniformed service, or a U.S. passport only if the photo identification has not expired prior to the previous election.
5. Eliminating acceptance of an out-of-state driver's license as proof of identification.
6. Requiring that an elector sign the poll list, supplemental list, or other separate list when voting.
7. Requiring that registration forms include information identifying the previous residence address of the elector and the elector's current and license number, if any. valid driver's
8. Requiring that proof of residence of a university, college or technical college student include a photo identification card and fee receipt dated within 9 months of the election.

; and

Whereas, Acceptable documentation for obtaining photo identification under Act 23, including birth certificates, may be difficult or impossible to obtain and creates a financial obstacle for some potential voters; and

Whereas, Campaigns to recall state various officials have been initiated, petitions for recall elections have been circulated and recall elections may be scheduled and conducted in 2012; and

Whereas, The Common Council finds that the Election Commission has the capacity to report on

matters related to the conduct of primary and general elections within 30 days of each general election; and

Whereas, The final clause in the Common Council Resolution File Number 110204 provides: "Further Resolved, That, beginning in 2012 and for 4 years thereafter, the Election Commission shall provide the Common Council with a report as soon as is practicable after each election detailing the numbers, or estimate of numbers, of individuals submitting ballots that were not counted, including the reason or reasons that ballots were not counted"; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council File Number 110204, adopted on July 26, 2011, is amended by deleting the last "Further Resolved" clause and by adding the following "Further Resolved" clauses:

"Further Resolved, That, beginning in 2012 and for 4 years thereafter, the Election Commission shall provide a report to the Common Council within 30 days after each primary and general election, or recall election, detailing the numbers, or estimate of numbers, of individuals submitting ballots that were not counted, including the reason or reasons that ballots were not counted in the general election or recall election, and in any related primary election; and be it

"Further Resolved, That all other resolved clauses articulated in Common Council File Number 110204 shall remain in full force and effect; and, be it

"Further Resolved, That the report provided by the Election Commission following each election shall include the numbers of persons denied registration in the course of the election due to failure to present sufficient documentation or other proof of residency required under Act 23 including information identifying the particular requirements of Act 23 that were not met; and, be it

"Further Resolved, That the report provided by the Election Commission following each election shall include the numbers of persons denied a ballot in the course of the election due to failure to present sufficient photo identification or other documentation of identity required under Act 23 including information identifying the particular requirements of Act 23 that were not met; and, be it

"Further Resolved, That any report provided by the Election Commission in compliance with this resolution for elections held in 2012 shall describe the costs to the Election Commission, and other City agencies, associated with implementing Act 23, including reasonable estimates of both indirect and direct costs incurred after the effective date of Act 23; and, be it

"Further Resolved, That the Election Commission may include in its reports such other and additional information relating to the effects of implementation upon the City and the public as the Election Commission determines may be of interest to the Common Council, including cost savings, if any."

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Richard L. Withers

1/9/2011