

# A VOTE AGAINST FRAUD

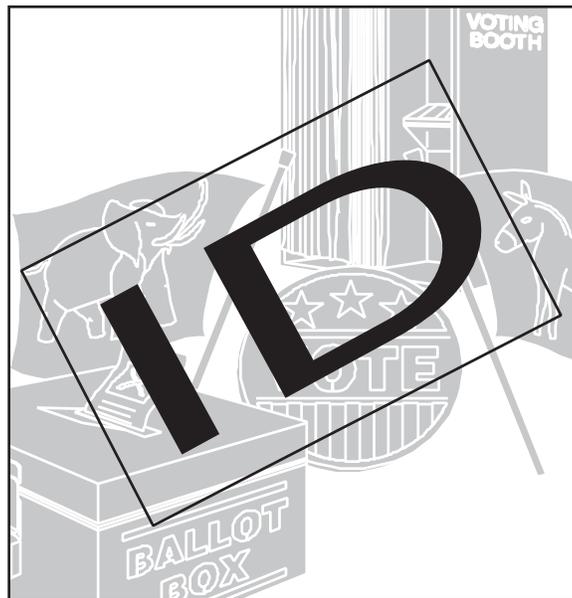
## DEFENDING REASONABLE MEASURES TO PROTECT THE VOTING PROCESS IN WISCONSIN

THOMAS HRUZ

The fallout of last year's historic November election continues to reverberate across the political and civic landscape, bringing about a renewed interest in the procedural aspects of voting. After the dark underbelly of the electoral process in this country was exposed, numerous and wide-ranging reforms have been proposed to clean up and enhance the voting process. As part of this initiative, individual states, including Wisconsin, have decided to undergo introspective looks at their own voting procedures and policies.

The natural offspring of this exercise has been the development of various voting reforms,<sup>1</sup> many of which are aimed at securing better protections against voter fraud. To this end, newly minted Governor Scott McCallum has outlined elements of an "election administration reform initiative," which according to the governor could "strengthen accountability for election results and increase the public's confidence in the efficient administration of elections." These reform proposals include:

- Requiring that voters show photo identification before voting, even if they have previously registered. Those few persons who



do not carry any photo ID, will also have the options of filing an absentee ballot or to have any individual vouch for their identity.

- The compilation of a centralized statewide registration list of voters, maintained by the State Elections Board, that could be updated immediately, along with funding to assist localities with updating registration data.

- Increased Board authority over registration forms to help eliminate fraudulent registrations, and increased Board supervision over local election practices.
- Better training programs for poll staffers.

Some of these reform proposals, such as a computerized, statewide registration list, have been viewed favorably and find bipartisan support.<sup>2</sup> Yet the idea of a photo identification requirement for voting has most noticeably put political folks up in arms. Presently, an individual who has previously registered to vote at a polling station in Wisconsin need only show up at a later election and state their name and address to receive a ballot; absolutely no proof

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*Thomas Hruz is a Resident Fellow of the Wisconsin Policy Research Institute.*

of identity is required. Despite there being strong public support for a voter identification policy, especially within southeastern Wisconsin,<sup>3</sup> critics have accused the policy as being unnecessary, unconstitutional, unlikely to work, and even racist. While citizens should always be skeptical of current public officials tampering with the way elections are operated, a fear that such changes are made solely to insulate these politicians from political pressure should not necessarily be the dominant assumption. Instead, a look to the merits of the reform proposal is required.

There are generally two strains of argument in favor of these voting reforms. The first is an empirical claim that such reforms would effectively diminish the extent to which mistakes and fraud occur during elections. This supposition, of course, assumes that mistakes and fraud are indeed serious problems. Given what was uncovered during the last election, which is expounded upon below, this is not an unreasonable assumption.

The second argument is a more principle-based assertion that, whatever the actuality of voting improprieties in terms of frequency or degree, the voting system should best effectuate the dual — yet frequently competing — goals of encouraging voter participation while also ensuring that the voting process is fair and legal. Balancing these interests is difficult, but it is a task that must be undertaken intelligently and with resolve.

Currently, Wisconsin's voting system decisively balances this scale in favor of the former consideration, giving short shrift to the concern of secure and fair elections. A well-tailored photo identification requirement for voting that is clear, fair, and impartially administered would instill a bit more needed security into the state's election process, and would do so at a minimal cost to the state taxpayers and the voting public. The sanctity of each individual vote demands no less of us than to protect each legal vote from its diminishment by illegally-obtained votes. Furthermore, it is not inconsistent to fight against the threat of fraudulent and

mishandled votes while at the same time searching for better ways of encouraging and enabling voters to come out and exercise their right — legally.

### **Voting as an Honor System**

Voting fraud essentially happens in one of two ways. First, a person who is ineligible to vote under the law (such as a convicted felon, an alien resident, or a person under the age of 18) does in fact attempt to vote. Fraud also occurs when a person who is eligible to vote does so in manner not available to them under the law. Such actions would include: voting in a jurisdiction in which their residency does not allow them to vote; taking a bribe as consideration for their vote; voting more than once; or voting under someone else's name.

Generally speaking, there exist four deterrents that keep individuals from violating the law, including laws against voter misconduct. On nearly all these measures, current laws against voter fraud score poorly. The first deterrent is a moral sense of duty, in which a person either sees the law as a naturally correct directive or, on the basis of it having been passed through established political procedures, a proper limitation upon their conduct. While the average citizen generally adheres to this sense of duty when it comes to voting laws, it is increasingly common for political party personnel, many of whom are wed to some belief in *realpolitik*, to toss aside any moral qualms that stand in the way of electoral victory.

Second, actual knowledge of the law helps deter illegal behavior because the more people who know and understand the laws, naturally the more able they are to follow those laws. Given the amount of felons who claimed to not realize they were unable to vote, this is an area where greater education about the law can help to clean up the process.

The third and fourth factors combine to form a criminal punishment strand of deterrence, which includes in its component parts the level of punishment imposed if caught and convicted, along with the probability of being caught and convicted. It is a felony offense in

Wisconsin to vote more than once in the same election, punishable by a maximum of four and half years in prison and a \$10,000 fine. This is a fairly harsh penalty, that is, *if* one gets caught and convicted. Unfortunately, the level of legal oversight and detection of voter fraud is laughable. As a result, the expected cost of engaging in voter fraud is extremely low.

Nonetheless, Wisconsin is, by comparison, a relatively clean state when it comes to voting. Unlike other notorious municipalities, this state witnesses far fewer cases of the dead rising from their graves to vote, among other such abuses. While some point to this admirable fact as a reason to oppose the presently proposed reforms, the state's status should instead serve as a call for continuing to ensure accurate and lawful elections, thereby maintaining the state's quality reputation. Moreover, relative comparisons are, well, relative, and using Chicago-area politics as a baseline for electoral integrity is a tad bit dubious. Instead, the state should strongly adhere to the mission of the Wisconsin State Elections Board, which is "to enhance representative democracy by ensuring the integrity of the electoral process," and "guarantee that the vote of each individual counts and that the will of the electorate prevails. Elections must be open, fair, impartial, and free from error." A photo identification requirement works directly toward satisfying these goals.

#### **The Appearance of Fraud and Misconduct**

Despite the laudatory nature of the State Elections Board's goals, the current voting system in this state is less than pristine. There are virtually no safeguards to prevent or even discourage ineligible people from voting or eligible voters from voting improperly; the voting

process essentially operates under an honor system. As a result, voting irregularities, a mere euphemism for voter fraud and error, have been suspected to exist for some time, and after last November's election, specific charges were logged by voters who witnessed practices contrary to the very goals of the State Elections Board.

Given that most of these complaints dealt with Democrat-leaning districts,<sup>4</sup> the inquiries into voting impropriety have taken on a decisively political-party angle. The Republican Party of Wisconsin announced its investigatory efforts after having received, according to its own accounts, over 600 complaints of alleged voting irregularities. A sampling of these allegations includes: voters being told they had already voted when in fact they had not; improper handling of marked ballots; voters being given multiple ballots, some of which were taken out of polling locations; improper registration procedures having been followed; polls allowing voters in after 8:00 p.m.; poll workers telling voters to vote for one candidate or another. Ground zero for

many of these election day follies was the voting polls at the Highland Park public housing facility on North 17th street. Here witnesses saw people leaving with multiple unmarked ballots, Gore-Lieberman campaign signs being closer to the building than election laws permit, and in some cases were inside the building, voting occurring with improper registration, and even people voting multiple times. Similar reports were also made at other polling locations in the area.

Then we come to the well-publicized "smokes-for-votes" incident that was uncovered the weekend prior to the election. Connie Milstein, a prominent Democratic party fundraiser from New York, was caught offer-

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ing cigarettes to inner-city residents to entice them to file absentee ballots for candidate Gore. Evidently sensitive to the plight of low voter turnout among the homeless, the most attractive of Milstein's conscripts were homeless persons from the Milwaukee Rescue Mission. Helping the homeless to vote may be fine, except that state law makes it a felony to offer anything of value over \$1 as an incentive to vote. While Milstein originally stated she was helping the homeless vote at the request of the Gore campaign, she later recanted by claiming that she was completely acting at her own direction. State Representative Scott Walker appropriately voiced doubt over this cover, saying, "How can a group of people come in from New York and no one from the local campaign know about it?"<sup>5</sup> Good question. Still, according to the Milwaukee County District Attorney's office, at most only 25 people filed votes in exchange for cigarettes, prompting E. Michael McCann to label these infractions as *de minimus*.

Then of course there were the rambunctious college students from Marquette University and the University of Wisconsin-Milwaukee who bantered about that they had voted multiple times during election day. The poster child for this escapade was Rob Bosworth, a Marquette freshman who openly claimed to have voted on multiple occasions. His original story, told gleefully to the national and local media, was that he violated the law to highlight the existing holes in the voting system and show how easily anyone can manipulate the system. This defense, apparently some type of neo-civil-disobedience claim, did not resonate too well with the general public, and Mr. Bosworth, upon sage advice of legal counsel, recanted his statements a day later, saying he just voted once — for himself, being the civic stalwart that he is.<sup>6</sup> As for the other 174 students who had "admitted" to the Marquette University student newspaper of having voted on multiple occasions, none came forward, and little evidence of such fraud was uncovered, prompting some to remark that the survey results were just gross exaggerations by playful students.

Finally, there was the issue of felons voting illegally, which is the accusation that appears to have the greatest amount of traction. Wisconsin state law, like in many other states, disqualifies felons from voting until they are off probation and parole.<sup>7</sup> Yet according to a *Milwaukee Journal Sentinel* analysis conducted after last November's election, at least 361 felons voted illegally in Milwaukee on election day. The same analysis estimates that if these results were extrapolated with similar rates to the remainder of the state, as many as 1,100 votes could have been illegally cast by felons.<sup>8</sup>

While the preceding list of alleged infractions is perhaps comprised of only anecdotal stories, these multitudes of voting "irregularities" still merit serious consideration. There is likely some element of truth to these volumes of allegations, and for every legal vote to carry its due weight, illegal votes must be eliminated. As we found out last year, even just a few votes can make the ultimate difference, even in a presidential election. Al Gore prevailed over George Bush in Wisconsin by a margin of only 5,700 votes, or just 0.2 percent of the total vote. In other words, Wisconsin was precariously close to a Florida-esque recount situation, and these voting irregularities could have had a material effect on the election results. Moreover, the problem with voting irregularities is even greater in local elections, where the pool of voters is smaller and turnout is also frequently smaller. In these races, the often small margins of victory can be swayed one way or the other by illegal votes.

#### **Whose Ox Will Be "Gored" by Voting Reform?**

Instead of feebly attempting to enforce violations after the fact, we could more effectively deal with the problems of voter irregularities before they are allowed to become manifest. This approach includes establishing measures to ensure that each voter is voting only once and is voting in the manner that he or she is suppose to be voting. Requiring some form — *any* form — of voter identification will directly reduce the ability of someone to vote more than once, or to vote in the place of another person.

There is strong precedent in other states for these types of reforms. Forty-six states require some form of photo identification before voting on election day, just as most other states have statewide master voting lists. Of course, conformity with other states' voting procedures is not, by itself, a virtue. Wisconsin law, perhaps reflective of its historical commitment to progressivism, has granted its residents some of the most voter-friendly election rules in the nation. One has to look no further than the state's rare allowance of same-day voter registration, which is a system that has been lauded by most state politicians. Although same-day voter registration carries some threat of fraud, further causes long lines at polling places on election day, and has not in fact increased voter turnout, it is still an admirable idea that should be continued — at least when it is conducted correctly and according to the law.

Yet after someone has registered in a previous election in Wisconsin, he needs only to show up on subsequent election days, state his name and address, and he will be handed a ballot — no other questions asked. What we are talking about, then, is a reasonable compromise: provide voters the freedom and convenience of same-day registration, but also ask of them a minimal means of proving their identity when they vote at a later date.

Yet the Wisconsin Republicans advocating these reforms have been charged with a bit of overreacting and of suffering from a classic case of sour grapes for having not carried the state for Bush. While it is likely true that the party's motivation was derived from its loss, it is an unfortunate but true phenomenon that, historically, most cases of voter irregularities have arisen in regions that strongly support Democratic candidates, usually urban areas.

For example, most of the reported irregularities in Wisconsin occurred in the City of Milwaukee, where Al Gore took 68 percent of the vote last November. Furthermore, felons tend to vote overwhelmingly for Democratic candidates. A 1998 national study of felon voting laws found that the demographics of most felons would make them likely Democratic voters, and this was seen to be dramatically true among the felons who were found to have voted illegally in Florida. Still, if felons *had* the right to vote and they strongly supported particular candidates, then that is their prerogative. But felons *do not* have this privilege under the law, and, therefore, if it is desired to accord

them that right, then the law must be changed; otherwise the law should be enforced.

Instead, State Attorney General Jim Doyle came out a week after Republicans had begun their investigation and discredited the Republicans' efforts to question the integrity of the election results, adding that these instances of voter misconduct were isolated and, to the extent the allegations were true, would not have changed the outcome of

the election anyway. Doyle's position was bolstered when a subsequent, five-week investigation from the Milwaukee County District Attorney's office was unable to locate any direct evidence of most fraudulent voting claims. Yet the District Attorney's office did also confirm that registration requirements were ignored in Milwaukee in a "substantial number" of cases.<sup>10</sup>

Doyle's statements are a bit misplaced, though, to the extent they rely on the fact that the fraudulent votes would not have mathematically altered the outcome. The concern is not just for the integrity of the most previous election, but more so for future elections, at which time we will desire to ensure that all votes are counted equally and correctly.

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Simply because we were fortunate enough to not have a vote result so close, such that these illegal votes would have affected the outcome, is a fairly weak argument against concerning ourselves about elections where those fraudulent votes *could* affect the outcomes. It is pure hubris to assume that Wisconsin is some voting bastion, immune to the temptations of voter fraud.<sup>11</sup>

Unfortunately, one of the primary reasons why stronger evidence is likely not available is precisely because the procedures currently in place are not designed to aid in the detection of fraudulent voting when it occurs. The claims of no direct proof of fraud would be stronger, noticeably so, if the procedures in place reasonably would detect most fraudulent voting activities. But this is all beside the point; for the burden of proof and persuasion needed to pass such policies is not as high as in a court of law: direct evidence may not be available, but that does not negate the possible need for effective reform. There is enough evidence to reasonably suggest a problem, and the need to protect legal votes is serious enough to demand action.

Opponents of the voter photo identification plan also claim that such a requirement would make voting more difficult and would discourage voting by, for example, making the voting process more time-consuming and the lines at the polls even longer. As to the added burden, it can be described as nothing more than very light. It takes but a few seconds to retrieve and flash a photo identification, something most people already carry. A photo identification requirement is certainly no more burdensome than requiring that an individual actually travel to his local voting place, and perhaps even languish in lines.

There exists a spectrum at issue here. At one end we could just open up voting booths and let any warm body with a pulse walk up, unchecked and unregistered, fill out and file a ballot, and walk away. Likewise, we could establish on-line voting, or even allow people to call specified phone number and vote without even having to leave the comfort of their

own bed. Why not allow votes to be logged on election day similar to the process by which petitions are signed; allowing any person, who after perhaps registering with the state, to walk up to any other person, ask if they have already voted, and if not, offer to record that person's vote for them? What a grand democratic utopia this would be, and surely voter participation would rise immensely once these enablers are provided. Yet to suggest that widespread fraud would not occur under these most open of all open-voting schemes would be naive and irresponsible. The fact is we need reasonable controls, and as a result, voters have some minimal responsibilities that they must act upon to effectuate their vote.

On the other side of the spectrum are laws that, unfortunately, became familiar at various points in American history. These included outright denials of the right to vote based on one's race, sex, level of property ownership, and so forth, to more indirect forms of voting restrictions, such as poll taxes, city political machine influences, and even requirements of passing "competency" exams to vote for public officials. Fortunately, today we much better appreciate the notion that a republican democracy should unequivocally shun laws established strictly to deny the right to vote to properly qualified individuals.

Still, there appears to be a tradeoff inherent in any voting policy between burdens incurred by voters and the threat of fraud. A photo identification requirement would not place us anywhere near the grossly restrictive side of this spectrum, but would take us more away from the side prone to fraud.

### **Vociferous and Unwarranted Opposition to Voting Reforms**

To the extent that Republicans may be guilty of over-dramatizing the allegations of fraud from the last election, some Democrats are equally temperamental and over-reactive to the simple notion of requiring the proffering of identification to vote. Yet unlike the numerous concerns outlined above, one response is rooted in a view based on questionable logic and very inflammatory language.

This much harsher criticism claims that requiring proof of voter identification is a move to suppress the vote of various populations, namely minorities, the poor, students, and renters, with the latter two groups being people who tend to move frequently. The assertion is that a significant number of people in these groups, who also tend to be Democratic voters, will somehow be adversely affected by this policy. According to State Senator Gwendolynne Moore, this policy would have the effect of "disenfranchising" minority voters. Likewise, State Senator Brian Burke remarked that requiring voters to show a driver's license or some other form of photo identification might end up "scaring people away from the polls," and "might have a chilling effect on voters."<sup>12</sup> Moore takes this sentiment a step further and exclaims, "Americans do not want something akin to a universal identity card or any other *remnants of a police state* in order to assert their most precious of constitutional rights: the right to vote."<sup>13</sup> Moore argues that many poor and homeless people lack photo ID cards, and requiring them would "rob" individuals of their right to vote: "It's like a poll tax on poor people and people of color to say they have to have a photo ID. . . Thousands of low-income, minority, elderly, homeless and handicapped citizens do not have this kind of identification. Often on a fixed incomes, these voters would be forced to sacrifice their wallet or surrender their franchise." When another lawmaker attempted to explain that stronger identification rules are intended not to discourage voting, but solely to prevent fraud, Moore's response was "I don't care what the intent is, the effect is racist."

To recognize these statements as hyperbole would itself be an understatement. While

there are some legitimate minor legal concerns over requiring photo identifications to vote,<sup>14</sup> this "end-of-the-world/death of civil rights" tone nowhere approaches the issues at hand. Instead we are simply finding the race card being applied to an innocuous and non-racially motivated law. It would be helpful for those condemning the photo identification policy to draw some logical connection between why this minimal requirement will both unduly burden and disproportionately burden these groups.

As to the "discouragement" argument, the vast majority of voters, even those within the classes Senator Moore cites, have some form of

valid identification. And to what extent will a requirement to furnish an ID actually take a person otherwise inclined to vote and suddenly turn them away? What assumption is there that preconditions these populations to not vote due to this requirement? Despite all the emotive talk of this requirement being akin to a poll tax, it is nothing of the sort, in either form or substance. Moreover, the State Assembly bill calling for photographic

proof of identity to vote includes a provision stating that for residents who request so, the state will issue — free of cost — a valid photo identification, that can be used if that person does not have one of the preexisting means of identification. Therefore, no one would ever have to pay a fee, no matter how nominal, to receive a valid form of photo identification. This fact, simply and quickly, makes the contentions of a photo ID requirement being a poll tax disappear.

Unfortunately, those in Wisconsin arguing for reforms aimed at securing the voting process have been rebuked by being suspected of having racist motives. This is highly unfor-

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tunate, for inciting racial overtones simply to avoid a sensible means of guarding against fraud — when such fraud can be so easily accomplished under the current system — is irresponsible.

### **Protecting the Right to Vote on Two Fronts**

The right to vote is clearly one of the bedrock principles undergirding the American system of governance, and few want to mess with this primal element of our republican form of governance. Yet at the same time, the revered adage of "one person, one vote" needs protections on two fronts. Certainly there is the commonly recognized ideal that all law-abiding adult citizens should equally have one vote for every office contested in each election. It should not matter whether an individual is rich or poor, an urban resident or a rural farmer, someone with advanced education or someone with little formal education, or whatever qualification someone holds. This understanding emphasizes the value that to each person should go one vote, all of which are weighed equally. But the key modifier in this axiom of democracy is the word "one," as in one person *only* gets one vote. Not two or three or twenty. Therefore, voters who value their franchise, and who vote legally and responsibly, may reasonably desire that others not abuse the process by voting illegally, thereby negating their own legal votes. And in arguing to protect this right, these citizens should not be inundated with baseless accusations of racism.

Attorney General Doyle found it apt to say that the suggestions of the need to curb voter fraud and irregularities are a slam at the voters of Wisconsin.<sup>15</sup> In reply, Doyle's implied assertion that Wisconsin voters need not, nor should not, stand up to protect the integrity of their votes from illegally obtained votes could likewise be viewed as a "slam" against Wisconsin voters. After all, it is important that the public have confidence that the voting system goes on with the least possible amount of mistakes and fraud.

Yet politicians, such as the attorney general, are compelled by their vocation to deal in

perception, and they must be expected to argue for the validity of election results whenever those results favor their party, even if questionable means were used to acquire some of the votes contributing to that victory. Republicans are perhaps guilty of the same type of posturing in Florida. But the public should move beyond the simplicity of these overly facile statements by politicians, which are sometimes misleading and most times diversionary in nature. For example, Mr. Doyle fails to mention that party operatives are also voters, and they are in the business of getting more sympathetic voters to turn out and actually vote on election day. This is all perfectly fine — so long as these party operatives are not using the well-known loopholes in voting security to advantage their candidates in improper ways.

### **Keeping Up Our Guard**

Enabling adult citizens to exercise their right to vote is a laudable goal, but the necessary converse of that goal is protecting an individual's vote by not allowing others to cast illegal votes that will be eventually counted in the final tally. Wisconsin and Milwaukee certainly have a much better history of clean voting than other areas of the country, such as Chicago, Philadelphia, and St. Louis.<sup>16</sup> But Wisconsin's superior status should not make the state complacent, and thereby further susceptible to becoming "the next Florida."

Even before the escapades of last November, observant voters noticed that only minimal measures existed to prevent persons from disobeying the law. The events of last November have only magnified these concerns. The point is not that such practices are necessarily occurring all over the fruited plain (so far as we know at least), but that they can be occurring, and rather easily. Thankfully most people resist any temptations to overlook the meager likelihood of being caught committing such fraud, and instead lawfully exercise their civic right as it has been granted. Still, even just a few such violations should be intolerable.

Felons voting, people voting multiple times, bribes being received for votes, on-site campaigning at polling places on election day, persons voting at incorrect districts, and so forth. Any of these occurrences by themselves may not be great cause for concern, but the cumulative effect of such voting "irregularities" can seriously undermine our voting system. To the extent that a large number of these problems can be addressed at a relatively low cost, both in terms of government expenses and increased burdens on individual voters, then such a route should be taken to better ensure the integrity of the voting process. Voting is a fundamental and cherished right in this nation and this state, and while it is important to be cognizant of how undue burdens can harm the ability of some to vote, the permissive acceptance of rules that effectively allow voter fraud is equally unacceptable.

#### Notes

1. Other current calls for voting reform are either aimed at establishing means for making voting easier for citizens or at eliminating technical mistakes found in the voting process. These proposals have ranged from having election day be a national holiday, allowing voting over two days, the obliteration at the earliest possible convenience of all punch-card ballots, to the shifting of federal elections from Tuesdays to Saturdays, among other ideas.
2. Likewise, state politicians quickly and nearly unanimously recommended eliminating the use of punch-card ballots in the few portions of the state still employing such machines. This reform was approved with flying colors by the State Elections Board in December, which ordered that beginning in 2002 no more punch-card ballots could be used in the state.
3. According to a poll conducted by Wood Communications of Madison, for the on-line Madison news service WisPoliticians.com, Wisconsin residents support the idea of requiring voters to show photo identification before casting their ballots by a 65 percent to 30 percent margin (with a 4.4 percent margin of error). The poll also found that 71 percent of those polled in the ten counties of southeastern Wisconsin favored the policy (with a margin of error of 6.8 percent). *Star Tribune*, March 18, 2001, "Poll: Wisconsinites want voter identification."
4. Although other parts of the state reported irregularities, the majority of allegations arose out of Milwaukee County.
5. *Milwaukee Journal Sentinel*, Nov. 6, 2000, "Incentives to voters questioned."
6. Bosworth ended up being charged with five counts of selling false identification cards for profit.
7. According to the *Milwaukee Journal Sentinel*, "Fourteen states are tougher [than Wisconsin in their felony voter laws], barring some or all felons [from voting] even after they are off probation or parole. And 22 are more lenient, with most of those allowing felons to vote once out of prison and two (Maine and Vermont) allowing those behind bars to vote. . . Wisconsin is among a group of 15 states where felons must be 'off paper' — completely off probation and parole — before they are allowed to vote again." Jan. 20, 2001 "361 felons voted illegally in Milwaukee."
8. Kevin Kennedy, executive director of the State Elections Board, called the number of felons voting illegally a threat to satisfying the public confidence in the election process, remarking that whether or not these people know it is against the law to vote as a felon, it is still a violation. He further adds that the relevant law is really not that difficult to understand. State Senator Gwendolynne Moore counters that these numbers are relatively small, and that the public should avoid worrying about them because many of the proposed solutions to the problem would do little more than deter people from voting legally, while not deterring people from voting illegally. There has been talk of placing signs in polling places to the effect of informing voters that felons on probation or parole are ineligible to cast ballots; these signs have yet to receive state approval.
9. Persons who have lived in the state for at least ten days can register to vote by simply showing up at polling places with any of the following forms of identification: a driver's license, utility bill, government ID card, rental lease, or a student ID card.
10. *Milwaukee Journal Sentinel*, Jan. 18, 2001, "Voting reform plans draw fire: Disenfranchisement predicted as the result."
11. In fact, given Wisconsin's well-known voter-friendly and relatively insecure voting procedures, it is not unreasonable to expect that the state is targeted in close races. This problem is even more acute in presidential elections, when a state like Wisconsin could swing the national result (as during last year), and where party workers on both sides realize the relatively minimal requirements to secure an honest election.
12. *Milwaukee Journal Sentinel*, Nov. 9, 2000, "Key GOP Legislator Urges Study of Vote Rules."
13. *Milwaukee Journal Sentinel*, Nov. 21, 2000, "Jensen Seeks Vote Law Changes." (emphasis added).
14. Granted, there are some legal issues surrounding the proposed use of photo identification for voting. The plan may be found as an unconstitutional poll tax, since photo IDs cost money. New state driver's licenses cost \$18, and state identification cards for people who do not drive cost \$9. And since the legal qualms about a poll tax are not tempered by the amount of

any tax (no matter how nominal), these values could be enough to make the scheme unconstitutional.

To get around this problem, Governor McCallum has proposed two alternative options for individuals wishing to vote. First, they can bring along a fellow voter to vouch for the person's identity, or second, they can vote through the absentee ballot process. But allowing these alternatives may in turn raise equal protection challenges, which, given that the issue of voting is involved, will garner a stricter level of scrutiny by the courts. In any event, the Assembly bill seemingly overcomes this objection by providing a

free photo identification card to anyone who requests one and does not have any other form of valid photo identification.

15. *Milwaukee Journal Sentinel*, Nov. 15, 2000, "State Vote Fair, Doyle Says."
16. St. Louis and Philadelphia are currently engaged in state, local, and federally-inspired efforts to improve the fraud-laden election processes found in those jurisdictions. See *The Wall Street Journal*, March 12, 2001, A22 "The Voter Fraud Iceberg."