

Dear Committee Members,

I would like to thank Chairwoman Bernier and all of the members of the Campaigns and Elections Committee for allowing me the opportunity to speak to you today on behalf of AB202.

Current law allows any member of the public to be present at a polling place to observe an election. These election observers play a very important role in our transparent election system in both maintaining that the voting process stays in accordance with the laws and monitoring for instances of possible voter fraud.

The Government Accountability Board's administrative rule relating to observers is as follows: *"When physically feasible within the polling place, the observation area shall not be less than 6 feet nor more than 12 feet from the table at which electors are announcing their name and address and being issued a voter number."* GAB further states that: *"If necessary to ensure all public aspects of the process are readily observable, the chief inspector shall set up additional observation areas near the election-day registration table and area where elector challenges are handled."* However, this idea of *"when feasible"* and *"if necessary"* does not fit the requirement under state statutes that *"Designated observation areas shall be so positioned to permit any authorized individual to readily observe all public aspects of the voting process."* I would contend that an observer is not able to properly view the process when standing 12 feet away.

AB202, along with Assembly Amendment 1 that I am authoring, addresses this issue by requiring the chief inspector or municipal clerk to designate an observation area for the observers that is within five feet from the table where an elector announces their name and address, as well as at the table where a person registers to vote. This legislation also gives the municipal clerk or chief inspector the ability to allow an observer to sit at either table, as long as the observer isn't permitted to view confidential information. Having a seat at the table allows for greater transparency and prevents unnecessary questions from poll observers who can't see or hear the exchange of information. This can also relieve poll workers from the feeling of someone peering over their shoulder, commonly referred to as *"hovering."* Again, this option is at the discretion of the municipal clerk or chief inspector at the polling location.

In closing, AB202 further ensures the citizenry's right to observe within practical distance and provides a safeguard for fair elections. I thank you for your time and would be happy to answer any questions you might have or address any of your concerns.

Sincerely,

Rep. Don Pridemore



LEAGUE OF WOMEN VOTERS® OF WISCONSIN
EDUCATION NETWORK

612 W. Main Street, #200
Madison, WI 53703-4714

Phone: (608) 256-0827
<http://www.lwwwi.org>

May 21, 2013

To: Assembly Committee on Campaigns and Elections

Re: Opposition to Assembly Bill 202

The GAB developed its election observer rules with input from both major political parties in addition to advocacy organizations. The rules were thoughtfully formulated to offer reasonable opportunity for observers to monitor polling place activities without disrupting the voting process. They place election observers 6 to 12 feet from the registration and check-in tables where poll workers interact with voters. This bill, as amended, would allow observers to stand “within 5 feet,” where they could very well be standing over poll workers as they do their work and intimidating voters.

While transparency is key to ensuring clean elections, voters should be assured privacy as they interact with election officials – just as they have privacy in interactions with other government officials. Election observers do not need to be able to read completed registration forms or proof of residence documents, which often have private information such as birth dates and account numbers.

The role of observers is to ensure that election officials are doing their job, not to do it for them. Anyone who wants to do the poll worker's job should apply to be a poll worker. Election officials generally are not highly paid, if at all, and they should not have to work with observers breathing down their necks.

Election Day is not about the political parties, or the interest groups, or even the candidates. It is about the voters. It is the time when citizens of the greatest democracy in the world go to the polls, register if we need to, and cast a private ballot with our best guess for what will improve the future of our nation, state or community. It is the one time when we are all equal; each citizen has one vote, regardless of race, creed, gender or economic status. The voting process should be orderly and efficient, and the polling place should not be a battleground.

We urge you to “put voters first” by rejecting this bill, which would jeopardize voters’ private information, put pressure on poll workers trying to do their job, and make polling places more contentious.

The League of Women Voters opposes AB 202, and we urge you to do the same.

PROTECTING THE RIGHT TO VOTE IN WISCONSIN

COMPREHENSIVE REPORT SHOWS GOVERNOR WALKER AND HIS
REPUBLICAN ALLIES ARE MAKING THE RIGHT TO VOTE, THE FIGHT
TO VOTE



ONE WISCONSIN NOW
MARCH 2013

UPDATED MAY 2013



Gannett Wisconsin Media

INTRODUCTION

Voting is not only our right; it is our duty.

It is how we have a say in the direction of our community, our state and our country.

Voting is the one time everyone is equal. Young or old, rich or poor, on Election Day everyone gets the same say.

That's why it is important that the rules for voting are straightforward – so voters can understand the rules, know how to register and show up at the right polling place on Election Day.

Our votes can and do make a difference, and if you don't show up and vote, you can't complain.

Government ought to be about protecting and expanding our rights, not taking them away or unnecessarily limiting them.

THE REPUBLICAN ASSAULT ON THE RIGHT TO VOTE IN WISCONSIN

Wisconsin Republicans have systematically sought to make voting more difficult for certain demographic groups and otherwise manipulate state law related to elections to give themselves a partisan political advantage.

Fortunately, they have not been entirely successful. The state constitutional right to vote contained in Article III is currently preventing the implementation of the voter ID law, and the dedication of Wisconsin residents to doing their civic duty and voting meant our state had the second highest voter turnout percentage in the country in the November 2012 elections.¹

However, the GOP's controversial partisan gerrymandering of legislative districts meant they gain seats in the Assembly, despite garnering approximately 174,000 fewer votes than Democratic candidates, and retook a Senate majority.²

The following are some lowlights of the GOP's most recent efforts to skew election law to their advantage:

VOTER ID

Upon taking legislative majorities and the Governor's office in 2011, Republicans quickly passed a photo identification law, estimated to present additional, if not insurmountable, barriers to the franchise for an estimated 300,000 otherwise legal voters.³

Enforcement of the law is currently enjoined by decisions issued by two circuit court judges hearing two separate cases.

One Wisconsin Institute filed an amicus brief in the NAACP v. Scott Walker case, which was accepted by the courts. In its brief, the Institute noted among other facts:

[Wisconsin] DMV services centers are open for limited hours. Indeed, 41 are open just two days each week, seven are open just a few hours for one day each month, and three are open just one day every quarter. Other significant accessibility issues lie with the nature of the hours kept by Wisconsin's DMV service centers. Only one DMV service center in the entire state of Wisconsin is open on a Saturday. No other DMV in the entire state operates in the evenings or on weekends. Nearly all of Indiana's 140 DMVs are open five days a week, Wisconsin has only 33 full-time sites; Indiana has 124 that are open on the weekends, Wisconsin has one.⁴

In 2011, One Wisconsin Now conducted comprehensive research on the disparity between DMV hours in Wisconsin and Indiana.⁵

At the time, One Wisconsin Now noted “Wisconsin and Indiana have similar voting age populations (4.35 million vs. 4.8 million), but Wisconsin is 50 percent larger geographically than Indiana (54,314 sq. miles vs. 35,870 sq. miles). Indiana not only provides its residents 50 percent more DMV offices than Wisconsin does (140 to 91), but also nearly three times the total hours these facilities are open.”

WISCONSIN AND INDIANA HAVE SIMILAR VOTING AGE POPULATIONS, BUT WISCONSIN IS 50 PERCENT LARGER.

In the short time the Wisconsin Voter ID law was in effect, before being suspended by the courts, the fallout included a U.S. service veteran being prohibited from voting⁶ and potentially barring a local elected official who had cast a vote in every election since Harry Truman was President from ever voting again.⁷ In addition, the new residency requirements – extending the period one needed to be a resident of the state from 10 days to 28 days, caused problems in particular for students who wanted to exercise their right to vote. Unfortunately, the residency requirement changes are still in effect.

Assembly Speaker Vos has indicated he could like to pursue a state constitutional amendment to implement a photo ID requirement,⁸ a potential end run around successful legal challenges to the law in state courts. Vos also recently vowed to the audience at the state Republican Party convention that the voter ID law would be in place for the 2014 election.⁹

ELIMINATION OF SAME DAY VOTER REGISTRATION

Shortly after the November 2012 election, Gov. Walker indicated support for changing state law to eliminate same day voter registration.¹⁰ A number of other top GOP legislators including Assembly Speaker Robin Vos and Joint Committee on Finance co-chair Alberta Darling joined the call.¹¹

Because the elimination of same day voter registration would trigger provisions of the federal Motor Voter law requiring multiple state agencies to allow people to update their registration or register to vote when filling out other state forms, state election regulators determined there would be a significant state fiscal impact.¹²



Rep. Robin Vos

Gov. Walker and GOP legislators have indicated they would not pursue the elimination of same day voter registration based on the current cost estimate – but they have never explicitly denied they have dropped their interest in repealing the law. In fact, any “costs” could be eliminated by simply requiring state agencies to absorb any additional costs in their existing budget.

It is rumored Republicans are concocting an alternative that would still allow same day voter registration, but would require voters to go to a special location or make a second stop in addition to their area’s polling location.

EARLY VOTING RESTRICTIONS

Rep. Duey Stroebel has proposed legislation (AB 54) that would limit the hours during which local election clerks could offer early voting¹³ – specifically ending evening and weekend hours for early voting.



Rep. Duey Stroebel

According to Milwaukee Mayor Barrett, roughly 3,000 voters per day voted early in Milwaukee in the three weeks in advance of the November 2, 2012 election day.¹⁴

STATEWIDE IN NOVEMBER 2012 NEARLY 665,000 WISCONSIN RESIDENTS TOOK ADVANTAGE OF EARLY VOTING AND ROUGHLY ONE IN FOUR BALLOTS CAST IN 2008 WERE CAST EARLY.¹⁵

Non-partisan voter drives in African American churches would be severely impacted by the Stroebel bill, as it would end weekend in-person early voting. Churches have traditionally assisted non-partisan, civic engagement with events like “Souls to the Polls,” where buses are provided after Sunday church services to assist people of faith in casting their early votes at municipal polling places during early voting periods.

VOTER ROLL PURGES

Republican State Sen. Mary Lazich and Republican Rep. Kathy Bernier have requested an audit of election practices to include voter roll purges for minor conflicts or data entry errors or based on matches with other databases with criminal conviction and legal residency status records.¹⁶ Lazich was successful in attaching an amendment to the state budget in the Joint Committee on Finance requiring such an audit, including the purge provisions, be conducted.¹⁷

Similar “purges” in other states have resulted in legal voters being removed from polling lists without their knowledge due to minor data entry errors or “false positive” matches for criminal convictions or other problems, creating chaos and long lines at polling places on election day.¹⁸

POLL WORKER CHANGES

GOP election observers have engaged in extremely aggressive tactics at targeted polling places on election day -- challenging and harassing legal voters, bullying volunteer poll workers and generally attempting to create long lines and unnecessary delays to discourage voters from voting.

Assembly Bill 18, authored by Rep. Don Pridemore and Sen. Glenn Grothman would, as is allowed under current law, let political parties name local poll workers.¹⁹ However, the bill would now only require these poll workers to reside in the county, not the municipality, in whose polling locations they would work. The bill would further allow the political party to specify which wards they would like their designated poll workers to be assigned.

This would allow, for example, the state GOP to place individuals residing outside of the City of Milwaukee but living in the county, as poll workers at inner city polling locations. Having no connection to a community reduces accountability for those who interest is causing chaos to create long lines that result in disenfranchisement.

Pridemore is also currently circulating legislation to make it easier for partisan election observers to interfere and disrupt the efficient operations of polling locations. His proposed legislation would require election officials to allow observers within three feet of the table at which voters give their name and address and within three feet of the table at which voters would register on Election Day. This would override current guidance from the Government Accountability Board, developed in response to complaints about aggressive GOP observers harassing and intimidating poll workers and voters, that allows observers within six feet of these areas.²⁰

ELECTORAL COLLEGE CHANGES

Republicans in several states and at the Republican National Committee suggested changing the way Electoral College votes are allocated in several swing states including Wisconsin.²¹ Instead of the “winner-take-all” system currently in place for Presidential



Rep. Don Pridemore



Sen. Glenn Grothman

elections, the electoral votes would be awarded on the basis of the vote total in each Congressional district.

Using Wisconsin as an example, President Obama would have received 5, instead of 10, electoral votes from Wisconsin in 2012, despite winning the state by 200,000 votes.

“COMPREHENSIVE” ELECTION LAW OVERHAUL

The spokesperson for Senate Republican Leader Scott Fitzgerald suggested the Senate could consider an omnibus package of as-yet unspecified changes to state election law.²²

In a television appearance on a Milwaukee public affairs program, Rep. Duey Stroebel, author of a bill to restrict early voting in Wisconsin, revealed that his proposal along with other GOP sponsored attacks on voting rights could be rolled into an omnibus package of anti-voter legislation.²³

TOSSING OUT LEGAL VOTERS VOTES

Two of Senator Lazich's bills would interfere with a fair recount process in close elections. A voter could have their ballot tossed if they forget, or are not directed, to sign the poll book. Because ballots are anonymous and after ballots have been cast there is nothing to assist in differentiating between ballots cast in person versus absentee ballots, how would the election officials choose which ballots to throw out? Another bill introduced allows for challenges on an elector's registration during the recount proceedings, proceedings that occur after a ballot has been cast and the votes have been counted and individual voters are no longer available to defend their registration.²⁴

PARTISAN INJECTION INTO THE POLLING PLACE

Three of the bills blatantly seek to inject partisanship in the non partisan voting process. One bill calls for equal representation of officials from the Democratic and Republican parties as workers in polling locations. Another bill mandates unnecessary meddling with securing the ballot box by legislating the party affiliation of those involved with securing the box. A third bill doubles the number of names submitted for Government Accountability Board vacancies providing a larger outlet for a governor's cronyism while meddling with the state elections and ethics board.²⁵

CHAOS AT THE POLLS

Three of Senator Lazich's bills would create chaos at the polls from adding language to an existing state statute that makes no changes to current law, to punishing voters for

minor clerical errors, like forgetting the address of the witness on absentee ballots, and interfering with the poll workers ability to register voters on Election Day.²⁶

UNPRECEDENTED PARTISAN REDISTRICTING

The Republican-controlled Legislature has also gerrymandered state legislative districts to maximize their partisan advantage in a process plagued by scandal, including potential illegal destruction of materials, withholding of evidence and computer tampering,²⁷ and massive taxpayer costs, which according to Wisconsin Common Cause have topped \$2 million.²⁸ Most recently, according to the *Wisconsin State Journal*, "New federal court filings allege that legislative aides appear to have deleted 'hundreds of thousands' of files at 'suspicious times' from state computers used by Republicans in redistricting."²⁹ The partisan-rigging of these maps to Republican advantage resulted in a 60-39 majority for the party which drew the maps, despite Democratic candidates for the state Assembly tallying over 174,000 more votes for their candidates than did Republicans on the ballot.³⁰

THE FACTS ON THE MYTH OF VOTER FRAUD IN WISCONSIN

Wisconsin Republicans have attempted to justify placing additional restrictions on the right to vote by claiming these are necessary steps to combat pervasive, widespread improper voting.

The facts show exactly the opposite to be true. There has never been widespread voter fraud in Wisconsin. Since 2004, there have been 34 people killed in six Wisconsin mass-shootings. This tragic number is actually larger than the number of people who have been convicted of voter fraud over the same time period.³¹

The continual Republican attacks on the right to vote in the face of these sobering statistics are incontrovertible proof this calculated assault on the right to vote is a conspiracy to deny legal voters access to the franchise and a clear and present danger to democracy in the state of Wisconsin.

SINCE 2004, 14 MILLION VOTES HAVE BEEN CAST IN WISCONSIN. WITH LESS THAN TWO DOZEN CONVICTIONS FOR VOTER FRAUD, THIS IS A RATE OF LESS THAN 0.0000017 PERCENT.³²

The vast majority of the cases in question have involved felons released from their term of incarceration but still "on paper," serving the community supervision portion of their

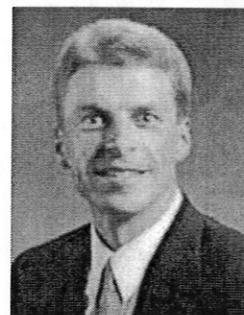
sentence. None of the GOP proposals to restrict early voting, limit or eliminate same day voter registration or require photo identification would prevent this from occurring in the future.

When directly challenged to prove their claims of widespread improper voting, Republicans have been unable to do so.

According to statements reported by the national media, Sen. Alberta Darling claimed President Obama's 200,000-vote margin of victory in Wisconsin in 2012 was wholly or partially due to improperly cast votes. In response to an open records request by One Wisconsin Now for her proof to back up this fantastical claim, she reported "my office has no documents matching your request."³³

Sen. Glenn Grothman advocated for the legislature to take up a repeal of same day voter registration as soon as possible to stop improper voting in Wisconsin. Yet when asked to give an example of this behavior, Grothman was forced to admit, "I can't prove it."³⁴

Even the author of the state voter ID law, Sen. Joe Leibham responded that he had no evidence of specific instances of improper voting in his possession.³⁵



Sen. Joe Leibham

In all, One Wisconsin Now made open records requests of 65 GOP state legislative offices for, "all evidence in possession by your office of voter fraud in the state of Wisconsin."

In response, 50 offices reported they had no documents matching the request.³⁶ The remaining 15 offices provided copies of various newspaper accounts reporting the fewer than two-dozen cases of voting impropriety found since 2004, a widely discredited, anonymously written "report" on voting impropriety in Milwaukee and a handful of unconfirmed constituent complaints.

Most importantly to note, the U.S. Department of Justice, released a report on voter fraud in 2007 citing the lack of voter fraud prosecutions as evidence there is no widespread fraud. The report, completed during the tenure of President George W. Bush, concluded that voter fraud is one of the easiest crimes to prove.

- *There are several reasons why election crime prosecutions may present an easier means of obtaining convictions than do other forms of public corruption:*

- *Election crimes usually occur largely in public.*
- *Election crimes often involve many players. For example, successful voter bribery schemes require numerous voters; ballot box stuffing requires controlling all the election officials in a polling location; illegal political contributions generally involve numerous conduits to disguise the transaction.*
- *Election crimes tend to leave paper trails, either in state voting documentation or in public reports filed by federal campaigns.³⁷*

The real election fraud in Wisconsin today is not occurring on polling places on Election Day, it is happening in the State Capitol and is being perpetrated by politicians attempting to manipulate the rules to gain a partisan advantage.

THE FACTS ON SAME DAY VOTER REGISTRATION IN WISCONSIN

Wisconsin has allowed legal voters with proper documentation to register to vote or update their registration information at their polling place on Election Day since 1976.

According to a Pew Foundation study of state elections, laws such as this are what make Wisconsin among the best states for voting in the country.³⁸

This is born out by Wisconsin's consistent performance as one of the highest percentage turnout states in the country. In the 2012 Presidential election, Wisconsin's turnout percentage of roughly 70 percent was second in the nation.³⁹

OF THE TOP TEN STATES FOR VOTER TURNOUT IN NOVEMBER 2012, SEVEN ALLOWED SAME DAY VOTER REGISTRATION.⁴⁰

According to data compiled by the state Government Accountability Board (GAB), ten to fifteen percent of voters take advantage of Wisconsin's same day voter registration law to register to vote or update their information for things like address and name changes. Over one million Wisconsin voters registered to cast their ballot on Election Day in the November general



elections in 2006, 2008 and 2010, including over 460,000 alone in the 2008 presidential election.⁴¹

The GAB estimated repealing the law would cost the state \$14 million, and nearly \$2 million every two years thereafter.

Same day voter registration is an incredibly successful law that has helped literally millions of legal state voters to vote.

In the November 2012 election, 11 percent of voters registered using same day. In 2008, over 450,000 individuals registered to vote using same day.

It allows people who have moved, people who have changed their name or who need to correct minor data entry errors to show up on Election Day and cast their vote.

Wisconsin is rightfully proud of our high rate of voter participation, second highest in the nation in November 2012.

And the local officials we rely on for smooth running elections favor the law. The law works, the law has widespread support, and there's no good reason to repeal it.

Voters in the City of Milwaukee and Dane County overwhelmingly approved advisory referenda on same day voter registration on April 2, 2013 with 73% and nearly 82% respectively in favor of keeping current law.

THE FACTS ON EARLY VOTING IN WISCONSIN

Wisconsin law allows people to vote "no excuse" absentee voting.

IN NOVEMBER 2012 NEARLY 665,000 WISCONSIN RESIDENTS TOOK ADVANTAGE OF EARLY VOTING AND ROUGHLY ONE IN FOUR BALLOTS CAST IN 2008 WERE CAST EARLY.⁴²

Several local clerks, including those in the City of Milwaukee and Madison, responsible for administering elections offered extended hours for voting to allow working people to participate in democracy and cast their vote after work or on weekends.

Every legal voter in Wisconsin, whether they live in a city or a rural community, has the right under the Wisconsin State Constitution to make their voice heard by casting their vote and having that vote counted.

DISINFORMATION AND VOTER SUPPRESSION IN WISCONSIN BY THE RIGHT WING

There have been multiple documented efforts to suppress the vote and engage in systematic disinformation to ultimately deny legal voters their access to the franchise. Many of these efforts have been supported and promoted by the Republican Party of Wisconsin. They have also been financed by the highest levels of the Republican infrastructure – most notably the Bradley Foundation, run by Gov. Scott Walker's campaign co-chair, Michael Grebe.

Grebe is the Chief Executive Officer of the Bradley Foundation, a Milwaukee-based 501c3 organization with income of over \$550 million. Since 2000, the Bradley Foundation has handed out nearly \$500 million in money to support the national right wing infrastructure,⁴³ making it one of the largest pipelines for conservative money in the nation – far surpassing the foundation giving of even David and Charles Koch. In building this rightwing empire, Grebe has also been instrumental in the ascendancy of Wisconsin's most prominent Republican players: Scott Walker, Paul Ryan and Reince Priebus.

In recent years, Bradley has begun supporting organizations front and center in the war on legal voters. Organizations such as the Americans for Prosperity Foundation, American Majority and even the blatantly racist True the Vote have received support from Bradley. Among some of the most notorious voter suppression and disinformation campaigns executed by Bradley-funded entities in recent years:

VOTER SUPPRESSION BILLBOARDS

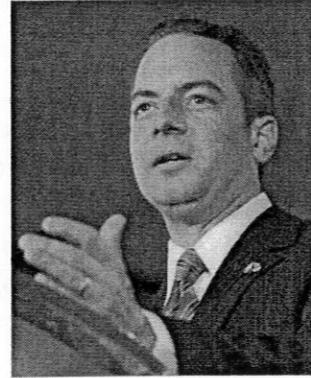
In 2010, billboards appeared in minority communities in Milwaukee reading "Voter Fraud is a Felony". They were "Paid for by a Private Family Foundation," and although organizations mobilized against them, they remained up until after the 2010 November elections. In October 2012, the billboards reappeared. One Wisconsin Institute joined a coalition of organizations and were able to pressure Clear Channel through media and online organizing to remove the billboards. But the question of the anonymous, cowardly funder remained unanswered. Weeks of painstaking research, cross-referencing political donations and even an important clue gleaned from comments by the state's most influential right wing radio host, Charlie Sykes-led One Wisconsin Institute to one suspect – who in partnership with NBC News' theGrio.com was able to confirm as a Milwaukee family foundation who financed the billboard with a \$10,000 grant from the Bradley Foundation.⁴⁴



VOTER CAGING

In 2010, One Wisconsin Now obtained recordings and documents from a secret Tea Party meeting that outlined a specific voter caging operation⁴⁵ – the operation involved the Republican Party of Wisconsin, then-headed by Priebus, who is referred to by name, the Americans for Prosperity, and the various state Tea Party groups.

One Wisconsin Now obtained an audio recording verified as authentic from a June 12, 2010 meeting between the leaders of the state's Tea Party movement, led by Tim Dake, head of the GrandSons of Liberty. Dake serves as a regular spokesperson for Wisconsin's Tea Party organizations and is widely viewed as the movement's Wisconsin leader.



RNC Chair Reince Priebus

According to the statements made on the recordings, Dake lays out the plans, detailing contact between himself and Priebus and Mark Block, former state director of Americans for Prosperity-Wisconsin.

- The Republican Party of Wisconsin would use its "Voter Vault" state-wide voter file to compile a list of minority and student voters in targeted Wisconsin communities.
- Americans for Prosperity would use this list to send mail to these voters indicating the voter must call and confirm their registration information, and telling them if they do not call the number provided they could be removed from the voter lists.
- The Tea Party organizations would recruit and place individuals as official poll workers in selected municipalities in order to be able to make the challenges as official poll workers.
- On Election Day, these organizations would then "make use" of any postcards that are returned as undeliverable to challenge voters at the polls, utilizing law enforcement, as well as attorneys trained and provided by the RPW, to support their challenges.

According to the recordings, Dake told the assembled Tea Party members he leads:

So, what we're hoping is that the various groups in the coalition plus Americans for Prosperity and Mark Block, who has been in on this, and the Republican Party, and this is coming all the way from the top: Reince Priebus has said, "We're in." And there's a reason why these guys are volunteering to work with us. They have access to what they call Voter Vault, you know the records of voting.

They can go in there and look for lapsed voters. They can go in and compare lists of voters and say, "Oh look at this. This person is registered in this county, this county, this county, and this county." And do something about this. So we're talking about a broad based support behind this idea. What they're offering is training.

Dake continues in the recording to outline the plan:

[RPW is] offering to do the training; it's not going to cost anything, but what we're looking at is statewide getting our groups involved, getting people, like my group has a 2,700 person email list. We want to hit that and see how many of these people we can get involved in this one project. The idea being at some point to go in on September 14 and November 2 and have these people involved and doing poll watching and checking. There are some consultants that have offered to step up, "We're Watching" is stepping up; attorneys from the Republican Party.

Later in his presentation, Dake adds:

Okay, poll watchers what you can do is you can call in a lawyer. The Republican Party, this is one of the things they're offering, they're saying they'll have their lawyers standing by so that if you call, let's say you're poll watching in say Hales Corners and you see something really fraudulent, they will send a lawyer out right away and be able to say, "Here's the deal, here's the law, this is what we expect." Bring the police in and make your complaint that sort of thing.

Dake goes on to outline Americans for Prosperity-Wisconsin's role:

So we're talking about AFP is willing to fund doing a mass mailing to registered voters on this, about getting them involved with this, making sure that their information is current, because people periodically need to go back and check.

Federal law prohibits racially targeted caging operations. Statements made during the June 12 meeting make clear that race is a motivating factor in the planned caging and challenge effort. Any efforts to deter qualified electors from voting based on their race must be immediately investigated and, if substantiated, stopped.⁴⁶

Federal law makes clear that elector challenges cannot be based solely on returned mail. The organizations' plans to recruit individuals to become poll workers in order to conduct challenges based on the returned mail would result in individuals acting unlawfully under color of state law.⁴⁷

Federal law also makes clear that private actors are similarly prohibited from challenging voters based solely on undelivered mail. Even if a challenge comes from a

volunteer election observer, the challenge is unlawful if it is based on the voter's failure to respond to the mailing. Any challenge to an elector's eligibility based on such unreliable grounds is an abuse of the right to challenge and violates state and federal law, subjecting the challenger to removal and other sanctions.⁴⁸

ATTACKING LEGAL VOTERS THROUGH DISINFORMATION

Grebe has spent \$658,000 supporting an organization out of Purcellville, VA, called American Majority.⁴⁹ American Majority worked with True the Vote to recruit poll workers around the country, including in Wisconsin, for the November 2012 election.

In addition to this work, American Majority started an organization called Media Trackers, which has repeatedly and falsely attacked legal voters in Wisconsin in an attempt to both intimidate voters, and provide a false case that there is voter impropriety in Wisconsin to justify unconstitutional voter restrictions and voter suppression activities. Among Trackers' false attacks:

- Falsely accusing a community organization, based on the reports of a Media Trackers employee, of requiring people in heavily minority populated areas of Milwaukee to vote in order to get a ticket for free food and prizes.⁵⁰
- Falsely accusing an African-American State Senator and her mother of being accessories to voter fraud.⁵¹
- Falsely accusing two African-American women who signed Gov. Walker recall petitions of being under the age 18.⁵²
- Falsely accusing four members of the Judicial Commission, who filed an ethics complaint against conservative Supreme Court Justice David Prosser, of signing the petition to recall Gov. Walker.⁵³
- Misleading the public that "newly discovered" provision in state law put signers of Gov. Walker's recall petition at risk.⁵⁴

ABOUT ONE WISCONSIN NOW & ONE WISCONSIN INSTITUTE

One Wisconsin Now is a statewide 501(c)(4) progressive advocacy organization based in Madison, Wisconsin with more than 52,000 online supporters across the state. One Wisconsin Institute is a 501(c)(3) research and education organization based in Madison, Wisconsin.

CITED SOURCES

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² *Milwaukee Journal Sentinel*, 12/5/12; <http://www.politifact.com/wisconsin/statements/2012/dec/05/sandy-pasch/pasch-says-democrats-outpolled-republicans-statewi/>

³ *Milwaukee Journal Sentinel*, 7/17/12; <http://www.jsonline.com/news/statepolitics/second-judge-rejects-state-voter-id-law-ea65kqh-162799866.html>

⁴ Complete brief available at: <http://www.onewisconsinnow.org/files/IOW%20District%20II%20Brief.pdf>

⁵ Indiana: http://www.onewisconsinnow.org/files/inBMW_daysOpen.pdf; Wisconsin: http://www.onewisconsinnow.org/files/wiDMV_daysOpen.pdf

⁶ *Racine Journal Times*, 2/21/12; http://journaltimes.com/news/local/mount-pleasant-man-refuses-to-vote-after-finding-veteran-s/article_03e78de0-5cf8-11e1-a5e2-001871e3ce6c.html

⁷ *Wausau Daily Herald*, 12/4/11; <http://www.wausaudailyherald.com/article/20111204/WDH06/112040373/Voter-ID-becomes-law-unintended-consequences>

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